

Myths in Records Management

Myth #1: Only some records are really public records, right?

Answer: It's safest to assume that all records an agency or public employee creates and uses are in fact, "public records." Technology has enabled agencies to create massive amounts records and information, and trying to determine between what is or is not a public record can end up being a never ending debate.

It is safer and saves time and energy to operate under the assumption that everything created or used in conducting the business of government is a public record – regardless of it being a piece of paper, an email, social media, created on a device, or stored in SharePoint.

Format doesn't matter, location doesn't matter, what technology you're using doesn't matter. Even if it's a copy of a public record does not negate the fact you are dealing with public records.

You can read for yourself the definitions of a public record that exist in statute, they pretty much say the same thing: A writing, regardless of physical form or characteristics, created by and used by any agency of the state of Washington in connection with the transaction of public business.

- 40.14.010 RCW Preservation and Destruction of Public Records (1957)
- 42.56.010 RCW Public Records Act (1972)

Join us next time as we continue myth-busting where records management is concerned!

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Myth #2: It's easier just to keep everything, and storage is cheap.

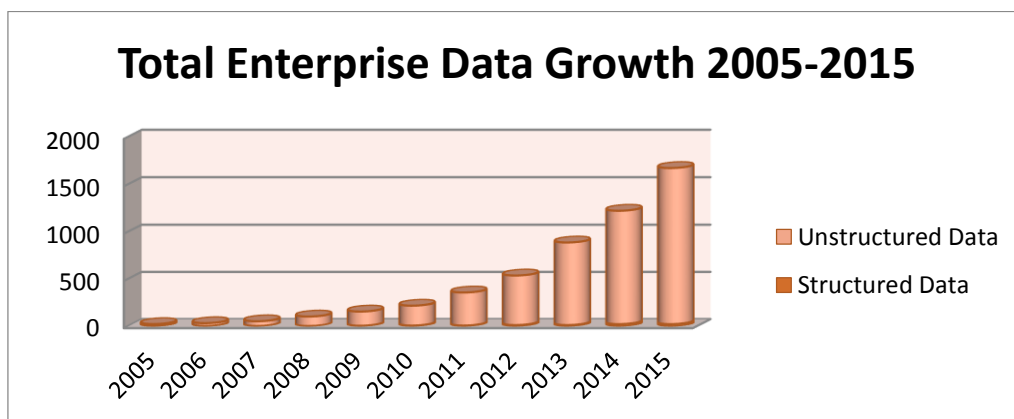
Answer: Not only no, but HECK NO! Even in the days of paper an agency was not required to keep every scrap, note, doodle, Post-It note, draft, or every incarnation of a particular report or document. It didn't make sense back then to keep everything, and it doesn't make any more sense now. *In fact keeping everything compounds the problem, not making anything easier or cheaper.*

One of the best benefits of records management is getting rid of records – either by destruction or transfer to the Archives (in records speak it is referred to as “disposition”). It's a verb, which means to do something!) Systematic and defensible disposition **decreases** costs when it comes to storage space, equipment and staff as well as lowering costs of production and defense for any lawsuits.

The costs for storage and maintenance **increase** substantially with each extra gigabyte of unneeded and unnecessary information lingering on your servers and in your databases. A smart business develops strategies and plans for the care of their informational assets. We don't hang onto surplus equipment, why hang onto surplus records?

Keeping things “just in case” because something *might happen* (just in case we get a records request) or you *think* you may want to refer to it distant future (just in case someone may want to see it in the next millennium, I'm going to keep that first draft) or it's “old” (just in case it might be valuable one day) are not valid reasons or grounds to keep hanging onto records. If the relevant business needs and legal requirements and obligations have come and gone and the agency has the authority to get rid of it, then don't keep it! Apply defensible disposition!

Another real benefit to records management is that if you are following best practices, you are covered “just in case” anyway.



IDC estimates the volume of digital data will grow 40% to 50% per year. By 2020, IDC predicts the number will have reached 40,000 EB, or 40 Zettabytes (ZB). The world's information is doubling every two years. By 2020 the world will generate 50 times the amount of information and 75 times the number of information containers.

There is a misconception that storage is cheap. Initial outlay, yes, it is cheap. Thumb drives are available that will hold 9 gigabytes for around 10 bucks. But there are other less obvious costs that are associated with use of technology since digital "storage" involves more than lingering on a server or sticking it on a 10 gig flash drive.

Hardware: You need the equipment to run the software, and you will likely have to replace that equipment regularly due to obsolescence or failure. Servers take up space, and require cooling, climate controls, and energy to run.

Software: You have to keep/maintain/upgrade the software so you can read, access, and retrieve it, and software fails or becomes obsolescent too.

Staff: Humans still are needed to maintain all of the above and respond as below.

Legal: There is an increased risk to keeping everything when it comes to disclosure and discovery. If you keep a record, you need to be able to locate and search it to respond to litigation or public records requests. This is expensive both in terms of staff time and technology required to search hundreds of locations and thousands of files/emails where relevant records might reasonably exist. Failure to do so can lead to expensive consequences.

If you are storing 9 gigabytes of emails, those 9 gigabytes are subject to searching and production, redactions, attorney review, not to mention showing up in the headlines. You may have the most robust key word feature/search app ever, it still takes time, money and humans to facilitate appropriate production going through those gigabytes. That's not easy or cheap.

Bottom line, we are spending **more** on storing our data than ever before and paying **more** for public disclosure requests lawsuits.

Join us again next time as we continue myth-busting old conceptions of what it means to manage your records!

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Myth #3: We already have really good search tools for EDiscovery, that's all we need!

