



Minnesota Pollution Control Agency

RECORDS AND DATA MANAGEMENT MANUAL

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Introduction

Pursuant to Minn. Stat. § 15.17, all governmental entities such as the Minnesota Pollution Control Agency (MPCA) must make and preserve all records necessary to a full and accurate knowledge of their official activities. These records must be passed on to successors in office to ensure that it is understood why past actions and decisions were made.

Minn. Stat. § 138.17 requires all governmental entities to keep an inventory of their records and to maintain a records retention schedule that determines how long these records need to be preserved and describes the manner in which they should be disposed.

Governmental entities that fail to create, preserve and properly dispose of their records according to the law may not be able to meet their obligations under the Minnesota Government Data Practices Act, found in Minnesota statutes chapter 13, which is a state law that regulates the handling of all governmental data that are created, collected, received, stored, maintained and disseminated by a governmental entity regardless of their physical form, how they are stored or how they are used.

Specific Roles and Responsibilities

In order to fulfill these statutory requirements, all agency employees are responsible for following the agency's Records and Data Management Policy (number 1-admin 8-12) as well as the requirements described in this manual. This manual defines the following records management-related requirements and responsibilities:

Commissioner

The Commissioner is responsible for creating and preserving records that adequately and properly document the organization, functions, policies, decisions, procedures and essential transactions of the MPCA. This responsibility is delegated to the Data Services Section Manager.

Data Services Section Manager/Agency Record Managers

The Data Services Section Manager is responsible for the planning, guidance and general oversight of the records management program in the agency and its incorporation into the agency culture and the broader information resources management framework. The Data Services Section Manager is responsible for:

- incorporating records management and policies into the agency's overall information resources and management policy and planning;
- designating agency Records Managers who will be responsible for:
 - leading and managing the agency-wide records management program;
 - ensuring senior agency staff members are aware of their programmatic and individual records management responsibilities;
 - advising on records management issues and developing agency-wide records management policies, procedures, guidance and training materials;
 - coordinating the approval of the agency's records retention schedule;

- coordinating records management issues with other agencies, including federal oversight agencies;
- providing technical advice and training to all agency employees and establishing and maintaining an effective records management program; and
- evaluating recordkeeping practices to determine the effectiveness of the program
- designating records management staff as required or needed;
- promulgating and communicating agency-wide policies and guidance that reflect the agency's records management mission and goals, incorporating any state or federal requirements; and
- assigning overall responsibility for the records management aspects of centrally provided information technology infrastructure, including local area network applications.

Deputy Commissioners/Division Directors/Section Managers/Supervisors

The Deputy Commissioners, Division Directors, Section Managers and Supervisors are responsible for:

- ensuring that there are adequate skills, resources and time for staff to regularly conduct recordkeeping activities;
- developing and disseminating directives and operating procedures as needed to supplement the agency-wide Records and Data Management policy in order to meet the unique records management needs of the organization and to support a records management program within the organization;
- ensuring records and other types of required documentary materials are not unlawfully removed from the agency by current or departing officials, employees or agents;
- developing records management oversight roles and a communication network with all program units including field offices and other facilities, as appropriate, to ensure that the records management program is implemented at all sites under their jurisdiction;
- ensuring that not public records are protected in accordance with appropriate laws;
- monitoring staff members under their supervision to ensure that they understand and comply with the agency's recordkeeping policies and procedures for the creation and maintenance of records; and
- supporting and fostering a culture within their workgroup that promotes good recordkeeping practices.

Minnesota Information Technology Systems

The agency Minnesota Information Technology Systems staff members are responsible for:

- ensuring that information systems intended to carry out electronic records management comply with the agency's electronic recordkeeping system;
- implementing proper recordkeeping procedures for existing information systems and ensuring recordkeeping requirements are included in proposed systems;
- ensuring that internet and intranet postings containing official records are maintained in accordance with the agency's recordkeeping requirements; and
- working with the agency Records Manager to establish and update records schedules for electronic systems.

Continuity of Operations Program Planners

The Continuity of Operations (COOP) Program planners are responsible for:

- working with records management staff to implement the vital records plan to ensure the continuation of designated COOP essential functions and
- ensuring that vital records are accessible from designated COOP locations.

Employees

All employees must ensure that they:

- understand the recordkeeping obligations and responsibilities that relate to their positions;
- adhere to agency policies, procedures and standards in keeping records documenting their daily work;
- create all records needed to conduct the agency's business and document its actions, activities and decisions and capture these records into identified agency recordkeeping systems as required by law and the MPCA's policies and procedures;
- follow the operational standard throughout the agency for the creation, capturing, maintenance, retention, storage and disposition of records;
- understand their records management responsibilities relative to the creation, capturing, maintenance, retention, storage and disposition of records;
- maintain and store agency records in such a manner that they can be easily accessed and retrieved when needed; and
- safeguard the agency's records through appropriate access and security arrangements is understood and observed by all employees for all classifications of data (public or not public).

