

# Why Do We Need This Training?



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# General Guidance

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. Please make sure that all phones are muted during the sessions. **Press \*6 and you phone will be muted.**
3. 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.
4. Take a vote: How many of you participated in the first round of trainings on essential records?
5. Take a vote: How many of you are participating in today’s session with a group of co-workers?  
If so, how many of you are there in your group? (Send # as a note)

# Retention Schedules Covered During This Session

Retention Schedules covered in session: Attorney (both County and Municipal), Constable, Legal, Public Defender, Public Fiduciary, and Risk Management (7 Schedules)

- Attorney Records:
- <http://www.azlibrary.gov/records/documents/pdf/20121010104338969.pdf>
- <http://www.azlibrary.gov/records/documents/pdf/20121101113048973.pdf>
- Constable Records:
- <http://www.azlibrary.gov/records/documents/pdf/Counties%20-%20constable.pdf>
- Public Defender Records:
- <http://www.azlibrary.gov/records/documents/pdf/20121010104404738.pdf>
- Public Fiduciary Records:
- <http://www.azlibrary.gov/records/documents/pdf/Counties%20-%20public%20fiduciary.pdf>
- For Legal Records and Risk Management Records DRAFT General Retention Schedules:
- <http://www.azlibrary.gov/fileshare/ListFiles.aspx?id=df5c0474-2580-4ca1-80fc-3ed9dbdfb1c6>

# Agenda For Today's Session

## **1. What we learned in the first training**

Quick review

## **2. Where we are going today**

a. We will review the assigned Retention Schedules

b. We will discuss each records series as Essential or not?

c. We will be voting on each records series using the "raise hands" feature

# Today's Agenda - continued

## 3. Basic Ground Rules

- a. ASLAPR is here as the facilitator for discussion
- b. All participants will need to be muted to help with sound distortion
- c. Please raise your hand if you wish to speak
- d. Feel free to submit notes during session for discussion
- e. When we get to the portion of the sessions where we begin “voting” on which records series are essential for most public bodies, we would like to propose the following process: Majority Rules – we will be voting on which records series are deemed “essential” and will go with a majority rules approach. Will this be OK?

# Today's Agenda - continued

## **4. Discussion of Form and information needed**

- a. What information do you think will need to be captured on the Lists form?
- b. What information do you think your successor(s) will need on the Lists that you compile and report?
- c. Would you like to include the locations and formats of the records listed as essential?
- d. Review of some Lists currently in use in US.

## **5. What's Next for Essential Records**

# “Records” — As Defined By Statute

## 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.

## *ARS §41-151.14:*

5.A. The head of each state and local agency shall:

Once every five years submit to the director **lists of all essential public records** in the custody of the agency.



# *ARS §41-151.12 - Essential Records Defined*

Two Categories of Essential Records:

“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.”

# *Why Prepare for the Worst?*

- Records custodians must be prepared to protect their essential records so that, in the **event of an emergency**, their **offices can recover quickly** and **return to service** for the residents of their state or locality.

# *Essential Records: How Do I Identify Them?*



# *Five Types of Essential Records*

## **Records are considered essential when they:**

1. Are necessary for emergency response
2. Are necessary to resume or continue operations
3. Protect the health, safety, property, and rights of residents
4. Would require massive resources to reconstruct
5. Document the history of communities and families

# *More About Essential Records*

- Essential records require special protection strategies to ensure they are protected and accessible.
- Essential records can be found in any format and in any medium.

# *Four Sources of Essential Records Information*

- Essential records differ by agency.
- Each agency must determine which of its records is or are essential.
- What you need to know to identify essential records:
  1. Your agency's essential functions
  2. The stakeholders
  3. Your agency's records
  4. Relevant statutes, regulations, and standards

# *Differentiate Essential Records from Other Records*

- Only a small percentage of records are essential
- Its critical value during and/or after an emergency makes a record essential.
- As disruption time increases, more records become essential.



# *Retention Schedules as Resources*

- Retention Schedules are “lists” of records that are being created or received by public bodies.
- Some of the records series listed on Retention Schedules will be essential records.
- A great place to start when thinking about your essential records is by reviewing all the General and Custom Schedules that apply to your public body .
- During review, decide which records series on these Schedules are essential for you and circle the records series number.



