

# **We Have to Keep This How Long?**

**Records Management for Local Government Officials**



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**OCTOBER 2025**



## Oklahoma Statutes

### Records Management Act

### Local Governing Bodies-Program of Records Management

67 O.S. § 207

“The governing body of each county, city, town, village, township, district, authority or any public corporation or political entity whether organized and existing under charter or under general law shall promote the principles of efficient records management for local records.

Such governing body shall, as far as practical, follow the program, established for the management of state records.

The Administrator shall, insofar as possible, upon the request of a governing body provide advice on the establishment of a local records management program.”



## Oklahoma Statutes

### Records Management Act

#### Preservation of Records By Public Officials

67 O.S. § 209

**“All records made or received by or under the authority of or coming into the custody, control or possession of public officials of this state in the course of their public duties shall not be mutilated, destroyed, transferred, removed, altered or otherwise damaged or disposed of, in whole or in part, except as provided by law.”**

# What is a record?



A “record” can be a:

document, book, paper, photograph, microfilm, computer tape, disk, electronic mail, sound recording, film recording, video recording or other material, regardless of physical form,

which concerns the transaction of official business of the state government/institution.

**Records Management Act 67 O.S. § 203**

# What Kinds of Records Do You Have?



- **Administrative**

- Board meetings
- Policies and procedures
- Appointments
- Annual report of trustees

