

Town of Ulysses
Records Management Policies and Procedures

10/24/17

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I RECORDS MANAGEMENT PROGRAM

I.1 OBJECTIVES OF A RECORDS MANAGEMENT PROGRAM

Town records belong to the public and taxpayers. As government officials, we are responsible for the maintenance and preservation of these records.

The purpose of the Town of Ulysses' Records Management Program is to provide protection and systematic control for the records created by the Town of Ulysses. Records Management is an administrative service that ensures the legal disposition of obsolete records; identifies, preserves, and encourages the use of archival records; provides efficient records storage and makes records available quickly when needed.

I.2 BENEFITS OF A RECORDS MANAGEMENT PROGRAM

A strong program...

1. Ensures that records management is a continuing administrative function of the town's operation and not just a periodic housekeeping function.
2. Provides a clear, legal basis for actions pertaining to records, and a clear definition of who is responsible for the varying aspects of the record management program.
3. Demonstrates to all town employees the commitment to, as well as the significance and legal basis of the records program.
4. Shows the public and taxpayers the serious intent of the town to maintain accessible, usable, and reliable records.

I.3 RECORDS MANAGEMENT OFFICER (RMO)

I.3.1 WHO IS THE RMO?

Under the provisions of Article 57-A, Arts and Cultural Affairs Law ("Local Government Records Law") the Town Clerk is automatically the RMO, and the Town must notify the State Archives each time a new Town Clerk takes office.

I.3.2 DUTIES

The duties of the RMO will be to:

- 1) Initiate, coordinate, and promote the systematic management of the town's records in consultation and cooperation with other town officers
- 2) Work with department and unit heads to guide the development and application of records management practices for town offices, including those using electronic recordkeeping systems
- 3) Ensure the legal destruction of obsolete records
- 4) Serve as chairperson of the Records Advisory Board
- 5) Compile and maintain an updated listing of town records
- 6) Provide appropriate storage for inactive records that have not met their legal retention
- 7) Prepare and submit requests for disposition of records not found on *Schedule MU-1*, records predating 1910, unreadable records, and records damaged by disasters, to the State Archives
- 8) Ensure the preservation of archival records, the sound management of these records, and their availability for research, including their deposit with a historical records repository where appropriate

- 9) Consult as necessary with the State Archives and state agencies involved in records creation and management, such as the NYS Office of Information Technology Services and the Office of Court Administration (OCA).
- 10) Coordinate the development of funding strategies to improve the management of town records, including the submission of Local Government Records Management Improvement Fund (LGRMIF) grant applications to the State Archives
- 11) Participate in developing, reviewing proposals for, and coordinating any information technology systems

I.4 RECORDS MANAGEMENT PROGRAM RESPONSIBILITY

I.4.1 PROGRAM PLANNING

The RMO, assisted by the Records Advisory Board, will have the responsibility to plan and develop the town's records management program.

I.4.2 RECORDS MANAGEMENT TRAINING

The RMO will periodically attend trainings to stay up to date with Records Management.

The RMO's office will provide department staff with training in records management procedures.

Town departments or offices will inform the RMO of the need for training their respective staff.

I.4.3 EXECUTIVE AND LEGISLATIVE ENDORSEMENT

The Town Supervisor and Town Board authorize the responsibilities outlined in this records management manual and authorize the development of the policies and procedures within this manual.

I.5 RECORDS ADVISORY BOARD

I.5.1 BOARD MEMBERSHIP

The Records Advisory Board will consist of liaisons/representatives from the town board and various departments. Membership will be determined annually at the Organizational Meeting of the Town Board. In addition to the Information Technology person, Town Historian, and Records Access Officer (if other than the RMO), the board may include members of the general public as board members see fit.

I.5.2 DUTIES OF THE BOARD

The Records Advisory Board will have the following duties:

- (1) Provide advice to the RMO on the development of the records management program.
- (2) Periodically review records inventories for completeness and accuracy.
- (3) Periodically review the performance of the program and propose improvements.
- (4) Provide advice on the appraisal of records for archival value.
- (5) Actively support the records management program and promote it among the departments of the town.

I.5.3 MEETING FREQUENCY

The RMO or a designated alternate will convene and preside over all formal meetings. The RMO will provide for the scheduling of meetings or as needed.

I.5.4 QUORUM

All actions of the Board require a quorum. A quorum consists of the chairperson or designated alternate, plus a majority of the voting board members or their authorized appointed alternates.

Board actions and recommendations will be decided by consensus or by a simple majority vote of members present at the meeting.

II CREATION OF RECORDS

II.1 OFFICIAL COPIES OF RECORDS

II.1.1 DEFINITIONS

Each records series in the town is either:

- i) The official copy (sometimes called the “record copy”) of that series that needs to be kept to meet the official retention period, or
- ii) A duplicate copy of that series (or individual records contained in the series) that may be destroyed when no longer needed unless that duplicate copy is covered by a separate item on *Schedule MU-1* or the Office of Court Administration (OCA) or Department of Health (DOH) schedules.

Certain published materials as well as books are considered library materials under law, unless they are part of specific records series. These materials can be destroyed when no longer needed by town departments.

II.1.2 DESIGNATION OF RECORDS AS THE OFFICIAL COPIES

It is important that each records series in the town be designated as an official copy or a duplicate copy of that series for retention purposes.

The town will use the following criteria to determine the official copy or “record copy”:

- Any records series officially filed in a specific office pursuant to statute or regulations will be the official copy of that record
- Any unique copy of a record will be the official copy

In most other cases, the original copy will almost always be the official copy.

Town personnel need to know which copies of their records are official or record copies.

Contact the RMO in cases where you are unsure if you are retaining the official copy of a record.

Office retention schedules will identify official copies of records.

II.1.3 MICROFILM AS OFFICIAL COPY

The town may legally make microfilm copies of town records for any reason and replace the original with these copies, providing the retention period for the record is found on *Schedule MU-1*. If the town has replaced paper records with microfilm copies, the microfilm can be considered the official copy. The original records can then be disposed of unless they need to be retained because they predate 1910 and/or possess intrinsic value.

