

VT Public Records – Cornerstone of Government Transparency

By Secretary of State Jim Condos

Records management is not exactly an exciting topic, but when a particular record is the focus of a request or controversy, it becomes critically important in that moment. Those records are owned by the State of Vermont and are incredibly valuable for a variety of reasons, not the least of which are accountability and preserving confidence in state government. Moments like these are opportunities to talk about the importance of records and information management and what it means for Vermonters.

Vermont's public records are the cornerstone of government transparency for a knowledgeable and informed populace. They must be recognized and managed as the public assets they truly are. Recent events regarding the destruction of public records have unfolded over the last several months. While regrettable, these incidents are illustrative of what can, and will occur when records and information management are not part of the daily workflow of a public agency.

A sound records and information management program, including justifiable, defensible record schedules and related policies is to everyone's benefit. No public agency, official or employee wants to be in the position of defending records destruction without the appropriate and necessary documentation showing it was authorized under a record schedule approved by the State Archivist, *as is required by law*.

In 2008, the Legislature established the Vermont State Archives and Records Administration (VSARA) and placed it under the Office of the Secretary of State emphasizing the need for a "comprehensive strategy for the management of all records created by state agencies." This included grounding the state's records management program in professional records and information management practices/principles and putting it under the direction of the State Archivist, a non-political appointee.

The State Archivist and VSARA staff have worked tirelessly since then to educate state and local agencies on records/information management best practices. VSARA's Targeted Assistance Program (TAP), now in its eighth year, has standard protocols and steps for establishing justifiable retention requirements and active agency records management programs. More than 40 state entities have completed or initiated TAP projects to manage their records.

Retention requirements are not established based on the media/format of a record or the manner by which a record is acquired/produced during the course of agency business. Retention requirements are based on the content of the record acquired or produced. No policy has been or ever will be issued by the State Archivist authorizing the blanket destruction of email of a certain age.

Certain types of records, regardless of format, have been authorized for destruction through general record schedules approved by the State Archivist. No agency may determine on its own

what is appropriate for destruction. Some records have little to no lasting value and may be destroyed after a short period of time. Others must be kept for a certain number of years and still others have “archival” value and must be kept permanently. Some of these records are in the form of messages and attachments transmitted through electronic communications systems.

However, no public agency – state or local – can apply record schedules approved by the State Archivist to their own records without first establishing an approved internal policy to assure that the requirements outlined in the schedule are being fully met and consistently applied across the agency.

Despite best intentions and trust among colleagues in other agencies and departments, too many opportunities remain for agencies and individual state employees to circumvent – even if unintentional – the public records requirements set forth in law as well as the records management strategic plan and expectations they wisely outlined in 2008.

At the very least, we must revisit the management and oversight of statewide systems, including the state’s email and content management systems, by including the State Archivist and VSARA in those discussions.

This will help ensure agencies using these systems have the best tools and resources available to effectively managing their records and information *according to state law*.

At this time, neither exists with any statewide system; therefore I plan to take all required actions to make that possible. By doing so, I believe I can make state records and information more readily available and help restore the public’s faith that Vermont public records are recognized, transparently managed, and preserved as valuable public assets.