- **Human Resources**

- Personnel
- Performance reviews
- Benefits information

# What Kinds of Records Do You Have?



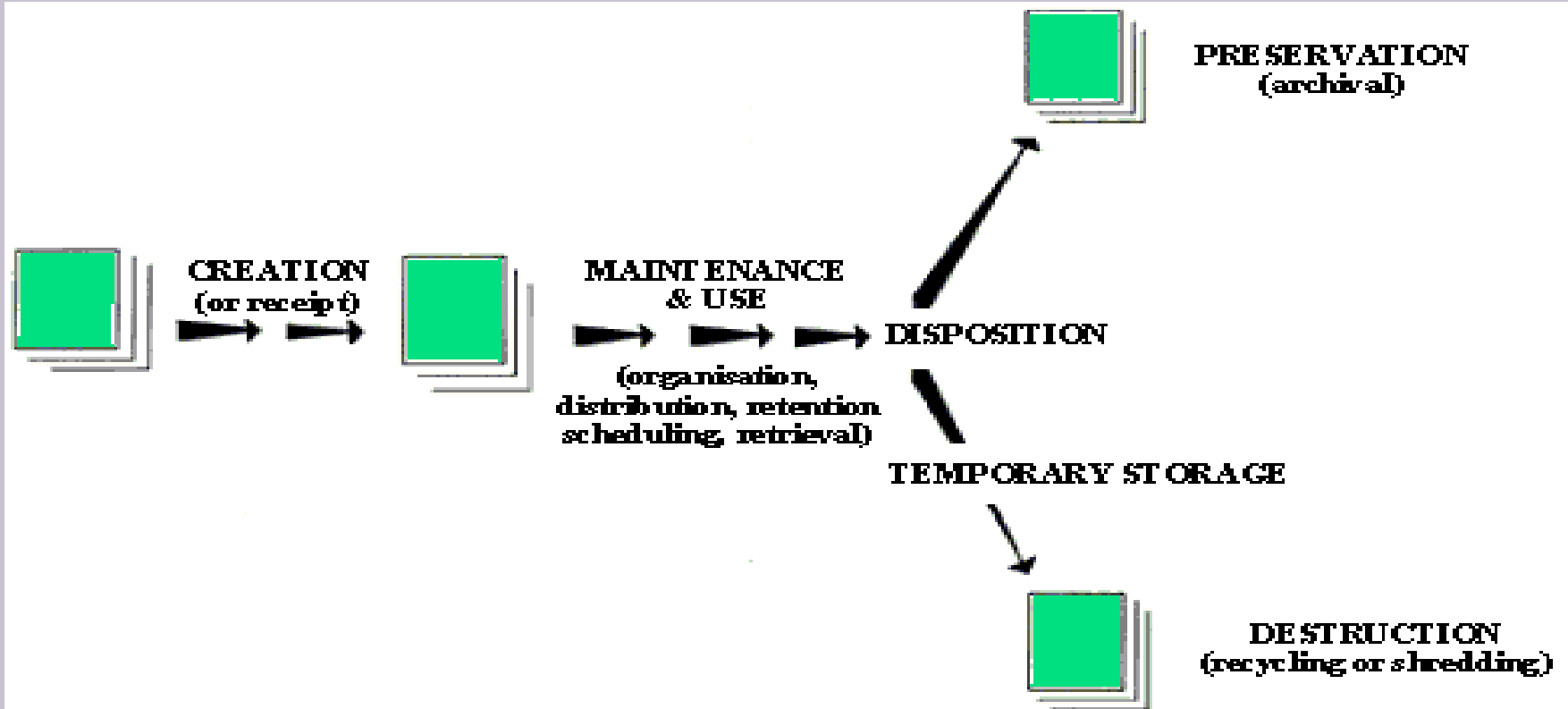
- **Accounting**

- Accounts payable
- Accounts receivable
- General ledger
- Payroll

- **Library Services**

- Catalog
- Circulation
- Collection control
- Special collections

# The Records Life Cycle



# Open Records Act



- As a public service, a public body has a responsibility to furnish records to any public citizen in a reasonable and timely fashion.
- The Open Records Act generally does not apply to confidential records. These include any record that has been deemed confidential by statute or by the Archives and Records Commission.

51 O.S. § 24A



# Determining How Long to Keep Records



The diagram is a two-column layout. At the top, a title 'Determining How Long to Keep Records' is centered. Below it, a horizontal dashed line is interrupted by a circular graphic consisting of two concentric circles. A vertical dashed line runs down the center of the page, dividing it into two equal-width columns. The background of the entire page is a light purple color. The left column contains five text items, and the right column contains four text items, all in bold black font. A solid blue horizontal bar is at the very bottom of the page.

**Day to Day Business  
Operations**

**Audit Requirements**

**Customer Service**

**Employee Service**

**Budgeting and Forecasting**

**Strategic Planning**

**Regulatory Inquiries**

**Lawsuits and Investigations**

**Questions from Important  
People**

**It sounds like a lot of trouble.  
Why don't we just keep everything  
forever?**



**“SOONER OR LATER, YOU WILL RUN OUT OF  
SPACE, WHETHER PHYSICAL OR VIRTUAL,  
AND SOMETHING HAS TO GO.**

**OR, SO MUCH HAS ACCUMULATED THAT  
WHEN YOU HAVE TO FIND SOMETHING,  
LOCATING IT BECOMES IMPOSSIBLY  
DIFFICULT OR EXPENSIVE.”**

# Purpose of Records Management Program



Provide a systematic program to assist with the creation, use, maintenance, retention, disposition, and preservation of all types of records for the purpose of meeting the institution's legal requirements, reducing costs associated with office space, and increasing efficiency, while ensuring that records of permanent value are preserved and obsolete records destroyed.

# What Do We Have to Do to Get Started?



Identify  
What  
You  
Have.

Decide What  
To Do  
With  
It.



**What Can A  
Records  
Retention  
(or Disposition)  
Schedule  
Do For  
Your  
Organization?**

**A Policy Document**

**A Set of Work Instructions**

**A Compliance Document**



**What  
Information  
Does A  
Records  
Retention  
Schedule  
Include?**

**Title of the Record**

**Description of the Record**

**Minimum Retention Period for the  
Record**

**Records may be organized by  
department or function.**

### 3-22 Employee Attendance Records (Record Copy)

Description: Records used to compile attendance and leave statistics for payroll preparations. File may include sign in/sign out sheets or their equivalent.

Disposition: Retain in office three (3) years, then destroy provided all audits have been completed and all applicable audit reports have been accepted and resolved by all applicable federal and state agencies and provided no legal actions are pending. If legal action is pending destroy two (2) years after the exhaustion of all legal remedies provided records meet all stipulated retention requirements. 29 CFR §516, *et. seq.*

Amended April 28, 2005

*From the Oklahoma General Records Disposition Schedule for State Agencies, Boards and Commissions*

# What is the Office of Record?



- **This is the department or business unit responsible for maintaining the record for the entire duration of the retention period.**
- **In an electronic records system, the record copy may be kept in a designated system, database or repository.**



# Is the Record Confidential?



- **Employment Applications or Evaluations**
- **Home Addresses of Current or Former State Employees**
- **Individual Student Records**
- **Social Security Numbers**
- **Individual Medical Records or History**
- **Internal Personnel Investigations**

# Confidential Records Determined By



- Federal Statutes and Regulations
- State Statutes and Regulations
- Court Decisions
- Examples:
  - Records of Executive Session during meeting of public body (51 O.S. § 24.A.59(1)(a))
  - Locating Information (home address, telephone number, social security number) for any person employed or formerly employed by public body. (51 O.S. § 24A.7(D))
  - Litigation files and investigatory reports (51 O.S. § 24A.12)
  - Educational Records (51 O.S. § 24A.16)

# Essential Record



“Essential Record” means a state or local record necessary to the **operation of government** during an emergency created by disaster, or necessary to **protect the rights and interests of persons** or to **establish and affirm powers and duties of government** in the resumption of operations after a disaster.

