

# **State Records Management: State Archives and Records Act, Iowa Code Chapter 305**

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**Iowa Code chapter 305 governs the scheduling, retention, and final disposition (by destruction or permanent preservation) of state government records.**

## **Why is records management important?**

Records are a necessary tool for conducting state government business, serving as the memory of government and as a guaranty of transparency. Different types of records are useful for different lengths of time. Records management assures that records remain available for as long as their information content is needed, and that no longer needed records may be lawfully destroyed.

## **Who is covered?**

Agencies covered by chapter 305 include all executive and legislative branch departments, offices, commissions, boards, or other units, except the Department of Transportation and Regents institutions, which create their own records programs.

## **What records are covered?**

A “record” is “a document, book, paper, electronic record, photograph, sound recording, or other material, regardless of physical form or characteristics, made, produced, executed, or received pursuant to law *in connection with the transaction of official business of state government.*” Iowa Code § 305.2(9) (emphasis added).

## **When can records be destroyed?**

“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 are the property of the state and shall not be mutilated, destroyed, transferred, removed, or otherwise damaged or disposed of, in whole or in part, except as provided by law or by rule.” Iowa Code § 305.13.

## **Who are the main players?**

- State Records Commission
- Department of Cultural Affairs
- State Agencies

## **Which officials (or designees) sit on the State Records Commission?**

1. Secretary of State
2. Director of the Dept. of Cultural Affairs
3. Treasurer of State
4. Director of the Dept. of Revenue
5. Director of the Dept. of Management
6. State Librarian
7. Auditor of State
8. Director of the Dept. of Administrative Services

## **What purposes are served by the State Records Commission?**

The Commission meets quarterly and adopts policies, standards, and guidelines to:

1. Provide for economy and efficiency in the creation, organization, maintenance, administrative use, security, public availability, and final disposition of government records, including the adoption of the “records series retention and disposition schedules” (State Records Manual) which establish:
  - (a) the length of time a records series must be retained in active or inactive status, and
  - (b) the manner in which the record series will be finally disposed through destruction or permanent retention.
2. Ensure creation of proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of state government agencies to protect the legal and financial rights of the state and of persons directly affected by the government’s activities.
3. Identify and preserve state government records that document the history and development of the state.

## **What is the role of the Dept. of Cultural Affairs?**

1. Administers the State Archives and Records Program, headed by the State Archivist, and staffs the State Records Commission.
2. Recommends records series retention and disposition schedules.
3. Maintains the State Records Manual adopted by the Commission.
4. Manages the State Records Center, the centralized storage facility for agency use in storing inactive records prior to final disposition.
5. Develops procedures for the transfer of records to and from the records center, the destruction of “temporary” records, and the transfer of records with archival value to the physical and legal custody of the state archives.

## **What are the duties of state agency heads?**

1. Make and maintain records containing adequate and proper documentation of the agency organization, functions, policies, decisions, procedures, and essential transactions designed to furnish information to protect the legal and financial rights of the state and of persons directly affected by the agency’s activities.
2. Designate one or more records officers to coordinate the agency’s internal records program and act as the point of contact for the State Archives and Records Program.
3. Inventory all records.
4. Draft proposed records series retention and disposition schedules.
5. Identify and protect vital operating records which contain information essential to continue or reestablish the agency in the event of a natural or other disaster.

## **What is the “life cycle” of a record?**

1. Records are created or received by the agency, and categorized according to the agency’s inventory of records.
  - a. Records fit into a specific records series.
  - b. Inventories should be cross-matched with the administrative rules adopted under the Iowa Fair Information Practices Act, Iowa Code § 22.11, to assure all categories of records are captured in the schedules.
2. Records are active through completion of matters documented by the records.
3. Inactive records are retained as long as needed for legal compliance, fiscal need, or administrative reference.
4. Records are finally disposed:
  - a. Destroyed once routine legal, fiscal, and administrative need has past, or
  - b. Permanently retained as state archives for historical value.

## **Which records are preserved in state archives?**

Records are preserved in the state archives when:

1. The State Records Commission has appraised the records as having sufficient historical, research, evidential, or information value to warrant permanent preservation, and
2. The records have been transferred to the legal and physical custody of the state archives.

All other records are scheduled to be destroyed, which may be after 6 months, 60 years, or even longer, depending on identified routine need.

## **What is the difference between the records center and state archives?**

### 1. Records Center

- a. The records center is nothing more than a storage warehouse.
- b. Agencies are not required to send records to the records center.
- c. When records are sent to the records center, agencies transfer only physical custody unless schedules designate permanent retention.
- d. The agency retains legal custody of all “temporary” records and controls all public access to the stored records.
- e. Active records are not sent to the records center as it is highly disruptive to retrieve records once stored.
- f. The records center will store records in any format, including electronic. Currently, electronic records stored in the records center are only those formatted to portable media. Electronic records in agencies’ network space simply remain in that space through their entire life cycle.

### 2. State Archives

- a. The transfer of records to state archives conveys both physical and legal custody from agencies to the State Archivist.
- b. Once records are transferred to state archives, the State Archivist controls all public access to the stored records.
- c. In some circumstances an agency or official may expressly reserve certain legal rights with respect to identified records, a common occurrence when Governor’s transfer records at the end of their terms in office.

## What is the state policy on retention of email?

### CHAPTER 15 E-MAIL RETENTION

#### **671—15.1(17A,305) Definitions.**

“*E-mail*” is a computer-generated message transmitted or received by means of a computer network. An E-mail may contain any combination of text, Internet Uniform Resource Locator (URL) links, attached files and associated metadata.

“*E-mail messages*” are individual E-mail transmissions sent or received.

“*Metadata*” is the contextual information (i.e., sender, recipient, creation date, transmission information) that is used to understand and access other information.

“*Record*” means a document, book, paper, electronic record, photograph, sound recording, or other material regardless of physical form or characteristics, made, produced, executed, or received pursuant to law in connection with the transaction of official business of state government. “Record” does not include library and museum material made or acquired and preserved solely for reference or exhibition purposes, additional copies of records maintained or distributed for reference purposes, or stocks of publications and unprocessed forms.

#### **671—15.2(17A,305) E-mail messages as records.**

**15.2(1)** E-mail messages are records as defined in rule 671—15.1(17A,305) when sent or received in the course of conducting state business.

**15.2(2)** In order to determine the proper retention and disposition, E-mail messages must be evaluated for content and purpose. E-mail messages that meet the definition of “record” must be retained and disposed of in accordance with records series retention and disposition schedules which have been approved by the records commission.

**15.2(3)** Approved record series retention and disposition schedules for state government records of Iowa are available through the state records manual. Agencies may request additions and changes to the schedules by submitting a request to the records commission in accordance with 671—Chapter 3.

**15.2(4)** To protect the integrity of information contained in E-mail messages that meet the definition of “record,” they must be maintained as authentic, reliable and trustworthy records for their entire retention period. Unauthorized users must not be able to modify, destroy or distribute E-mail messages from an E-mail storage system.