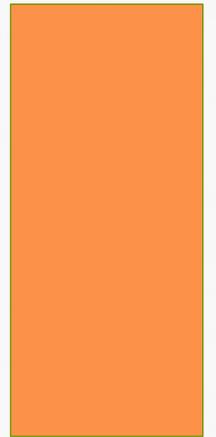


# **ARIZONA'S RECORDS MANAGEMENT STATUTES**

SESSION 1 OF 6 ON RECORDS MANAGEMENT



# PRESENTER(S)

**Jerry Lucente-Kirkpatrick**

*Records Analyst*

(RM Training; and Retention Schedules and Imaging – Local Agencies)

Records Management Division

*And / or*

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*Records Analyst*

(Records Retention Schedules and Imaging – State Agencies)

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*State Archivist*

State History and Archives

Arizona State Library, Archives and Public Records

Arizona Secretary of State

# **LIBRARY, ARCHIVES AND PUBLIC RECORDS (LAPR) ORGANIZATION AS AN ARIZONA STATE AGENCY**



Secretary  
of State



LAPR



Archives  
and  
Records



Library



Arizona  
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Arizona State Library, Archives and Public Records  
A Division of the Secretary of State

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## Volunteer Opportunities Aboard

A volunteer at the Braille and Talking Book Library records an audio book. The State Library Divisions offer a wide variety of volunteer positions. Develop your skills, learn something new, make friends, make a difference.

For more information, visit  
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5:58 AM 7/11/2013

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http://www.azlibrary.gov/records/

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RECORDS MANAGEMENT

- Records Center Operations
- Preservation Imaging
- Forms
- Retention Schedules and Manuals
- Standards and Guidelines
- Public Records Laws
- Training
- Accessing Arizona Public Records

## Records Management Center



\*\*\* UPDATE 6/18/2013 \*\*\*

**Thank you for your patience as we work through staffing and facilities issues this year! Records Management Staff are currently addressing the backlog of general retention schedules and will have a list of schedule revisions on our home page soon. Also, we are looking to improve our service in streamlining imaging request solutions, so visit our page for updates or contact your agency Records Officer for the most current information.**

Established by statute in 1964, the Records Management Center administers the management of public records throughout state and local government in Arizona. Records Management is responsible for establishing standards, procedures and techniques for effective management of the public records of Arizona state and local government.

The Records Management Center includes:

- Preservation Imaging Lab
  - Microfilming selected documents and Arizona newspapers
  - Processing and duplicating microfilm

6:00 AM  
7/11/2013

# GENERAL GUIDANCE FOR ON-LINE SESSIONS

1. Please remember that while you are in the on-line classroom, all other participants **can hear everything** you say (even in the background), and **can see everything** you write on the whiteboard.
2. I will be muting All participants to help with sound distortion.
3. Please make sure that all phones are muted during the sessions. **Press \*6 and your phone will be muted.**
4. Feel free to submit notes during session for discussion. If you would like to **send a note / comment**, please **send to “all”** so that everyone can see the question and then hear the answer to that question.
5. Please raise your hand if you wish to speak
6. Take a vote: How many of you are participating in today’s session with a group of co-workers?
7. If so, how many of you are there in your group? (Send # as a note)

# **ALL RECORDS MANAGEMENT IN ARIZONA IS GOVERNED BY ARIZONA REVISED STATUTES (ARS)**

- In Arizona, **everything that we do** in Records Management is governed by Arizona Revised Statutes (ARS).
- The ARS that govern Records Management are:  
**§41-151 – §41-151.23**
- The purpose of this training today is to **examine the Records Management Statutes in detail** and to learn what is **required of public bodies** in the area of Records Management.

# WHAT IS A “RECORD”

## 41-151.18. Definition of records

In this article, unless the context otherwise requires:

- **"records"** means 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 41-151.16,
- **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 in the record**, and includes records that are made confidential by statute.

# WHAT IS NOT A RECORD

## 41-151.18. Definition of records - continued

Not included within the definition of records as used in this article:

- **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**

# TWO BASIC DEFINITIONS FOR ARIZONA REVISED STATUTES

## 41-151. Definitions

In this article (ARS §41-151), unless the context otherwise requires:

- 1. "**Director**" means the Director of the State Library.
- 2. "**State Library**" means the Library, Archives and Public Records.

