

From: London, Sarah [Sarah.London@vermont.gov]

Sent: Monday, September 21, 2015 2:23 PM

To: Allen, Susan; Carrier, Janis; Coriell, Scott; Dudley, Jahala; Gingras, Jessica; Gray, Laura; Green, Geoff; Johnson, Justin; Kunin, Lisa; London, Sarah; Miller, Lawrence; Mishaan, Jessica; Pepper, James; Springer, Darren; Trombley, Shana

Subject: Attorney Client Communication re Records

Attachments: GPS Office Rec Retention Sch 3-19-15.docx; Records Management 2-24-13.pdf

All, while we continue to await SoS approval of our record retention schedule, I have started to organize GPS letters, designations, and other things with clear archival value in the Shared Drive. For instance, you will now see a GPS LETTERS file in EXE. Ideally, that file will contain all GPS letters that are not in IQ, sorted by date. If you have GPS letters that meet that description, please start to save them there as a PDF with YEAR-MN-DY and subject in the file name.

For those that want, attached is the current draft record schedule that has been under review with SoS. Happy to go over this at a future staff meeting, understanding it is a non-public guidance document until it is finalized and approved. (Most language is from prior administration schedules on file at SoS. It should give you a big-picture sense of what will go to archives.) In the meantime, some records-management reminders, especially before folks get consumed with the legislative session. Please:

- (1) discard drafts that have been replaced with final documents and other documents that are “transitory” (see second doc attached for review); this includes transitory records that you have saved in SHARED; and
- (2) get as many archival records into IQ or otherwise save them in a user-friendly manner in SHARED.

I plan to go over the attached in detail with all staff when we get approval from SoS. Any questions or concerns, just let me know.

Thank you!
Sarah

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Please note my email address has changed from sarah.london@state.vt.us to sarah.london@vermont.gov.

Vermont State Governor's Office

Records Management and Disposition Policy

Records Officer: Sarah London

Records Liaison: Jessica Mishaan

In compliance with 3 V.S.A. § 117 and the requirements established by the Vermont State Archives and Records Administration (VSARA) in 3 V.S.A. § 218, the Governor's Office has established the following policy with respect to the management, preservation and disposition of its public records.

I. Record Schedules

In order to process, store, and preserve records kept by the Governor's Office in an efficient and economical manner, the Office has adopted VSARA's General Records Schedules, where applicable, and otherwise adopts the following schedule.

RECORDS ELIGIBLE FOR DISPOSITION			
Record	Description	GRS Record Schedule ID	Retention and Disposition
Advice and Consent letters	Letters of appointment on the "advice and consent of" interested parties. Identical form letters tracking appointments.	1000.1000.28 Correspondence (routine)	Retain until record of appointment has been transmitted to SoS, then destroy.
Applications for Governor Office jobs and internships	Correspondence and applications for jobs and internships in Governor's Office, includes reference materials	1304.1103.80 Applications (Personnel)	Retain until obsolete, then destroy.
Applications from unsuccessful applicants for pardons and appointments	Application materials from unsuccessful applicants for pardons and appointments	1493.1004.8 Applications	Retain until obsolete, then destroy.
Bonds and loans	Official copies maintained by AoA/Treasurer's Office	1000.1000.80 Reference sources	Retain until obsolete, then destroy.
Calendars (other than Governor's)	All staff and conference room daily calendars	1000.1102.19 Calendars	Retain one calendar year, then destroy.
Drafts	Preliminary or tentative versions of a document	1000.1000.28 Drafts	Retain until obsolete, then destroy.
Ethics Code Acknowledgements	Copies of ethics code acknowledgements signed by governor's appointees.	1000.1000.80 Reference sources	Retain until obsolete, then destroy. <i>(Kept for one year per EO 9-11)</i>
Code of Ethics (personnel files)	Files regarding disclosures required under Executive Code of Ethics and, required recusals	1304.1103.141 Authorizations	Retain until term ends, then destroy.
Extraditions (copies)	Copy of order of extradition signed by the Governor, official copy is at AGO	1000.1000.80 Reference sources	Retain until end of term, then destroy. <i>(AGO copies maintained for ten years, then destroyed)</i>
Federal Government-general correspondence	Informational mailings, or federal notices where the Governor is a statutory party, etc.	1000.1000.80 Reference sources	Retain until obsolete, then destroy.
FEMA correspondence – requests for disaster declarations, etc.	Official copies maintained by AoA and Department of Emergency Management	1000.1000.80 Reference sources	Retain until end of term, then destroy.
Inauguration invitations	Copies of invitations for Governor's inaugurations. All identical, except for recipient's name and address.	1000.1000.28 Correspondence (routine)	Retain until obsolete, then destroy.
Informal information requests (not formal public record requests)	Informal requests for information (generally from press)	1000.1000.139 Requests	Retain until obsolete, then destroy.

