

RECORDS MANAGEMENT

*** 1. **Purpose:**

- A. To direct the management, maintenance and disposition of records to the end of their lifecycle. Records management will be based on Schedule 124, General Records for State Agencies (“Schedule 124”), and NDOT Schedule 37 series (“Schedule 37”), to ensure compliance with Nebraska and federal laws.
- B. To provide an efficient means of storing, locating, utilizing and disposing of agency records for business purposes. It is the goal of the agency to eliminate duplicate records and drafts, to retain only one agency copy of each record and to destroy all other courtesy copies once the agency copy has been retained. For assistance, please see Records Guide on page 5 of this document.
- C. The office of primary responsibility for this DOT-OI is the Communications and Public Policy Division. This DOT-OI supersedes DOR-OI 30-2 dated December 26, 2013.

*** 2. **Schedule 124 and Schedule 37:**

- A. Schedule 124 and Schedule 37 are designed to serve as your records management guidelines for storing and disposing of agency records, **regardless of the media on which they reside**, including paper, microfilm, diskettes, optical disks, CDs, DVDs, servers, computer hard drives, email, etc.
- B. Schedule 124 is the general schedule applicable to all state agencies, while Schedule 37 series is specific to NDOT and includes a general schedule, a project schedule, division schedules, and a single schedule for the districts. Schedule 37 series identifies which records will be retained, which division or district is responsible for retaining the record, the length of time records will be retained, and how the records will be retained (e.g., paper, electronic, microfilm).

Approved retention periods are as follows:

- 1 year
 - 3 years
 - 5 years
 - 10 years
 - 20 years
 - 50 years (very limited basis and only as approved by director)
 - Permanent
 - Superseded + (# of previous versions)
 - No longer of reference value but no more than 1 year
- C. **Where to find retention schedules:** The most current retention schedules are available on the Secretary of State website under Records Management. If you need assistance locating a schedule, contact the Records Manager in the Communications and Public Policy Division.

*** 3. **Records:**

- A. A record is any book, document, paper, photograph, microfilm, sound recording, magnetic storage medium, optical storage medium, or other material regardless of physical form or characteristics created and/or received in connection with the transaction of official NDOT business. Data which is a public record in its original form shall remain a public record when maintained in electronic form.
- B. All records created or received by NDOT personnel for NDOT business purposes are the property of the agency and may only be destroyed in accordance with Schedule 124 and Schedule 37. Independent contractors who utilize state resources may also create or receive records subject to this DOT-OI, and should consult the respective division or district regarding applicable retention requirements for such records.
- C. Non-records may be destroyed immediately, and must be destroyed in a timely manner. For examples of non-records, please see Schedule 124, item #124-082.
- D. All NDOT business records will be managed in a manner which makes them available to others within the Agency who need access to the records to perform their duties, and according to Schedule 124, Schedule 37 and the terms of this policy.

*** 4. **Responsibilities:**

- A. Each employee is responsible for retaining and disposing of records in accordance with Schedule 124 and Schedule 37. In the event of a litigation or audit hold, all records affected by the hold must be retained until the hold is lifted, unless otherwise specifically directed by the Legal Division, Controller Division, or in the case of an audit of a single Division, that Division head. Questions concerning litigation holds should be directed to the Legal Division. Questions concerning audit holds should be directed to the Controller Division, or in the case of an audit of a single Division, to that Division Head.
- B. Each district and division is required to review their section of Schedule 37 annually for any necessary changes or updates. Review will be coordinated by the Communications and Public Policy Division and will include an annual meeting of Records Management Coordinators to ensure adequate communication and training. Any requested changes to Schedule 37 schedules must be routed through the Communications and Public Policy Division.

Each division and district must develop a process to insure scanned documents are reviewed and checked for legibility before destruction of the paper copy. Electronic records designated for microfilm must be scanned/saved in a format acceptable to the Communications and Public Policy Division.

Management in each district and division will be responsible for designating a Records Management Coordinator, developing a record management process for the day-to-day management of records, assisting employees and independent contractors with questions regarding records management, and insuring compliance with record management requirements.

Finally, each district and division will be responsible for identifying the position(s)/person(s) responsible (“responsible party”) for placing official agency copies of electronic records into the electronic content management (ECM) for retention purposes in accordance with Schedule 124 and Schedule 37. In addition, each district/division must determine which electronic records belong in the ECM, and determine the metadata required when entering electronic records into the ECM. Once the official agency copy of an electronic record has been placed into the ECM, all other drafts or copies of the electronic record will be deleted or managed according to Schedule 124 and Schedule 37.

Certain records may be subject to accession by State Archives, and will be managed by the Director’s Office and the Records Center. Please see Records Guide on page 5.

- C. The Records Center is a unit in the Communications and Public Policy Division and is responsible for the archiving of records designated for permanent retention by the Department of Transportation. Records to be microfilmed according to Schedule 124 and Schedule 37 will be forwarded or made available to the Records Center for processing.

Any question regarding records management that cannot be answered in the district or division will be directed to the Communications and Public Policy Division through the District Engineer/Division Head or designated Records Management Coordinator.

- D. Periodic audits will occur to review compliance, and to determine whether modifications to existing schedules may be necessary.