In order to follow required records management procedures, employees must have a good understanding records and records management.

Background Information

Benefits of a Records Management Program

Records enable and support the agency in its work to fulfill its mission. "Records management" involves controlling and governing the records of the agency.

Records management:

- allows quicker retrieval of records from files;
- contributes to the smooth operation of the agency's programs by making the records needed for decision making and operations readily available;
- facilitates effective performance of activities throughout the agency;
- improves office efficiency and productivity;
- provides better documentation more efficiently;
- helps deliver services in a consistent and equitable manner;
- meets statutory and regulatory requirements regarding archival, audit and oversight activities;

- protects records from inappropriate and unauthorized access;
- protects the rights of the agency, its employees and its customers;
- provides protection and support in litigation;
- provides continuity in the event of a disaster;
- supports and documents historical and other research;
- avoids unnecessary purchases of office equipment and
- frees up office space for other purposes by moving inactive records to storage facilities.

The work of records management includes identifying, classifying, prioritizing, storing, securing, archiving, preserving, retrieving, tracking and disposing of records.

The agency's Records Management program aims to maintain, protect, retain or dispose of records in accordance with governmental regulations, legal requirements and historical and reference requirements. The goals of the records management program are to:

- provide an historical record of the agency's operations and activities to facilitate sound, consistent decision making;
- provide evidence of business transactions and decisions - for purposes of accountability;
- meet legislative and service delivery requirements and
- minimize or eliminate risks of poor decision-making arising from gaps in information and background.

What is a Record?

"Records" are broadly defined by statutes and regulation to include all recorded information, regardless of medium or format, made or received by the agency or its agents under law in connection with the transaction of public business and either preserved or appropriate for preservation because of their administrative, evidential, fiscal, historical, informational or legal value.

Administrative Value

Records that have administrative value support the ongoing, day-to-day administrative affairs of the agency and are used in conducting routine business and they assist the agency in performing its current and future work.

Evidential Value

Records that have evidential value document, in the historical sense, the existence and achievements of the agency and are useful for ensuring accountability and for writing organizational administrative histories.

Fiscal Value

Records that have fiscal value pertain to financial matters and transactions. They are often needed for audit purposes. Federal and state requirements often determine retention periods for records with fiscal value.

Historical Value

Records that have historical value provide information about the past. They often document the development of the agency and its policies, provide unique evidence of the lives and activities of its employees and describe social and economic conditions of the agency.

Informational Value

Records that have informational value pertain mostly to the external activities in which the agency has been engaged and are useful for researching people, significant historical events and social developments.

Legal Value

Records that have legal value deal with matters related to law. They often demonstrate compliance with legal, statutory and regulatory requirements.

Record Types

There are different types of records managed at the MPCA and the agency has procedures for managing these records regardless of their type. These types include:

- Official Record;
- Transitory Record;
- Duplicate Record;
- Working Paper and
- Nonrecord.

Official Record

An "official record" is broadly defined by statutes and regulation to include all recorded information, regardless of medium or format, made or received by the agency or its agents under law in connection with the transaction of public business and either preserved or appropriate for preservation because of its administrative, evidential, fiscal, historical, informational or legal value.

An official record includes any final product related to the agency's activities. Some examples may include: enforcement actions, letters, models, permits, reports etc.

An official record also includes supporting materials and data that document and explain the agency's decision-making processes connected with the transaction of its business - such as annotations, drafts, meeting minutes, raw data, reports, telephone logs etc.

Once a document is scanned into the agency's electronic document management system (e.g. OnBase), the document then becomes the agency's "official record."

Transitory Record

A “transitory record” is a document of short-term interest that does not pertain to the official activities of the agency.

Some common types of transitory records include:

- routine requests for information or publications and copies of replies that require no administrative action, no policy decision and no special compilation or research (e.g., an e-mail requesting nominations for an agency work group and the replies to this message);
- letters of transmittal that do not add information to the transmitted materials (e.g., a message transmitting a copy of a document to a requester); and
- quasi-official notices that do not serve as the basis for official actions (e.g., notices of holidays, bond campaigns etc).

Duplicate Record

A “duplicate record” is a copy of an agency record.

A duplicate record should only be used when access to or use of the record in the agency’s filing systems is not possible or is inconvenient.

