How to simplify FOIA

1. Have a records management program as mandated by the Virginia Public Records Act (VPRA).

2. Store records in a safe and accessible location.

3. Destroy non-permanent records at the end of their retention period.
Virginia Public Records Act

- Designate a records officer
- Establish and maintain a records management program
- Destroy records and report to LVA

COV § 42.1-76 et seq.

Why practice sound records management?

- Control the growth of records
- Improve efficiency and productivity
- Ensure regulatory compliance
- Minimize litigation risks
- Safeguard vital information
- Ensure business continuity and consistency
- Support decision making
- Preserve the corporate memory
Records management is...

Managing information... So that it may be efficiently accessed... By the people who need it... Without undue burden of time or cost.

What is a public record?

...documents a transaction or activity...

Regardless of physical form or characteristic...

...is produced, collected, received or retained in pursuance of law or in connection with the transaction of public business.

COV § 42.1-77
Is my e-mail a public record?

“People view e-mail as personal, private communication . . . They are shocked to find out it is not their private property.”

Lucy Dalglish, Reporters Committee for Freedom of the Press, Richmond Times-Dispatch, December 31, 2006

Responsibility for electronic records

The agency shall be responsible for ensuring that its public records are preserved, maintained, and accessible . . .

. . . including converting and migrating electronic records as often as necessary so that information is not lost . . .

. . . ensure that [converted electronic record] is an accurate copy of the original record . . .

COV § 42.1-85
Records storage

• Keep records in an area that is:
  – Locked with controlled access
  – Protected from fire by smoke detectors, water sprinklers, and fire extinguishers
  – Free of vermin and insects
  – Far from water pipes

• Make sure boxes are:
  – Sturdy and covered by a lid
  – At least 3 inches off the ground
State Records Center (SRC)

- Store inactive, non-permanent records
- Services include:
  - Storage
  - Records retrieval
  - Disposal at end of retention period
- For more information call 804-236-3705.

Lifecycle of a Record
Classifying records

General Schedule
Common records created and maintained by localities and state agencies

Specific Schedule
Records unique to an agency that reflects its responsibilities

Record Series
Related documents normally filed together
State Agency General Schedules

Searchable Database for State General Schedules

**General Administration**
- 03-101: Administrative Records (June 2012) "Confidential segment 100391"
- 03-102: Fiscal Records (Aug 2012) "Confidential segment 100391"
- 03-103: General Services (Apr 2005)
- 03-111: Information Technology (Oct 2009)
- 03-113: Personnel Records (Aug 2012) "Confidential segment 100391"

**Specific Departments**
- 03-111: College and University (Mar 2009)
- 03-107: Court, Safety and Security (Nov 2011)
- 03-107: Food Service (Sep 2011)
- 03-107: Health Records (May 2011)
- 03-107: Library and Museum (Aug 2001)
- 03-107: Motor Vehicle (Apr 2001)

* Recent updates are highlighted in red.*

<table>
<thead>
<tr>
<th>RECORD SERIES AND DESCRIPTION</th>
<th>SERIES NUMBER</th>
<th>SCHEDULED RETENTION PERIOD</th>
<th>DISPOSITION METHOD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Insurance Records and Reports</td>
<td>01-0100</td>
<td>Retain 7 years after end of state fiscal year</td>
<td>Confidential Destruction</td>
</tr>
<tr>
<td>Payroll Records</td>
<td>200100</td>
<td>Retain 5 years after end of state fiscal year</td>
<td>Confidential Destruction</td>
</tr>
<tr>
<td>Purchasing Records</td>
<td>200100</td>
<td>Retain 5 years after end of state fiscal year</td>
<td>Confidential Destruction</td>
</tr>
<tr>
<td>Reimbursement Records</td>
<td>01-0100</td>
<td>Retain 7 years after end of state fiscal year</td>
<td>Non-confidential Destruction</td>
</tr>
<tr>
<td>Retirement Pay Locally Managed Retirement System</td>
<td>200100</td>
<td>Retain 5 years after last action</td>
<td>Confidential Destruction</td>
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<tr>
<td><strong>RECORDS RETENTION AND DISPOSITION SCHEDULE</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>GENERAL SCHEDULE NO. 03-02</strong></td>
<td></td>
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<tr>
<td><strong>COUNTY AND MUNICIPAL GOVERNMENTS</strong></td>
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Library of Virginia Archive, Records, and Collections Services 801 E. Broad St., Echternach V1, 22314 (540) 622-3250

Effective Schedule Date: 6/9/2012
Each agency shall ensure that records created after July 1, 2006 . . .

. . . are destroyed or discarded in a timely manner . . .

. . . such records that contain identifying information . . . shall be destroyed within six months . . .

**Timeframe for records destruction**

**Documenting destruction**

- Complete Certificate of Records Destruction (RM-3 Form)
- Approving official signs
- Records officer signs
- Destroy records
- Witness to destruction signs
- Mail original form to LVA
Legal ramifications

Records that are not destroyed according to their retention schedule are subject to discovery during litigation, investigation, and Freedom of Information Act (FOIA) requests.

If you have it, you must produce it.
Final tips

- Visibly label boxes with schedule number, records series, and destruction date.
- Do records destruction yearly and on a set schedule.
- Regularly review the schedules online for changes. Do not print schedules.
Questions?

Records Analysis Section
804-692-3600

All forms and schedules, as well as additional resources, available at:

www.lva.virginia.gov/agencies/records