

**RESOLUTION NO. 07-07**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA, ESTABLISHING A CITYWIDE RECORDS MANAGEMENT PROGRAM.**

**WHEREAS**, A.R.S. §41-1346 requires every municipality to establish and maintain an active, continuing program for the economical and efficient management of records, and to designate an individual from within the agency to manage the records management program and act as liaison to the Arizona State Department of Library, Archive, and Public Records;

**WHEREAS**, A.R.S. §41-1346 requires the governing body of each county, city, town or other political subdivision to promote the principles of efficient records management for local public records and to follow the program established for the management of state records;

**WHEREAS**, a records management program helps save money and time, protects the government and supports historical and other research; and

**WHEREAS**, the City Council believes that establishing a records management program will be in the City's best interests.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Maricopa, Arizona as follows:

The records management manual, attached hereto as Exhibit "A", shall be used by the City of Maricopa to establish a records management program.

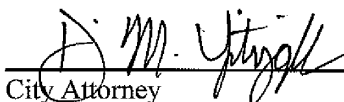
**PASSED AND ADOPTED** by the City Council of the City of Maricopa, Arizona this 6<sup>th</sup> day of February, 2007.

  
\_\_\_\_\_  
Mayor

ATTEST:

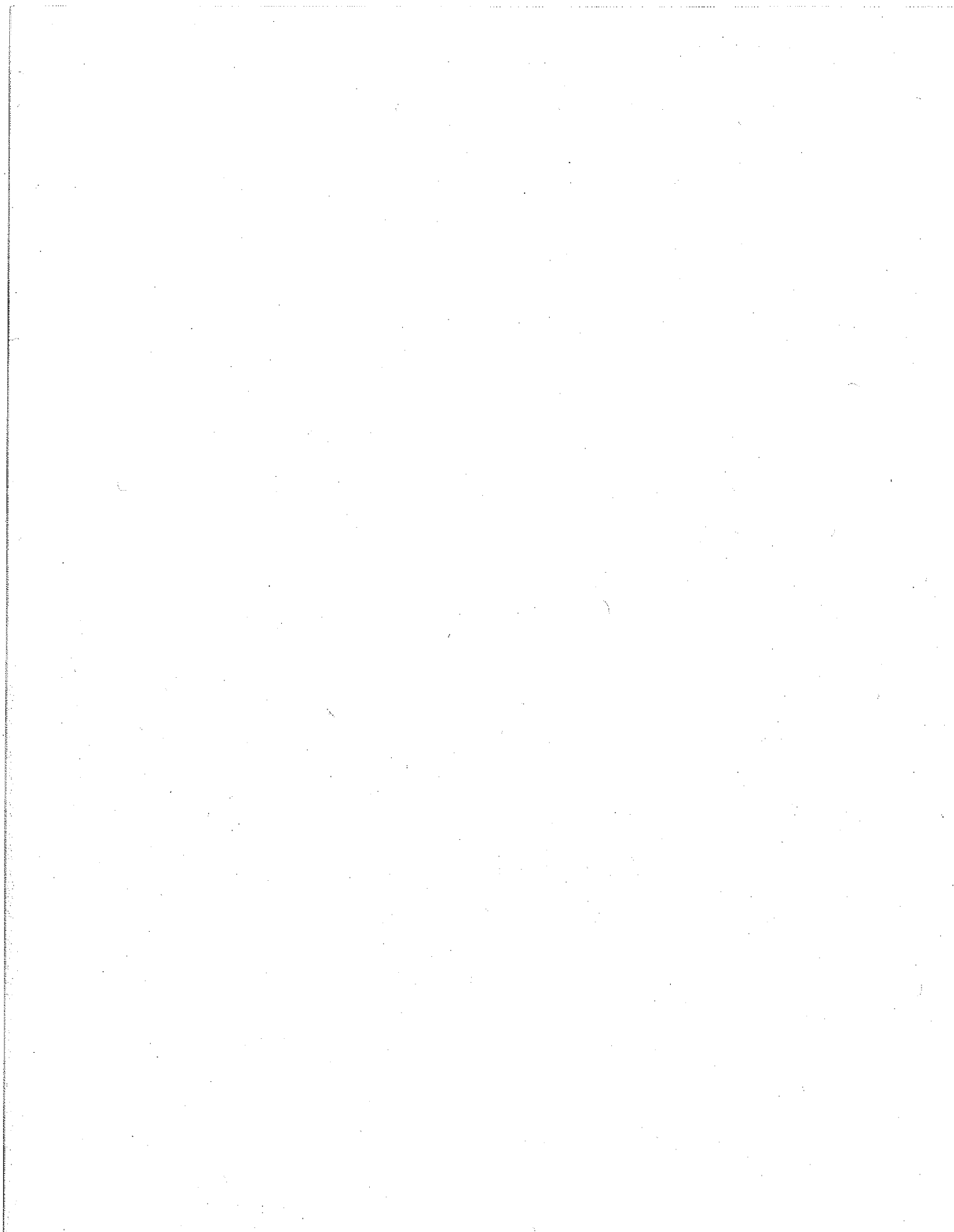
  
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

4130 2023

***EXHIBIT "A"***



# City of Maricopa Records Management Manual

***All records received or generated by officials, employees, or representatives of the City of Maricopa in the performance of their duties should be maintained in accordance with the provisions set forth in this manual.***

## **INTRODUCTION**

State law (A.R.S. § 41-1346) requires every municipality to establish and maintain an active, continuing program for the economical and efficient management of records, and to appoint an individual to manage the program in accordance with all applicable statutes. The designated individual oversees the program to ensure that accurate Records Retention and Disposition Schedules are maintained and adhered to and that all reporting requirements are met.

The Records Clerk, under authority of the City Clerk, is responsible for the day-to-day oversight of the City of Maricopa's Records Management Program to ensure compliance with State law. Through an ongoing Records Management Program, the Records Clerk provides assistance and support to all departments of the City of Maricopa to ensure schedules are followed and destructions are properly documented and reported. The Records Clerk works closely with the records coordinators (or department appointed designee) in each department, division, or office to inventory records and develop Records Retention and Disposition Schedules. The Records Clerk also serves as the liaison to the Arizona State Library, Archives and Public Records (State Library).

This manual was prepared by the City Clerk's Office to provide written procedures for complying with State law and the City's records management policies and procedures. This manual is an important working document for employees. Any questions on records should be directed to the City Clerk's Office.

The manual includes:

- Quick Start Guide – Three Basic Steps of Records Management
- Overview of the City of Maricopa's Records Management Program
- Operating Procedures and Guidelines for Complying with State Law and City Policies for Managing Public Records:
  - Section 1: Records Retention and Disposition Schedule
  - Section 2: Records Retention and Storage
  - Section 3: Records Destruction
  - Section 4: Electronic Records, Microfilm, and Document Imaging
  - Section 5: Electronic Messages (E-Mail and Voice Mail)
  - Section 6: Public Records Requests
  - Section 7: Frequently Asked Questions
- Supplement Information, including:
  - State's Records Retention and Disposition Schedule for AZ Municipalities (Appendix A)
  - Records Management Forms (Appendix B)
  - Instructions for Transferring Records to the Records Center (Appendix C)
  - Public Records Requests (Appendix D)

## **Quick Start Guide: Three Basic Steps of Records Management**

There are three basic steps to records management:

### **Step 1: Prepare and Maintain a Current Retention and Disposition Schedule**

Every department of the City of Maricopa is required to have a current, State-approved Records Retention and Disposition Schedule on file with the City Clerk's Office. A State-approved schedule lists the types of records (or record series) maintained by each department and authorizes the destruction of non-permanent records once retention periods have been met. In addition, Retention and Disposition Schedules must clearly indicate how long documents are to be kept.

**Section 1** of this manual provides detailed information on how to prepare and maintain a Records Retention and Disposition Schedule.

### **Step 2: Retain Records According to an Approved Retention and Disposition Schedule**

Every department of the City of Maricopa is legally required to comply with its respective Retention Schedule; therefore, schedules must be followed carefully, consistently, and in a timely manner.

**Section 2** of this manual provides detailed information on how to retain and store records.

### **Step 3: Destroy Records According to an Approved Retention and Disposition Schedule**

Records are to be destroyed promptly and consistently according to a current, State-approved Retention and Disposition Schedule. An approved Retention and Disposition Schedule serves as authorization from the State Library to destroy a record once the retention period has been met.