II.1.4 ELECTRONIC RECORDS AS OFFICIAL COPY

Electronic records may be designated as the official copy of a record series. In such a case, the department must ensure, according to State Archives regulations (Section 185.8, *8NYCRR*), that the electronic record is accessible and usable for the entire required retention period for that record, and that all other requirements of the State Archives have been met.

II.1.5 UNOFFICIAL COPIES OF RECORDS

Any copies that are not the official copy of record are unofficial copies.

Unofficial copies may be destroyed when no longer needed unless otherwise specified on retention schedules.

The RMO will accept unofficial as well as official copies for storage in the town's records storage areas so long as their continuing retention can be justified and space permits. Storage of official copies takes precedence.

II.2 STANDARDS FOR RECORDS CREATION

II.2.1 REQUIRING FORMATS FOR RECORDS FILED WITH THE GOVERNMENT

Town officers and employees, working with the RMO, will determine when the town should require that records filed with the town be filed in a certain format, if legally permitted. The reasons for such requirements would be to ensure that the records are filed in the most usable form and to help save the town money caused by converting the records to more useful formats in the future.

II.2.2 MEDIA STANDARDS FOR ELECTRONIC RECORDS

The town must ensure that it purchases only high-quality storage media of recent manufacture.

Because of the instability of removable media (such as thumb or flash drives), town offices should not depend on them for long-term backups but should use them only for short-term backup of files or to make copies of files for outside distribution.

II.2.3 USE OF COMPATIBLE SOFTWARE AND HARDWARE WITHIN THE TOWN

The Town of Ulysses is dedicated to ensuring that all offices within the town can share data easily and efficiently.

Before making any purchase of software for other applications, a town department must contact the RMO and the IT person to ensure compatibility.

II.2.4 PRODUCTION OF ARCHIVAL RECORDS ON DURABLE MEDIA

Since archival records need to be kept permanently, town departments need to consider what materials to use to produce such records. For example, official copies of town annual reports, minutes, and proceedings should be printed on heavy, high-quality, alkaline paper.

Other archival records generated by the town should be produced on high-quality, alkaline paper or produced in such a way that they can be microfilmed or scanned easily.

II.2.5 PRODUCING MINUTES OR PROCEEDINGS OF HEARINGS AND PUBLIC MEETINGS

The Town of Ulysses maintains audio and/or video recordings of most public meetings.

The RMO ensures that all hearings and public meetings are transcribed properly by following acceptable standards and procedures and maintaining the recording media for four months. Some recordings (such as annual Town Board meetings and public hearings) may possess archival value and may be retained longer, as determined by the Records Advisory Board.

III CUSTODY OF GOVERNMENT RECORDS

III.1 OWNERSHIP OF GOVERNMENT RECORDS

All town departments and town employees must understand that the records they use in their daily work are not their personal records. The records of the Town of Ulysses belong to the town and are maintained by town personnel for the benefit of the public and all levels of government.

III.2 CUSTODY OF ACTIVE & INACTIVE RECORDS

All active and inactive records of the Town of Ulysses are considered to be owned by the town as an entity regardless of which department originally created the records or physically possesses them. By law, the RMO has ultimate responsibility for all records of the town, this implies physical custody but not ownership even if they are maintained in storage areas under the RMO's control.

III.3 OWNERSHIP OF RECORDS CREATED BY CONTRACTORS FOR THE TOWN

All records produced by any consultant or other contractor (architect, lawyer, engineer, consultant) for the Town of Ulysses under contract by the town will remain the property of the town. The contractors may, however, retain copies of these materials for their own records. All pertinent contracts will include these stipulations.

III.4 CUSTODY OF COURT RECORDS

Court records are officially considered records of the State of New York, under the oversight of the Office of Court Administration (OCA). Under the Uniform Justice Court Act, town justices have custody of their own records when they are active. However, after the retirement of the town justice and the transfer of these records to the town records center, custody of these records resides with the RMO. Access is granted by permission of the RMO and a presiding justice.

IV LITIGATION SUPPORT

IV.1 NEED FOR LITIGATION SUPPORT

Litigation support includes all those activities that protect the interests of the town and its citizens in legal disputes. This section explains the town's procedures for managing records to ensure their acceptability in court and the town's procedures for responding to requests for records that arise from litigation.

In all cases where a lawsuit has been brought against the town, town officials must contact the Town Attorney.

IV.2 CONSISTENT CREATION AND MAINTENANCE OF RECORDS

Every department is responsible for ensuring that the records in its control are accurate, complete, and authentic. Town departments must have procedures and controls in place to ensure accuracy and authenticity of records to support the town in case of any litigation. In some cases, especially with sensitive records or electronic records systems, town departments should have written procedures in place.

IV.3 CONSISTENT RECORDS DISPOSITION PROCEDURES

Every year, the town destroys records it no longer needs. In any legal dispute, however, the town must be able to prove that it is destroying these records in a consistent manner and according to *Schedule MU-1* and the Office of Court Administration (OCA) and Department of Health (DOH) schedules. If the town cannot prove this, opposing counsel can question the town's legal disposition of any records that may have been helpful to the opposing party in court. For this reason, town departments must comply with the retention schedule followed by the town. Whenever there is a need to avoid absolute adherence to the schedule, departments should discuss this issue with the RMO.

IV.4 MAINTAINING SATISFACTORY ACCESS TO RECORDS

To support the general work of the town, town departments and the RMO need to ensure they can easily find any record within the town. This access becomes even more important to ensure the town can adequately access its records. For these reasons, town departments must maintain necessary controls over their records (including indexes). A department that needs help setting up such controls should contact the RMO.

