

Records and Information Management Policy-CoM

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Policy

Effective records management, including control of the creation, use, maintenance, preservation, and disposition of records, is a key component of both operational efficiency and governmental accountability.

- Wisconsin statute § 19.21 charges state and local officials to both “safely keep and preserve all property and things received from the officer's predecessor or other persons and required by law to be filed, deposited, or kept in the officer's office” and to “provide by ordinance for the destruction of obsolete public records”.
- The Milwaukee City Information Management Committee (CIMC) is charged to “Provide guidelines for development and maintenance of a city records management program including standards for creation, distribution, organization, maintenance, use and disposition of all city records.” (Milwaukee Code of Ordinances 320-31-3-f).

In order to fulfill these mandates, this policy codifies and consolidates the various guidelines, policies, and procedures in use by the City Records Management program to implement these responsibilities. All City employees who work with records in the course of their duties are expected to follow statutes and best practices for the creation, maintenance, preservation, and destruction of public records.

Authority

Wisconsin Statute § 19.21 and Milwaukee Code of Ordinances Chapter 320 set forth the authority for providing for the destruction of obsolete public records. Specific authority for the City of Milwaukee is vested in the City Information Management Committee under Milwaukee Code of Ordinances 320-31-3-f through 320-31-3-m.

Fraudulent alteration or destruction of public records outside of their defined retention periods is a Class H felony, as described by Wisconsin Statutes §§ 943.38-40, and may additionally have adverse effect on litigation for which affected records are required as evidence.

Definition of Records

The City of Milwaukee utilizes the definition for records as defined in Wisconsin Statutes § 19.36(2):

“Record” means any material on which written, drawn, printed, spoken, visual, or electromagnetic information or electronically generated or stored data is recorded or preserved, regardless of physical form or characteristics, that has been created or is being kept by an authority. “Record” includes, but is not limited to, handwritten, typed, or printed pages, maps, charts, photographs, films, recordings, tapes, optical discs, and any other medium on which electronically generated or stored data is recorded or preserved.

"Records" do not include:

1. Drafts, notes, preliminary computations, and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working;
2. Materials that are purely the personal property of the custodian and have no relation to his or her office;
3. Materials to which access is limited by copyright, patent, or request;
4. Published materials in the possession of an authority other than a public library that are available for sale, or that are available for inspection at a public library;
5. Identical copies of the same record.

Electronic records should be retained in the format in which they were created if at all possible.

Wisconsin Administrative Rule ADM 12 provides more information on standards and best practices for maintenance of authentic electronic records.

Records created or received originally in e-mail form, including any attachments, are affirmed as public records and should be managed according to the retention and public access rules governing analogous records in paper or desktop application file form. See the City Email Use Policy at www.Milwaukee.gov/ITPolicies for more information on retention and use of email records.

Records created or received originally as text messages, on social media platforms, or within collaboration suites are also affirmed as public records and should be managed according to retention and public access rules governing analogous records in paper or desktop application file form. See the City Social Media Policy at www.Milwaukee.gov/ITPolicies, for more information on retention and use of social media and collaboration platform records.

Public Access to Records

This policy affirms the principles established by Wisconsin Statutes § 19.31-19.39 declaring public access to records "an essential function of a representative government and an integral part of the routine duties of officers and employees whose responsibility it is to provide such information." Each City of Milwaukee Department Head or elected official is designated as the legal custodian of the records of his or her own department or office, and fills or denies public records requests accordingly. Department Heads and elected officials may also delegate the role of legal custodian to another employee on his or her staff, as specified in Wis. Stat. 19.33. The Office of the City Attorney will provide information, clarification and assistance to departments on public records requests as needed.

Records maintained in the City Records Center (CRC) or the City's central digital preservation system and document management platform ("E-Vault") that have not yet met their full retention period remain under the legal and intellectual custody of the creating office. Individuals making requests for records under the Public Records Law to CRC staff for such records will be referred to the creating office. The CRC staff cannot provide public access to records maintained in the CRC or E-Vault unless the legal

custodian of the records, or his/her designate, has first given the CRC permission to disclose said records (e.g. for Building Plans, Tax Rolls, or Council Files).

Records as City Property; Lending City Records to Outside Parties

Per Milwaukee Code of Ordinances 320-31-5, "All records shall remain the property of the city and shall be preserved, stored, transferred, destroyed, disposed of or otherwise managed in accordance with this section and the laws of the state of Wisconsin. No record shall be destroyed, transferred out of the control of the city or otherwise disposed of without the approval of the committee."

