

# Electronic Recordkeeping

# Agenda

1. Provide Overview of Electronic Records in Government.
2. Provide Definitions for Understanding ERK.
3. Describe Objectives of ERK.
4. Identify Critical Success Factors for ERK Projects.
5. Review Business Benefits of ERK.
6. Review Legal and Regulatory Requirements for ERK.
7. Introduce Planning Checklists for Records Managers and IT Staff considering an ERK Project.

# Electronic Records in Government

- Official records of Federal agencies are found in:
  - » Desktop computer applications: e.g., word processing, spreadsheet, and personal database software
  - » Electronic mail (e-mail) systems
  - » Electronic document management systems (EDMS)
  - » Agency Web sites
  - » Management information systems (MIS) and other electronic information systems (EIS)
  - » Digital media files
  - » Scientific instrumentation and research data sets

# Electronic Records in [XXX]

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[INSERT YOUR ORGANIZATION NAME IN TITLE]

- LIST OF SOME IMPORTANT, UNIQUE, OR HIGHLY VISIBLE RECORDS THAT ARE CREATED OR STORED ELECTRONICALLY IN YOUR ORGANIZATION.
  - » EXAMPLE 1
  - » EXAMPLE 2
  - » (etc.)

# Challenge of Electronic Records

"Electronic records pose the biggest challenge ever to record keeping in the Federal Government and elsewhere. There is no option to finding answers...the alternative is irretrievable information, unverifiable documentation, diminished government accountability, and lost history."

*John Carlin, Archivist of the United States*

- Electronic Recordkeeping (ERK) is part of the solution to manage, preserve and provide access to electronic records.
- ERK is not a total solution – it must work in concert with good records management programs, good agency business practices, and reliable information technology infrastructures.

# Definitions

1. *Record*
2. *Electronic Record*
3. *Records Management*
4. *Electronic Records Management (ERM)*
5. *Electronic Recordkeeping (ERK)*

# Definitions

## *1) Record*

- Books, papers, maps, photographs, machine readable materials, or other documentary materials
- Made or received by an agency of the US Government under Federal law or in connection with the transaction of public business
- Preserved or appropriate for preservation by that agency
- As evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the Government, or because of the informational value of the data in them. (*Federal Records Act: 44 USC 3301*)

# Definitions

## 2) *Electronic Record*

- Any information that is recorded in a form that only a computer can process and that satisfies the definition of a record. (*NARA regulations: 36 CFR 1234.2*)
- Electronic records are not necessarily kept in “recordkeeping systems” but may be created, stored, and managed in any form of electronic information system or application program, such as e-mail or word processing.

# Definitions

## 3) *Records Management*

- The field of management responsible for the systematic control of the creation, maintenance, use and disposition of records. (*Society of American Archivists, 1992*)
- The planning, controlling, directing, organizing, training, promoting, and other managerial activities involved in records creation, maintenance and use, and disposition in order to achieve adequate and proper documentation of the policies and transactions of the Federal government. (*36 CFR 1220.14*)