In accordance with an approved Retention Schedule, the department's Records Coordinator, or designee, must request the destruction on a Report/Certificate of Destruction Form and file it with the Records Clerk **PRIOR** to destruction of the record. After approval has been given, the requesting department/office will be notified and necessary steps to destroy the record in accordance with the State approved Records Retention Schedule will be taken. The Records Clerk retains a copy for the official files and forwards the original report to the State Library after a record has been destroyed.

If a record to be destroyed isn't listed on a current, State-approved Schedule, or if a record is required beyond the prescribed retention period for legal discovery or ongoing audit purposes, **do not destroy the record**. Whenever there is a question regarding whether or not a record can be destroyed, call the Records Clerk for assistance.

**Section 3** of this manual provides detailed information on records destruction.

### **Where to Go for Help**

Need additional assistance? Answers to many of your questions are contained in this manual. Of particular interest are Section 1, Section 2, and Section 3, which contain general guidelines for managing public records; and Section 7, which contains a list of frequently asked questions.

Every department should have a Records Coordinator, or designee, responsible for preparing and updating the department's Retention Schedule and ensuring that records are maintained according to that schedule. The Records Coordinator, or designee, can answer specific questions regarding his or her department's records and reports.

You are also encouraged to call the Records Clerk, Sara Delgadillo, at extension 279 with records management questions or for assistance in preparing or updating your forms and reports.

## **OVERVIEW**

### **Purpose**

The City of Maricopa's Records Management Program was established to provide a comprehensive and cost effective method for maintaining, storing, retrieving, preserving, and disposing of City records in compliance with State law.

### **Authority**

#### **Ordinance 07-03**

Ordinance 07-03 establishes a Records Management Program for the City of Maricopa as required by A.R.S. § 41-1346, and grants the City Clerk authority to oversee the program.

#### **A.R.S. § 38-421\* – Destruction of Public Records**

A.R.S. § 38-421 declares the destruction of public records by a public officer without authorization a class 4 felony, and by persons other than a public officer, a class 6 felony. Stealing, mutilating, defacing, altering, falsifying, removing or secreting public records are also felony offenses.

#### **A.R.S. § 41-1346\* – Public Records Management**

A.R.S. § 41-1346 directs each governing body within the State to establish a records management program, provides a definition for "records management," and sets forth the classification and penalty for violating the statute.

#### **A.R.S. § 41-1347\* – Preservation of Public Records**

A.R.S. § 41-1347 declares all records made or received by public officials of the State in the course of their public duties to be the property of the State. Public records are in no sense personal property, nor are they the property of a specific agency or political subdivision. The statute also prohibits the destruction or disposition of any public record unless the Department of Library, Archives and Public Records has determined that the record has no further administrative, legal, fiscal, research, or other value.

#### **A.R.S. § 41-1350\* – Definition of Records**

A.R.S. § 41-1350 provides the definition of what is, as well as what is not, a record.

**\*Arizona Revised Statutes are available online at:**

<http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp>



## **Scope**

The Records Management Program is applicable to all departments, officials, employees, and representatives of the City of Maricopa. All records defined under A.R.S. § 41-1350, including records maintained by the City of Maricopa, are the property of the State of Arizona. The program encompasses all records regardless of physical form or characteristic. No City official or employee has any personal or proprietary right to such records, even though he or she may have developed, created, or compiled the record. Unauthorized removal, destruction, or use of City records is prohibited.

## **Objectives**

The primary goal of the Records Management Program is to provide for efficient, economical, and effective control over the creation, distribution, maintenance, use, preservation, and disposition of all City of Maricopa records, regardless of physical form or characteristic.

The Records Management Program objectives are:

- Provide written guidelines and procedures for the creation, retention, and disposition of the City's records to ensure consistency and compliance with State law.
- Establish and maintain a current inventory of all existing records.
- Determine the disposition of each record series based on whether or not it has permanent or archival research value, and whether or not it must be retained and/or microfilmed.
- Ensure periodic review and updating of the Records Retention and Disposition Schedules.
- Review and recommend efficient and cost effective methods for record storage and retrieval.

## **Duties and Responsibilities**

### **City Clerk**

The City Clerk is the Chief Records Management Officer for the City of Maricopa and is responsible for administering the City's Records Management Program.

The City Clerk:

- Develops, approves, and applies standards for the evaluation of records for preservation, retention, transfer, and disposal.
- Develops, approves, and applies general guidelines for the creation and version control of official City documents (minutes, contracts, resolutions, ordinances, and publications).
- Confers with the City Attorney, as needed, for legal review of new records management policies and procedures prior to implementation.
- Confers with the City Manager, as needed, for approval of the Records Management Manual and Records Management Administrative Guidelines and Regulations prior to implementation.
- Oversees the activities of the Records Clerk to insure compliance with the Cities Records Management Program

## **Records Clerk**

The Records Clerk is responsible for the day-to-day oversight of the City's Records Management Program.

### **The Records Clerk:**

- Oversees the day-to-day operation of the City's Records Management Program to ensure compliance with State law.
- Serves as the liaison to the State Library.
- Assists and educates all individual departments in establishing an internal records program for active and inactive records.
- Drafts, revises, and communicates the guidelines and procedures for the management and disposal of department records.
- Prepares and maintains the City Records Management Manual.
- Provides training in the fundamentals of the Records Management Program.
- Forwards new or amended Retention Schedules and requests for document imaging implementation to the State Library Director for approval.
- Reviews all requests for destruction of records and coordinates approval of destruction with the State Library.
- Files destruction reports with the State Library.
- Maintains records documenting the City's use of an active records management program, including Retention Schedules, destruction reports, and other documents showing the City's adherence to a methodic system of records retention and destruction.
- Evaluates and classifies historical and archival City documents and assures that they are properly stored.
- Prepares and maintains the Vital and Historic Records Protection Plan and the Disaster Recovery Plan.
- Assists departments and offices of the City in the identification and preservation of the City's historic and vital records.
- Monitors internal and external public information requests.
- Makes recommendations on budgetary needs to ensure the Records Management Program is funded appropriately.

## **Department Heads**

Each Department Head and Office Manager is responsible for ensuring that the City Records Retention Program is being followed within the Department/Office and that their records are maintained according to the State approved retention schedule.

Each Department Head shall be responsible for making employees aware that City records are not personal property, that City records may not be removed from the City for personal use, and City records may not be destroyed without proper authorization. No employee shall remove City records from a department if transferring to another department or retiring from the City.

Each Department Head shall designate a Records Coordinator and notify the City Clerk of the designation or any change in designation.

### **Records Coordinator(s)**

The Records Coordinator, or designee, is responsible for coordinating the records management responsibilities for their respective department.

The Records Coordinator:

- Maintains department or division records in a neat and orderly manner to facilitate the maintenance, retrieval, storage, and disposition of the records in compliance with State law.
- Establishes and maintains a current Retention and Disposition Schedule of all existing records created within the department or division.
- Reviews, periodically (but not less than once per year), all existing records maintained within the department.
- Recommends changes to the department's Retention Schedule.
- Identifies and transfers inactive records to the offsite facility.
- Identifies documents meeting destruction requirements, ensures their destruction, and prepares required forms or reports.
- Prepares related records management forms and reports.
- Works with the Records Clerk to ensure compliance with records management laws, policies, and guidelines.

### **City Officials, Employees, and Representatives**

All City officials, employees, and representatives shall adhere to the City's records management policies and procedures. No City official or employee has a personal or proprietary right to such public records, even though he or she may have developed, created, or compiled the record.

***Unauthorized removal, destruction, or use of City records by any official, employee, or representative of the City of Maricopa is prohibited. Employees who violate the City Records Management Policy are subject to disciplinary action.***

## **DEFINITIONS**

### **Archival Paper**

Archival paper is a high quality, high fiber content paper used to preserve permanent documents. Other paper that has been tested and approved as suitable for permanent records by the State Library may also be considered to be "archival" quality. A representative from the State Library can conduct a simple test to determine whether or not a specific type or brand of paper is suitable for permanent documents. The Records Clerk is available to schedule these tests.

### **Department**

"Department" for records management purposes includes all departments, divisions, and offices of the City of Maricopa. A division is not required to have a separate schedule. For administrative purposes, a division's records may be included on the department schedule.

### **Employee**

"Employee" for records management purposes shall mean any official; regular, part-time, or contract employee; representative; or volunteer of the City of Maricopa.

### **General Schedule**

The State's Records Retention and Disposition Schedule (General Schedule) lists administrative records that may be common throughout the organization and is to be used in conjunction with each department's State-approved Retention Schedule.

