

E-Discovery:
Preparation & Best Practices
For Using Technology

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State Archivist

Step 1

Know the Laws

Public Records Management

Oregon Public Records Laws – Retention & Disposition

“**Public record** means a document, book, paper, file, sound recording, machine readable electronic record, or other material... regardless of physical form or characteristics, made, received, filed, or recorded in pursuance of law or in connection with the transaction of public business, whether or not confidential or restricted in use...” **ORS 192.005 (5)**

Oregon Public Records Laws (Access)

“**Public record**’ includes any writing containing information relating to the conduct of the public’s business, including but not limited to court records, mortgages, and deed records, prepared, owned, used or retained by a public body regardless of physical form or characteristics.” – **ORS 192.410 (4)**

What the Laws Include

They are all inclusive (i.e. “regardless of physical form or characteristics)

AND

Neither of these laws distinguish between home or office

Step 2

Retention Schedules Filing Structures & Classifications

Retention Schedules

*Knowing what to keep and
what to throw away*

*A records retention schedule, approved by the State
Archives, is your legal authorization to destroy
public records*

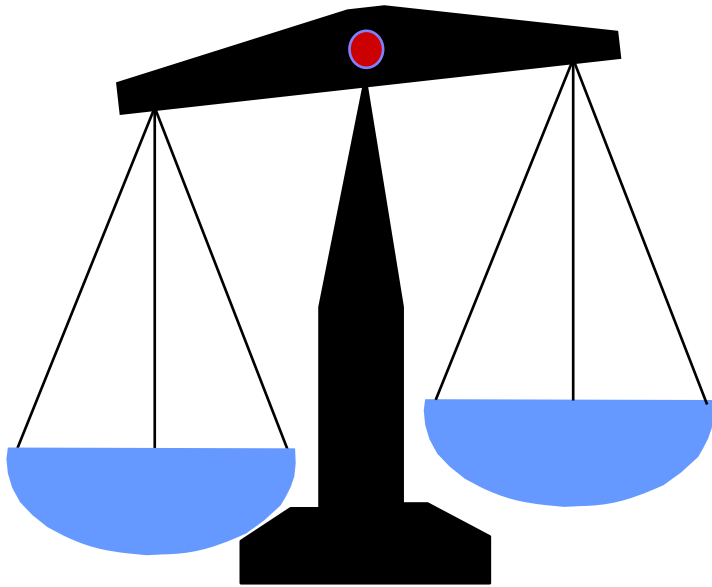


Retentions apply regardless of physical format, so...

Photos, maps, drawings, reports, e-mail, excel spreadsheets, correspondence,
audio tapes, video tapes, DVD's, CD', etc.

are **ALL** subject to retention, if it fits the definition of a public record

Appraisal Values of Records



Administrative needs of the
agency

Fiscal requirements of the
agency

Legal requirements of the
agency

Long term research value
(Historical)

General Schedule Example

OAR 166-200-0040

(2) Budget Committee Meeting Records

Records documenting the proceedings of the committee responsible for reviewing the annual budget proposals of city departments prior to city council review, as described in Oregon's Public Meetings Law (ORS 192.610 to 192.710). Records often include minutes, agendas, exhibits, staff reports, tape recordings, and related documents.

- Minimum retention:**
- (a) Retain minutes, agendas, resolutions, indexes, and exhibits (not retained permanently elsewhere in city records) permanently
 - (b) Retain audio or visual recordings 1 year after minutes prepared and approved
 - (c) Retain other records and exhibits not pertinent to minutes 5 years

Retention Schedule Example

Organizational Placement:

Agency: Secretary of State
Division: Information Systems
Unit: Administration

Schedule number: 2001-0039

Program Description:

The Information Systems Division Director oversees and directs the Division's activities. Broadly stated, these activities include providing the Secretary of State agency with centralized hardware, software, telephony, and network services and trouble-shooting services, application development, and maintenance. The Director also represents the Secretary of State agency's technology interests on various advisory groups and panels, such as the Governor's IT Roundtable. The Director reviews and approves contracts for information systems projects within the Secretary of State and with other state agencies, and works on electronic government planning initiatives for the Secretary of State agency. The Director also works with the Business Services Division to prepare and track the Division's budget.