# Definitions

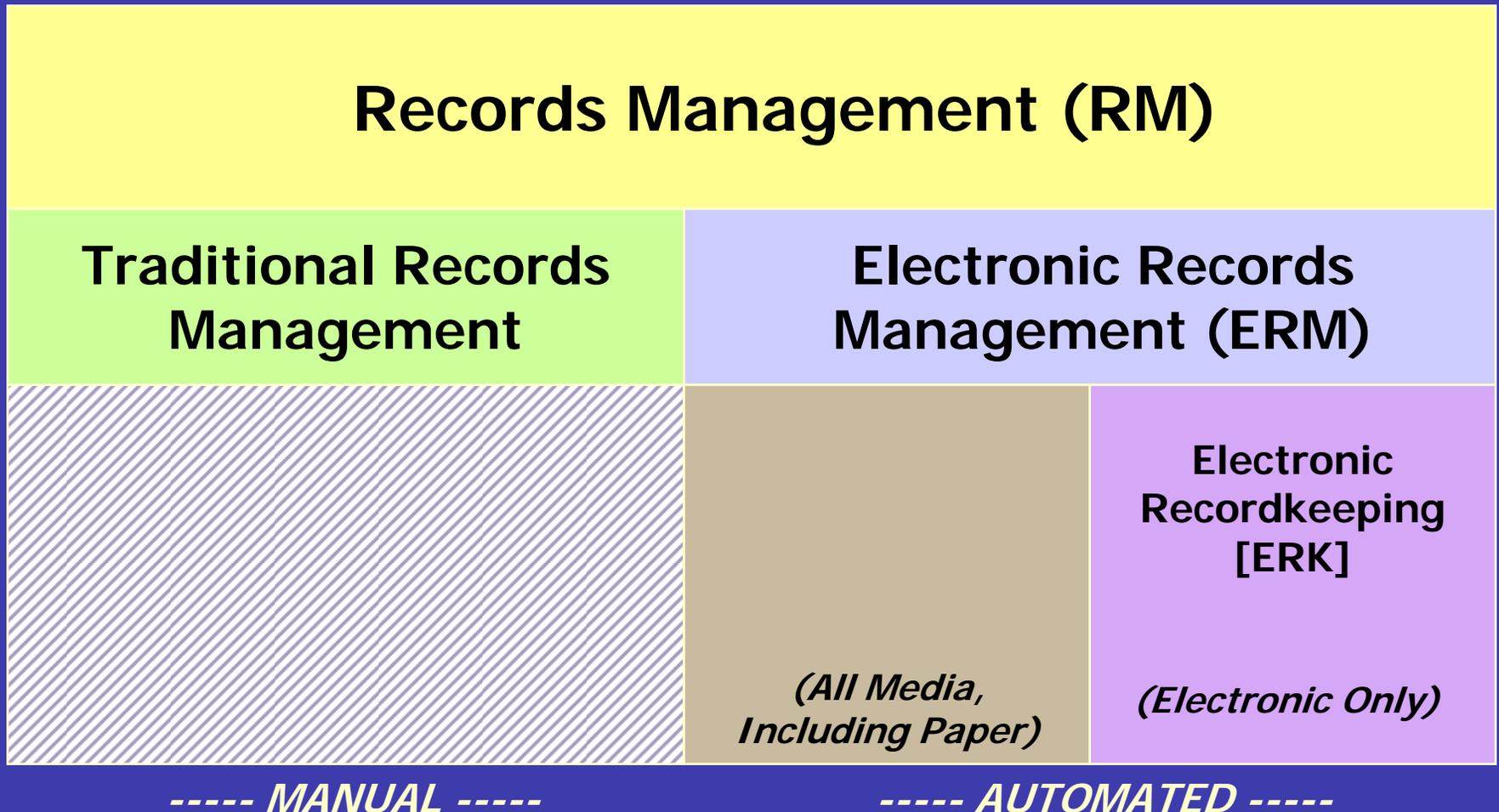
## 4) *Electronic Records Management (ERM)*

- Using automated processes to manage any agency records regardless of format: paper, electronic, microform, etc.

## 5) *Electronic Recordkeeping (ERK)*

- Using automated processes to manage the electronic records of an agency.
- ERK should preserve the content of electronic records, and their context and structure, over time.

# Records Management, ERM and ERK



# ERK Objectives

- *Meet requirements imposed on agencies by law.*
- *Meet agency business needs.*
- *Expedite fulfillment of EFOIA and legal discovery requests.*
- *Meet requirements of current/proposed legislation.*
- *Leverage agency investments in information technology.*
- *Address other agency-specific objectives.*

# ERK Objectives

## *Meet legal requirements imposed on federal agencies*

- Support the business of government agencies
- Assure the public that government employees are accountable.

## *Meet agency business needs.*

- Implementing ERK can help agencies define critical business records, and help preserve those records.
- ERK can be an important element in business continuity, contingency and disaster recovery plans.

# ERK Objectives

## *Expedite response to EFOIA and legal discovery requests*

- Freedom of Information Action (FOIA) and legal discovery require agencies make a search for all relevant documents, including electronic documents. (*Note: definition of "record" for FOIA is broader than in Federal Records Act.*)

## *Meet requirements of current and proposed legislation.*

- New records resulting from an increase in electronic transactions with the public and with state governments.
- New recordkeeping requirements associated with electronically signed agency documents.