### **Microfilm**

Microfilm is a high-resolution film that records paper images in a reduced format. There are several types of microfilm:

- **Aperture Card:** An aperture card is basically an IBM card containing an aperture or window into which a single frame of 35mm microfilm is inserted.
- **Fiche or Microfiche:** Fiche or microfiche is a sheet of photographic film containing micro-images in a grid format. Microfiche is usually 148mm X 105mm in size (4" X 6") and is created by a Computer Output Microfilm (COM) process.
- **Jacket:** A jacket is a polyester film laminated to form a clear plastic card with channels, into which strips of 16mm or 35mm film may be inserted. Jackets are usually 4" X 6" and have a frosted strip at the top edge to accept typed labeling.
- **Roll Film:** Roll film, also called "reels," is commonly available in 16mm or 35mm wide rolls usually 4 inches in diameter, holding 100 or 200 feet of film.

## **Record(s)**

State Statute defines records as:

**“ . . . all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, including prints or copies of such items produced or reproduced on film or electronic media pursuant to section 41-1348, made or received by any governmental agency in pursuance of law or in connection with the transaction of public business and preserved or appropriate for preservation by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government, or because of the informational and historical value of data contained therein.” (A.R.S. § 41-1350)**

To summarize, a record is any recorded information, regardless of medium or characteristics, including any paper, book, microfilm, card, magnetic tape, disk, map, or any copy or printout that has been created, received, or used by an organization as evidence of its activities.

- **Active Records:** A record is considered active as long as the reference value of the record remains high. A good rule of thumb is to consider any document that is referred to at least six times per year to be an active record.
- **Electronic Records:** Electronic records are those that, regardless of physical form, reside in or are accessed by a computer system.
- **Inactive Records:** A record is considered “inactive” when there is no longer any activity or interest in the document.
- **Non-Permanent Records:** A non-permanent record is any record that has a time-defined retention period, even if the retention period spans a great number of years or even decades. Non-permanent records must be retained and destroyed in compliance with a State-approved Retention Schedule. If a document (or documents) in a non-permanent record series is deemed to have historic value, the document is reclassified as a permanent record and cannot be destroyed. The remaining non-historic documents in the series are still considered non-permanent records and must be destroyed according to their respective Retention Schedule.

The list of non-permanent records is quite extensive; however, a few examples include:

- Administrative and Personnel Files
- Budget and Financial Records
- Legal Opinions
- Non-Regulatory Authority Board or Commission Minutes and all Executive Session Minutes
- Most Contracts

## **Non-Records**

State Statute defines non-records as:

**“Library or museum material made or acquired solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference and stocks of publications or documents intended for sale or distribution to interested persons.” (A.R.S. § 41-1350)**

While the definition of records encompasses a broad spectrum of recorded information, not all recorded information is considered a record. Some examples of non-record materials include:

- Duplicate or extra copies of correspondence and reports initiated by another department and retained for informational purposes.
- Working papers and notes that do not pertain to a specific project.
- Drafts of reports or correspondence that have been finalized.
- Published materials originating from City offices or other entities that require no action.
- Catalogs, trade journals, and other publications.
- Correspondence of short-term value, such as transmittals, courtesy copies of memos, etc.
- Informational or courtesy copies of records in which no documented administrative action is taken.
- "While-You-Were-Out" telephone logs (copy pages).

Non-record material should not be filed or retained in the same file with record material. Sometimes documents that are normally considered non-records, such as transmittals or routing slips, will acquire record status if they clarify the matter being documented. Such distinctions require care and discretion when filing.

Generally, for records management purposes, multiple copies of a single document are not records. One copy of the document must be designated and retained as the official record. The primary record holder of an official record is responsible for listing that record on their department's Retention Schedule. The remaining copies of the document are considered to be extra or reference copies generated for informational purposes. These non-record copies are to be retained in accordance with the State's General Schedule (or listed on the department's custom schedule), and should never be kept longer than the retention period established for the official record.

***Non-records must be listed on either the State's General Schedule or a department's custom schedule because they are discoverable and admissible as evidence in court and are subject to public records requests.***

### **Permanent Records**

Permanent records are not scheduled for destruction, and are relatively rare, usually comprising three to five percent of a municipality's total records. Permanent records can never be destroyed. Some examples of permanent records include:

- Council meeting minutes and minutes of boards, commissions, and committees having regulatory authority.
- Resolutions and ordinances of the City Council.
- One copy of the City's annual reports.
- Original copy of organizational documentation (for example, the City Code or amendments to the City Code; major changes in organization structure).
- Records documenting a historic or "landmark" event.

Permanent records have special storage requirements and are to be maintained on high quality, high fiber content paper, often referred to as archival paper, or microfilmed according to State-approved

standards. A.R.S. § 39-101 prescribes the material and storage conditions required for permanent public records and the penalty for noncompliance.

### **Vital Records**

Vital (or essential) records are records that are critical to the continued operation of the City. Vital records are those records necessary for the City or a department or office to carry on business. It is the irreplaceable recorded information, regardless of the media that is essential for the continuation of an organization.

### **Record Series**

A record series is a group of like records that are filed together and treated as a single unit for record management purposes. As an example, a personnel file exists for every employee in the organization. Even though there may be hundreds or thousands of these files, with each file containing a variety of documents, they are referred to as a records series – “personnel files” – for record retention purposes.

### **Records Inventory**

A Records Inventory identifies the types and quantity of records that are kept, and contains an estimate of how long the information contained in each record series will be needed to accomplish City business (often based on retrieval frequency).

### **Records Retention and Disposition Schedule**

A Records Retention and Disposition Schedule (also referred to as Retention Schedule or schedule) is a timetable that identifies the length of time a record must be kept in active and inactive status prior to final disposition. It also serves as a reference and management tool to be used to set the time to retire records to inactive status and, eventually, the time to destroy or otherwise dispose of the records. The retention and disposition dates listed on State-approved schedules are based on use or need of the record, and on their administrative, legal, fiscal, or archival value to the City of Maricopa.

## **SECTION 1: RECORDS RETENTION AND DISPOSITION SCHEDULE**

***All records created and/or maintained by officials, employees, and representatives of the City of Maricopa should be listed on a Records Retention and Disposition Schedule.***

A Records Retention and Disposition Schedule is a document that lists the types of records (record series) maintained by each department, specifies the period of time a record is retained, and authorizes the destruction of non-permanent records. A.R.S. § 41-1346 requires each state and local agency to submit proposed Records Retention and Disposition Schedules to the State Library for approval.

### **Types of Retention Schedules**

Before preparing a Records Retention and Disposition Schedule, each department must decide whether a custom or generic Retention Schedule will meet its needs.

#### **Custom Schedule**

A Retention Schedule that has been customized to accurately reflect the types of files that are maintained by the department is preferred over a model or generic schedule. To help each department achieve this goal, the Records Clerk is available to assist in the preparation of, or answer questions about, custom schedules.

#### **Model (Generic) Schedule**

The State Library has prepared and pre-approved model (generic) schedules for most municipal departments and this model will be used as the State's General Schedule.

The use of a model schedule may be authorized if **all** of the following conditions are met:

1. The department does not maintain any other type of record except those listed on their respective model schedule;
2. The department is willing to adhere to the schedule as it is written without making any changes or modifications; and
3. The department files a signed statement with the City Clerk's Office stating that the department elects to use the State's model schedule and does not maintain any records other than those contained in that schedule (a copy of the model schedule must be attached to the statement). The Records Clerk, through a site visit, will verify the statement.



## **Preparing a Custom Retention Schedule**

There are four basic steps to preparing a Retention Schedule:

1. Inventory Each Record Series
2. Evaluate Each Record Series
3. Complete a Records Retention and Disposition Schedule Form
4. Obtain Approval

### **Step 1: Inventory Each Record Series**

The primary objective of a records inventory is to obtain the data necessary to produce a complete and accurate Retention Schedule. A record inventory identifies the type and quantity of records that are kept by a department, and contains an estimate of how long the information contained in each record series will be needed to accomplish City business (often based on retrieval frequency).

While State law does not require an inventory report form, most departments find it helpful to prepare a written inventory prior to creating a Retention Schedule. The State Library has developed a Records Inventory Worksheet that can be used as a tool for conducting a records inventory (See Appendix B).

One worksheet is prepared for each record series maintained by the department. The worksheets are compiled on a list and then transferred to a Records Retention and Disposition Schedule Form. Once the inventory list is complete, compare it to the State's General Schedule to eliminate duplication of records. If a record series is listed on the State's General Schedule, it should not be listed on a custom Retention Schedule.