Records Description:

Program Records

151 Information Systems Policy Committee Records

Retain 2 years, destroy

Databases

Archived Information

Oracle

Purchase Order

State Agency General Records Retention Schedule Records

Administrative Records (OAR 166-300-0015)

Correspondence

Policy Development and Planning Records

Information Management Records (OAR 166-300-0030)

Information Systems Planning and Development Records

File Structure

HR Administration

Americans with Disabilities Act Records

ADA

Blue Sky Advisory Committee Records

Blue Sky Advisory Committee Records (P)

Blue Sky & Best Practices

Blue Sky Committee Meeting talking points for Jean.doc

ORS 240 Work Group

Performance Management

Criminal Background Check Records

Background Checks

criminal background checks

Employee Personnel Records

Emergency Notification Forms (P)

Employees and Individual Employee Personnel Records –

Current and Past (P&E)

PERF EVAL

Recognized Service Dates

Special Merits

TS Removal

Discipline/Grievance Files (P)

RACF_ID.Temps

RACF_ID-perm-emp.doc

Personnel folder request log.xls

Employee Action

AUDITS.xls

Employee Eligibility Verification Forms (I9)

INS EMPLOY VERIF.DOC

Federal and State Records and Reports

Affirmative Action Records

Equal Employment Opportunity Records

Archived EE Files

FMLA/OFLA

FMLA_OFLA

FMLA_OFLA Files (P)

Internal Audit Reports

HRSD Audits

HRD Policy Audits

MPL Audit

HRD Audits

Policy Audits

Legal Actions

Jones law suit

Smith, R.

Young

Position Description and Reclassification Records

Audits Class Study 05

Classification Files (P)

Class Study

PAS 2.pdf

PAS 3.pdf

POSITION DESCRIPTIONS

RECLASS

Turnover

Window III

Window III & IV

2004 Internal Auditor Salaries.doc

Position Inventory Control System (PICS) Reports

DAS Reports (P)

Classifications

SOS-Human Resources-Administration

SOS-Human Resources-Administration-Blue Sky

SOS-Human Resources-Administration-Employee Personnel Record

SOS-Human Resources-Administration-Employee Personnel Record-ADA

SOS-Human Resources-Administration-Employee Personnel Record-Background Checks

SOS-Human Resources-Administration-Employee Personnel Record-FMLA/OFLA

SOS-Human Resources-Administration-Employee Personnel Record-I9

SOS-Human Resources-Administration-Employee Personnel Record-Position Description

SOS-Human Resources-Administration-Employee Personnel Record-Training

SOS-Human Resources-Administration-Position Reclassification

Step 3

Using an ERMS*

**Electronic Records Management System*

Electronic Records Management System

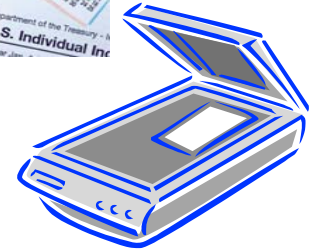
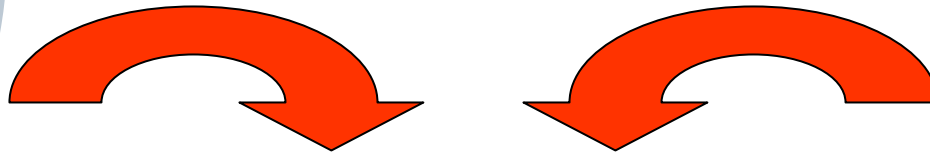
Electronic Records Management System (ERMS) is a system used by an organization to manage its records from creation to final disposition. The system's primary management functions are categorizing and locating records and identifying records that are due for disposition. The Electronic Records Management System also stores, retrieves, and disposes of the electronic records that are stored in its repository.

