

**Records Management for
Soil and Water
Conservation Districts
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Today's Topics

Minnesota Record Laws

Records Retention

Social Media & Electronic Records

Records Destruction

Records Management Guidance and Tips

Resources

Minnesota Laws

- **Official Records Act - MN Statutes §15.17**
Requires public employees to make and carefully preserve records (from deterioration, mutilation, loss or destruction) necessary to understand a Minnesota government agency's official activities.
- **Records Management Statute - MN Statutes §138**
Requires all government records be kept in a physical medium of a quality that will ensure permanence. It is a misdemeanor to destroy records without statutory authority. Requires government entities to follow a certain orderly process in disposing of government information.

Minnesota Records Laws (cont.)

- **Minnesota Government Data Practices Act – MN Statutes Chapter 13.**

Requires government entities to protect the rights of data subjects, and to provide appropriate access to government data.

- **Retention of Electronic Records – MN Statutes Chapter 325L.12.**

If a law requires that a record be retained, the requirement is satisfied by retaining an electronic record of the information as long as it accurately reflects the information, and it remains accessible for later reference.

What is not a Government Record?

- Materials that have no administrative, legal, fiscal or archival requirement for their retention and may be discarded when no longer needed
- Personal messages and announcements not related to official business
- Information-only copies, or extracts of documents distributed for reference
- Phone message slips that do not contain information
- Copies of published materials

What Determines Retention?

- Legal – Federal, State, Regulatory
- Fiscal Requirements
- Administrative Needs
- Historical Value

Records Retention Schedule

- ❖ Unfortunately, there is not a general records retention schedule for use by Minnesota's soil and water conservation districts.
- ❖ Districts that have compiled a records retention schedule, and had it approved by the State Records Disposition Panel have continuing authority to destroy listed records after keeping them for the prescribed time.
- ❖ A government entity must not destroy any public records that are not on a schedule without a specific authorization from the Minnesota Records Disposition Panel.

Minnesota Records Disposition Panel

- Mandated by M.S. 138.17
- Director of the Minnesota Historical Society
- State Auditor (local government records)
- Legislative Auditor (state government records)
- Attorney General

Carver Soil and Water Conservation District General Record Retention Schedule

SECTION	TITLE & DESCRIPTION	RETENTION/STATUS	ARCHIVE	DATA CLASS	STORAGE MEDIA
ADMINISTRATI ON	ANNUAL REPORTS Annual report of SWCD activities including the annual work plan for the following year.	Retain permanently or transfer.	Yes	Public MS 13.03	Paper
ADMINISTRATI ON	BIDS – SPECIFICATIONS & SUPPORTING PAPERS – NOT ACCPETED	6 yrs.	No	Public MS 13.03	Paper
ADMINISTRATI ON	BIDS & QUOTATIONS ACCEPTED Approved by the SWCD Board.	6 yrs. after purchase or completion of project.	No	Public MS 13.03	Paper
ADMINISTRATI ON	BY-LAWS – OPERATING RULES	Permanent	Yes	Public MS 13.03	Paper
ADMINISTRATI ON	CERTIFICATES OF TITLES	Length of ownership	No	Public MS 13.03	Paper
ADMINISTRATI ON	CONTRACT/AGREEMENTS Copies of contracts and agreements entered into with agencies and businesses and other pertinent information.	10 yrs. after contract has expired.	No	Public MS 13.03	Paper
ADMINISTRATI ON	CORRESPONDENCE a. Routine correspondence and memorandums with agencies, landowners, businesses, etc. b. SWCD correspondence and subject files of a policy making nature.	3 yrs. 3 yrs.	No Yes	Varies with subject of correspondence.	Paper/ Electroni c Paper/ Electroni c
ADMINISTRATI ON	GRANTS Local, State, Federal	6 yrs. after grant agreement expires unless agreement dictates otherwise.	No	Public MS 13.35	Paper
ADMINISTRATI ON	MANUALS – SWCD Equipment Instructions or maintenance manuals of office equipment.	Until removed or superseded	No	Public MS 13.03	Paper

Data Practices Classifications

- Because data practices laws change regularly, classifications and statute references may have changed.
- For assistance, contact the state Administration Department/Data Practices Office at:
<https://mn.gov/admin/data-practices/>

Legal and/or Fiscal Value- Retain 10 years

- Contracts/Agreements
 - Oath of Office
 - Lease of Real Property
 - Payroll Reports
- Pension & Retirement Reports
 - AG BMP Applications

Fiscal Value- Retain 6 Years

- Bids and Supporting Papers-Not Accepted
- Notice of Meetings
- Accounts Receivable-Ledgers and Journals
- Balance Sheets
- Bank Statements
- Billing Claims
- Banking Statements
- Budget Requests
- Cash Receipts
- Petty Cash Records
- Sales Tax Information
- Vouchers-Paid Invoices, Claim Vouchers
- Salary Schedules
- Time Sheets

Administrative Value

Retain 2-3 years

- Education program files
- Newsletters
- Budget work papers
- Attendance records
- Daily narratives
- Medical pool reimbursements
- Site plan file-not approved
- Plat files-preliminary plats
- Pay equity reports
- Insurance applications