### **Step 2: Evaluate Each Record Series**

After a comprehensive records inventory has been taken, each record series is evaluated and classified as either "permanent," "non-permanent," or "non-record." During the evaluation, an active retention period, and, if needed, an inactive retention period, for each record series is determined. Retention periods are based on the use or need of the record, and on its administrative, legal, fiscal, or archival value to the City. Departments may ask to retain records in a series for any length of time needed to conduct business, however, the final determination of government record retention periods is the responsibility of the State Library (A.R.S. §§ 41-1347 and 41-1351).

### **Step 3: Prepare a Retention Schedule**

Once a department's records have been inventoried, evaluated, and an estimated active, inactive, and total retention period for each record series has been determined, it is time to prepare a Retention Schedule. The State's General Schedule is an example of a properly completed Retention Schedule and can be used as a guide to prepare a custom schedule.

Department information is listed in the top section of the form (See Appendix B), along with the name of the Records Coordinator, or person responsible for preparing the schedule.

The middle section of the form consists of seven columns. The first three columns are used to identify the record series.

**Column 1 – No.** Each record series is assigned a number, which is indicated in the first (1<sup>st</sup>) column. The first record series is designated as number one, the second number two, and so on. Although it is permissible to list the records in random order, most departments list them alphabetically for ease of reference.

**Column 2 – Record Series.** The name of the record series is indicated in the second (2<sup>nd</sup>) column (i.e., Contracts, License Renewals, Monthly Reports, Ordinances, and Personnel Files). If a record series is listed on the State's General Schedule, it should not be listed on a department's custom Retention Schedule.

**Column 3 – R.S. Code.** This column is not used and should be left blank.

The next three (3) columns (4 through 6) indicate how long and where records are to be stored, and the total retention period for each record series. The information for this portion of the form should have been determined at the time the records were inventoried and evaluated.

**Column 4 – Off.** The retention period for active records is indicated in the fourth (4<sup>th</sup>) column, and defines how long records must be retained onsite before being moved to an offsite or long-term storage facility. The retention period for active records can be determined by estimating how often a document will be accessed. If a document is referred to six (6) or more times per year, it is considered an active record and should be retained onsite until the need to access the document decreases.

**Column 5 – R.C.** The retention period for inactive records is indicated in the fifth (5<sup>th</sup>) column. The offsite retention period of a record begins when activity is low enough that onsite retention is not required. Records can be stored offsite to save office space until the records are eligible for destruction.

**Column 6 – Total.** The total retention period for a record series, both as an active and inactive record, is indicated in the sixth (6<sup>th</sup>) column. Many factors (federal and state regulations, audit requirements, the ability to effectively conduct City business) determine how long records in a series must be retained. The retention period in Column four (4) (onsite storage) plus the retention period in Column five (5) (inactive storage) must equal the total retention period for the record series.

**Column 7 – Remarks.** The seventh column is used to define when the retention period for a record series begins (i.e., after case closed, end of fiscal year, after calendar year prepared, after election). Special instructions, such as "review before destruction," may also be noted in this column. When listing non-record material on a custom schedule, a thorough description of the use and proposed retention of the material and a notation that clearly indicates it is not the record copy should be listed in the remarks column.

#### **Step 4: Obtain an Approved Schedule**

New or revised Retention Schedules are submitted to the Records Clerk, who is responsible for forwarding them to the State Library, Records Management Division, for approval. The State reviews the draft document, makes any necessary changes, and returns a clean copy of the schedule to the Records Clerk. The Records Clerk forwards the schedule to the originating department to approve and return to the Records Clerk for resubmission to the State. The State will issue final approval and return a signed copy to the Records Clerk. The Records Clerk retains the original State-approved schedule and sends a copy to the originating department.

A department may appeal any change made by the State Library, Records Management Division, but the final decision belongs to the State.

### **Amending a Retention Schedule**

Prior approval from the State Library is required before a new or revised schedule can take into effect. The State accepts hand-corrected or redlined schedules, and will return an updated (clean copy) schedule to the submitting agency for approval. A revised, clean copy version of the schedule also may be submitted. Requests for an amendment to an approved schedule must be submitted to the City Clerk's Office for transmittal to the State.

### **Following a Retention and Disposition Schedule**

State and local agencies within Arizona are legally required to comply with their respective schedules. To ensure compliance, Retention Schedules must be followed carefully and consistently. However, following a Retention and Disposition Schedule should not preempt good judgment. Records required beyond the prescribed retention period for legal discovery or ongoing audit purposes must be maintained until cleared by the appropriate authority.

Contact the City Attorney's Office whenever records are required because of a lawsuit or criminal investigation. Similarly, if you believe records should be kept beyond their retention period because they have historic or archival value, contact the Records Clerk to request an extension. The Records Clerk will provide assistance in determining the archival value of the document in question.

***A department or office must have written approval from the Records Clerk before delaying the destruction of records on an approved retention schedule.***

### **Periodic Review**

The Records Clerk will work with each department to review and update Retention and Disposition Schedules every two years, even if no changes are made to the original schedule.

## **SECTION 2: RECORDS RETENTION AND STORAGE**

Most records have active and inactive stages in their lifecycle. For purposes of retention, these records are grouped within the same series. However, for filing purposes, active and inactive files are usually maintained separately because it may be more cost-effective to store inactive files at an offsite storage facility. Active or inactive records that must be retained longer than twenty years may require microfilming for preservation purposes.

### **Active Records**

Paper records are usually retained within the department until they are no longer considered active. In most cases, a record must be referred to more than six (6) times a year to be considered active. When activity drops to a very low level, consideration should be given to transferring the records to the records center.

### **Inactive Records**

When records are seldom referred to, their continued onsite retention becomes impractical. For this reason, most inactive records are stored in the records center until retention requirements have been met. Records of little or no value not only take up valuable space, but make the retrieval of important records more difficult. Only those records referenced on a regular basis should be stored in the office. All other records should be stored in the records center.

Departments should determine which records are eligible for transfer to the records center by periodically (every 6 to 12 months) reviewing their respective Records Retention and Disposition Schedules.

### **SECTION 3: RECORDS DESTRUCTION**

***Records required for legal or audit purposes beyond the specified retention period must be maintained until cleared by the appropriate authority (City Clerk working in conjunction with the City Attorney) before disposition.***

A State-approved Retention Schedule is a continuing authority to dispose of records that have met their scheduled retention period. With an approved schedule, the City may dispose of listed records without further approval. The State encourages the lawful and timely destruction of eligible records. A record should not be destroyed while it still has significant value, nor should it be retained after its value drops below the cost of continued retention. However, records required for legal or audit purposes beyond the specified retention period must be maintained until cleared by the appropriate authority (City Clerk working in conjunction with the City Attorney) before disposition.

Disposition of official City records must be reported to the State Library after the records have been destroyed (A.R.S. § 41-1351).

#### **Authorization to Destroy Records**

A State-approved Retention and Disposition Schedule serves as authorization to destroy records at a designated point in time. No further approval is required from the State prior to destroying records after the scheduled retention period has been met. However, in accordance with the Retention and Disposition Schedule proper documentation must be made for all records destroyed and City Clerk's Office approval must be obtained prior to the destruction of the record.

If the record to be destroyed isn't listed on a current, State-approved Schedule, or if it is required beyond the prescribed retention period for legal discovery or ongoing audit purposes, ***do not destroy the record***. Whenever there is a question regarding whether or not a record can be destroyed, call the Records Clerk for assistance.

#### **Disposal of Records on Approved Schedules**

In accordance with a State-approved Retention Schedule, the department's Records Coordinator must request the destruction on a Report/Certificate of Destruction Form and file it with the Records Clerk **PRIOR** to destruction of the record. After approval has been given, the requesting department will be notified by the City Clerk's Office and necessary steps to destroy the record in accordance with the State approved Records Retention Schedule will be taken. The Records Clerk will retain a copy for the official files and forward the original report to the State after a record has been destroyed.

#### **Retaining Records after the Scheduled Retention Period Has Been Met**

Authority from the Records Clerk, in consultation with the City Clerk and/or City Attorney, is required to hold records longer than their approved retention. Reasons for retaining a record or records beyond the retention date include:

- The record is involved in litigation (when necessary, the Records Clerk or City Clerk will consult with the City Attorney or his designee to determine the disposition of a record or records involved in litigation).
- The record is involved in an audit.
- It is determined that a record or record series may have historic value to the organization.