The **Electronic Records Management System** may contain a **content management** and **document management component** to its system.

Electronic Document Management System



Records created
& received
electronically



Records created
& received in
hard copy

Records are filed & managed for access,
maintenance & destruction electronically

Electronic Records Management System



SOS-Human Resources-Administration




10 years SOS-Human Resources-Administration – Blue Sky




3 years* SOS-Human Resources-Administration – Employee Personnel Record



SOS-Human Resources-Administration – Employee Personnel Record - ADA




SOS-Human Resources-Administration – Employee Personnel Record – Background Check



SOS-Human Resources-Administration – Employee Personnel Record – FMLA/OFLA



SOS-Human Resources-Administration – Employee Personnel Record – I9



SOS-Human Resources-Administration – Employee Personnel Record - Position Description

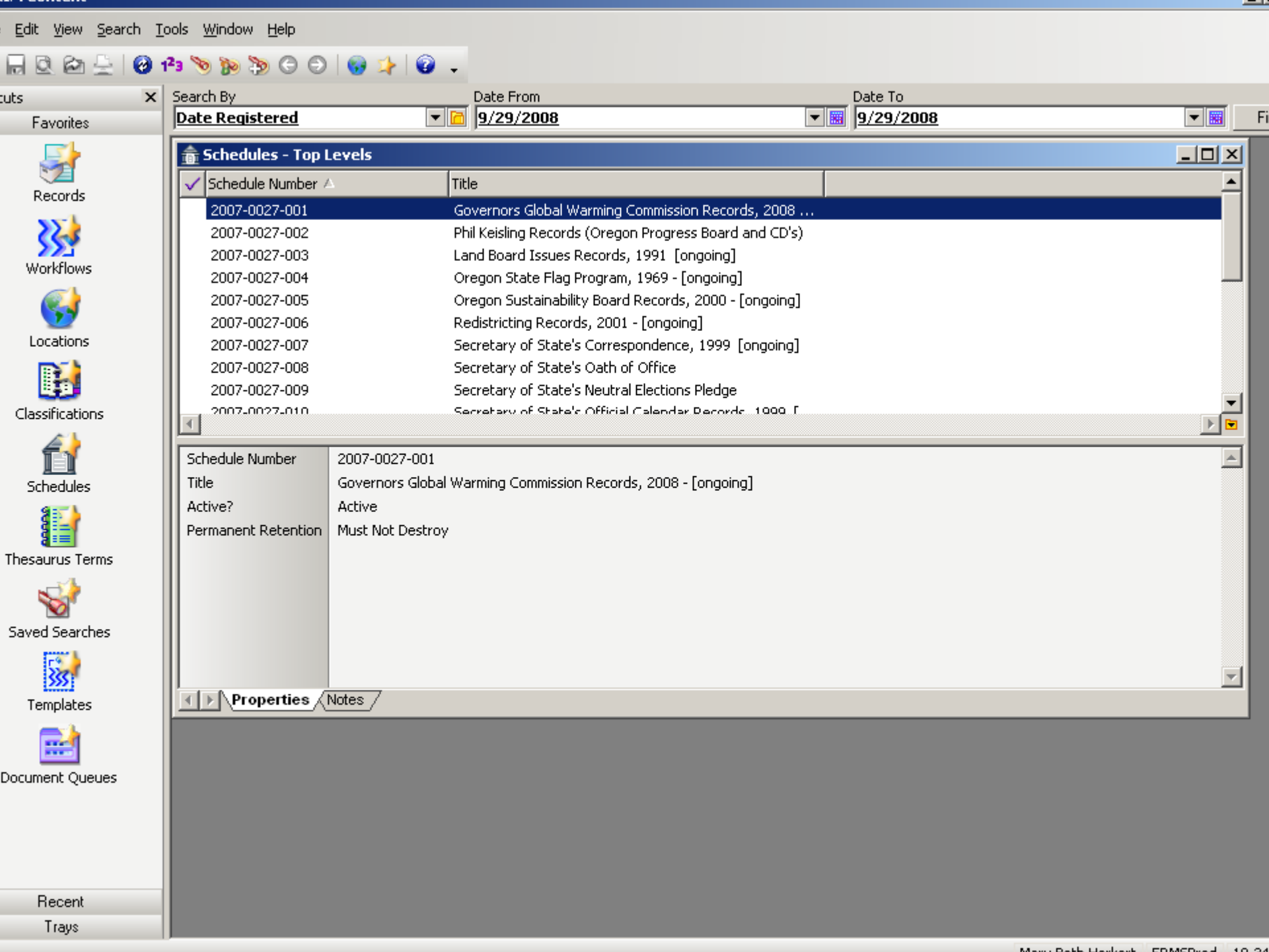


SOS-Human Resources-Administration – Employee Personnel Record - Training



10 years* SOS-Human Resources-Administration – Employee Personnel Record

**After employee separation*



Search By

Date From

Date To

Date Registered

9/29/2008

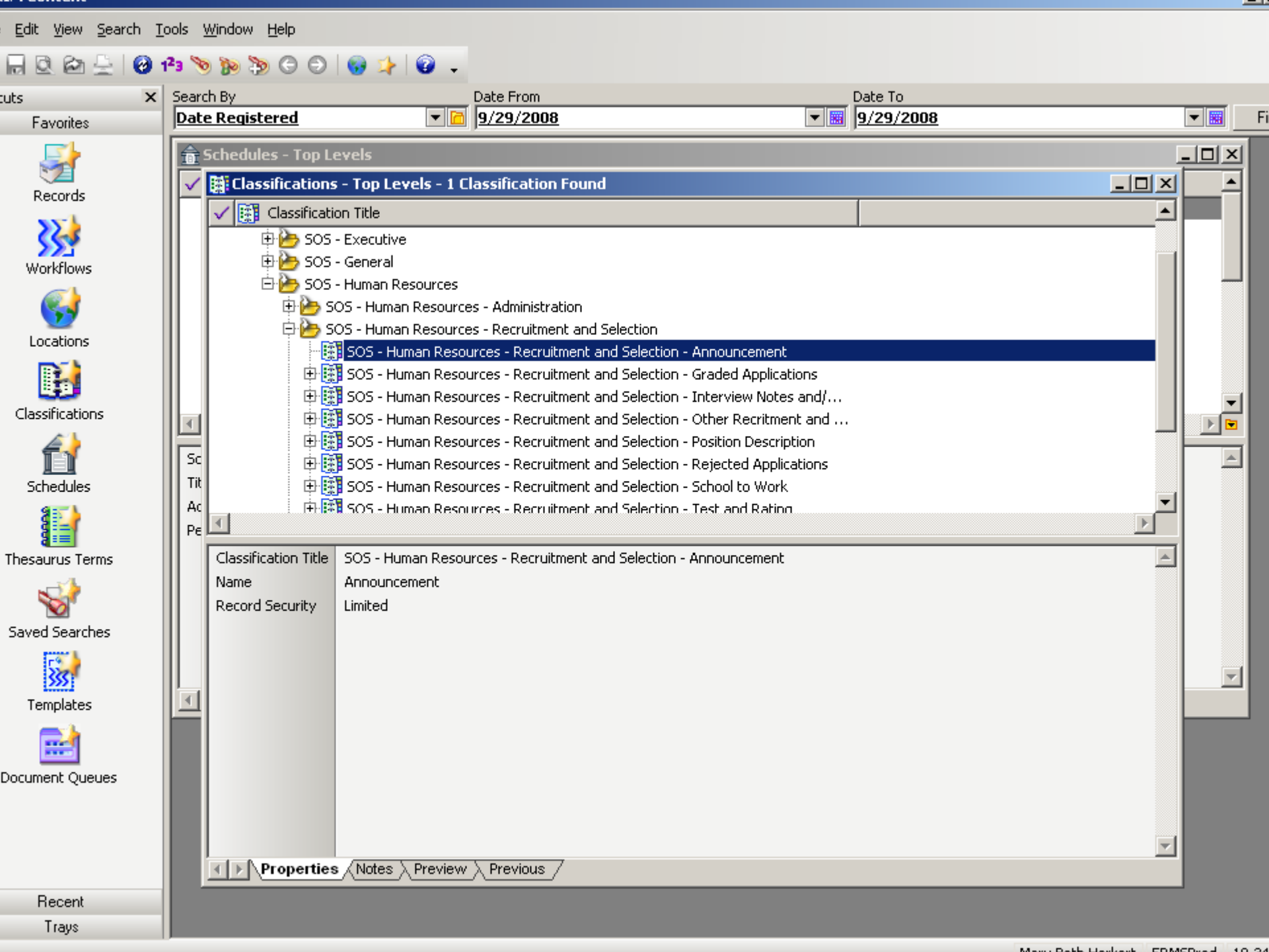
9/29/2008

Schedules - Top Levels

Schedule Number	Title