City of Milwaukee records may be lent to outside parties subject to written agreements negotiated by the legal custodian of the records and the borrowing entity.

Designation of City Records Officer, Records Management Program, and Records Coordinators

The City Information Management Committee may designate responsibility for implementation of the City Records Management Program to the Document Services Manager of the Document Services Section under the Office of Common Council/City Clerk. In this role, the Document Services Manager shall serve as the City Records Officer. The City Records Officer shall oversee the City Records Management program and will serve as the City of Milwaukee liaison to the Wisconsin Public Records Board.

Each department head shall designate one or more staff members to serve as Records Coordinators to implement the Records Management Program in the department or its constituent divisions. The City Records Officer shall maintain the roster of Departmental Records Coordinators and request replacements or additional appointments from the Department Heads as appropriate.

Development, Approval, and Use of Retention Schedules

The City Records Officer prepares retention schedules (also known as Records Retention and Disposition Authorities, or RRDAs) at both a Global and department-specific level, in accordance with Wisconsin Statutes 19.21. These schedules serve as proxy notification of, and approval for, destruction or archiving of City records by the State Records Board (Wis. Stat. 19.21(4)) and the City Information Management Committee (Milwaukee Code of Ordinances 320-31-5). No public record may be destroyed without an active, approved retention schedule.

Following approval of any schedule pertaining to any City Department, that Department's employees shall follow the directives of that schedule for length of retention and final disposition of records contained in the described series.

Approval of All Schedules

All retention schedules, specific or Global, shall be approved and implemented via the following process:

- The City Records Officer and/or City Records Staff work with subject-matter experts to develop retention schedules in keeping with the administrative, legal, fiscal, and/or historical value of the records to be scheduled.
- Once schedules are finalized, they receive the appropriate program-level signatures (see below).
- Schedules are reviewed quarterly by the CIMC Administrative Review Team (CART), which verifies the appropriateness of each schedule from the perspective of its members' functional areas. Areas represented on CART as of January 2018 include the Office of the Comptroller, the Legislative Reference Bureau Library, the Information Technology Management Division (ITMD), the Milwaukee Public Library Archives, and the Office of the City Attorney.
- Following approval by CART, schedules are compiled and presented to the City Information Management Committee for discussion and approval. Once approved, schedules are signed by the City Clerk or designee and the City Records Officer.
- The City Records Officer submits approved schedules quarterly to the Wisconsin Public Records Board for review and approval. The Executive Secretary of the State Records Board and the Archivist of Wisconsin sign the schedules to indicate final approval.
- Upon receipt of signed copies, the City Records Officer informs affected departments that their schedules are active and disposition may commence as appropriate. The signed copies should be scanned into the City Records Center digital imaging system for permanent retention and reference. After scanning, the original schedule is returned to the department records coordinator.
- Records Schedules remain active for 10 years from the date of final approval. If a schedule expires in this manner, no further disposition of records in the series may occur until the schedule is renewed or superseded via this process.

Global Retention Schedules

The City Records Officer shall develop Global retention schedules for records created or maintained by multiple City Departments.

Departments are responsible for monitoring and assisting with the update/revisions of Global retention schedule to ensure that the schedule meets the retention and disposition needs for their versions of the scheduled record.

The City Records Officer is responsible for ensuring broad awareness of the Global retention schedule via dissemination through Departmental records coordinators and functional-area subject-matter experts, as well as via static and dynamic communications such as workshops, videos, and the City Records Center's web presence.

The existence of a Global schedule does not imply a duty on the part of any department not already creating a series to begin creating that series for the purposes of retention and disposition.

Global Schedules are signed for program-level approval by the head of the Department most directly related to the functional area they represent. In the event that no suitable Department relates to the Global Schedule, the City Clerk signs for program-level approval.

As of the date of adoption of this policy, departments are automatically subject to Global schedules for all affected records, and existing schedules will be automatically superseded and closed at the CIMC meeting following the one at which the Global schedule was adopted. Departments may opt out of Global Schedules, but must have a replacement schedule for the affected records no later than one year after the date of adoption of the Global schedule.

Specific Retention Schedules

Department records coordinators shall work with the City Records Officer to develop retention schedules for records specific to individual offices.