Written documentation will be maintained for those situations where it is determined appropriate to maintain records beyond the approved retention schedule

### **Disposal of Records that are Not Listed on Approved Schedules**

Occasionally, a department may be the official record holder of a unique document or record series that was created or received on a one-time-only basis and will not be created or retained by that department again. This record does not need to appear on the department's Retention Schedule.

A department record that is **NOT** listed on an approved schedule may be destroyed once written approval from the Director of the Department of Library, Archives and Public Records has been obtained. To obtain written authorization from the State, the department must fill out a Single Request for Records Destruction or Transfer Form (see appendix B) and submit the completed form to the Records Clerk. The Records Clerk will retain a copy of the request form and forward the original to the State Library, Records Management Division, for processing.

Once approval for destruction of the record(s) is received from the State Library, the department will receive notification from the Clerk's Office that the record(s) can be legally disposed of according to established records management procedures. Approval from the State of the Single Request for Records Destruction or Transfer also serves as the Report of Destruction and no further reports are required.

***Please note: The single request for destruction is not intended to replace a department's Retention Schedule.***

### **Methods of Destruction**

The majority of records produced by municipalities are accessible to the general public pursuant to A.R.S. § 39-121 (Inspection of Public Records). Records are not restricted or confidential unless specifically identified as such by statute. There is no reason to destroy most public records with the exactness required for the destruction of confidential or restricted records. The most desirable method of destruction for non-confidential public records is recycling. Recycling can be a source of revenue and ensures the total destruction of the records.

Shredding, pulping, mastication, and disintegration are all thorough destruction methods. These methods typically require specialized equipment and can be expensive as well as labor intensive. These destruction methods should only be used for confidential or restricted records because of their relatively high cost.

Depositing records in a landfill is **not** an acceptable destruction method for City of Maricopa's confidential records unless the documents have been shredded. While burying records in a landfill may make the records unusable for most practical purposes, it is not a truly effective method of destroying records.

Destruction of records carried out by the offsite storage vendor must be documented and reported. The offsite storage vendor is required by contract to provide destruction reports to the requesting department. The department is responsible for completing a Report/Certificate of Destruction Form and sending it to the Records Clerk for submission to the State Library.

## **SECTION 4: ELECTRONIC RECORDS, MICROFILM, AND DOCUMENT IMAGING**

All City records, regardless of format, must be maintained according to an approved Records Retention and Disposition Schedule. The retention and destruction of an electronic record, microfilm, or image is the same as for the paper copy of the same record. A Report/Certificate of Records Destruction Form is required for destruction of electronic records, images, and microfilm once the retention period for that record or record series has been met.

### **Electronic Records**

***Electronic records are those that, regardless of physical form, reside in or are accessed by a computer system or are maintained in a media that can only be read by a machine or electronic device.***

A.R.S. § 44-7041 allows public agencies to create, receive, and maintain electronic records as long as the records comply with all other statutory records requirements.

Creating an electronic record "up-front" rather than converting it from another media is a cost effective and efficient method of managing most non-permanent records. Some examples of electronic documents that may be maintained in electronic form include Word documents, Excel spreadsheets, or data input into a computer file, incoming and outgoing e-mail, large reports or statements sent by an outside agency or company for storage on the City's computer network, scanned or imaged documents, digital photographs, online forms completed/submitted by citizens or vendors, etc.

### **Micrographics**

Microfilm is a high-resolution film that records paper images in a reduced format. When records have been microfilmed, tested, and stored properly, they become legal documents and are admissible as evidence in court. Once the film has been inspected, and if authority has been given to destroy the hard copy original record (source document), the microfilm original replaces the source document and becomes the primary or record copy. If the source document does not have archival value, it shall be destroyed after the microfilm is verified as accurate and complete. The microfilm will then be maintained in accordance with an approved Retention Schedule.

### **Benefits**

- Saves space – microfilming records can save over 90 percent of the space needed to store the same records on paper.
- Accessibility – data on film is physically more accessible and can be referenced more quickly than data on paper.
- Improved security – duplicate (backup) copies can be stored offsite for minimal cost.
- Efficiency – microfilm helps maintain file integrity and reduces misfiles.

### **Reasons for Microfilming**

- Managing large volumes of records, which must be accessed on a regular basis, and storage space is limited.
- Managing records that must be retained over a long period of time or permanently.
- Meeting State storage requirements for permanent records.
- Storing a copy of essential records offsite as part of a disaster recovery/vital records plan.

## **Limitations**

Microfilming records is an expensive and labor-intensive procedure; so, it is important to weigh the benefits against the cost. Quite often a department will find that it is not cost effective to microfilm inactive records unless long-term retention is required.

It is also important to take into consideration the physical condition of a record or record series prior to microfilming. The quality of a copy made from microfilm will suffer if original documents are in poor condition, created on colored paper with certain colors of ink, or are on very thin paper, such as onionskin.

If a decision is made to microfilm a particular record series, the paper form of the record should not be retained unless the Records Clerk has authorized the deviation from standard procedure, and the process is reflected on a Retention Schedule and noted on a Request for Document Imaging Implementation Form.

Records to be microfilmed should be filmed as soon as activity diminishes or volume justifies.

## **Document Imaging**

Document imaging is a very attractive method for the storage, indexing, and retrieval of records. The images take up no physical space, in the traditional sense, and the images can be viewed using a standard computer display, or printed on most laser or inkjet printers. Document imaging is **not** an approved method for retaining permanent records.

Imaging can work well for:

- Documents with a relatively short retention period.
- Documents with high retrieval activity.
- Documents containing information that must be accessed by more than one department simultaneously.
- Large volume documents.
- Records that have no legal requirements for retaining a paper copy of the original document.
- Multiple copies of documents that exist in multiple places.

## **State Approval for Document Imaging and Microfilming**

***Departments must obtain prior approval from the State Library for all micrographic and electronic document imaging applications.***

Prior approval from the State Library is required when a public agency implements a system to convert a record series of paper documents to microfilm or electronic media. When a public agency creates or receives documents in an electronic format upfront (rather than converting them from paper), approval from the State is not required.

A.R.S. §§ 41-1348 and 44-7041 permit each agency of the State, or its political subdivisions, to implement a program for the production or reproduction of public records on film or electronic media, providing that the program has been pre-approved by the State Library Director. The required elements of such a program must include: the type or types of records to be produced or reproduced, the method of production or reproduction, the method of storage, and the equipment to be used. Violation of this section is a class 2 misdemeanor.



To obtain approval to image or microfilm City records, a Request for Document Imaging Implementation Form must be completed and submitted to the Records Clerk. The Records Clerk will forward the request to the State Library, Records Management Division, for approval, and notify the department when (or, if) approval has been granted.

***State-approved micrographic and imaging applications must be resubmitted to the State for approval every five (5) years.***

## **SECTION 5: ELECTRONIC MESSAGES (E-MAIL AND VOICE MAIL)**

***Electronic messages, including e-mail and voice messages, are subject to the Public Records Act (A.R.S. § 41-1350) and may be subject to public disclosure.***

For records management purposes, the majority of the City's electronic messages, e-mail or voice mail, are short communications that function much like phone calls and are considered to be non-records. Electronic messages cannot be given blanket retention periods because they are not technically a type of record or record series.

For the sake of administrative convenience, electronic messages have been listed on the State's General Records Retention and Disposition Schedule with a 30-day retention period for non-record e-mail and voice mail messages.

**Electronic messages that are considered to be official records (for example, a citizen complaint that is sent via e-mail) must be maintained and destroyed in the same manner as a paper record according to the corresponding record series on either a department's custom Retention Schedule or the State's General Schedule.**

### **Non-Records**

Non-record electronic messages that do not meet the statutory definition of a record (A.R.S. § 41-1350) should be deleted from the user's inbox at any time after the reference value has been served. Destruction of non-record electronic messages does not need to be reported on a Report/Certificate of Records Destruction form.

### **Records**

If an electronic message is considered to be an official record as defined in A.R.S. § 41-1350, it may require short-term storage, long-term storage, or a combination of both.

### **Short-Term**

Records with a retention period of **one year or less** can be maintained effectively in a personal computer or on the City's network. These types of records may include but are not limited to: Appointment Calendars, Logs/Rosters, Activity Reports (weekly, monthly, quarterly), transitory materials, etc. These short-term records can be organized and stored in online "folders" to facilitate document retrieval.