2007-0027-001	Governors Global Warming Commission Records, 2008 ...
2007-0027-002	Phil Keisling Records (Oregon Progress Board and CD's)
2007-0027-003	Land Board Issues Records, 1991 [ongoing]
2007-0027-004	Oregon State Flag Program, 1969 - [ongoing]
2007-0027-005	Oregon Sustainability Board Records, 2000 - [ongoing]
2007-0027-006	Redistricting Records, 2001 - [ongoing]
2007-0027-007	Secretary of State's Correspondence, 1999 [ongoing]
2007-0027-008	Secretary of State's Oath of Office
2007-0027-009	Secretary of State's Neutral Elections Pledge
2007-0027-010	Secretary of State's Official Calendar Records, 1999 [

Schedule Number	2007-0027-001
Title	Governors Global Warming Commission Records, 2008 - [ongoing]
Active?	Active
Permanent Retention	Must Not Destroy

Properties Notes



Search By **Date Registered**

Date From **9/29/2008**

Date To **9/29/2008**

- Schedules - Top Levels
- Classifications - Top Levels - 1 Classification Found
- Classification Title
 - SOS - Executive
 - SOS - General
 - SOS - Human Resources
 - SOS - Human Resources - Administration
 - SOS - Human Resources - Recruitment and Selection
 - SOS - Human Resources - Recruitment and Selection - Announcement**
 - SOS - Human Resources - Recruitment and Selection - Graded Applications
 - SOS - Human Resources - Recruitment and Selection - Interview Notes and/...
 - SOS - Human Resources - Recruitment and Selection - Other Recritment and ...
 - SOS - Human Resources - Recruitment and Selection - Position Description
 - SOS - Human Resources - Recruitment and Selection - Rejected Applications
 - SOS - Human Resources - Recruitment and Selection - School to Work
 - SOS - Human Resources - Recruitment and Selection - Test and Rating

Classification Title	SOS - Human Resources - Recruitment and Selection - Announcement
Name	Announcement
Record Security	Limited

Properties Notes Preview Previous

E-discovery & ERMS

- Paper and Electronic information is managed together
- Information is easy to locate and find, thus reducing discovery costs
- Asset classification is easy to implement ensuring that information is secure & accessible to only authorized users
- Retention and disposition is routine and systematic
- System is auditable

Step 4

RFP & Procurement

Process

Know what you want the system to do

Get Administrator and CIO buy in

Visit others using ERMS products

Portland

Metro

British Columbia****

Get your Attorney General Involved Early

Be critical when evaluating the product

For More Information, Contact...

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Secretary of State – Information Systems Division

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DAS - EISPD Website:

http://oregon.gov/DAS/EISPD/ITIP/Comm_of_Practice_ERM.shtml