# THE LAPR (LIBRARY, ARCHIVES, AND PUBLIC RECORDS) – WHO WE ARE

## 41-151.01. Arizona state library, archives and public records

A. The Arizona State Library, Archives and Public Records is established in the office of the secretary of state.

**B. The state library shall:**

**2. Provide the following:**

(a) A general and legal reference service.

**(b) A records management and archives program.**

(c) A state and federal government documents depository program.

(d) A library development service.

(e) Museums for educational purposes as approved by the secretary of state.

(f) A service, including materials, for persons who are visually or physically unable to use traditional print materials.

# POWERS OF THE DIRECTOR OF THE LAPR – REPORTING & STATE DOCUMENTS

## 41-151.05. Powers and duties of director

### State Documents Program

- B. The governor, the secretary of state, the president of the senate, the speaker of the house of representatives, the heads of departments and all officers and agents of this state

**shall supply at no cost the number of copies of official reports, public documents and publications required for the state library or its agents to satisfy the requirements of the state documents program...**

# STATE LIBRARY OF ARIZONA – STATE DOCS

## 41-151.08. Archives and history services; recovery of costs

### A. The state library shall contain:

- 1. All available works, books, newspaper files, pamphlets, papers, manuscripts, documents, magazines and newspaper articles, maps, pictures, items and materials **pertaining to or bearing on the history of Arizona.**

### State Documents

- 2. **Copies of current official reports, public documents and publications of state, county and municipal officers, departments, boards, commissions, agencies and institutions, and public archives.**
- **It is the duty of all public officers required by law to make written reports to the governor, or to the governing officer or body of a county, city or town,**
- **to provide those reports, documents and publications to the state library**
- **for filing in the state library archives in the number that will satisfy the requirements of the state documents program.**

# STATE LIBRARY OF ARIZONA – STATE DOCS

## 41-151.08. Archives and history services; recovery of costs

B. The governmental units described in subsection A of this section shall:

- 1. **Notify the state library** if the reports, documents and publications subject to this section **are posted on an internet website.**
- 2. **Pay the state library** the fee charged **if the governmental unit refuses the state library's request to provide,** and the state library **incurs any expenses in obtaining, the copies that are required**

# ACCESS TO NON-CONFIDENTIAL PUBLIC BODY RECORDS

## 41-151.11. Access to public records

The director, in person or through a deputy:

- **has the right of reasonable access to all non-confidential public records** in the state, or any public office of the state or any county, city, municipality, district or political subdivision of the state,
  - because of **the historical and research value of data** contained in those records,
  - with a view **to securing their safety and determining their need for preservation** or disposal.

# WHAT WE ARE RESPONSIBLE FOR #1 – STANDARDS AND SURVEYS

41-151.12. Records; records management; powers and duties of director; fees; records services fund

A. The director is responsible for the preservation and management of records. The director shall:

- 1. Establish **standards, procedures and techniques** for effective management of records.
- 2. Make **continuing surveys of record keeping operations** and recommend improvements in current record management practices, including the use of space, equipment and supplies employed in creating, maintaining, storing and servicing records.

# WHAT WE ARE RESPONSIBLE FOR #2 – RETENTION SCHEDULES

41-151.12. Records; records management; powers and duties of director; fees; records services fund

- 3. Establish standards and procedures for the preparation of schedules providing for the retention of records of continuing value and
- for the **prompt and orderly disposal of records no longer** possessing sufficient administrative, legal or fiscal value to warrant their further keeping.

Why “prompt and orderly disposal of records”?

- 1. Risk Management: There is a risk to keeping records longer than needed.
- 2. Costs to the Public: We are required to have an “efficient and effective” records management system. **Keeping records longer than needed means the public is paying for the storage, retrieval, use, etc. of records that are no longer needed by the public bodies per approved RS.**

# WHAT WE ARE RESPONSIBLE FOR #3 – ESSENTIAL RECORDS

41-151.12. Records; records management; powers and duties of director; fees; records services fund

- 4. Establish criteria for designation of essential records within the following general categories:
  - (a) Records containing **information necessary to the operations of government in the emergency** created by a disaster.
  - (b) Records containing **information necessary to protect the rights and interests of persons**
  - **or to establish and affirm the powers and duties of governments in the resumption** of operations after a disaster.
- 5. Reproduce or cause to be reproduced essential records and prescribe the place and manner of their safekeeping.
- 6. Obtain such reports and documentation from agencies as are required for the administration of this program.