### **Long-Term**

Initially, highly active long-term records may be maintained online for convenience and later stored offline when activity diminishes.

Electronic messages requiring long-term retention (**more than one year**) can be maintained in one of several types of offline systems. Offline storage is defined as the storage of email messages, metadata, and attachments outside of the City's e-mail system. The clearest example of this type of storage is to simply print out the record to paper, with its contextual information and attachments in place, for filing within the department's existing filing system. Offline storage may also include computer output microfilm (COM), magnetic tape, or optical disk (CDs, DVDs).

### **City Policies on Internet and E-Mail Use**

The electronic communications capabilities of the City are working tools of the organization to be used to conduct business efficiently and to better serve the community. Employees are expected to adhere to the City policies relating to these resources. Employees who violate these policies are subject to disciplinary action (refer to section 5.8 of the City of Maricopa's Personnel Policies and Procedures Manual).

## **SECTION 6: PUBLIC RECORDS REQUESTS**

The Arizona statutes providing citizens and the press the right to inspect and obtain copies of public records are important to open government and maintaining public trust. The City strives to meet its obligations to the public under the laws, while protecting City and individual legal interests, as allowed by law.

The City Attorney's Office has compiled general information about complying with public records laws (Appendix D). In any instance where a staff member has doubt about how to respond to a public records request, the City Clerk and the City Attorney's Office should be consulted.

## **SECTION 7: FREQUENTLY ASKED QUESTIONS**

### **What is a record?**

State Statute defines records as:

**“ . . . all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, including prints or copies of such items produced or reproduced on film or electronic media pursuant to section 41-1348, made or received by any governmental agency in pursuance of law or in connection with the transaction of public business and preserved or appropriate for preservation by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government, or because of the informational and historical value of data contained therein.” (A.R.S. § 41-1350)**

To summarize, a record is any recorded information, regardless of medium or characteristics, including any paper, book, microfilm, card, magnetic tape, disk, map, or any copy or printout that has been created, received, or used by an organization as evidence of its activities.

### **Who do the public records belong to, the department or the City of Maricopa?**

Neither. Public records, as defined above, are the property of the State of Arizona. Municipal records are not personal property, even if the records were created for personal convenience, nor are they the property of a specific agency or political subdivision (A.R.S. § 41-1347). The individual departments within the City of Maricopa, as well as the City Clerk's Office, simply serve as custodians of municipal records.

### **What is the difference between a non-permanent and a permanent record?**

A non-permanent record is any record that has a time-defined retention period, even if the retention period spans a great number of years or even decades. Non-permanent records must be retained and destroyed in compliance with a State-approved Retention Schedule.

If a document (or documents) in a non-permanent record series is deemed to have historic value, the document is reclassified as a permanent record and cannot be destroyed. The remaining non-historic documents in the series are still considered non-permanent records and must be destroyed according to their respective Retention Schedule.

The list of non-permanent records is quite extensive; however, a few examples include:

- Administrative and Personnel Files
- Budget and Financial Records
- Legal Opinions
- Non-Regulatory Authority Board or Commission Minutes and all Executive Session Minutes
- Most Contracts

Permanent records are not scheduled for destruction and are relatively rare, usually comprising three to five percent of a municipality's total records.

Some examples of permanent records include:

- Council meeting minutes and minutes of boards, commissions, and committees having regulatory authority.
- Resolutions and Ordinances of the City Council.
- Documents declared by Resolution to be a public record.
- One copy of the City's annual reports.
- Original copy of organizational documentation (for example, the City Code or amendments to the City Code; major changes in organization structure).
- Records documenting a historic or "landmark" event.

Permanent records have special storage requirements and are to be maintained on high quality, high fiber content paper, often referred to as archival paper, or microfilmed according to State-approved standards. A.R.S. § 39-101 prescribes the material and storage conditions required for permanent public records and the penalty for noncompliance.

### **What is a Records Retention and Disposition Schedule?**

A Records Retention and Disposition Schedule (also referred to as Retention Schedule or schedule) is a timetable that identifies the length of time a record must be kept in active and inactive status prior to final disposition. It also serves as a reference and management tool to be used to set the time to retire records to inactive status and, eventually, the time to destroy or otherwise dispose of the records. The retention and disposition dates listed on State-approved schedules are based on use or need of the record, and on their administrative, legal, fiscal, or archival value to the City of Maricopa.

### **Types of Retention Schedules**

Before preparing a Retention Schedule, each department must decide whether a custom or generic Retention Schedule will meet its needs.

#### ***Custom Schedule***

A Retention Schedule that has been customized to accurately reflect the types of files that are maintained by the department is preferred over a model or generic schedule. To help each department achieve this goal, the Records Clerk is available to assist in the preparation of, or answer questions about, custom schedules.

#### ***Model (Generic) Schedule***

The State Library has prepared and pre-approved model (generic) schedules for most municipal departments.

The use of a model schedule may be authorized if ***all*** of the following conditions are met:

1. The department does not maintain any other type of record except those listed on their respective model schedule;
2. The department is willing to adhere to the schedule as it is written without making any changes or modifications; and
3. The department files a signed statement with the City Clerk's Office stating that the department elects to use the State's model schedule and does not maintain any records other than those contained in that schedule (a copy of the model schedule must be attached to the statement). The Records Clerk, through a site visit, will verify the statement.

### **What is a General Retention and Disposition Schedule and what is it used for?**

The State's General Schedule lists administrative records that may be common throughout the organization and is to be used in conjunction with each department's State-approved Retention Schedule. Records that are listed on the State's General Schedule should not be included on a department's custom Retention Schedule.

### **Does my department have a Retention Schedule?**

To comply with State law, every municipality is required to have a current State-approved Retention Schedule. For administrative purposes, every department is required to have a Retention Schedule on file with the City Clerk's Office. Retention Schedules must be reviewed and updated every two years, even if no changes are made.

If your department or office is not on the list, or if your schedule not been updated in the past two years, you will need to complete and file a current, customized or generic State-approved Retention Schedule before any records can be destroyed.

### **What if my department does not have a State-approved Retention Schedule?**

There are four basic steps to preparing a Retention Schedule:

1. Inventory Each Record Series
2. Evaluate Each Record Series
3. Prepare a Retention Schedule
4. Obtain Approval

#### **Step 1: Inventory Each Record Series**

The primary objective of a records inventory is to obtain the data necessary to produce a complete and accurate Retention Schedule. A record inventory identifies the type and quantity of records that are kept by a department, and contains an estimate of how long the information contained in each record series will be needed to accomplish City business (often based on retrieval frequency).

While State law does not require an inventory report form, most departments find it helpful to prepare a written inventory prior to creating a Retention Schedule. The State Library has developed a Records Inventory Worksheet that can be used as a tool for conducting a records inventory (See Appendix B).

One worksheet is prepared for each record series maintained by the department. The worksheets are compiled on a list and then transferred to a Records Retention and Disposition Schedule Form. Once the inventory list is complete, compare it to the State's General Records Retention and Disposition Schedule to eliminate duplication of records. If a record series is listed on the State's General Schedule, it should not be listed on a custom Retention Schedule.

#### **Step 2: Evaluate Each Record Series**

After a comprehensive records inventory has been taken, each record series is evaluated and classified as either "permanent," "non-permanent," or "non-record." During the evaluation, an active retention period, and, if needed, an inactive retention period, for each record series is determined. Retention periods are based on the use or need of the record, and on its administrative, legal, fiscal, or archival value to the City. Departments or divisions may ask to retain records in a series for any

length of time needed to conduct business; however, the final determination of government record retention periods is the responsibility of the State of Arizona Library, Archives and Public Records (A.R.S. §§ 41-1347 and 41-1351).

### **Step 3: Prepare a Records Retention and Disposition Schedule**

Once a department's records have been inventoried, evaluated, and an estimated active, inactive, and total retention period for each record series has been determined, it is time to prepare a Records Retention and Disposition Schedule. The State's General Schedule is an example of a properly completed Retention Schedule and can be used as a guide to prepare a custom schedule.

### **Step 4: Obtain an Approved Schedule**

New or revised Retention Schedules are submitted to the Records Clerk, who is responsible for forwarding them to the State of Arizona Library, Archives and Public Records, Records Management Division for approval. The State reviews the draft document, makes any necessary changes, and returns a clean copy of the schedule to the Records Clerk. The Records Clerk forwards the schedule to the originating department to approve and return to the Records Clerk for resubmission to the State. The State will issue final approval and return a signed copy to the Records Clerk. The Records Clerk retains the original State-approved schedule and sends a copy to the originating department.