A duplicate record should be marked as such by marking them with a “COPY” stamp or by adding a “COPY” notation in the upper right corner of the document.

A duplicate record should be destroyed immediately after use.

It is the responsibility of the originator of a document that is addressed to multiple recipients to ensure that the original is retained in accordance with the procedures described in this manual.

A recipient of a copy of a communication that clearly has multiple addressees should destroy that copy, unless the recipient has made annotations against his/her copy and addressed them to the originator or a third person. A copy of a record that has annotations or notes constitutes an original record and cannot be destroyed. It must be retained in accordance with the procedures described in this manual.

Working Paper

The National Archives and Records Administration defines working papers as documents such as "rough notes, calculations or drafts assembled or created and used to prepare or analyze other documents."

There are two principal types of working papers:

- working papers that receive no official action themselves, are not reviewed or approved by others and are simply used to prepare documents for official action such as review, signature, publication etc. (e.g., budget calculations using different

parameters, preliminary outlines for a report, lists of suggested points to be included in a memo etc.) and

- working papers that relate to preliminary, interim or ancillary activities that are not needed as part of the official record of the activity (e.g., drafts of routine memoranda and correspondence and proposed changes, informal comments received on a draft publication, documents used to brief staff and achieve concurrence on a proposed action etc.)

There are many functions and activities for which specific recordkeeping guidelines have been developed that explicitly identify the types of documentation necessary for complete files. Working papers, including drafts, background information etc. may or may not be needed as part of the documentation for these activities. For each type of file or function, existing function or program-specific guidance concerning the documentation necessary for a complete file should be referenced.

Working papers pertaining to legal matters and financial concerns of the agency may need to be retained. If there are questions regarding whether working papers should be retained, guidance should be sought from records management staff.

Specific types of working papers include:

- **Comments**

Unless otherwise specified, comments received on drafts, proposals, suggestions and similar things can be deleted/destroyed once they have been incorporated or summarized for the official record. Examples include comments on drafts of internal memoranda, routine correspondence and reports.

Please note that there are very specific requirements for keeping records of comments for specific activities such as scientific publications and regulatory or policy development. Comments received during internal and/or informal reviews are usually not as critical to the adequate and proper documentation of an activity.

However, comments received from the public and/or regulated community during a formal agency comment process or those received during a formal review by outside experts should be carefully documented for the record - either by keeping the original comments themselves, or, if the volume is extensive, by keeping a summary of the comments and how they were used.

- **Development materials**

Documents such as preliminary calculations, approaches to issues, outlines and other materials that a staff member uses to prepare documents for official action can be destroyed/deleted once they are incorporated into a final product. Examples include annotated copies of documents, preliminary calculations, results of preliminary investigations, lists of points to be considered or included, ideas or suggestions received from coworkers and other documentation used in the development of documents for official action.

- **Drafts**

Drafts and comments associated with them require special attention. In some cases, these must be included in the official file as part of the documentation of agency activity. Examples include important mission-related policy, regulatory development, and some types of permits. In general, the recordkeeping requirements for a specific type of file should specify the conditions under which drafts and comments need to be included as part of the official files.

However, there are many instances when drafts can safely be destroyed. Examples include drafts not circulated for comment and drafts of most general publications, correspondence, internal memoranda and other documents not related to critical functions. In such cases, drafts and associated comments can be destroyed once changes have been included in a revised version.

- **Notes**

Unless otherwise specified, notes that do not qualify as personal papers can be destroyed/deleted once they are incorporated into a final product. Examples include notes used to prepare meeting minutes, records of telephone conversations, decision memoranda or other documents when the gist of the discussion, conversation, direction or other activity is embodied in a document that states the official agency decision, position or outcome.

Nonrecord

A “nonrecord” is a document created or received by the agency that does not meet the definitions of any of the other listed record types. It does not contribute to an understanding of the agency’s activities, business or decision-making processes.

Some examples may include: documents received that provide information but are not connected to the transaction of agency business (such as an e-mail from a listserv, a flyer regarding an upcoming training), library materials, technical materials maintained for the purpose of reference etc.

A summary of the various record types can be found in the below table.

Record Type	Description
Official Record	made or received by the agency or its agents under law in connection with the transaction of public business preserved or appropriate for preservation because of its administrative, evidential, historical, fiscal, informative or legal value
Transitory Record	documents of short-term interest that do not pertain to the official activities of the agency retention period limited to the interval required for completion of the action required by the communication
Duplicate Record	a copy of an agency record
Nonrecord	materials that do not meet the definition of a record usually not required to be retained
Working Paper	rough notes, calculations or drafts assembled, created or used to prepare or analyze other documents