Invitations and meeting requests	Invitations to attend an event or meeting, with reply.	1000.1000.28 Correspondence (routine)	Retain until obsolete, then destroy.
Land and Easement Acquisition Records	Governor's informational copies of requests for approval for acquisitions, with supporting materials, complete packet of information on each acquisition, including official decision approving acquisition, is maintained with the agency.	1000.1000.80 Reference sources	Retain until obsolete, then destroy.
NGA and Council of New England Governors	General informational mailings and conference materials.	1000.1000.80 Reference sources	Retain until obsolete, then destroy.
Notes	Briefs statements for review, or as an aid to memory, or to inform someone else.	1000.1000.60 Notes	Retain until obsolete, then destroy.
Proclamation requests	Requests for proclamations.	1000.1000.28 Correspondence (routine)	Retain until obsolete, then destroy.
Publications and reports from public and private entities, Boards and Commissions	Copies sent for informational purposes where governor's office is not the creator or filing office.	1000.1000.80 Reference sources and 1000.1000.74 Publications	Retain until obsolete, then destroy.
Requests for photographs or autograph	Requests from individuals, schools, etc. for photographs and autographs, and responses	1000.1000.28 Correspondence (routine) and 1000.1000.139 Requests	Retain until obsolete, plus remainder of term, then destroy.
Routine correspondence not involving the Governor	All correspondence not involving the Governor that is routine and not subject to specific legal requirements	1000.1000.28 Correspondence (routine)	Retain until obsolete, then destroy.
State Trooper Notifications	Notifications to Governor concerning state police internal affairs.	1000.1000.80 Reference sources	Retain until obsolete, then destroy.
VHFA annual allocation report	Copy of VHFA annual allocation report, official report maintained at agency	1000.1000.80 Reference sources	Retain until obsolete, then destroy.
Worksheets	Forms, checklists and other documents used to prepare or update a formal or ongoing record or track workflow.	1000.1000.104 Worksheets	Retain until obsolete, then destroy.

RECORDS TO BE SENT TO STATE ARCHIVES			
Record	Description	Record Schedule ID	Retention and Disposition
Agreements & MOUs	Formal agreements with other jurisdictions and other agencies	1000.1102.5 Agreements	Retain until term ends, then transfer to SoS.
Appointment records	Formal appointment records of successful applicants for all boards, commissions, and vacancies	1493.1004.133 Decisions	Retain until term ends, then transfer to SoS.
Certificates and letters of greeting	Letters from the Governor for publications or events.	1000.1102.53 Correspondence (substantive)	Retain until term ends, then transfer to SoS.
Executive Orders	Original signed Executive Orders	1000.1102.32 Declarations	Retain until term ends, then transfer to SoS.
Federal Government-White House	White House Conferences and correspondence	1000.1102.53 Correspondence (substantive)	Retain until term ends, then transfer to SoS.
Governor's Office policies	Formal Governor Office policies	1000.1102.70 Policies	Retain for three years or until term ends, then transfer to SoS.
Governor's Office constituent correspondence	Letters and website submitted messages, and responses.	1000.1102.53 Correspondence (substantive)	Retain until term ends, then transfer to SoS.
Governor's weekly public appearance calendar	Governor's weekly public appearance calendar (distributed to all press)		Retain until term ends, then transfer to SoS.
Governor's calendar	Governor's daily calendar		Retain until term ends, then transfer to SoS.
Grant award letters – grants administered by Governor's Office and supporting materials	Copies of letters received upon being awarded federal grant.	1000.1103.173 Grants	Retain for three years or until term ends, then transfer to SoS.
Greeting, congratulation, thank you and condolence correspondence to and from Governor	Letters and certificates for awards, milestone anniversaries, birthdays, Page certificates, letters of congratulation, etc.		Retain until term ends, then transfer to SoS.
Legislative messages: Bills Signed/Vetoed Messages	Formal messages to legislature regarding specific bills and whether the Governor signed, vetoed or allowed to become law without signature.	1000.1102.53 Correspondence (substantive)	Retain until term ends, then transfer to SoS.

Letters of recommendation	Requests for Governor letters or recommendation or recognition, letters of support for potential	1000.1102.53 Correspondence (substantive)	Retain until term ends, then transfer to SoS.
Oaths of Office	Original, signed oaths of office for all appointed commissioners.	1493.1004.108 Oaths	Retain until term ends, then transfer to SoS.
Pardons awarded	Pardon requests from successful applicants, general materials for successful applicants & award letter	1000.1102.53 Correspondence (substantive)	Retain until term ends, then transfer to SoS.
Photographs & videos	Photographs and videos of Governor's public events as available.		Retain until term ends, then transfer to SoS.
Proclamations	Proclamations	1000.1102.32 Declarations	Retain until term ends, then transfer to SoS.
Public Record Act requests	Request under Access to Public Records Act and responses.	1000.1102.53 Correspondence (substantive)	Retain until term ends, then transfer to SoS.
Weekly reports	Weekly reports to the Governor from Cabinet	1000.1102.144 Reports	Retain until term ends, then transfer to SoS.