IV.5 RESPONSE TO A PENDING LAWSUIT

After learning that a lawsuit is pending against the town, the RMO must:

- (1) Contact the department holding the records as well as the Town Supervisor, Town Attorney, and if necessary, the IT director
- (2) Determine which records are pertinent to the lawsuit and where they are located
- (3) Take steps to ensure that these specific records will not accidentally be disposed of or altered in any way
- (4) Bring to a halt any planned disposition of these records, until the conclusion of this lawsuit, as determined by town counsel

IV.6 RESPONDING TO LEGAL DISCOVERY

The town's legal counsel and the RMO must work together before responding to legal discovery. Legal discovery is the action of the opposing party in a lawsuit legally demanding copies of all records related to the issue at hand.

When responding to a discovery motion, the town must ensure that it

- (1) Turns over copies of all records relating to the issue
- (2) Provides the records to the opposing side in a usable format
- (3) Determines the most cost-efficient method of reproducing these records

IV.7 TESTIFYING AT HEARINGS AND COURT PROCEEDINGS

Any town personnel providing testimony relating to records on behalf of the town must discuss such testimony with the Town Attorney beforehand. They should also be prepared to describe the town's procedures for creating and maintaining the records in question and to describe the town's procedures for records disposition.

Anyone with questions about the legal status of these records management issues should contact the RMO.

V RETENTION AND DISPOSITION OF RECORDS

V.1 RETENTION SCHEDULES

V.1.1 ADOPTION OF APPROPRIATE RETENTION SCHEDULES

The Town of Ulysses has adopted and follows *Records Retention and Disposition Schedule MU-1* ("*Schedule MU-1*"; located in the clerk's office and on the town server) as developed by the New York State Archives and last updated in 2003. Each town department and unit follows the minimum retention periods outlined in this publication. In instances where records are not covered by this schedule, the RMO will contact the State Archives.

V.1.2 DOCUMENTING EXTENSIONS TO MINIMUM RETENTIONS

Town departments, working with the RMO, may formally extend the minimum retention periods for certain record series found in the *Schedule MU-1*.

Each of these extensions must be documented in the town's office retention schedules, and each extension is carefully marked as an extension beyond the minimum.

V.1.3 EXCEPTIONS TO GENERAL RETENTION RULES

In some situations, the regular rules concerning the retention of records do not apply. Town departments must keep in mind the following exceptions:

- a. LEGAL PROCEEDINGS- During legal proceedings, the town must retain the corresponding records even if their retention has passed. Such proceedings include subpoenas, outstanding Freedom of Information Law (FOIL) requests, and notices of claim. In such circumstances, the town cannot dispose of the records until legal action is totally resolved.
- b. AUDITS- If the town has been informed that an audit is pending, the town must maintain those records until the audit has been completed.
- c. COURT RECORDS- Town Court records are disposable according to two schedules issued by the Office of Court Administration (OCA). Official birth, death, and marriage records are disposable according to schedules prepared for the State Department of Health (DOH). Canceled obligations are disposable under Regulations of the State Comptroller. In these instances, *Schedule MU-1* does not apply.
- d. If the record is not covered by an item on the *Schedule MU-1*, then a department must contact the RMO to work with the State Archives to develop a retention period covering these records.
- e. If a town department has decided to retain its records for longer than the mandated minimum, it must be noted in the office retention schedule for that department.
- f. DISASTERS- In the event of records damaged by a disaster, or when records are no longer in an accessible format, they may be destroyed even though their minimum retention periods have not been met. In those cases, the RMO will consult with the State Archives and obtain permission to dispose of the damaged or unreadable records.
- g. Certain records may need to be retained for one year longer than *Schedule MU-1* dictates if those records are subject to the requirements stated in Section 29.2 of *8NYCRR* for health professionals, other than physicians, employed by or associated with local governments. This determination must be made by the RMO, who will consult the State Archives if necessary.

- h. Records predating 1910 cannot be disposed of without express written approval by the State Archives. These special disposition requests are handled by the RMO.
- i. Records possessing intrinsic value should not be destroyed. This determination must be made by the RMO, who will consult the State Archives if necessary.

V.1.4 OFFICE RETENTION SCHEDULES

The RMO's office has developed office retention schedules for each town department. The schedules indicate:

- (1) How long the record must be retained according to *Schedule MU-1*
- (2) How long each record should be retained in active office files
- (3) Whether the department has opted to maintain the record beyond the minimum mandated in *Schedule MU-1*
- (4) Which copies are official copies of the record series

V.2 RECORDS DISPOSITION

V.2.1 IMPORTANCE OF DOCUMENTING DISPOSITION

The RMO oversees all records dispositions:

- (1) To document that department heads and the RMO authorized the disposition of records
- (2) To document that the records were actually disposed of
- (3) To document that the records were consistently disposed of in accordance with records retention requirements

V.2.2 AUTHORITY TO DISPOSE OF GOVERNMENT RECORDS

Town personnel will not destroy or otherwise dispose of records before obtaining a Records Destruction Authorization Form signed by the RMO and the appropriate department head.

V.2.3 RECORDS DESTRUCTION AUTHORIZATION FORM

The Town's Records Destruction Authorization Form includes the records series title, the minimum retention, the schedule citation, and the volume of records. The form also includes space for authorizations, to document the destruction of records, and to document records sent to and retrieved from inactive storage.

V.2.4 DISPOSITION OF TOWN RECORDS

When the legal minimum retention period of town records has expired, the RMO will notify the department by submitting a completed Records Destruction Authorization Form. The department head will review the list of records and sign it to indicate approval of the destruction.

The RMO will maintain a file of completed Records Destruction Authorization Forms.

For records requiring an extension to their retention period, a revised disposition date will be negotiated with the department and entered into the appropriate office retention schedule.

Upon written approval from the department head, the RMO will arrange for and carry out appropriate disposal where feasible.

V.2.5 DISPOSITION OF COURT RECORDS

Each town justice must follow the current *Records Retention and Disposition Schedule for Criminal Records of the Criminal Court* and *Records Retention and Disposition Schedule for Civil Records of Civil Court* from the Office of Court Administration (OCA).

