Just the Basics

Ohio Public Records laws [http://codes.ohio.gov/orc](http://codes.ohio.gov/orc) are the basis for your records program. They

- Define what a record is [ORC 149.011]
- Define how records must be made available to the public [ORC 149.43]
- Define closed records [ORC 149.43]
- Define local records commissions [149.38-149.42]
- Define the function of the Ohio History Connection as state archives [ORC 149.31]


What is a record? The three prong test:

1. Stored on a fixed medium: paper, film, tape, or disk
2. Created, received or sent under jurisdiction of a public office
3. Serves to document the organization, functions, policies, decisions, procedures, operations, and other activities of the office

A Records Inventory helps you to determine

- What records your office creates
- Where the records are stored
- How long they should be kept

Four values of records

**Administrative** - Use in carrying out office’s functions
**Fiscal** - Pertains to the receipt, transfer, payment, adjustment, or encumbrances of funds; may be required for audit
**Legal** - Documents or protects rights or obligations of citizens or of the agency that created it; retain until legal rights and obligations expire
**Historical** - Documents an agency’s organization, policies, decisions, procedures, operations, and other activities; Contains significant information about people, places, or events and may have secondary value as a source of information for persons other than the creator
Records media choices

<table>
<thead>
<tr>
<th></th>
<th>Readability</th>
<th>Accessibility</th>
<th>Stability</th>
<th>Storage Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paper</td>
<td>Eye Readable</td>
<td>Access to single user</td>
<td>Fairly stable in a proper environment</td>
<td>Large storage space required</td>
</tr>
<tr>
<td>Microfilm</td>
<td>Eye Readable</td>
<td>Access to multiple users through duplicates</td>
<td>Stable in a proper environment (500 years)</td>
<td>Minimized storage space</td>
</tr>
<tr>
<td>Electronic</td>
<td>Not eye readable—requires hardware &amp; software</td>
<td>Access to multiple users through hardware &amp; software</td>
<td>Unstable - need to check and migrate data</td>
<td>Electronic storage is inexpensive &amp; requires minimal space</td>
</tr>
</tbody>
</table>

Proper records storage conditions

Temperature 60-70 F (cool and stable)
Relative Humidity 40-50% (dry and stable)
Metal shelving-6 inches off floor
Standard size storage boxes
Fire alarms and extinguishers

Express records retention periods in 3 ways:

1. Time (“retain 3 years”, “retain permanently”)
2. Event or Action (“retain until audit report is released”)
3. Time and Event or Action (“retain 3 years after case closed”)

Records Retention and Disposal

Retention schedule formally lists the ongoing record series and their retention periods

- Provides for ongoing disposal
- Prevents buildup of unnecessary records, saving space and improving efficiency
- Can help to negotiate public records requests [ORC 149.43(B)(2)]

Records disposal form lists record series to be disposed that have met their retention periods

- Provides documentation of legal disposal of public records
- Provides documentation or records transferred to a historical agency when applicable
**RC forms used in local government records management**

**RC-2 Records Retention Schedule**

*Part 1* identification and approval - Names the local government agency, provides contact information, and includes signatures of both responsible official and records commission chair. Representatives from the Ohio History Connection and Auditor of State will also sign the form.

*Part 2* retention schedule – Lists and describes every ongoing records series and includes a schedule number, retention period, and media type for each records series. Provides a checkbox for LGRP to identify records of potential historic value for which an RC-3 must be submitted.

**RC-3 Certificate of Records Disposal**

*Part 1* identification and approval - Names the local government agency, provides contact information, and includes signature of responsible official

*Part 2* records to be disposed – Columns 1-3 list the record series titles and schedule numbers from the approved RC-2 retention schedule and records the date the RC-2 was approved by the records commission. Columns 3-4 indicates the media type of the record being disposed and if any of the records will retained in a different media type. Column 5 gives the date span* of the records to be disposed. Column 6 contains the proposed date the records will be disposed.

**RC-1 One-time Disposal of Obsolete Records**

*Part 1* identification and approval - Names the local government agency, provides contact information, and includes signatures of both responsible official and records commission chair. Representatives from the StateArchives Local Government Records program (LGRP) and Auditor of State will also sign the form.

*Part 2* records to be disposed – Column 2 lists, describes, and provides the date span* of record series that are no longer being created by the office and are not already listed on an approved RC-2. Column 1 schedule number may simply number each obsolete series on the form. Column 3 indicates the media type of the record being disposed and if any of the records will be retained in a different media type.