Records with Permanent Historical Value

- Annual Reports
- By-Laws, Operating Rules
- Meeting Minutes
- Aerial Photographs
- Maps-As Built
- Financial Reports (Annual)
- Historical Data/Photographs
- Cooperator/Project Files
- Survey Notes
- Technical Notes

Retain Until Superseded

- ✓ Equipment Manuals
- ✓ Organizational Charts
- ✓ Policy and Procedures Manuals
- ✓ Chart of Accounts
- ✓ Property Certificates & Policies
- ✓ Inventory/Fixed Assets Schedule
- ✓ Employee Handbook
- ✓ Supervisors Handbook

Compiling a Retention Schedule for Your District

- Complete Minnesota Records Retention Schedule Form:
https://www.mnhs.org/preserve/records/docs_pdfs/recordservices/BlankRetForm_30Oct18.rtf
- Send 3 signed copies to Minnesota Historical Society, State Archives Department
- Will be reviewed and approved by the Minnesota Records Disposition Panel

1. Schedule Number	Date	2. New	Revision of	MINNESOTA RECORDS RETENTION SCHEDULE	
3. Agency		4. Division/Section		6. Page	1 of
5. Address				See attached page(s) for records description	
7. For Use By Records Panel Only					
AUTHORIZATION: Under the authority of M.S. 138.17, it is hereby ordered that the records listed on this application be disposed per approved schedule.			Notice: This retention schedule has been reviewed by the State Records Disposition Panel in accordance with Minnesota Statutes 138.17. The records listed on this schedule have been reviewed for their historical, fiscal, and legal value.		
8. Agency Records Management Officer (signature)		Date		11. Minnesota Historical Society, Director	
9. Type Name / Phone				12. Legislative or State Auditor	
10. Agency Head or Designee (signature)		Date		13. Attorney General	
				Date	

Original-State Records Disposition Panel

Copy 1-Agency (after approval)

Records Retention Schedule

- Schedule should be media neutral; the format of the record does not matter.
- Retention periods are the minimum amount of time to retain records.
- Have a good business reason to retain records longer than minimum.
- Legal or audit holds: retain records until resolved regardless of retention period.
- Some records have a permanent retention.

What about records not on a records retention schedule?

- Use the Application for Authority to Dispose of Records (PR-1 form)
- Available on State Archives web site at:
<http://www.mnhs.org/preserve/records/recser.html>
- Contact State Archives staff for assistance

Electronic Records

- Some official government records now only exist in digital form (born digital).
- Records must be retrievable throughout their entire life. When software gets updated and/or hardware gets replaced, records will need to be migrated.
- Electronic records should be disposed of when their retention requirements have been satisfied.
- Electronic records could be converted to microfilm for historical preservation.

Electronic Records

- ❑ MN Statute § 325L.12. If a law requires that a record be retained, the requirement is satisfied by retaining an electronic record of the information that is accurate and accessible for later reference.
- ❑ MN Statute § 138.17. Each government entity may determine whether and to what extent it will create and retain electronic records. These records are subject to the Data Practices Act and the records retention laws.

Social media retention basics

- Retention of Facebook and other social media (e.g., website, blogs, Twitter, Mailchimp) is determined by the content of the post.
- If social media is used as a marketing tool or any posted information can be found on an official website or imbedded in written policy and procedure, then the content of the social media site can be considered a duplicate record.
- Duplicates can be destroyed as soon as they have served their reference purpose.
- Take down content that is not up to date.
- If your Facebook account or other social media sites are the official location of policy, procedure, or program descriptions that are not retained or posted in another location, then consider compiling a records retention schedule to properly manage, preserve and dispose of the content.

Social media retention policy

- Establish a publication process. Understand and document the steps that lead up to the publication of a tweet or post. Know who is involved with creating, reviewing and publishing the post.
- Establish a retention schedule. Determine the appropriate length of time your social media records should be kept. This will depend on your legal and statutory mandates, and the information content.
- Example: Public Comments posted on social media accounts. Retain 3 years and then dispose?
- Establish a central repository to store social media records. Ideally, in the same place where your district's records are stored. Important that the repository allows record indexing. Ensure every record has associated metadata which makes it easy for people to find the exact records they need.
- Train your staff. Unless records retention is streamlined with automatic workflows, it's important that anyone involved is aware and trained to properly support this strategy.

8 Good Practices in Creating & Maintaining Electronic Records

- Electronic records are easy to create, manipulate, distribute and store.
- The maintenance and preservation of electronic records come fraught with challenges: accessibility, risks of human tampering, technology failures, and rapid technology changes.
- When creating and maintaining electronic records, follow these guidelines to minimize the risks inherent in digital materials and better ensure long-term preservation and future access:

8 Good Practices: 1-4

1. Accessibility. Select hardware, software, and file formats that best ensure accessibility over time.
2. Identification. Ensure proper identification of electronic records through the use of file naming conventions.
3. Integrity. Ensure electronic records carry information that will help verify their integrity.
4. Organization. Organize electronic records into logical file groupings, such as how people work, activities, procedures, and thematic areas.