# ERK Objectives

*Leverage agency investments in information technology.*

- *Government Performance and Results Act [GPRA] and the Information Technology Management Reform Act [ITMRA] (aka Clinger-Cohen) require agencies to approach IT budgeting as an investment with quantifiable results.*
- ERK analysis focuses attention on electronic records and can help agencies assess their value.

# ERK Objectives

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*Meet other agency-specific objectives.*

- LIST HERE ISSUES OR OBJECTIVES SPECIFIC TO YOUR ORGANIZATION

# Critical Success Factors

- 1. Senior Managers*
- 2. Agency Staff*
- 3. Information Systems/Information Technology Staff*
- 4. Records Officers and Records Managers*
- 5. Re-engineering*
- 6. Pilot projects*
- 7. Education and Training*

# Critical Success Factors

## *1) Senior managers*

- Support the move to electronic ways of working.
- Understand and respond to legislative, administrative, and departmental direction to implement electronic government.
- Understand and advocate the business case for ERK.

## *2) Agency staff*

- Changes in work process (that may accompany ERK) must be practical and make sense to agency staff, and must be viewed as reasonable duties.

# Critical Success Factors

## *3) Information Systems/Information Technology Staff*

- Records management must become a central component to the design of automated information systems.
- ERK and well-managed records can help meet the legal and policy burdens placed on agency information systems.

## *4) Records Officers & Records Managers*

- Must understand ERK issues and articulate records management requirements for electronic records.
- Should play a significant role in the development of information systems that create or manage agency records.

# Critical Success Factors

## 5) *Re-engineering*

- Integrate ERK into the re-design of business processes and mission-supporting information systems.

## 6) *Pilot Projects*

- Demonstrate and prove ERK technology.
- Identify human factors issues involved in moving to an ERK environment.

## 7) *Education and Training*

- Raise awareness of electronic records issues, understand roles and responsibilities, become familiar with ERK technologies.

# Critical Success Factors

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- LIST HERE OTHER CRITICAL SUCCESS FACTORS SPECIFIC TO YOUR ORGANIZATION

# Deciding to Implement ERK

- The decision to implement electronic recordkeeping (ERK) lies with the agency management.
- ERK should provide business benefits to the agency...
- ...and help the agency meet regulatory and other legal requirements.

# Business Benefits of ERK

- *Accessibility*
- *Authenticity and reliability*
- *Business dispute resolution*
- *Improved productivity*
- *Long-term cost savings*
- *Reduced cost of FOIA compliance and legal discovery*

# Business Benefits

## *Electronic Recordkeeping (ERK)...*

- ...enables future accessibility of records in legacy systems, including the migration of records throughout their lifecycle as systems, software, and storage media change.
- ...ensures the authenticity and reliability of agency records, helping ensure the security of critical information resources.
- ...can aid in business dispute resolution, providing fast access to records of agency transactions with customers, suppliers, partners.

# Business Benefits

## *Electronic Recordkeeping (ERK)...*

- ...can improve productivity, especially if ERK is incorporated into overall improvements to agency workflow involving record creation and management.
- ...provides long-term cost savings, reducing the need for parallel recordkeeping systems (i.e., paper and electronic).
- ...reduces cost of compliance with Freedom of Information Act (FOIA) requests and legal discovery.

# Business Benefits

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- LIST HERE OTHER BUSINESS BENEFITS SPECIFIC TO YOUR ORGANIZATION

# Legal and Regulatory Requirements

1. *Presidential Decision Directive 63 (PDD-63)*
2. *Electronic Freedom of Information Act - EFOIA*
3. *Government Paperwork Elimination Act*
4. *Paperwork Reduction Act of 1995*
5. *Information Technology Management Reform Act - ITMRA  
(aka "Clinger-Cohen")*
6. *Government Performance and Results Act - GPRA*
7. *Armstrong v. Executive Office of the President*
8. *Public Citizen v. John Carlin*

# Legal and Regulatory Requirements

## *1) Presidential Decision Directive 63 (PDD-63)*

### *"Critical Infrastructure Protection"*

- Federal government increasingly depends upon networked information systems.
- Security of vital business information in agencies' electronic records is a key component in defining and protecting agencies' critical infrastructure.
- Electronic records are a significant asset and ERK can and should be an important part of an agency's business continuity, contingency, and disaster recovery plan.