*Date tips: Be specific. Don’t use terms like “prior to” or “ongoing.” We need to know the dates to aid in appraisal and you need to fully document what records you are destroying. Give month and year “1/2001-6/2004” when possible; years listed as “2001–2004” are assumed to refer to entire year spans (1/2001-12/2004).
**Local Government Records Commissions**

Provide rules for retention and disposal of records  
Review retention schedules and disposal requests submitted by the office  
Provide that proper procedures are followed for scheduling and disposing of records  
Revise retention schedules

<table>
<thead>
<tr>
<th>Commission</th>
<th>Member of the Board</th>
<th>Meet at least once every 6 months</th>
<th>Can hire an archivist or records manager</th>
<th>Shall appoint a secretary who may or may not be a member of the commission</th>
</tr>
</thead>
</table>
| County Records Commission [ORC 149.38] | Member of the Board of County Commissioners as chairperson  
Prosecuting Attorney  
Auditor  
Recorder  
Clerk of Court of Common Pleas | | | |
| Municipal Records Commission [ORC 149.39] | Chief Executive (or appointed representative) as chairman  
Chief Fiscal Officer  
Chief Legal Officer  
Citizen (appointed by the chairman) | Meet at least once every 6 months | Can hire an archivist or records manager | Shall appoint a secretary who may or may not be a member of the commission |
| Township Records Commission [ORC 149.42] | Chairman of the Board of Township Trustees  
Fiscal Officer of the Township | Meet at least once every 12 months | | |
| School District and Educational Service Center Records Commissions [ORC 149.41] | Board President  
Treasurer  
Superintendent of Schools | Meet at least once every 12 months | | |
| Public Library Records Commission [ORC 149.411] | Board of Trustees members  
Fiscal Officer | Meet at least once every 12 months | | |
| Special Taxing District Records Commission [ORC 149.412] | Chair of governing board  
Fiscal representative from board  
Legal representative from board | Meet at least once every 12 months | | |
The RC form approval process

RC-1 or RC-2 is created, approved and signed by responsible official and by records commission chair
RC-1 or RC-2 is sent to LGRP via mail or e-mail for review (up to 60 days)
RC-1 or RC-2 is signed by LGRP and forwarded to Auditor of State for review (up to 60 days)
RC-1 or RC-2 is returned by Auditor of State to LGRP; a copy is made and sent to the local government

Records listed on an RC-1 that is reviewed by LGRP and the State Auditor after 9/29/2011 may be disposed unless LGRP has requested the records for transfer. If the RC-1 was approved before 9/29/2011, an RC-3 must be submitted.

Records listed on an RC-2 that is reviewed by LGRP and the State Auditor after 9/29/2011 may be disposed unless LGRP has checked the "RC-3 required" box or has otherwise indicated that an RC-3 must be submitted for the specific record series. However, the disposal of all records should be permanently documented locally. If the RC-2 was approved before 9/29/2011, an RC-3 must be submitted for all record series on the RC-2.

RC-3 is created, approved and signed by responsible official
RC-3 is sent to LGRP via mail or e-mail for review
Allow at least 15 business days for review of the RC-3 by LGRP before disposing of records

LGRP will not contact you unless there is a question about the RC-3 form or an interest in transferring records with historical value. A copy of the RC-3 will be returned ONLY if an e-mail address is provided on the form or if a second copy of the RC-3 and self-addressed envelope with sufficient postage is included.

Records Management Resources

Local Government Records Program http://www.ohiohistory.org/lgr
Records inventory form, RC forms, records manuals and sample retention schedules are available at www.ohiohistory.org/lgrforms

Disaster Preparedness and Prevention Resources

Council of State Archivists http://www.statearchivists.org/arc/states/res_disa.htm

Records Preservation Grant Resources

National Historical Publications and Records Commission http://www.archives.gov/nhprc/
The Institute of Museum and Library Services http://www.imls.gov/index.shtm
Ohio Historical Records Advisory Board NHPRC Grants http://www.ohrab.org/grants/regrant/
Statewide Matching Grants Program www.ohiohistory.org/historyfund
Email

Email is not a record series; do not schedule email as a record series on the RC-2 form.

Ohio Electronic Records Committee Managing Email Guidelines:
http://ohioerc.org/?page_id=534

If you wish to mention email on your RC-2, consider including the following footnote/disclaimer:

*Email is a format on which records are sent, received and/or drafted using electronic mailing systems. Email is NOT a record series. Instead, each individual email should be evaluated according to its content and retained in accordance with the record series adopted within this schedule that the content most closely fits. (Email should be retained electronically rather than on paper as conversion to paper may cause loss of electronically attached metadata that is important to the authenticity of the record.)*

Make sure your correspondence records series are robust and descriptive because many of your emails, although not all, will fall into these records series. We suggest scheduling correspondence as follows:

<table>
<thead>
<tr>
<th>CORRESPONDENCE</th>
<th>Messages sent and received by any media including letters, memoranda, faxes, e-mail messages, misc. communications, etc.</th>
<th>Retain according to content, ensure metadata retained</th>
</tr>
</thead>
<tbody>
<tr>
<td>A) Transient</td>
<td>Communications which convey information of temporary importance in lieu of oral communication (i.e. drafts, meeting notices, etc.) Referral letters, requests for routine information or publications provided to the public by an agency which are answered by standard form letters.</td>
<td>Until no longer of administrative value</td>
</tr>
<tr>
<td>B) General</td>
<td>Requests for information pertaining to interpretations and other miscellaneous inquiries; informative - does not attempt to influence policy. Including copies of outgoing correspondence maintained for reference purposes.</td>
<td>Two years</td>
</tr>
<tr>
<td>C) Substantive</td>
<td>Correspondence of the head and the executive staff of an agency dealing with significant aspects of the administration of the office. Includes information concerning agency policies, procedures, program, fiscal and personnel matters.</td>
<td>Five years; file with related records if content requires longer retention; appraise for historical value</td>
</tr>
</tbody>
</table>