Answer: This myth comes in tandem with the keeping everything myth. You can have the most robust key word/context/OCR search tool on the planet, it still costs more and takes more time for it to search through massive piles of unstructured data than it would if the information has been organized, the ROT (redundant, outdated and trivial information) has been eliminated and the remaining business records managed as appropriate.

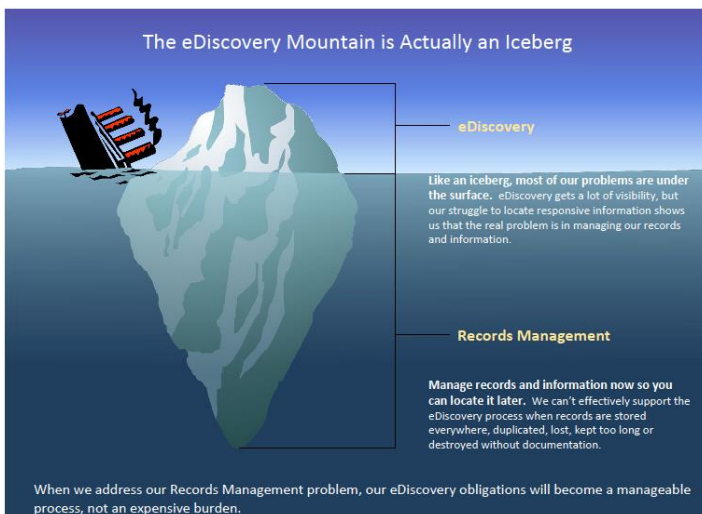
Without implementing any kind of records management strategies, doing what seems to be a simple search on the surface ends up being literally just the tip of the iceberg with massive amounts of data that have remained relatively unseen until you start looking underneath (there tends to be a lot of ROT underneath there!)

Reducing volume and organizing information *up front* and as part of an integral business process strategy avoids creating those icebergs in the first place, and audit and disclosure/discovery compliance happens with much less effort and expense.

Talk about process improvement!

Making more reactive decisions to implement e-discovery "solutions" without understanding and addressing the fundamental problem underneath the surface is akin to rearranging deck chairs on the Titanic. Unless you make the appropriate decisions and turn to avoid the iceberg you are going to hit it, it's just a matter of when. Changing course is much less expensive than an actual disaster, which tends to make the front page news and has costly consequences.

Besides, a really robust enterprise records and information management solution will eliminate the need for additional tools, and reduce costs in both storage and licensing/maintenance of multiple systems that only serve a single function.



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Myth #4: Records management is hopelessly old fashioned and only applies to paper anyway.

Answer:

Granted, the term records management does cause blank looks and eye-rolling and brings to mind file cabinets, banker boxes and mountains of paper. It will sometimes induce moments of nostalgia for when file clerks aka “dragon ladies” (with no offense to either dragons or ladies) that served as guardians of the file cabinet or file room and helped you (or forced you) to get organized. On rare occasions, the term causes panic and widespread hysteria.

Oddly enough, there is still vast amounts of paper being generated. That combined with increasing volumes of digital information perpetuates a hybrid environment that adds to the challenge of managing informational assets.

Call it what you want, records management is alive and well and it still applicable and *even more relevant today*. Managing records used to be (and absolutely should be) an integral component of a business process and needs to be systematically and strategically applied to successfully manage information in a technology-driven and digital- centric world.

Records management is at the core of information governance, and needs to simply be put back into the integral business processes and not as an afterthought or an oh-by-the-way.

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Myth #5: I don't keep anything because I don't think it's important...and besides, no one told me I had to.

Answer:

Opposite of keeping everything is not keeping *anything*, and equally as bad. "No one told me" or "It's not important, I just delete everything" are not good excuses, and a judge will likely take a dim view of trying to use that as a defense in court.

While your particular part of a workflow or process may not require retention, or at the very least a short term retention requirement, the critical point is to know what the actual business and legal needs are for the records you work with. Do not assume anything about the records you create and use; make sure you are holding up your end of the deal as a public employee to support agency requirements. When in doubt, [ask your local records manager](#)!

Improper destruction or mutilation of a public record is a felony. It's rarely prosecuted, but you don't want to be the exception. Better to serve as an example and not a warning.

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MYTH #6: So now I have to become an expert on records management?

Answer: Heck, no!

As public employees, we all have certain responsibilities inherent to being in public service. There are and will be particular requirements surrounding your business unit and agency. People come and go, but the mission of your agency carries on and has present and future needs for access and retrieval of information to meet business and legal obligations.

At a bare minimum, at least know where the file cabinets are/storage is for storing your paper and electronic records. Hopefully your agency will have some kind of records management program in place, or is on the way there to let you know what you need to do.

Talk with your records specialists to make sure you understand the ground rules, what you need to keep, what NOT to keep and how to manage it as part of your workflow processes. You don't have to be an expert, just know what the requirements are for your part of the world.

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MYTH #7: So now I can't use the cool new tools for collaboration and mobility? I live for my technology!!

Answer:

You can still use the cool stuff! Just use them appropriately and consider any public records implications, not just because you want to be first to use the cool stuff. The same thing applies to mobile devices — using these tools strategically can improve workflow and collaboration and be an effective means to work smarter, not harder. Assess the situation, make sure mobility will truly improve things and not add to the problem.

Know what needs to happen to any records if using mobile devices, sharing online or creating collaboration sites. **It's important to make sure the records officer knows what's going on so they can appropriately manage agency records and keep disclosure specialists in the loop so they can appropriately deal with public records requests.**

Get permission from the agency **prior to** using any consumer level products or services to ensure compliance with business and legal requirements, security, and other issues surrounding using cloud resources.

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RECORDS MANAGEMENT
IS EVERYONE'S JOB