When a town justice decides that the records have met their retention and may be disposed of, the justice must complete the Records Disposition Request Form for these records and submit them to the RMO. In addition, forms must be prepared and submitted to OCA for its approval.

When approval is received for disposition of court records from the above office, the town justice must follow the Unified Court System (UCS) Records Management Policy.

V.2.6 DISPOSITION OF VITAL STATISTICS RECORDS

Records of marriages (dating after 1880) generated pursuant to Article 41 of the Public Health Law are considered State government records even though they are generated by or filed in towns and other local government offices. These records have been scheduled, and if questions arise, the RMO will contact the State Archives and/or the New York State Department of Health.

V.2.7 DISPOSITION OF CANCELED OBLIGATIONS

The disposition of canceled obligations (including bonds and notes) is covered by Section 63.10 of the Local Finance Law and Part 55 of *2NYCRR*. A leaflet on this subject is available from the State Archives. If questions arise, the RMO will contact the State Archives and/or the Office of New York State Comptroller.

V.2.8 DISPOSITION DAY

On a designated day to be determined each year, the RMO of the Town of Ulysses will facilitate a "Disposition Day" to encourage people to check the records in their offices, dispose of unnecessary records, and transfer inactive records to the inactive storage location.

V.2.9 METHODS OF DESTRUCTION

The Town of Ulysses will make every attempt to see that all obsolete town records are disposed of through recycling.

However, prior to recycling, the town will make certain that all confidential records are shredded or destroyed by other means that ensure confidentiality. Computer hard drives containing confidential information should be cleared ("ghosted") prior to disposal of the hardware.

V.3 APPRAISAL OF ARCHIVAL RECORDS

V.3.1 REASONS FOR APPRAISING RECORDS

The Town of Ulysses may believe that certain records that have been assigned less than permanent retention on *Schedule MU-1* or the OCA and DOH schedules warrant permanent preservation for historical research and other reasons. In such circumstances, the RMO will coordinate an appraisal of these records to determine if the records are in fact archival and require permanent retention.

V.3.2 PROCESS FOR APPRAISING RECORDS

The town's Records Advisory Board will carry out any official appraisal of records for archival value. If the Records Advisory Board determines by consensus that the records are archival, the town will retain the records permanently.

If this Records Advisory Board determines by consensus that the records are not archival, the town will dispose of the records, which may include transfer of the records to a local historical society, library, or another repository.

If the Records Advisory Board cannot meet an initial consensus, the town will retain the records until the Records Advisory Board can make a final decision.

V.3.3 CRITERIA FOR APPRAISING RECORDS AS ARCHIVAL

When conducting an appraisal, the Records Advisory Board will evaluate the records based upon the following criteria:

- i) When the Records Were Created
 - (1) The records were created during an important period in the town's history
 - (2) Records from that time period are scarce
 - (3) Records cover a long enough period of time to document the topic fully
- ii) Why the Records Were Created
 - (1) An important office in the town created the records
 - (2) The records document principal functions of that office
 - (3) The records contain information of ongoing value
- ii) What information the records contain
 - (1) The records cover important activities
 - (2) The records are an important source of information on these activities since they are the only or best source or since they dispute other records in a significant way
- i) Who created the records
 - (1) Someone closely allied with that activity created the records
 - (2) The records creator held an important position in town government

VI STORAGE AND PRESERVATION OF RECORDS

The Town will do its best to comply with the most current specifications for shelving, fire prevention and suppression, and environmental controls. Specifications are available from New York State Archives.

VI.1 STORAGE AND PRESERVATION OF ELECTRONIC RECORDS

VI.1.1 BACKUP PROCEDURES

The town's information technology (IT) person will be responsible for backing up all records, information systems, and software applications on the town-wide Local Area Network (LAN; also known as the server). Staff should be sure to save documents onto the network rather than their computer desktops, as desktop information is not backed up.

The IT person will back up the entire LAN on this schedule:

- (1) A daily backup of all changes to the LAN during the course of the day
- (2) A weekly backup of the entire contents of the LAN

VI.2 VITAL RECORDS PROTECTION

VI.2.1 DEFINITION OF VITAL RECORDS

Vital records are those records whose loss would seriously impair the departments of the Town of Ulysses from fulfilling their work requirements. These are records that are essential to the operation of town government.

VI.2.2 IDENTIFYING VITAL RECORDS

The RMO's office, in cooperation with individual departments and units, will identify and maintain a list of the vital records in each town department.

VI.2.3 METHODS OF PROTECTION

There are three basic methods the town can use to protect its vital records:

- a) Protect onsite in fire-resistant facilities
- b) Protect by storing copies (including microfilm copies) in a safe, offsite location
- c) Protect by storing duplicate copies in other town offices

At least once each year, the RMO will review whether all vital records are properly protected.

VI.3 DISASTER PLANNING

VI.3.1 PERFORMING RISK ASSESSMENTS

The Town of Ulysses will perform periodic risk assessments, under the direction of the RMO. These assessments will determine any risks to town records and operations. The town will use these assessments to update its disaster prevention and recovery plans. The State Archives, The NYS Office of Information Technology Services, and the State Emergency Management Office will be consulted when necessary.

VI.3.2 ESTABLISHING RISK PRIORITIES FOR EACH DEPARTMENT AND UNIT

The RMO's office, in conjunction with individual town departments, will determine priority records and systems for each.

VI.3.3 DETERMINE RECOVERY STRATEGIES

For each of the priority records and systems, the RMO will determine the appropriate disaster prevention process and recovery strategy in case of a disaster.

VI.3.4 ORGANIZING AND DOCUMENTING A WRITTEN PLAN

During the disaster reassessment process, the town will evaluate and update its current disaster response plan. The RMO is responsible for ensuring that the disaster response plan is updated.

VI.3.5 TESTING THE PLAN

Each part of the disaster response plan should be tested to ensure that it works. The RMO's office and all other departments will carry out such testing, which may include physical testing, tabletop testing, computer simulations, or other methods.