# Legal and Regulatory Requirements

## 2) *Electronic Freedom of Information Act [EFOIA] (5 U.S.C. 552(a)(2)(D))*

- Requires agencies to provide electronic access to government records for the public as long as it is practical to do so.
- When records that have been released to any person are likely to become the subject of subsequent requests, an agency must make the records available by electronic means (for records created on or after 1-Nov-1996).
- ERK can assist in tracking and managing the original records, redacted versions, and requests for access.

# Legal and Regulatory Requirements

## *3) Government Paperwork Elimination Act*

*(Pub. L. No. 105-277)*

- By 2003 Federal agencies must begin accepting information from the public electronically. Authenticity, reliability, and digital signatures will be key issues.
- If an agency anticipates receiving more than 50,000 submittals of a particular form, multiple electronic methods must be in place.
- ERK can help manage the flow of electronic forms and will help support the legal standing of electronic signatures.

# Legal and Regulatory Requirements

## *4) Paperwork Reduction Act of 1995*

*(44 U.S.C. 3501-3520)*

- Main purpose is to reduce recordkeeping and reporting burden imposed by agencies on the public.
- Requires government agencies to share information collected from the public.
- Provides direction to agencies on managing information electronically.
- Note: some of this information attains the status of Federal records, so ERK may be needed to manage these records appropriately.

# Legal and Regulatory Requirements

## 5) *Information Technology Management Reform Act [ITMRA]* (aka "*Clinger-Cohen*") (40 U.S.C. 1401)

- Requires that agency IT investments be based on cost-benefit analysis of business needs.
- A disciplined analysis of recordkeeping requirements can help identify the benefits associated with specific IT investments.
- Mission-supporting electronic information systems (EIS) should include a cost-benefit study on the inclusion of ERK functions to manage the electronic records created by such EISs.

# Legal and Regulatory Requirements

- 6) *Government Performance and Results Act [GPRA] (Pub. L. No. 103-62)*
- No specific requirements for electronic recordkeeping... but it does require agencies to eliminate “waste and inefficiency,” and to “improve internal management.”
    - » May be special concern for agencies that collect a large amount of electronic information, maintain many EFOIA releases, or have a large volume of web or e-mail records.
    - » ERK can improve internal management of recordkeeping processes associated with the Paperwork Reduction Act and compliance with EFOIA.

# Other Legal Requirements

## 7) *Armstrong v. Executive Office of the President*

(1 F.3d 1274 (D.C. Cir. 1993))

- Electronic version of a paper record is itself a record, not just an extra copy.
- Paper version of an electronic record may not reflect all information contained in the electronic version.
  - » Without an ERK system agencies must print the record (including embedded text or attachments) and file the entire printout in a paper recordkeeping system.
  - » With an ERK system, it would no longer be necessary to ‘print and file’ messages that qualify as Federal records.

# Other Legal Requirements

## 8) *Public Citizen v. John Carlin*, 2F. Supp.2d 1

(D.D.C. 1997), *rev'd*, 184 F.3d 900 (D.C.Cir 1999)

- Court of Appeals upheld validity of General Records Schedule [GRS] 20.
- GRS 20 provides government-wide authorization to delete e-mail and word processing documents that are filed in scheduled recordkeeping systems as a proper exercise of the Archivist's authority.
- View of the Court: "it may well be time" for agencies to take "the next step of establishing electronic recordkeeping systems"
- Appeals Court also recognized that "this is a question for the Congress or the Executive, not the Judiciary to decide."

# Checklists for an ERK Initiative

- ERK is an agency decision, based on legal and regulatory requirements and an analysis of business benefits.
- Once decided upon, initial steps in an ERK initiative include:
  - » Establish an understanding of Records Management.
  - » Assess the resources and readiness of the RM staff.
  - » Assess the resources and readiness of the IT organization.
  - » Make preliminary planning decisions for the ERK project.

# Checklist: Understanding RM

## *Records Management...*

- Is a well-defined discipline within the field of information management.
- Brings critical business records under agency control.
- Can provide a single point of access to records previously controlled by functional areas or specific individuals.
- Permits access to records throughout their lifecycle, while protecting them from alteration or revision.