# Attorney, County Records

1. Criminal Case Records
  - a. Class 1 Felonies
  - b. All other homicides
  - c. Class 2 – 6 Felonies
  - d. Sex Crimes
  - e. Misdemeanors
  - f. Fugitives
  - g. Dismissals – all
2. Investigation Records
3. Civil Cases
4. County Attorney Opinions
5. School District Boundary Changes
6. Voting Rights Submissions to US Department of Justice
7. Juvenile Cases
  - a. Adoption
  - b. All others
8. Victim Witness Client Information Records
9. Bad Check Records
10. Cancelled Restitution Checks
11. Restitution Accounting Records and Reports
12. Cash Receipts
13. Accounting System Computer Back-up

# Attorney, Municipal Records

1. Arrest Records
2. Cases Records
  - a. Zoning
  - b. All others
3. Contracts, Leases and Agreements
4. Legal Opinions
5. Subpoenas and Summons
6. Victim Assistance Grants
7. Covenants Not to Sue or Not to Enforce
8. Tax Liens

# Constable Records

1. Certificates of Service
2. Returned Mail
3. Treasurer's Reports

# Public Defender Records

1. Felony Cases
2. Misdemeanor Cases
3. Juvenile Cases
4. Juvenile Cases Prosecuted Under Sex Predator Act
5. Extradition Files
6. Mental Competency Cases
7. Appeals

# Public Fiduciary Records

1. Administrative Case Records (under \$10,000)
2. Client Records
3. Indigent Burial Financial Records
4. Mental Health Case Records
5. Referral Records

# Legal Records

(Not Already Discussed Under Attorneys / Public Defender)

1. Routine Matter Records
2. Short Term Reference Matter Records
3. Long Term Reference Matter Records
4. Significant Matter Records / Cases Deemed Historically Significant
5. Routine Contract Records
6. Significant Contract Records
7. Child Support Records
8. Claim Records
9. Litigation and Claim Records Involving Minor Children
10. University Legal Records
11. Invoices and Supporting Documentation
12. Correspondence
13. Request for Expenditures
14. Appellate Cases to State Supreme Ct, Ct of Appeals, 9<sup>th</sup> Circuit Ct
  - a. Historically significant
  - b. All others

# Legal Records

(Not Already Discussed Under Attorneys / Public Defender)

15. Cases with Death Penalty Verdict / Sentence
16. Criminal and Civil Asset Forfeiture Cases
  - a. High Profile / Historic
  - b. All others
17. Electronic Interception Records Rejected by Court
18. Mediation Agreement Records
19. Sexually Violent Person Cases
20. Juvenile Delinquency Work Records
21. Traffic Work Records
22. Mental Competency
23. Involuntary Committal Records
24. Intake Sheets
25. Post Conviction Notification
26. Property Case Records
27. Witness Client Records

# Risk Management Records

1. Accident Prevention Records
2. Certificates of Insurance
3. Certificates of Liability
4. Claim Records
5. Claim Registers
6. Claim Reports
7. Incident Reports
8. Insurance Policies
9. Investigation Records
10. Loss Control Records
11. Risk Analysis Records
12. Root Cause Analysis / Evaluation Team Records
13. Safety Records
14. Waiver / Release Records



## *Continuing Process for Submitting Lists*

- These follow-up sessions are the next step in the process of integrating ARS §41-151.14 into Records Management: “submit to the director **lists of all essential public records** in the custody of the agency.”
- ASLAPR will create the form for you to use.
- ASLAPR will refine and define the process for you to use to submit these lists.
- In **June (approximately)**, we will follow-up with you all on the next steps – completing the form and submitting the “lists”.

# The FORM to submit “Lists of Essential Records – What Will be Needed?”

How many of you would like to see the following be included on the Essential Records FORM:

1. Location of Essential records
2. Format (paper, digital, microfilm, backup tape, etc) of essential records
3. Timeframe records would become essential – first 24 hrs, 48 hrs, 72 hrs, 1 week, etc.
4. Designate which type of essential records they are – which of the 5 types is that record?

*Got Questions?*



Any Questions?

# HELPFUL CONTACTS

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**Department of Emergency and Military Affairs / Emergency Management – Preparedness:**

<http://www.dem.azdema.gov/preparedness/index.html>

Phone: (602) 244-0504 / Toll Free: 1-800-411-ADEM (2336)

**Council of State Archivists (CoSA) / Emergency Preparedness:**

<http://www.statearchivists.org/prepare/index.htm>

Telephone: 518-473-9098 / Fax: 518-473-7058

**Federal Emergency Management Agency:**

<http://www.fema.gov/plan-prepare-mitigate>