VI.4 DISASTER RESPONSE PLAN

The RMO will ensure that the Town of Ulysses has an up-to-date disaster response plan that addresses how to respond in case of various disasters affecting town records. This plan should be incorporated into the town's overall disaster response plan. The county emergency services coordinator should be consulted for their expertise in this area.

In addition to the RMO and Town Supervisor, all town department heads will be required to maintain a paper copy of this plan in their offices and at their homes. It is necessary to require storage of these duplicate copies offsite so that the town may respond to a disaster no matter when it occurs or which staff is immediately available.

This disaster response plan will include detailed contact information and response strategies covering three main areas:

- a) Initial Response to a Disaster
- b) Records Packout
- c) Restocking Records and Restoring Systems

VI.5 MICROFILMING

Please refer to NYS Archives publications for additional microfilming guidelines and specifications.

VI.5.1 CHOOSING RECORDS TO MICROFILM

Microfilming of records can be justified if

- a) the records must be legally retained fifteen years or longer
- b) more than one copy is required
- c) the record has a continuing high reference rate, and the records are not being imaged
- d) there is a repeated need to make copies of the record
- e) the records are so valuable that a microfilm security copy should be maintained. The microfilm copy becomes a safeguard against the loss, destruction or deterioration of the original records

VI.5.2 STORAGE OF MICROFILM MASTERS

The Town of Ulysses should consider storing its master microfilm (not its use copies of microfilm) offsite for these reasons:

- i) The town cannot provide acceptable storage conditions for silver microfilm.
Unless silver halide microfilm is stored under stringent climatic conditions, the film will not last for its entire 500-year expected lifetime.
- ii) Only if stored offsite will the silver masters serve as adequate backups.
A disaster that destroys the town's diazo microfilm could also destroy its master, thereby nullifying its usefulness as a backup.

If the town chooses to store microfilm off-site, the RMO will ensure that

- (1) the town's micrographics storage vendors will store microfilm according to professional standards
- (2) the storage facility is located outside of the immediate geographic region of the town, since this provides some protection from a catastrophic disaster affecting a large area
- (3) microfilm copies of any film, in case of a disaster, can be retrieved within 24 hours

VI.6 RECORDS SECURITY PROCEDURES

VI.6.1 FACILITY SECURITY

The Town of Ulysses will use a system of levels of security for its records and property:

- i) All town buildings will be equipped with working alarms that tie into an emergency response system.
- ii) Each office in the town will be locked at the end of the workday.
- iii) All offices holding records that require extra security, including confidential records, as well as the town's records storage area will be locked at the end of each day. The records storage area will also be locked whenever there is no ongoing need to enter these areas during the day.
- iv) Active records that require extra security, including confidential records, will be stored in locking filing cabinets.

VI.6.2 PASSWORDS

Staff will be required to use passwords in order to access the LAN or server and the e-mail system. Additional passwords may be needed for electronic recordkeeping systems to prevent unauthorized access. All staff are encouraged to use passwords to access files stored on their own personal computers as well.

Passwords should be chosen that are not easily discernable by other staff members.

VI.6.3 INTERNET SECURITY

The IT person will ensure that the town's computer system is protected from intrusion with an adequate firewall.

VI.6.4 ELECTRONIC RECORDS SYSTEM SECURITY

The IT person, in conjunction with department heads, will assign rights to users that identify which files on the LAN (Local Area Network or server) each user may change. The level of user rights will be

- a) none
- b) read rights only
- c) read and write rights for specific LAN files or folders

Staff network accounts will be reviewed and updated annually to ensure accuracy. Managers should notify the LAN administrator in a timely basis of access rights changes needed for new and existing staff.

Staff should be aware of electronic security policies, bulletins, and warnings and developed by the NYS Office of Information Technology Services.

Local governments are required by Section 208 of the State Technology Law to disclose to New York state residents and three specific State agencies when their computerized private information was or may have been acquired by a person without valid authorization. The town has adopted a policy consistent with the terms of this statute.

VI.6.5 PROTECTION FROM COMPUTER VIRUSES

The town's information technology department is responsible for providing town employees with virus detection software, keeping the software up-to-date, and informing employees of potential viruses.

The IT person is also responsible for ensuring that all town equipment has up-to-date virus detection software.

However, town employees have the responsibility to ensure that they adhere to the following procedures both in the office and at home (if they produce or modify any computer files at home that they will then load on town computer equipment).

a) *Run virus detection software regularly*

This function runs automatically upon turning on a computer in the office each day, but employees should ensure that home computers use virus detection software that is run at short and regular intervals.

b) *Never install or run software from unknown sources*

Town employees must be familiar with the sender and origin of any computer files they download via the Internet or through e-mail. Although only executable files can contain software viruses, macros within word-processing documents are executable and may contain viruses.

c) *Frequently check for and update your virus detection software*

Employees must ensure that any virus detection software they use at home is kept up-to-date.

d) *Keep your computer software up-to-date*

Employees should also ensure that they install software updates, including security patches, for the computer software they use at home. The town's IT department will ensure all software stored on town computers is up-to-date.

e) *Limit entry to your computer*

Make certain that other people cannot use your computer either in your office or remotely without your knowledge. The use of passwords, mentioned above, can help provide this protection.

Make certain that laptops, personal mobile devices, and removable media are locked and kept in secure places when used outside the office in homes, vehicles, and places of lodging and meeting.

f) *Be sure any other computer you use adheres to these guidelines*

If you use a home computer or another person's computer, you must ensure that that computer also follows these virus detection guidelines.