Departments are responsible for monitoring and assisting with the update/revisions of the Department Operational Retention Schedule to ensure that the schedule accurately reflects the records created and maintained by the department.

The City Records Officer is responsible for reviewing records schedules submitted by departments to ensure they meet legal requirements and best practices for records retention in the state of Wisconsin.

Specific schedules are signed for program-level approval by the head of the Department, the head of the affected division or section (if applicable), and the Department records coordinator.

Department records coordinators should also identify obsolete or superseded records schedules and either close schedules with no inventory in their office or the City Records Center, or transfer existing inventory to another active schedule. Schedule close or supersede requests are approved by CIMC, but not by the Public Records Board.

Destruction of Records under the Retention Schedule

Following the approval of applicable Global or specific retention schedules, the schedules should be implemented by departments. Use of the schedules is governed by the procedures developed to administer the Records Management Program. All City Records are subject to one of four disposition instructions:

Destroy/Scrap/Delete, which indicates records of a temporary nature with no sensitive or confidential information. Departments may destroy these records in the manner in which they see fit.

Destroy Confidential/Destroy Under Supervision/Purge, which indicates records of a temporary nature containing sensitive or confidential information. Departments should either send these records to the City Records Center to be destroyed (if a box- or file- level audit trail is required), or use a destruction barrel provided by the City's shredding contractor to securely store records on-site until picked up for storage (appropriate for destroying large volumes of files). See also the City Records Program Confidential Destruction Policy.

Transfer to Archives/MPLScreen/MPL/LRB, which identifies records of a historic nature that must be preserved for further appraisal by City Records Center and/or Milwaukee Public Library staff. See also Standards for the Storage Location of Records.

Permanent, which identifies records of ongoing value and frequent use that should be retained in the creating office, or by the City Records Center as a microfilmed or imaged series on behalf of the creating office.

Archival Records

Per Milwaukee Code of Ordinances 320-33-L, Departments shall transfer “records of historical interest that are no longer needed for the proper administration of city business” to the City Archives. The City Records Officer shall work with the Milwaukee Public Library special collections staff and City Information Committee to appraise records with historical or research value and create retention schedules to identify records so appraised. This identification shall take one of three forms, following the guidelines in Standards for the Storage Location of Records:

Transfer to City Archives at Legislative Reference Bureau signifies those records and documents subject to deposit in the Legislative Reference Bureau library under Milwaukee Code of Ordinances 305-32, including annual reports, publications, minutes, and bylaws.

Transfer to City Archives at City Records Center signifies records scheduled for permanent preservation in the City Records Center, either as micrographics or electronically within the City’s central digital preservation system and document management platform (“E-Vault”). Records with this disposition may be either born-digital or imaged versions of paper records. See also Wisconsin Statutes 16.61(7) and 16.612.

Transfer to City Archives at MPL signifies records of high research or evidentiary value, but low ongoing administrative value, OR records with high evidentiary value more than 30 years old.

Departments transferring records with archival dispositions to the City Archives shall first transfer the records to the City Records Center, following all appropriate transfer procedures. The City Records Officer may suggest additional steps to be taken to facilitate processing of archival records.

Once archival records transferred to the City Records Center have met their retention periods, the creating office can choose to transfer intellectual control¹ of those records to the City Archives. Legal custody and control of the records remains with the creating department. If a creating office opts to transfer intellectual control of records:

- Agents of the City Archives, including City Records staff, LRB librarians, or MPL librarians, may screen records for duplicates, personal drafts, publications, or other non-records or non-permanent records. These records will be destroyed following screening unless a request to return screened materials is filed with the City Records Officer, or if the Wisconsin Historical Society exercises its right to inspect records under Wis. Stat. 19.21(4)(a).
- Records may be partially or fully processed, necessitating revision of the inventory provided by the creating Department. City Records staff will provide updated inventories of transferred

¹ “The creation of tools such as catalogs, finding aids, or other guides that enable researchers to locate relevant materials relevant to their interests.” Definition from Richard Pearce-Moses, *Glossary of Archival and Records Terminology* (Chicago: Society of American Archivists, 2005).

<https://www2.archivists.org/glossary/terms/i/intellectual-control>

materials to Department Records Coordinators to facilitate the approved disclosure of archival records.