*** 5. **Maintenance and Disposition of Electronic Communication:**

- A. Email is defined as either a single email or an email thread (including attachments).

An email thread is a complete conversation including all replies and forwards that pertain to the original email. Keep only the final email of the thread which contains all communication (and relevant attachments) in the series; delete all previous emails associated with the thread except as noted herein in the event of a litigation hold.

- B. The state email system utilizes archiving folders that automatically delete email records according to an identified timeframe. These archiving folders uniformly exist by default in each employee’s email account. As a user of the state email system, each employee is responsible for reviewing the content of each email and managing it according to Schedule 124 and Schedule 37.
- C. Employees are encouraged to create subfolders within their mailbox archive folders to organize their email. Employees are expected to regularly manage their email box in accordance with Schedule 124 and Schedule 37.

- D. Instant Messages (IMs) and text messages which contain content subject to retention under Schedule 124 and Schedule 37 will be forwarded to the State email system (Outlook) and managed according to the rules pertaining to email set forth in this policy.
- E. **Email must be managed and will not be copied to individual computers, portable disc storage devices, or portable devices for storage.**
- F. **If a litigation or audit hold has been issued, do not delete any email or email threads without first discussing with Legal and/or Controller Divisions.** Retain all email and email threads in a protected folder (moving the email from folders subject to automatic deletion/destruction when necessary) until otherwise directed by the Legal Division, Controller Division, or in the case of a single Division audit, that Division Head.

*** 6. **Change in Employment Status, Termination or Retirement:**

- A. NDOT records must be managed in a manner consistent with this policy whenever an employee ends their employment with NDOT, or transfers to a different position within the Agency.
- B. The immediate supervisor is responsible for establishing protocol for transition and retention of records when an employee transfers within NDOT or ends their employment with the Agency. BTSD must be consulted to ensure continuity of the employee's records, including email, in existence at the time of change in employment status.

Vicki Kramer
Director

RECORDS GUIDE

WHAT IS A RECORD? (Nebraska Revised Statute 84-1202)

“Records” defined:

All records made or received by or under the authority of or coming into the custody, control or possession of agencies in the course of their public duties, are the property of the agency concerned, and shall not be mutilated, destroyed, transferred, removed, damaged or otherwise disposed of except as provided by law (in accordance with an approved record retention and disposition schedule.) This does not mean all “records” must be kept for long periods of time; it just means each record needs a lifecycle. A record’s “life” can be anywhere along the spectrum from “destroy immediately” to “retain permanently”.

Record defined:

Any book, document, paper, photograph, microfilm, sound recording, magnetic storage medium, optical storage medium, or other material regardless of physical form or characteristics created or received pursuant to law, charter, ordinance or other authority, in connection with the transaction of official public business.

Electronic Record defined:

A record created, generated, sent, communicated, received or stored by electronic means.

AND – Agency copy defined:

A single copy of a record retained by its custodian as the official record of a government transaction and in accordance with the appropriate records schedule. All other copies are duplicate copies (also known as “working copies”), held for convenience, and may be destroyed.

Essential record defined:

A state record which is within one of the following categories, and which shall be preserved pursuant to the Records Management Act: (84-1202(9), Title 430, Chapter 1, 001.11)

Category A: Records containing information necessary to the operations of government under all conditions, including a period of emergency created by a disaster.

Category B: Records not within Category A but which contain information necessary to protect the rights and interests of persons or to establish or affirm the powers and duties of state government in the resumption of operations after a disaster. Title 430, Chapter 4, 001.01 - Supporting records and other records which are useful, but which are not absolutely essential according to the above definition, shall not be designated as essential records.

Preservation duplicate means a copy of an essential record, which is used for purposes of preserving the record. (84-1202(10), Title 430, Chapter 1, 001.12)

“Nonrecords”

Meaning materials not included within the definition of records (above) may be destroyed at any time by the agency in possession. Some examples of nonrecords include:

- Books, periodicals, newspapers, and catalogues acquired and saved as a general reference resource;
- Extra copies of documents saved only for convenience or reference for which no action is recorded or taken (i.e., reading files);
- Identical or convenience copies of reports, memoranda, etc., for which your office was not the originator or the office of record, and which have not been annotated by your office;
- Stocks of publications, reproduced documents, or other printed materials preserved for supply purposes;
- Blank forms;
- Junk mail, span, tickler files “to-do” and task lists that serve as a reminder than an action is required on a given date or that a reply to action is expected.
- Materials received documenting employee fringe activities (carpool locators, employee recreation and welfare activities, blood donors, charitable funds, community notices, holiday and social meetings, etc.)

Email threads:

Regarding email threads, if the conversation is to be retained according to NDOT Record Retention Schedules, keep only the final email of the thread which contains all communication (and relevant attachments) in the series; delete all previous emails associated with the thread except as noted herein in the event of a litigation or audit hold. If you begin a separate communication off or outside the original email thread, a new email thread has begun and the same rules apply; keep only the final email of the new thread which contains all communication in the series, and delete all previous emails associated with the thread.

Guidance for going from paper to electronic:

- Business purpose: Do others need to see this, either internal or external, to do their work?
- Retention purpose: Does the document need to be retained for a longer period of time such that it is beneficial to have it managed electronically by the system.