# WHAT WE ARE RESPONSIBLE FOR #4 – HISTORICAL RECORDS

41-151.12. Records; records management; powers and duties of director; fees; records services fund

- **7. Request transmittal of the originals of records produced or reproduced** by agencies of the state or its political subdivisions pursuant to section 41-151.16 or certified negatives, films or electronic media of such originals, or both,
- **if in the director's judgment such records may be of historical or other value.**
- **8. On request, assist and advise in the establishment of records management programs in the legislative and judicial branches of this state and provide program services similar to those available to the executive branch**
- **9. Establish a fee schedule** to systematically charge state agencies, political subdivisions of this state and other governmental units of this state for services described in this section and section 41-151.13

# STATE RECORDS MANAGEMENT OFFICER DUTIES #1

## 41-151.13. Records management officer; duties

### Records Manager

- A. The state library shall employ a **records management officer** who is responsible for the direction and control of the records management program.

### Records Management

- 1. Through **consultation and education**, provide for an efficient and contemporary records management program
- using **modern techniques to facilitate the efficient and economic** creation, maintenance, control, retention and disposition of records

### Records Storage

- 2. Operate a **records management center for the maintenance and housing of inactive non-archival records**.
- The records management center shall be **the only inactive records center operated by a state agency**.
- State agencies may use other facilities for inactive records storage with prior approval of the director.
- 3. **Establish standards and procedures** for records accepted for storage.

# STATE RECORDS MANAGEMENT OFFICER DUTIES #2

## 41-151.13. Records management officer; duties

### Secure Vault

- 4. **Operate a secure vault** as part of the records management center for the housing and maintenance of micrographic, machine read and selected essential records.

### Preservation Imaging

- 5. Operate a preservation imaging function that is responsible for:
- (a) **The efficient and coordinated use of micrographics and digital imaging** equipment, techniques and personnel
- to **achieve optimum quality, effectiveness and economy** in the production of source document micrographics and digital imaging.
- (b) **The processing and duplication of microfilm** produced by the preservation imaging operation and film produced by other agencies of this state.

# **RESPONSIBILITIES OF PUBLIC BODIES IN ARIZONA –** **#1 RECORDS AND RECORDS PROGRAM**

41-151.14. State and local public records management; violation; classification; definition

- A. The **head of each state and local agency shall:**
- 1. **Establish and maintain** an active, continuing program for the economical and efficient management of the public records of the agency.
- 2. **Make and maintain** records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of the agency designed to furnish information to protect the rights of the state and of persons directly affected by the agency's activities.

# **RESPONSIBILITIES OF PUBLIC BODIES IN ARIZONA –**

## **#2 SCHEDULING RECORDS**

41-151.14. State and local public records management; violation; classification; definition

- 3. **Submit to the director**, in accordance with established standards, schedules proposing the length of time each record series warrants retention for administrative, legal or fiscal purposes after it has been received by the agency.

# **RESPONSIBILITIES OF PUBLIC BODIES IN ARIZONA –** **#3 DISPOSITION OF UNSCHEDULED RECORDS**

41-151.14. State and local public records management; violation; classification; definition

- **4. Submit a list of public records** in the agency's custody that **are not needed** in the transaction of current business and that are not considered to have sufficient administrative, legal or fiscal value to warrant their **inclusion in established disposal schedules.**

# **RESPONSIBILITIES OF PUBLIC BODIES IN ARIZONA –** **#4 ESSENTIAL RECORDS, SURVEYS & COMPLIANCE**

41-151.14. State and local public records management; violation; classification; definition

- 5. Once **every five years** submit to the director **lists of all essential public records** in the custody of the agency.
- 6. Cooperate with the director in the **conduct of surveys**.
- 8. **Comply with rules, standards and procedures adopted by the director.**

# **RESPONSIBILITIES OF PUBLIC BODIES IN ARIZONA –**

## **#5 DESIGNATE A RECORDS OFFICER**

41-151.14. State and local public records management; violation; classification; definition

- **7. Designate an individual** within the agency to manage the records management program of the agency.
- The agency **shall reconfirm the identity of this individual** to the state library every other year.
- The designated individual:
  - (a) Must be at a level of management sufficient to direct the records management program in an **efficient and effective manner**.
  - (b) Shall act as coordinator and liaison for the agency with the state library.