- City Records Staff who have undergone appropriate training will screen all records potentially containing sensitive or confidential information for such information during processing and clearly indicate the existence and nature of any access restrictions in relevant descriptive tools.
- If a legal custodian, or his or her designee, has given City Records permission to disclose records, those records may be made available to City employees or members of the public for research or consultation, subject to policies and procedures for maintaining the confidentiality of Personally Identifiable Information and other sensitive information. Agents of the City Archives shall follow all applicable confidentiality and sensitivity laws and regulations to determine appropriate access to records. Creating Departments may also specify, at point of transfer, additional restrictions on access to records.
- No records or publications transferred in this manner may be used outside the premises of designated areas in the City Records Center, LRB Library, or Milwaukee Public Library by any office other than the office of origin. The latter may withdraw on indefinite loan any records which it has transferred.

Suspension of Records Destruction – Pending Litigation, Government Investigation or Audit

The Department Head and the Records Coordinator must review all records prior to destruction to ensure that pending actions (litigation, government investigation or audit) will not be affected by the destruction. If a department has been notified that litigation, government investigation or audit is imminent or pending all destruction must be suspended for records involved with the action.

Departments should contact their City Attorney representative to clarify the specific records involved in an action to ensure that all record production and discovery obligations can be met.

In cases where records affected by pending litigation, government investigation or audit are eligible for destruction and are maintained in the City Records Center, the Department head, Records Coordinator, or the Office of the City Attorney must notify the City Records Officer as soon as possible ahead of the scheduled destruction date of affected records. Destruction of such records will be suspended until such time as one of the above parties informs the City Records Officer that the hold should be lifted.

Governance and Responsibilities

City Information Management Committee

As the agent with statutory responsibility for records of the City, the City Information Management Committee:

Promotes citywide implementation of best Records Management and Information Governance practices.

Designates a City Records Officer to administer the Records Management Program.

Provides guidance and oversight in the development of an effective communications strategy to promote the Program.

Assists with development of effective policies, procedures, and standards for management of City Records.

Reviews and approves, rejects or modifies departmental requests for retention, transfer to inactive storage and final disposition of city records.

Encourages ongoing adherence to the program by all City employees including managers, department heads and the Council.

City Records Officer

In addition to other duties assigned in this policy, the City Records Officer:

Identifies, researches and documents record retention schedules, disposition policies, procedures and best practices.

Provides records management advice and assistance to City departments through the development and implementation of policies, procedures and training programs.

Oversees management of semi-active and inactive City records via management of the City Records Center.

Manages the central repository for long-term and permanent imaged and born-digital city records (E-Vault), including development of policies and outreach for new records applications.

With department heads, identifies security and confidentiality concerns with records from Archival series, develops screening and release policies and procedures when a creating office opts to transfer intellectual control of records, and trains members of City Records Staff on appropriate implementation of those procedures.

Works with the Legislative Reference Bureau Library and City Archives at the Milwaukee Public Library to provide guidance for appraisal, processing, preservation, and discovery of City archival records.

Department Heads

As legal custodian of Department records at the City of Milwaukee, each Department head:

Cooperates with the City Records Officer in carrying out the policy and procedures established for the City of Milwaukee.

Assigns department records coordinator(s) to represent the department in activities related to the management of records.

Ensures that transactions of city business are properly documented (including services, programs and duties for which the department head and his/her staff are responsible).

Reviews and signs destruction authorization forms for records that have met the retention requirements.

If a custodial determination has been made to transfer intellectual control of records to the City Records Center, reviews and approves policies and procedures for providing or withholding access to records series of a confidential nature or otherwise containing sensitive information.

Ensures that department staff follows all appropriate retention, storage and destruction requirements.

Records Coordinators

As the individual designated to coordinate records activities for a department, the Records Coordinator:

Assists the City Records Officer in reviewing departmental schedules to renew, close, or supersede all department-specific schedules, as appropriate.

Conducts or supervises the creation of record inventories for the department for the creation of specific schedules that capture records that are unique to the department.

Develop and implement filing systems to manage large volumes or groupings of records.

If a custodial determination has been made to transfer intellectual control of records to the City Records Center, identifies confidential records series, as well as confidential or sensitive records being transferred to the City Records Center, in accordance with policies and procedures developed by the City Records Officer and Department Head.

Assists in the review of records that are identified for destruction maintained in the department and the Records Center.

Creates and maintains the documentation necessary to implement the program at the department level.

Coordinates and implements the policy and procedures of the Records Management Program for the department.

Disseminates information to department staff concerning the program.