Records Management Act 67 O.S. § 203(e)

# Convenience and Reference Copies



- Copies of records created for the user's convenience can be destroyed when they are no longer required for administrative purposes.
- It is not necessary to request approval for destruction of convenience copies of state records.

General Records Disposition Schedules, Introduction

# What Else Would Be Useful to Know?



**Media information:** Are the records electronic, paper, microform, or a combination of formats?

**Location information:** Where are the records? If electronic, what software or hardware is required?

**Volume:** What volume is produced annually? How much “space” do the records require?

# Evaluating Records



- Historical Value, such as official minutes
  - Administrative Value, such as inventory of equipment
  - Legal Value, such as grants or contracts
  - Fiscal Value, such as payroll records
- 
- Records are retained for certain periods based on their value to the organization.

# Generally Accepted Recordkeeping Principles<sup>®</sup>



- **Principle of Accountability**
- **Principle of Integrity**
- **Principle of Protection**
- **Principle of Compliance**
- **Principle of Availability**
- **Principle of Retention**
- **Principle of Disposition**
- **Principle of Transparency**

# Look To ARMA for More Information



- **About ARMA International and the Generally Accepted Recordkeeping Principles<sup>®</sup>**

ARMA International ([www.arma.org](http://www.arma.org)) is a not-for-profit professional association and the authority on managing records and information. Formed in 1955, ARMA International is the oldest and largest association for the information management profession with a current international membership of more than 10,000.

It provides education, publications, and information on the efficient maintenance, retrieval, and preservation of vital information created in public and private organizations in all sectors of the economy.

It also publishes Information Management magazine, and the Generally Accepted Recordkeeping Principles<sup>®</sup> (GARP<sup>®</sup>). More information about GARP<sup>®</sup> can be found at [www.arma.org/garp](http://www.arma.org/garp).



# Records Storage



- Records that are to be retained for a specific length of time, in accordance with the schedules, should be stored properly.
- Stored records should be identified with certain information.

# Identifying Stored Records



- Name of record
- Dates covered by the record
- Schedule and series number  
(i.e. GRDS, 1-17)
- Anticipated destruction date
- If multiple boxes, indicate using 1 of 4,  
2 of 4, etc.



# Oklahoma Attorney General Opinion

**2009 OK AG 12**  
Decided 5/13/2009

- **Are e-mails, text messages, and other electronic communications made in connection with the transaction of public business, the expenditure of public funds or the administration of public property, subject to the Oklahoma Open Records Act and the Records Management Act when they are created, received, transmitted, or maintained by public officials on privately owned equipment and communication devices?**
- The answer is yes, unless some provision of law makes the information confidential. Electronic communications that qualify as "records" are subject to the Open Records Act and Records Management Act. Moreover, to conclude otherwise would allow public officials and employees to circumvent the open records laws simply by using privately owned personal electronic communication devices to conduct public business.



# Oklahoma Attorney General Opinion

**2009 OK AG 12**  
Decided 11/07/2001

- **What is the impact of the Oklahoma Open Records Act, [51 O.S. 1991 & Supp. 2000, §§ 24A.1 to 24A.26](#), and the Records Management Act, [67 O.S. 1991 & Supp. 2000, §§ 201 to 215](#), upon electronic messages created or received by State and local governments and which are made in connection with the transaction of public business, the expenditure of public funds or the administering of public property?**
- As is discussed more fully below, e-mail may or may not be a record as defined by the Open Records Act and therefore may or may not be subject to the provisions of that Act. Likewise, e-mail also may be a record under the Records Management Act and may therefore be subject to the provisions of that Act. In each case, its status as a record depends on its content, a factual issue.

# Remember the Benefits of Effective Records Management



**COST**

**OPERATIONAL EFFICIENCY**

**STATUS OF RECORDS**

**TIMELY DISPOSAL OF RECORDS**