# RESPONSIBILITIES OF PUBLIC BODIES IN ARIZONA – #6 RECORDS MANAGEMENT DEFINED

41-151.14. State and local public records management; violation; classification; definition

- D. "records management" means
- the **creation and implementation** of systematic controls
- for records and information activities
- from the point where they are created or received through final disposition or archival retention,
- including **distribution, use, storage, retrieval, protection and preservation.**

# **RESPONSIBILITIES OF PUBLIC BODIES IN ARIZONA –**

## **#7 PROMOTE RECORDS MANAGEMENT**

**41-151.14. State and local public records management; violation; classification; definition**

- **B. The governing body of each county, city, town or other political subdivision shall promote the principles of efficient record management for local public records.**
- **Shall follow the program established for the management of state records.**
- **C. A head of a state or local agency who violates this section is guilty of a class 2 misdemeanor.**

# PROTECTION, RETENTION AND PRESERVATION OF RECORDS #1

## 41-151.15. Preservation of public records

- A. **All records made or received** by public officials or employees of this state or the counties and incorporated cities and towns of this state in the course of their public duties **are the property of this state.**
- Except as provided in this article, the director and every other custodian of public records shall **carefully protect and preserve the records** from deterioration, mutilation, loss or destruction
- and, when advisable, shall cause them to be properly repaired and renovated.

# PROTECTION, RETENTION AND PRESERVATION OF PERMANENT RECORDS #2

## 41-151.15. Preservation of public records

- All paper, ink and other materials used in public offices for the purpose of **permanent records shall be of durable quality**
- and **shall comply with the standards established pursuant to section §39-101.**
- **These Standards for Permanent Records are located at the following link:**

**[http://www.azlibrary.gov/archives/documents/pdf/Standard%20for%20Permanent%20Records\\_April%2023%202013\\_Signed.pdf](http://www.azlibrary.gov/archives/documents/pdf/Standard%20for%20Permanent%20Records_April%2023%202013_Signed.pdf)**

- **Additionally, the custodian of records that keeps photography, film, microfiche, digital imaging or other types of reproduction or electronic media shall protect records from loss or destruction pursuant to standards that are established by the director.**

# PERMANENT RECORDS = HISTORIC RECORDS = 500+ YEARS OF RETENTION

## 39-101. Permanent public records; quality; storage; violation; classification

- A. **Permanent public records** of the state, a county, city or town, or other political subdivision of the state,
  - shall be transcribed or kept **on paper or other material which is of durable or permanent quality**
  - and which **conforms to standards established** by the director of the Arizona state library, archives and public records.
- B. Permanent public records transcribed or kept as provided in subsection A **shall be stored and maintained according to standards for the storage of permanent public records** established by the director of the Arizona state library, archives and public records.
- C. A public officer charged with transcribing or keeping such public records **who violates this section is guilty of a class 2 misdemeanor.**

# RECORDS SHALL NOT BE DESTROYED WITHOUT... #3

## 41-151.15. Preservation of public records

- B. Records **shall not be destroyed or otherwise disposed of** by any agency of this state
- unless it is determined by the state library that the **record has no further administrative, legal, fiscal, research or historical value.**
- **How does the State Library provide this determination?**
- Retention Schedules (both General and Custom) signed by the Director of the State Library **provide approval for destruction of the records series AS LONG AS records are destroyed after meeting the specific retention period** for that records series.

# DESTRUCTION OF RECORDS WITHOUT APPROVAL... #4

## 41-151.15. Preservation of public records

- A person who destroys or otherwise disposes of records **without the specific authority of the state library is in violation of section 38-421.**
- 38-421. Stealing, destroying, altering or secreting public record; classification
- A. **An officer** having custody of any record, map or book, or of any paper or proceeding of any court, filed or deposited in any public office, or placed in his hands for any purpose, who steals, or knowingly and without lawful authority destroys, mutilates, defaces, alters, falsifies, removes or secretes the whole or any part thereof, or who permits any other person so to do, is guilty of a class 4 felony.
- B. A **person not an officer** who steals, or knowingly and without lawful authority destroys, mutilates, defaces, alters, falsifies, removes or secretes the whole or any part thereof, or who permits any other person so to do, is guilty of the conduct specified in subsection A of this section is guilty of a class 6 felony.