VII RECORDS RETRIEVAL AND ACCESS

VII.1 ACTIVE FILING SYSTEMS

VII.1.1 FILE MANAGEMENT PRACTICES

To help ensure that records in town offices are well organized and records retrieval is quick and easy, town departments should follow some basic file management practices for paper records:

- a) Use the same size and type of folder consistently.
- b) Use guides or dividers to separate files into sections.
- c) Use hanging folders as guides only, filing other folders within them.
- d) Label file folders with printed labels.
- e) Maintain a (electronic and paper) file list of any subject files.
- f) Use color coding whenever possible.

g) Purge files regularly (at least annually).

File names for electronic files should be easily understandable for all potential users, not merely combinations of letters and numbers.

File names for electronic files should mirror those for the paper files. This will ensure that users will be able to retrieve both paper and/or electronic files easily.

Electronic file folders and subfolders should be named and organized in a consistent and easily recognizable manner, on personal computers, a LAN, or in an Electronic Document Management System (EDMS).

VII.1.2 FILE MANAGEMENT DON'TS

- Don't file a piece of paper unless it is an integral part of the file; i.e. envelopes.
- Avoid using legal-size folders except for legal documents.
- Don't overfill folders; instead, break a file into more than one folder or use expanding (accordion) file folders or file wallets.
- Never transfer hanging folders to record storage cartons; replace them with standard file folders.

VII.1.3 PURCHASE OF FILING EQUIPMENT

Equipment is expensive and should not be purchased unless these tools will so help manage the information that they repay or justify their costs.

Records storage items include acid-free archival storage boxes, file cabinets, map cabinets, high-density mobile storage systems, micrographics equipment, scanners, and shelving. Any questions regarding whether a particular item falls into this category should be directed to the RMO.

VII.1.4 RULES FOR ALPHABETIC FILING

- Last Name First: In the case of personal names, each part of a person's name is a separate unit. The units are alphabetized in this order: last name, first name or initial, and middle name or initial (if any).
- Nothing Comes Before Something: When filing, town employees should follow the rule that nothing comes before something. For instance, a title having a single letter comes before a title having a word that begins with the same letter, and a name of one word comes before a name with the same word plus one or more other words. For example: "G" comes before "Green"; "Green" comes before "Greene"; "Green Stores" comes before "Greene" (since the space between "Green" and "Stores" is counted as a character).
- Abbreviations: If abbreviations are used in titles, alphabetize them as written.
- Hyphenated Names: Hyphenated names of people or businesses are alphabetized as one unit.
- Numerals: When numerals appear in a title, they should be alphabetized before any letters.
- Punctuation: Ignore apostrophes and other punctuation when alphabetizing.

VII.1.5 SUBJECT FILES

Any department that maintains a subject file should develop a uniform filing system for the records series that organizes the records by subject.

Develop a filing structure that outlines the following:

- main subjects
- related secondary subjects

Avoid subject headings such as “Forms,” “Correspondence,” and “Reports,” which indicate the format of the information rather than its content.

VII.2 PUBLIC ACCESS TO RECORDS

VII.2.1 RECORDS ACCESS OFFICER

Annually, the town board appoints a Records Access Officer (RAO), which is frequently the RMO. As such, departments should refer all Freedom of Information Law (FOIL) requests to the RMO.

VII.2.2 COMPLYING WITH THE FREEDOM OF INFORMATION LAW

The town provides public access to records in accordance with the New York State Freedom of Information Law (FOIL).

If more information is desired, staff can visit www.dos.state.ny.us/coog/foil2.htm, or contact the Committee on Open Government (COOG) at NYS Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231, (518) 474-2518.

VII.2.3 SUBJECT MATTER LIST

The RMO will maintain a “subject matter list” of records maintained by the town, as required by New York’s Freedom of Information Law.

VII.2.4 ACCESS RESTRICTIONS

Since the Town of Ulysses is a local government most of its records are subject to public access. Specifically exempted from FOIL are records that:

- 1) are exempted from disclosure by some other state or federal law
- 2) if disclosed, would constitute an unwarranted invasion of personal privacy, including information of a highly personal or intrusive nature
- 3) if disclosed, would impair present or imminent contract awards or collective bargaining negotiations
- 4) contain trade secrets
- 5) are compiled for law enforcement purposes and which, if disclosed, would interfere with law enforcement investigations or judicial proceedings
- 6) if disclosed, would endanger the life or safety of any person
- 7) are inter-agency or intra-agency communications
- 8) include examination questions or answers and which are requested prior to the final administration of such examination
- 9) if disclosed, would facilitate unauthorized access to a department’s electronic information systems or jeopardize or compromise information security
- 10) are of the judicial branch of government, including town justice records

VII.2.5 ACCESS TO COURT RECORDS

Retrieval of any court records of the Town Court of the Town of Ulysses must be done by or with the approval of the presiding town justices. The public may seek certain information pertaining to court records only from the presiding town justices. Note that town court records are not covered by FOIL.

VII.2.6 ACCESS TO OFFICIAL VITAL STATISTICS

Access to official vital statistics created after 1880 is regulated by the State Department of Health. The public has limited access to these records through the RMO. Note that official vital statistics are not covered by FOIL.

VII.3 INACTIVE RECORDS RETRIEVAL

VII.3.1 DETERMINING WHAT RECORDS TO TRANSFER TO INACTIVE STORAGE

A department should refer to their office retention schedule to decide what records are inactive and can be transferred to the town's inactive records storage area. Departments should also consult the RMO or the Records Management Coordinator when this need arises.

VII.3.2 PREPARING RECORDS FOR TRANSFER TO INACTIVE STORAGE

Each department is responsible for boxing its records for inactive storage.

Each department must box its records in standard records cartons, unless the size and format of the records requires storage in nonstandard containers. The typical records storage cartons measure 10 inches by 12 inches by 15 inches and are available through the RMO or the Records Management Coordinator.

Each department must follow these packing guidelines:

- (1) Pack the records upright in records storage cartons.
- (2) Fill each box to capacity, but do not overfill. As a general rule, no box of records should exceed 35 pounds in weight.
- (3) Do not mix different series or subject of records in one box.
- (4) If it is necessary to group smaller series together, pack together records with the same destruction date.
- (5) Write a brief description of the contents on one end of the box (i.e., "Purchase Orders, 1998, 3001-4448").
- (6) Weed out and dispose of duplicate items and blank forms.
- (7) Maintain files in the same order as they were in the active office space.
- (8) Remove all non-recyclable materials such as hanging folders.