A department may appeal any change made by the State of Arizona Library, Archives and Public Records, Records Management Division, but the final decision belongs to the State.

### **How are Retention Periods Determined?**

Retention periods are based on administrative/ practical needs, audit/fiscal requirements, statutory/regulatory requirements and/or historical value.

**Practical need is the most common and includes informational, administrative, or evidential value.** It is the usage of the record over time.

**Informational value is based on information contained in records.** Informational value usually decreases with time and can most often be determined by studying the use of activity of the record series over a period of time. The more unique and relevant the information, the more valuable the record.

**Administrative value refers to records which help a department perform its current work.** Retention can vary greatly depending on information contained in the record. Many documents at operational levels are actually non-records by definition because they are duplicates of record copies and/or they are working papers which are summarized into higher level records. Non-records would not be included in the department's Records Retention Schedule.

**Evidential value refers to those records which contain admissible evidence of legal rights or obligations of the City,** such as legal decisions and opinions, fiscal documents, agreements, leases, titles, contracts, claims, and legal dockets. These records preserve documentation as required by law to protect the City against court action. It includes records which provide evidence that the organization exists and functions per its mandate (e.g. board minutes, annual reports, and annual financial statements)

**Audit requirements usually apply only to financial or fiscal records.** The retention period would then be based on the audit cycle; or, in the case of Federal grants or programs, on the Federal



guidelines for that particular funding source or program. These records document the audit trail of monies. Fiscal records generally document the availability of funds for operational purposes and the retention period is usually limited to 3 to 5 years. These requirements may or may not be legislated or regulated. Some non-financial records may need to be maintained for program audits.

**Statutory or regulatory requirements are usually aimed at actions rather than the records recording these actions.** There are very few statutory or regulatory requirements. Whenever a statute or regulation is cited as the basis for a retention period, that particular reference should be cited on the Record Inventory worksheet. These citations may be found in the Arizona Revised Statutes, United States Code of Federal Regulations.

**Historical value means the records will have long term reference value and fill a valid research need.** These records preserve adequate documentation on significant historical events including the City's operations, origin, policies, authorities, functions, and organizations; as well as significant administrative decisions. Historical records are permanent. This means they will need to be microfilmed to meet the State storage requirements for these records. No more than 3-5% of all City records would be deemed permanent.

#### **Are there any other guidelines to help determine retention periods?**

There are some basic questions to help determine the usage of a record.

**How often is the record accessed?** Usually records are active for only a year or two. A good rule of thumb states a record must be referred to more than six (6) times a years to be considered active.

**What is the cost of retaining the record?** If a record is maintained, it must be produced in case of a public records request or in case of a lawsuit. Look at the costs of storing/researching the record vs. the cost of not having the record.

**What are the real consequences if someone wants the record and it has been destroyed?** "We might need it someday," is not a valid reason to retain records. A record should only be maintained because of a business need. Records should not be maintained so we "do not have to re-invent the wheel." Reference copies should be retained for those purposes and then only a sample. To some people, need it "someday" is equivalent to permanent in their minds. Records kept needlessly could hinder, rather than help the City.

**What does "permanent" record mean to you?** Everyone's definition of "permanent" is different. Usually it means keep for a long period of time, such as "20 years" or as long as "I am here." In records retention, it means the record can never be destroyed. This record must still be valuable 500 years from now. It also means the record must be microfilmed in order for the City to meet the State permanent retention requirements. Microfilming is labor intensive and expensive.

#### **What if a Record is not in the Manual?**

If a record does not fit into any of the records series listed in the schedules, notify your Records Coordinator. Just because a record is not listed in the schedule, does not mean it is not a record. The record may need to be added to the schedule.

#### **How are non-records handled?**

Non record copies should be retained only as long as they are regularly referenced, but never longer than the retention listed for the Prime Copy holder. Usually non-record copies are retained one to three (1 to 3) years depending on their use. Non-records should be destroyed when superseded. A

Records Destruction Request form is not required to destroy non-records, however, be aware if the record is confidential or sensitive in nature. Even non-records may need to be shredded.

### **How do I report the destruction of records?**

Obtaining an approved Retention Schedule is only the beginning. Once a State-approved schedule has been obtained, the department is legally required to comply with the schedule. In addition, the department's Records Coordinator must request approval for the destruction of the record on a Report/Certificate of Destruction Form and file it with the Records Clerk. This form must be approved by the City Clerk's Office prior to destruction of the record. After approval has been given, the requesting department will be notified and necessary steps to destroy the record in accordance with the State approved Records Retention Schedule will be taken. The Records Clerk will retain a copy for the official files and forward the original report to the State.

If the record to be destroyed isn't listed on a current, State-approved Schedule, or if it is required beyond the prescribed retention period for legal discovery or ongoing audit purposes, **do not destroy the record**. Whenever there is a question regarding whether or not a record can be destroyed, call the Records Clerk for assistance.

### **Where can I go for help?**

Need additional assistance? Answers to many of your questions are contained in this manual. Of particular interest are Section 1, Section 2, and Section 3, which contain general guidelines for managing public records; and Section 7, which contains a list of frequently asked questions.

Every department has a Records Coordinator who is responsible for preparing and updating the department's Retention Schedule and ensuring that records are maintained according to that schedule. The Records Coordinator can answer specific questions regarding their department's records and reports.

### **Who can I contact with questions regarding records management?**

Sara Delgadillo, Records Clerk (extension 279) or Vanessa Bueras, City Clerk (extension 230).

**APPENDIX "A"**

**STATE RECORDS RETENTION AND DISPOSITION SCHEDULE**

1. [Faint, illegible text]

2. [Faint, illegible text]

3. [Faint, illegible text]

4. [Faint, illegible text]

5. [Faint, illegible text]

6. [Faint, illegible text]

7. [Faint, illegible text]

8. [Faint, illegible text]

9. [Faint, illegible text]

10. [Faint, illegible text]

**APPENDIX "B"**

**RECORDS MANAGEMENT FORMS**

- 1. Records Inventory Worksheet**
- 2. Records Retention and Disposition Schedule**
- 3. Report/Certificate of Records Destruction**
- 4. Single Request for Records Destruction or Transfer**
- 5. Request for Document Imaging Implementation**
- 6. Public Record Request Form**

## **APPENDIX "C": TRANSFERRING RECORDS TO THE RECORDS CENTER**

### **The following items are needed to transfer records to the Records Center:**

- ✓ **A standard records box.** A standard records storage box is 1.2 cubic feet; 10" X 12" X 15" in size; 250-pound test; has one cutout handle at each end of the box; and has a separate, tight fitting lid.
- ✓ **Records Center Box Label (one for each box).**

### **Procedure**

Records are to be placed in the box using the same filing system that was used by the department to file the records onsite. Expensive file folders, binders, and covers should be removed for reuse before placing the files in the box. Do not over-pack—leave at least one inch of space inside the box to provide easy access to the records inside. Only one record series (type of record) and one range of years should be stored in a box.

Once a box is packed, attach the Records Center Box Label.

### **Preparing a Records Center Box Label**

Complete one Records Center Box Label for each box that is being transferred to the Records Center. The labels can be obtained from the Records Clerk.

### **How to locate records in Records Center**


It is important to inventory each box. The detail of the inventory will depend on the records being stored. At minimum, the inventory should contain the record series, titles, the beginning and ending dates of the records; and, if applicable, the beginning and ending contract, IFB, purchase order, requisition number, etc. It is important to list whatever is required to identify all records in a particular box.

### **How can records be retrieved?**

Even though records are physically stored at the Records Center, they are still the property of your department or office and are readily accessible to the office that retired them. To arrange for retrieval of records, call the Records Clerk, provide the box information and the Records Clerk will be happy to pull the box for you. Department permission must be given for anyone else to review your files.