# REQUEST FOR IMAGING/SCANNING/MICROFILMING - #1

## 41-151.16. Production and reproduction of records by agencies of the state and political subdivisions; admissibility; violation; classification

### A. Each agency of this state or any of its political subdivisions

- **may implement a program for the production or reproduction** by photography or other method of reproduction on film, microfiche, digital imaging or other electronic media of records in its custody, whether obsolete or current, and classify, catalogue and **index such records for convenient reference.**
- The agency, before the institution of any such program of production or reproduction, **shall obtain approval from the director**
- of the types of records to be produced or reproduced
- and of the methods of production, reproduction and storage
- and the equipment which the agency proposes to use in connection with the production, reproduction and storage.
- Approval pursuant to this subsection is necessary for digitizing programs but not for individual instances of digitization.
- **On approval from the director, the source documents may be destroyed**, but only after an administrative audit and after safeguards are in place to protect the public records pursuant to section 41-151.15, subsection A.

# IMAGING / SCANNING / MICROFILMING RECORDS - #2

## 41-151.16. Production and reproduction of records by agencies of the state and political subdivisions; admissibility; violation; classification

- B. Except as otherwise provided by law, **records reproduced as provided** in subsection A of this section **are admissible in evidence.**
- C. A head of an agency of this state or a political subdivision of this state who violates this section is guilty of **a class 2 misdemeanor.**

## 41-151.15. Preservation of public records

- The original of any record produced or reproduced pursuant to section 41-151.16 **may be determined** by the state library **to have no further** administrative, legal, fiscal, research or historical **value.**

# **HISTORIC RECORDS = PERMANENT RECORDS = 500 + YEARS OF RETENTION AND PROTECTION**

## **41-151.17. Duties relating to historical value**

- A. The state library shall:
  - 1. **Determine whether public records** presented to it **are of historical value.**
  - 2. **Dispose of records** determined to be of no historical value.
  - 3. **Accept those records** deemed by a public officer having custody of the records to be unnecessary for the transaction of the business of the public officer's office and **deemed to be of historical value.**

# HISTORIC RECORDS = PERMANENT RECORDS – TERMINATED / SUNSET / TRANSFERRED / PRIVATIZED

## 41-151.17. Duties relating to historical value

- A. The state library shall:

### Terminated or Sunset Public Bodies

- B. **All public records** of any public office,
- upon the termination of the existence and functions of the office,
- **shall be checked by the state library** and either disposed of or transferred to the custody of the state library, in accordance with this article.

### Transferred or Privatized Public Bodies

- **If a public office is terminated or reduced by the transfer of its powers and duties to another office or to other offices,** its appropriate public records shall pass with the powers and duties transferred.

# VALUE, RETENTION AND DISPOSITION OF RECORDS

## 41-151.19. Determination of value; disposition

- **Every public officer** who has public records in the public officer's custody shall consult periodically with the state library and the state library shall determine whether the records in question are of legal, administrative, historical or other value.
- Those records determined to be of legal, administrative, historical or other value shall be preserved.
- Those records determined to be of no legal, administrative, historical or other value shall be disposed of by such method as the state library may specify.
- **A report of records destruction** that includes a list of all records disposed of shall be filed at least annually with the state library on a form prescribed by the state library.

# *GOT QUESTIONS?*



**\*\*\*Please complete an **Evaluation****  
– in email with on-line session  
instruction\*\*\*

# HELPFUL CONTACTS

**Records Management Center (LAPR):**

<http://www.azlibrary.gov/records/>

Phone: 602-926-3815

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Phone: 602-926-3720

Toll Free: 1-800-228-4710 (Arizona only)

**AIIM – Global Community of Information Professionals**

<http://www.aiim.org/>

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<http://www.arma.org/>

**Institute of Certified Records Managers (ICRM):**

<http://www.icrm.org/>

**National Archives and Records Management (NARA):**

<http://www.archives.gov/records-mgmt/>

**National Association of Government Archivists and Records Administrators (NAGARA):**

<http://www.nagara.org/index.cfm>