VII.3.3 PREPARING THE RECORDS TRANSFER LIST FORM

Once the boxes are ready, the department should complete a Records Transfer List Form for records stored by the town. The form should include:

Department Name

Transfer Date (the date you send the form to the RMO or the Records Management Coordinator)

Contents: Title, Years, and Range (i.e., "Purchase Orders, 1998, 3001-4448")

Item Number on the *MU-1*, *OCA*, or *DOH* retention schedule

Signature of department head authorizing transfer

VII.3.4 RECORDS DELIVERY TO INACTIVE STORAGE

After receiving a completed Records Transfer List Form, the RMO or the Records Management Coordinator will coordinate delivery of records to inactive records storage areas.

VII.3.5 LABELING RECORDS STORAGE BOXES

Every records center box in town storage areas will include an official Records Storage Carton Label affixed to the front end of the box. This label will include the record series title (i.e., "Purchase Orders"), years (i.e., "1998"), and range (i.e., "3001-4448") as well as the date of disposition (or "PERMANENT" for permanent records).

VII.3.6 REQUESTING RETRIEVAL OF RECORDS FROM TOWN STORAGE

Fill out the Record Retrieval Request Form and submit the form to the RMO, or the Records Management Coordinator.

Upon receipt of a properly completed Record Retrieval Request Form, the RMO or the Records Management Coordinator will arrange to have the box containing the items you are seeking delivered to your office. At the time the box is delivered to you, the person receiving the requested record will acknowledge receipt by signing the Records Retrieval Request Form on the appropriate line.

When you wish to return the box to records storage, contact the RMO or the Records Management Coordinator, who will make arrangements to return the records to the appropriate records storage location.

VIII ELECTRONIC RECORDS

VIII.1 REMOVABLE COMPUTER AND OTHER STORAGE MEDIA

VIII.1.1 USE OF STORAGE MEDIA

For the most part, the Town of Ulysses will depend on the town LAN (Local Area Network, also known as the server), its backup utility and other functions to provide backup protection and distribute information. However, the town will use removable media in limited circumstances for specific purposes outlined below.

VIII.1.2 REMOVABLE MEDIA

VIII.1.3 USE OF SPECIFIC REMOVABLE MEDIA

DVDs, flash (also known as jump or thumb) drives, zip drives, memory cards, and other media may be used in special circumstances where their use can be justified to the RMO. Limit their use to transfer media where feasible.

VIII.1.4 HANDLING AND STORING REMOVABLE MEDIA

Town employees should take the following precautions when handling and storing removable media:

- Keep media away from magnetic influences.
- Never place a heavy object on removable media.

- Whenever possible, label media at the time the files are being copied.
- Label the CD or DVD on the clear center hub, or use a water-based permanent media marker on the jewel case.
- Keep removable media away from heat sources and direct sunlight and maintain at normal office room temperature.

VIII.1.5 REPLACING OR REFRESHING REMOVABLE MEDIA

Magnetic media have a limited lifetime and cannot be expected to last indefinitely, so offices should replace the media when

- the computer hardware or software is updated or replaced, and the existing disks may not be readable
- a message indicates a media error or the media appears damaged
- when removable media contains important original or backup files the media should be recycled every 3 to 5 years

VIII.2 INTERNET AND E-MAIL

VIII.2.1 ORGANIZATION AND PRESERVATION OF E-MAIL

As many e-mails are records and may be relevant to Freedom of Information requests and retention schedules, they must be managed and readily accessible when needed.

All town staff should follow the guidelines below to ensure ease of access.

Examples of messages sent by e-mail that typically are records include:

- policies and directives
- correspondence or memoranda related to official business
- work schedules and assignments
- agendas and minutes of meetings
- drafts of documents that are circulated for comment or approval
- any document that initiates, authorizes, or completes a business transaction
- final reports or recommendations.

Some examples of messages that typically do not constitute records are:

- personal messages and announcements not related to official business
- copies or extracts of documents distributed for convenience of reference
- phone message slips
- announcements of social events, such as retirement parties or holiday celebrations

VIII.2.2 ACCEPTABLE USE OF THE INTERNET AND E-MAIL

The Town's policy for electronic guidelines can be found in section 422 of the Town of Ulysses Personnel Policy.

IX ARCHIVAL RECORDS AND SECONDARY USES OF RECORDS

IX.1 ARCHIVES MANAGEMENT

IX.1.1 FINDING AIDS FOR ARCHIVAL RECORDS

The RMO will maintain series descriptions and finding aids for all archival records maintained by the town or on deposit elsewhere.

IX.1.2 ARRANGEMENT OF ARCHIVAL RECORDS

Archival records should be maintained in their original, intended order and not rearranged capriciously.

Archival paper records will be stored in acid-free folders and boxes whenever possible.

Highly acidic material without intrinsic value will be replaced with copies photocopied onto alkaline paper.

Folded documents will be unfolded and stored flat whenever possible.

Loose, fragile documents will be stored in extra protective enclosures, such as low-glare polyester envelopes or acid-free folders.

Loose surface dirt should be removed from documents with a soft-bristled brush if necessary.

All elastic bands, metal paper clips, and staples will be removed from archival documents. The town will replace these with plastic or stainless steel clips of sufficient size placed on the documents so as to not leave impressions on or tear the documents.

IX.1.3 ACCESS TO FRAGILE RECORDS

In compliance with the Freedom of Information Law, the RMO will restrict access to archival records if use may cause damage to the records.