8 Good Practices: 5-8

5. Protection. Protect electronic records from unauthorized action by restricting access to computers.
6. Backup. Protect electronic records from accidental loss or corruption by making backup copies regularly and often.
7. Steps Against Obsolescence. Guard against hardware and software obsolescence with regular upgrades. Copy records that won't be accessed; perhaps copy to magnetic media that is periodically refreshed.
8. Consider transferring records with historical value to the Minnesota State Archives.

8 Good Practices: 6-8

6. Backup. Protect electronic records from accidental loss or corruption by making backup copies regularly and often, or by storing the records on a server that is regularly backed up.
7. Steps Against Obsolescence. Guard against hardware and software obsolescence with regular upgrades. Copy records that won't be accessed often to magnetic media that is periodically refreshed.
8. Consider transferring records with historical value to the Minnesota State Archives.

E-Mail

- Understand and identify what is an official record. Read Minnesota Statutes 15.17.
- Agency should determine what types of emails may be considered an official record.
- Retention periods are based on content, not media.

E-Mail

- Don't treat every email the same!
- Refer to records retention schedule.
- The person sending or receiving the e-mail message is usually responsible for retention in accordance with established retention periods.
- Remember to include the transmission data.

Putting a Hold on Records Destruction

- ❖ Do not destroy relevant records when litigation, government investigation, or financial audit is pending or imminent.
- ❖ Do not destroy the records until the “hold” is terminated, even if the retention period is concluded.

RECORDS DESTRUCTION

- Keep a list of records destroyed; required by M.S. 137.17, subd. 7.
- Records destruction report form available for use at:
<http://www.mnhs.org/preserve/records/recser.html>
- Records with non-public data that are eligible for destruction should be shredded; required by M.S. 13.17, subd. 7.

City of _____

RECORDS DESTRUCTION REPORT

INSTRUCTIONS

1. Print or type all information.
2. Use this form to document records destroyed under authority of a General Records Retention schedule or an approved agency retention schedule. List only records that are physically destroyed.
3. Complete report as records are destroyed.
4. Keep this report for your records.
5. For additional space, use reverse side.
- 6.

Agency			Person Reporting Destruction			Date Report Submitted
Address			City, Zip			Telephone ()
General Schedule Name or Agency Schedule Number (e.g. "City Gen. Sch." or "87-123")	Section of Schedule Where Record is Listed	Item No. As Listed on Schedule	Record Title (use same title listed on schedule)	Inclusive Dates	Date Destroyed	Quantity* (Cubic Feet)
*VOLUME CHART TO DETERMINE CUBIC FEET						
Letter Size Drawer	=1.5	Record Center Box	=1.0	3 x 5 Card	= 0.1	Total Cubic Feet Destroyed (include records listed on back)
Legal Size Drawer	=2.0	12" x 15" x 10"		4 x 6 Card	=0.2	
Shelving 4' Letter	=2.3	Transfer Case	=2.5	5 x 8 Card	=0.3	
Shelving 4' Legal	=3.0	24" x 16" x 11"		Printouts 1	=1.25	

To Do List- Short Term

- Review the Carver SWCD records retention schedule and customize for your own district.
- Submit the schedule to the records disposition panel for review and approval.
- Distribute the approved schedule to staff, and provide necessary training
- Start destroying eligible records that are easy to identify

Making Retention Work

- Annual Record Review Week
- Managers and supervisors should lead by example
- Paper records and digital records



To Do List-Long Term

- Encourage the Board of Water and Soil Resources and/or the Minnesota Association of Soil and Water Conservation Districts to compile and submit a general schedule for all districts to use
- Review the records retention schedule once a year, and destroy eligible records

Minnesota State Archives

Web site:

<http://www.mnhs.org/preserve/records/recser.html>

- ❖ Guidelines/Standards
 - ❖ Forms
- ❖ Informational Leaflets
 - ❖ Related Links

Minnesota State Archives Web Site: Guidelines/Standards

- Electronic Records Management Guidelines
- Preserving and Disposing of Government Records (short manual)
- Managing Your Government Records: Guidelines for Archives and Agencies (comprehensive manual)
- Minnesota Recordkeeping Metadata Standard
- Disaster Preparedness

Minnesota State Archives Web Site: Informational Leaflets

- 10 leaflets concerning local government records with historical value
- Leaflet No. 10, Watershed District and Soil and Water Conservation District records with historical value

RESOURCES

- ARMA

<http://www.arma.org>

- GRIN (MN Government Records and Information Network)

<http://www.mnhs.org/preserve/records/mngrin.html>

- Data Practices Office, state Administration Department.

<https://mn.gov/admin/data-practices/>

- MN State Archives – Government Record Services

<http://www.mnhs.org/preserve/records/index.html>

- MCFOA website (Disaster Recovery for Records)

<http://www.mcfoa.org>

- RM List Serve Archives

<http://listserv.syr.edu/archives/recmgmt.html>