DISPOSITION TO BE DETERMINED			
Record	Description	Record Schedule ID	Retention and Disposition
Governor's briefing materials for daily calendar	Agency/staff briefings for the Governor that accompany the daily schedule.		Retain until end of term, then transfer to SoS.
Bill Reviews	Agency reviews of pending legislation as available (electronically stored starting in 2013).	1000.1102.53 Correspondence (substantive)	Retain until end of term, then transfer to SoS.
Social Media	Facebook, Twitter, Instagram, YouTube postings and public comments.	1000.1102.53 Correspondence (substantive)	Retain until end of term, then transfer to SoS.

OTHER RECORDS TO CONFIRM:

Admin & Advisory Boards & Commissions-Senate Confirmation Notices	Nominations confirmed by the Senate, sent to Governor.	1000.1103.28 Correspondence (routine)	Retain until obsolete, plus remainder of term, then destroy.
Travel authorizations			
Travel receipts			
Timesheets			
Governor's Office budget documents			

MEMO

TO: Governor Shumlin's Staff

RE: Confidential Legal Advice Regarding Records

FROM: Sarah London, Legal Counsel

DATE: 2/24/13

In the absence of a more specific policy, this Office has operated under General Record Schedule issued by the Vermont State Archives and Records Administration of the Office of the Secretary of State. I am working to develop a policy that is specific to this Office. Until that more specific schedule is finalized, you should continue to operate under the following guidelines.

The starting point is that as a custodian of public records, you shall not destroy, give away, sell, discard or damage any record in your charge—unless specifically authorized by law or under a record schedule approved by the state archivist. In addition, by statute, “[t]he official correspondence of the governor is the property of the state. Upon retiring from office he or she shall cause such correspondence and an itemized list thereof to be deposited with the secretary of state.” 1 V.S.A. § 4(a). Some general rules to keep in mind:

Emails: There is no one schedule for all email. Rather, it depends on the nature of the email. Routine non-substantive emails, like those used to schedule meetings or provide brief FYIs, need only be retained until they are “obsolete,” meaning no longer useful. These are considered “transitory records,” or records that are only needed for a limited period of time in order to complete a routine action or update a formal record.

Text messages: The vast majority of text messages are “transitory records,” which need only be retained until they are obsolete.

Examples of other types of “transitory records” that only need to be retained until they are obsolete:

- **Drafts** that were not shared, not put into practice, or superseded by a formal or ongoing record. (If drafts are legally required, acted upon or applied, they fall under a different schedule).
- **Notes** written down for review, as an aid to memory, or to inform someone else. This includes short informal notes such as phone messages.
- **Reproduced or published materials from other offices that require no action and aren't required for documentary purposes.**
- **Reference materials** intended primarily for consultation.
- **Worksheets** such as forms, checklists, to-do lists, and other worksheets used to prepare or update a formal or ongoing record or informally track workflow.

Administrative Policy Records relate to or affect, in a specific manner, the administration of a public agency and the formulation or development of policy. Such records are subject to a range of retention requirements ranging from destruction when they are obsolete, to retaining for three years following the expiration of their applicability. Here are a couple of examples to keep in mind:

- **Press releases** must be **retained for one year following the calendar year in which they were issued.**
- **Agendas:** written lists or programs of things to be done or considered must be **kept for a year following the calendar year in which they were generated** (unless the minutes don't track the agendas, in which case they must be kept longer).
- **Agreements:** interagency agreements and memorandums of understanding concerning policies and procedures must be **retained for three years following their expiration.**
- **Calendars** used to schedule meetings and related events must be **retained for one year after the end of the calendar year.**
- Minutes documenting policy development must be retained for three years from the end of the calendar year in which they were generated.
- Legal notices, official written statements, or announcements that are required by law must be retained for a year following the completion.
- **Plans/reports, usually required by law, documenting agency goals, objectives and plans for the future must be retained until three years after they are superseded.**
- **Written policy statements that outline agency or program guiding principles must be retained for three years after they are superseded.**
- Records reflecting **procedures governing the administration of an agency or policy development must be retained for three years after they are superseded.**
- Annual reports documenting activities and accomplishments must be kept for three years after the calendar year in which they were generated.
- Studies conducted by or for an agency that relate to the agency's administration or development of policy must be kept for three years after completion.

Again, these are general rules for operation until we have a more specific schedule approved for use. If you have any questions, please let me know. Thank you.