# Checklist: RM Readiness

*Readiness of the agency's Records Management staff is critical to success of ERK. Some questions to be answered:*

- Does your agency have a functioning records management program?
  - » Will current RM staffing levels support an ERK environment?
  - » Does your agency have an up-to-date listing of records?
  - » Does your agency have an enterprise-wide records classification scheme or file plan?
  - » Do all staff understand and know how to use the agency file plan?

# Checklist: RM Readiness

- Does your agency have records schedules which contain business rules for how long records are maintained?
- Has the National Archives and Records Administration (NARA) approved your agency's records schedules?
- Has your agency identified how RM practices will change as ERK is implemented?
  - » Have you identified requirements for coordinating manual and automated RM processes, for records on any media?
  - » Have you identified changes to business processes that could or should be made as part of ERK implementation?

# Checklist: IT Readiness

*Readiness and resources of the IT organization are critical to the success of an agency's ERK initiatives. Some questions:*

- Have you determined how records management fits into the agency's overall information management strategy?
- Does your IT organization understand records management goals and support agency records management objectives?
- Has your agency identified its electronic records?
- Does your agency have a program for long-term management and retention of electronic records?

# Checklist: IT Readiness

- Has your agency done a cost/benefit analysis for this ERK initiative?
- Have you determined the scope of your ERK project?
  - » What records, from what sources, for what purposes?
  - » One system or separate systems for paper and electronic records?
  - » One system or many: for sub-units or functional areas?
  - » One system or many: for different record types?
  - » Parallel/pilot testing vs. “day forward” implementation?
- Does the agency have an ERK team which includes IT, records management, legal, finance, audit and program staff?

# Checklist: Creating the ERK Plan

*Issues for both IT and RM to consider in their ERK Plan:*

- Has your agency determined how to phase in ERK (i.e., which types of records to focus on capturing initially, and which types subsequently)?
- Have you determined the education and training requirements necessary for agency staff, RM staff, IT staff, others?
- Have you identified implementation tasks to address the cultural-change issues that may be involved in a move to ERK (e.g., prototypes, pilot testing, focus groups, usability testing)?

# Checklist: Creating the ERK Plan

- Does your ERK plan specify each major type of user, and identify examples of each?
  - » Coordinator: records managers who typically manage the records and the file plan under which records are categorized. They also manage aspects of the recordkeeping system itself, such as controlling end user access.
  - » Contributor: end users, typically agency staff, who create records and who may file and classify, search, request, and retrieve records.
  - » Consumer: end users, inside the agency and perhaps from outside (including the public), who may request, retrieve and view records.

# Checklist: Creating the ERK Plan

- Does your ERK plan involve system migration issues?
  - » Do all records from a previously existing information system need to be migrated to a new recordkeeping system?
  - » Will 100% of the content and metadata convert, or will there be loss?
  - » Have you developed comprehensive migration documentation, including data mappings between old and new systems?
  - » Will old system software be maintained until an audit validates a successful migration to the new system?
  - » Will records from the new system require new or revised records schedules?

# Checklist: Enterprise Architecture

- Have you identified architectural features of the ERK system:
  - » Will there be one electronic record repository or many?
  - » Where will the electronic record repository reside?
  - » Who will be responsible for maintaining it?
  - » Will the ERK system be integrated with commercial desktop software applications, or with electronic document management systems (EDMS)?
  - » Will ERK functionality be integrated into the requirements definition and design of agency's electronic information systems?

# Conclusion

**\*\*CUSTOMIZE THIS SLIDE\*\***

- LIST HERE ANY CLOSING COMMENTS THAT ARE SPECIFIC TO YOUR ORGANIZATION

# More About ERK

National Archives and Records Administration (NARA)

<<http://www.nara.gov/records/>>

NARA Fast Track Guidance Development Project

<<http://www.nara.gov/records/fasttrak/fthome.html>>

Additional Records Management Information (links)

<<http://www.nara.gov/records/links.html>>

# More About ERK

Records and Information Management Resource List

<<http://home.earthlink.net/~survivoraz/infomgmt/infmgt.htm>>

The Preservation of the Integrity of Electronic Records

<<http://www.slais.ubc.ca/users/duranti/>>

InterPARES Project

<<http://www.interPARES.org/>>