### **How do I determine which boxes may be destroyed?**

Working in coordination with the Records Coordinator, periodically review files to determine which records can be destroyed. Only the current Records Retention Schedules may be used when destroying records. The Department Records Coordinator must complete a Records Destruction Request Form for all records meeting retention requirements, sign and forward it to the Records Clerk in the City Clerk's Office. Final approval for destruction must be given by the Records Clerk. After approval has been given, the requesting department will be notified and necessary steps to destroy the record in accordance with the State approved Records Retention Schedule will be taken.

|  |         |                            |
|--|---------|----------------------------|
|  <h2 style="text-align: center;">Records Center</h2> <h3 style="text-align: center;">Box Label</h3> |         | OFFICE USE ONLY            |
|  |         | LOCATION CODE<br><br>BOX # |
| TODAY'S DATE:<br>1.  |         | DESTRUCTION DATE:<br>2.    |
| RECORD SERIES TITLE (FROM RECORDS RETENTION SCHEDULE):<br>3.   |         |                            |
| DATE:<br>4. FROM   | 5. THRU | 6. BOX NO. ____ OF ____    |
| PREPARED BY:<br>7.   |         | DEPARTMENT:<br>8.          |

***Most boxes will be destroyed without returning to the originating department, so it is important to provide complete and detailed information on the box label.***

1. Today's date.
2. The Destruction Date field identifies when the contents of the box are to be destroyed. The total number of years the record is to be kept as it appears on the approved Retention Schedule determines the destruction date. If an extended retention period was granted (because of litigation, investigation, audit, etc.), contact the Records Clerk to determine what date should be entered in this field.
3. The Record Series Title field refers to the type of record, or record series, being transferred or stored at the offsite facility. The name of the record series is to appear exactly as it appears on the Records Retention and Disposition Schedule. If the record does not appear on an approved Retention Schedule, contact the Records Clerk before transferring the records to the records center.
4. The Date From field refers to the record in the box with the earliest date.
5. The Date Thru field refers to the record in the box with the latest date.
6. The Box No. " \_\_\_\_ of \_\_\_\_ " field is used to identify all boxes (1 of 3, 2 of 3, and 3 of 3) pertaining to a specific single case, file, or record, even if it refers to a single box (1 of 1).
7. The name of the person who prepared the form is entered in this field.
8. The name of the department where the record originated from.

After completing the Records Center Box Label, it is recommended that a copy be made and kept on file for future reference.

## **APPENDIX "D": PUBLIC RECORDS REQUESTS**

*Arizona law grants broad rights to persons who want to inspect public records.*

### **Public Records Laws**

A.R.S. § 39-121.01.D.1 establishes that a required fee may be collected in advance if a citizen requests a copy of a record and that the records custodian shall "promptly furnish" such records. If a citizen requests copies of public records, the City may charge a reasonable fee for the copies and may require that the fee be paid in advance. There is no charge to view a public record, or to obtain a copy of a public record used in claims against the United States.

The public records laws are very important and often difficult to apply. The City strives to meet its obligations to the public under the law, while protecting City and individual legal interests, as allowed by law. The information below is general in nature and intended to give basic information about complying with public records laws. In any instance where a staff member has doubt about how to respond to a public records request, the City Attorney's Office should be consulted.

### **General Guidelines**

Any person may submit a request to examine or obtain a copy of public records during established regular office hours. Citizens who want to examine or obtain a copy of a public record should be directed to the custodian of records for the department responsible for maintaining the record. All requests should be furnished within three (3) business days unless the requestor is advised that additional time is needed.

### **Non-Commercial Requests**

1. Any person may examine or be furnished copies, printouts, or photographs of any public record during regular office hours (8:00 a.m. – 5:00 p.m., Monday through Friday except holidays).

In some instances, requests for *immediate* inspection cannot be accommodated because the records are stored offsite, maintained in an electronic format, or require approval of the City Attorney before they can be released. Under these circumstances, it is important to obtain the document and/or required approval as quickly as possible to ensure compliance with State law.

2. To inspect and/or request copies, printouts, or photographs of public records, the person making a public records request must complete a Public Records Request Form and present it to the department that maintains the record. The form requires the requestor to be specific so that the record(s) can be easily identified and located. The Public Records Request Form is available to the public via the Internet at: <http://www.cityofmaricopa.net/CityClerk.htm>.
3. The City charges an amount per standard page (letter and legal size paper) approximately equal to the cost of reproducing the requested material (currently \$0.25 per page—double-sided documents are counted as two pages). Payment is required prior to receipt of the materials. Checks are to be made payable to the City of Maricopa.

### **Commercial Requests**

1. There is a special section on the Public Records Request Form for record requests that are made for commercial purposes. A "commercial purpose" is defined as:

*Use of a public record for the purpose of sale or resale or for the purpose of producing a document containing all or part of the copy, printout or photograph for sale or the obtaining of names and addresses from public records for the purpose of solicitation or the sale of such names and addresses to another for the purpose of solicitation or for any purpose in which the purchaser can reasonably anticipate the receipt of monetary gain from the direct or indirect use of such public record. Commercial purpose does not mean the use of a public record as evidence or as research for evidence in an action in any judicial or quasi-judicial body. (A.R.S. § 39-121.03 D)*

2. Charges for a commercial request shall include:
  - a. A portion of the cost to the City for obtaining the original or copies of the documents, printout or photographs to be reproduced,
  - b. A reasonable fee for the cost of time, equipment, and personnel in making the copies, and
  - c. The value of the reproduction on the commercial market.  
*(Note: If a public records request is for commercial use, the City may charge the requestor the same amount for the copy of the public record that he or she would pay a private vendor for the same information or record. Commercial requests may require legal review and should be addressed on a case-by-case basis. For assistance with commercial records requests, please contact the Records Clerk.)*
3. If the requestor obtains records for a commercial purpose without indicating the commercial purpose, or if he or she obtains the records for a non-commercial purpose, and then uses or allows the use of the records for a commercial purpose, he or she will be liable for damages in the amount of three times what the City could have charged had it known the information would be used for a commercial purpose, plus costs and attorney fees [A.R.S. § 39-121.03(C)]. If a false statement is given, the requestor can also be guilty of a felony (A.R.S. § 39-161).

#### **Duty to Disclose Public Records; Legal Exceptions**

Any record created or received by the City of Maricopa is presumed to be public in nature and must be released to the public upon request. However, Arizona law permits denial of access to certain kinds of information if release of the information impinges on privacy interests, is confidential or would interfere with a legitimate government function.

Although the grounds for denying access to a public record may sound broad, they are actually quite narrow. In some instances, only parts of a document may qualify for protection, which is usually achieved by redacting the protected material and releasing the remainder of the document. In any case where there is doubt about whether information should be released in response to a public records request, the City Attorney's Office should be consulted.

Some examples of what types of information can be withheld, based on the general classifications of protected information are:

1. **Privacy**. This includes personal and financial information relating to employees, such as birth date, social security number, age, home address, home telephone number, names of dependants, medical and insurance information, credit card numbers and information relating to bank accounts. The salary of an employee, however, is not protected from disclosure.



2. **Confidentiality.** Confidentiality is usually created by statutes, which make some subject matter or information confidential and not subject to disclosure. For example, the following information is made confidential by statute:

- Home address, home telephone number, or a photograph of an officer serving in an undercover capacity, or scheduled to serve in an undercover capacity within sixty days (A.R.S. § 39-124).
- Information relating to victims of crime, including home address and contact information. In all criminal cases where police reports are being released to the public, identifying information pertaining to the victim, with the exception of the victim's name, is to be redacted (A.R.S. § 13-4401 et seq.).
- Executive session minutes of the city council and other public bodies, such as city boards and commissions, are confidential and are not to be disclosed (A.R.S. § 38-431.03).

3. **Interfering with a legitimate City function.** The City is not required to disclose information when to do so would interfere with its ability to carry out legitimate government functions. Some examples are:

- Information received in response to requests for proposals for contracts until after the deadline for submission has been met.
- Draft versions of reports in progress, where the disclosure of the information might interfere with the validity or utility of the final report, or where the city council, rather than the public, is entitled to view the report first.
- Appraisal information relating to real estate that the City is attempting to sell or acquire.
- Information relating to legal negotiations.

#### **Working Copies and Draft Documents**

Working copies, such as draft documents or other transitory records used to develop a final document, are not subject to disclosure and may not be required to be retained when a final document is produced. Drafts that exist following a final document, however, may be subject to disclosure, pursuant to a public records request.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the integrity of the financial system and for the ability to detect and prevent fraud. The text also highlights the need for transparency and accountability in all financial dealings.

In addition, the document outlines the various methods used to collect and analyze financial data. It describes the role of different departments in the process and the importance of using reliable sources of information. The text also discusses the challenges of data collection and the need for ongoing monitoring and evaluation to ensure the accuracy and relevance of the information.

Finally, the document provides a summary of the key findings and recommendations. It stresses the need for continued collaboration and communication between all stakeholders involved in the financial process. The text also offers suggestions for how to improve the efficiency and effectiveness of the system and to ensure that it remains up-to-date and relevant in the future.