IX.1.4 RULES FOR USE OF RECORDS BY THE PUBLIC

Any outside users including members of the public who wish to use the archival records of the town will be required to comply with the following rules:

- Use records in the presence of the RMO or other town personnel.
- Leave any purses, coats, etc., outside of the areas where they are reviewing the records.
- Use only pencil (never pen) for taking notes.
- No eating, drinking, or chewing gum when viewing and handling records.
- Use recorders, cameras, and scanners only after approval by the RMO.

IX.1.5 PUBLIC HOURS FOR RESEARCH

The archival records of the Town of Ulysses will be available for reference during the RMO's regular business hours. The records may also be made available by appointment at other times the Town Hall is open for business.

IX.1.6 PRESERVATION

To ensure that the town's archival records are protected, the town will do its best to follow these preservation rules:

- i) Maintain archival records in a climate controlled area with moderate humidity and temperature and free of dust.
- ii) Ensure that archival records are stored in an area that provides protection from fire.
- iii) Ensure that mold, vermin, pests, and other things that damage records are not present in the archival vault.
- iv) Not use pressure-sensitive tape to repair torn documents.
- v) Ensure that records are not stored in such a way that they will be damaged. For instance, large volumes will be stored flat to reduce strain on the books. Maps and plans will be stored flat if possible.
- vi) Store its archival records in a secure area, differentiated from that for inactive records if feasible.
- vii) The town may transfer (through deposit) archival records to an outside repository when they are better protected and/or more readily accessible at that repository.
- viii) Reformat and reproduce archival records that are fragile and/or frequently consulted and make the reproduction copies available to users (in most instances) to reduce handling of the original records. See Section VII.1.8, below.

IX.1.7 CONSERVATION

Conservation consists of treating and repairing records to retain them in their original form. Since inexperience can damage records, the town will not try to carry out any but the most preliminary conservation treatments itself. Instead, the town may hire professional conservators to carry out such work. The State Archives has professional conservators on staff in Albany and the Archives' Regional Advisory Officer (RAO) should first be consulted in advance when major conservation treatment seems warranted.

Conservation treatment may be warranted if

- (1) the records are to be maintained permanently
- (2) the town has determined it must retain the records in their original format
- (3) failure to repair or stabilize the records may lead to their disintegration

IX.1.8 REFORMATTING

Whenever possible to reduce bulk, to minimize damage from handling, and to produce security and references copies, the town will undertake the reformatting through microfilm or preservation copying, or scanning, of archival records.

IX.2 ALIENATED GOVERNMENT RECORDS

IX.2.1 REASONS RECORDS STRAY FROM GOVERNMENT CUSTODY

Records occasionally stray from government custody

- (1) when they are discarded before their retention period is over but recovered by others
- (2) when they are taken or kept by employees
- (3) when they are stolen

IX.2.2 PROTECTING RECORDS FROM STRAYING FROM GOVERNMENT CUSTODY

In order to ensure that the town maintains custody of all official records until they reach their retention period, the town will

- (1) maintain stringent controls over records regarding the disposition of records
- (2) teach employees that records are government property
- (3) track any transfer of records to off-site storage or to other repositories by deposit or loan

IX.2.3 DOCUMENTING OWNERSHIP OF GOVERNMENT RECORDS

The RMO will document ownership of its records by

- (1) maintaining an updated inventory of the records in its custody
- (2) documenting all records dispositions, including destruction of obsolete records or transfer of any records by deposit or loan to another entity
- (3) maintaining finding aids documenting information about its holdings

IX.2.4 RECOVERING ALIENATED RECORDS

When the RMO discovers that some other entity has unauthorized physical possession of its official records, the town will make every effort to recover the records. If the town cannot reach an agreement with the other party to return the records in question, the town will undertake an action of replevin or seek other legal remedy.

IX.2.5 CONDUCTING AN ACTION OF REPLEVIN

The town will not even mention the option of replevin without first discussing this possibility with the Town Attorney, and if necessary with the Office of State Attorney General. The involvement of the Attorney General may resolve the matter without the necessity to take formal legal action.

In order to carry out an action of replevin, the town needs to be able to prove three facts:

- a. That the records are the official records of the town
- b. This can be proved by internal evidence within the records and documentation as indicated above (VII.2.3).
- c. That the records do not belong to the other party
- d. This may be proved by the fact that a town cannot legally transfer ownership of records before the end of the record's retention period.
- e. That the other party refuses to return the records to the town
- f. Documenting communications between the town and the other party can prove this.

IX.3 ACQUIRING OR "COLLECTING" NON-GOVERNMENT HISTORICAL RECORDS

As another means of documenting the history of the town, the town historian may acquire or "collect" records of individuals, families, and businesses in the town. Once legal title has been transferred, these non-government records become "town records" as if the town had created or received them in the course of official business.

IX.3.1 ACQUISITION POLICY

The town historian may acquire any historically valuable family, business, or personal records that are directly related to the history of the Town of Ulysses. These records may include correspondence, diaries, photographs, or any other records. The town will not acquire records in competition with the Ulysses Historical Society, Ulysses library, or any other repository. The town and these other historical records repositories will work in concert with each other in acquiring records to document the town's history.

The town historian will not accept any records that

- a. do not significantly document history of the town
- b. include unreasonable restrictions on the use of the records
- c. are not donated to the town outright
- d. are part of a series already held by one of the other local historical records repositories

IX.3.2 DEEDS OF GIFT

The town historian must complete a deed of gift for any non-government records donated to the town. The RMO and the donor must sign the deed of gift.

IX.3.3 DEACCESSIONING

If in the future the town historian deems that any records acquired through this process do not fit the collection policy of the town, the Town Historian may take the matter to the RMO and the town Records Advisory Board for a final determination.

If the RMO and the Records Advisory Board agree with the Town Historian, the town may deaccession the records from its collection. Deaccessioned records must be adequately documented, but the records in question should not be stamped or otherwise marked. Sample images of the deaccessioned records should be retained, however. The town should make every attempt to return deaccessioned records to a suitable historical records repository. Records deaccessioned by sale must be sold at an auction (live or Internet) accessible to the general public.