Risk Management and Digital Preservation of State Electronic Records

An Overview for the Governor's' Office

UNDERSTAND THE NEED

Electronic records (e-records) are more complex than paper records. They require attention to ensure they are preserved and accessible. State government is in the information business and data is its lifeblood. Public records are public information. Records are key to the documentation of government policies, actions, and intent.

- 1693% growth in state and territorial electronic records between 2006-2016

- 445% growth in electronic versus paper records in state and territorial archives

- 1371.1TB of electronic government records held by states and territorial archives

COLLABORATE FOR SUCCESS

E-records management is a cross-boundary group effort—a number of state agencies need to collaborate to ensure success. Collaborative effort is key to developing and adopting best practices and sustainable models for the long-term preservation of electronic records.

THE PITCH: COMMUNICATE PLANS AND EXPECTATIONS

Communicate to state electronic records creators: Employees must have information and training to ensure they correctly carry out new or existing policies and procedures. Employees should understand how to use any new technologies associated with electronic records management.

Communicate with the Public: Electronic records touch the public at all the significant points in life: vital statistics record birth and death; courts record marriages, divorces, deeds, and trusts. The public needs to be confident that the security, confidentiality, and integrity of those records are maintained.

KEEP PUBLIC BUSINESS ON PUBLIC PLATFORMS

Any account that is used for state business is subject to public records laws. The accounts must be managed and archived according to public records laws. If personal social media accounts are used for government business, the content created is a public record. To simplify compliance, be sure that all public officials use official media accounts for state business. Personal accounts should be used for personal communication. Personal communications should not be made via public accounts. Likewise, it is best practice for campaign accounts and public accounts to be separate and used only for their intended purposes. Official accounts should be used for all government business that happens via social media. Keeping public records on public accounts simplifies the management and preservation of e-records, limits costly legal battles over public records, and makes long-term access of state electronic records much simpler.

MANAGE EMAIL RECORDS

Email is one of the most important electronic communication tools in the workplace, including in state government business. Identifying emails that are permanent or long-term electronic records within an email account and properly managing them for long-term use is an important responsibility. Email messages are subject to public records laws and statutes and need to be managed accordingly.

LEGACY DATA AND DATA MANAGEMENT

Electronic objects require special monitoring to maintain the evidentiary status of the records. Establishing fixity, or the property of a digital file or object being fixed or unchanged, is a critical part of confirming evidentiary status of electronic records. States must select technologies that properly manage and store electronic records, while ensuring that the inevitable obsolescence of the technology does not compromise the records' integrity or accessibility.

IDENTIFY RECORDS; DELETE NON-RECORDS

It is critical to preserve e-records for the appropriate amount of time as specified under state law or statute and in records retention schedules and policies. State archives and records management personnel can help determine which electronic files qualify as electronic records. While laws vary from state-to-state, a record normally is a piece of information that documents an organization's "functions, policies, decisions, procedures, operations" or other significant activities. From there, decisions can be made about whether a record can be made publicly available or produced in the event of an open records or Freedom of Information Act request. Disposing of non-records when appropriate minimizes the amount of data that needs to be stored. When the records management schedule indicates that it is ok to dispose of or delete electronic records, do so in compliance with retention policies.

SECURITY AND RISK MANAGEMENT

Security and risk management are critical topics for digital preservation of state electronic records. State archives have to protect data themselves while simultaneously ensuring that third-party service providers are properly protecting data.

Contracts with third-party digital preservation service providers should establish responsibility for functions that are critical to ensuring the integrity of state data including fixity checking and audits or compliance with state government legal responsibilities.

IMPLEMENT SOCIAL MEDIA POLICIES AND STANDARDS

Social media are an important and pervasive part of modern life. Facebook, Twitter, Instagram, and other social media are where people go to get significant and timely information—including government information. Significant governance is happening via social media. Social media communications have been used in court cases and to calm the public in times of uncertainty. As a result, social media content and accounts are required to be preserved as public records. State archives and records management personnel can help determine which records have long-term value and how to preserve them. Records in social media that should be captured and preserved may include:

- Evidence of an administration's policies, business, or mission
- Information only available on the social media site
- Official agency information
- Direct communication with the public using social media

DEDICATE FUNDING

States and territories spend on average .007% of the amount of the total annual budget on all archives and records management functions, including preservation of electronic records. Ongoing resources are needed to ensure the long-term management and accessibility of state electronic records. Sustained funding and increased investment in collaborative research are key to identifying best practices and models for the long-term preservation of electronic records.