



## Vermont Office of Lieutenant Governor

Lieutenant Governor Molly Gray

115 State Street Y Montpelier, VT 05633

# RECORDS AND INFORMATION MANAGEMENT POLICY

Effective Date: January 2021

## I. PURPOSE

All Vermont public agencies are responsible for creating, managing and disposing of records in accordance with State and Federal laws and regulations. This policy is to ensure employees of the Vermont Office of the Lieutenant Governor ("Office") conform to and are aware of these regulations.

## II. SCOPE

Pursuant to 1 V.S.A. § 317, all written or recorded information, regardless of physical form or characteristics, produced or acquired in the course of Office business are public records and therefore subject to this policy.

## III. POLICY STATEMENT

It is the policy of this Office to comply with the Vermont Public Records Act or PRA (1 V.S.A. Chapter 5, Subchapter 3) and statewide records and information management policies, standards, guidelines, and procedures, including record schedules governing the life cycle management, retention, and disposition of public records issued by the Vermont State Archives and Record Administration pursuant to 3 V.S.A. § 117.

## IV. UNIFORM LAWS, STANDARDS, AND PROCEDURES

1. [1 V.S.A. §§ 315-320](#): Vermont Public Records Act, including [1 V.S.A. § 317a](#): Management of Public Records
2. [3 V.S.A. § 117](#): Vermont State Archives and Records Administration
3. [CVR 04-000-002](#): Uniform Schedule of Public Record Charges for State Agencies
4. [Vermont Records and Information Management Standards and Best Practices](#)

## V. RECORD SCHEDULES

Agency-Specific Record Schedules (SRS), as approved by the State Archivist and issued to the Office by the Vermont State Archives and Records Administration, govern the life cycle management, retention and disposition of public records produced or acquired in the course of Office business.

The most recent versions of the Lieutenant Governor's SRS are publicly available and posted online on the [Vermont State Archives and Records Administration's website](#).

## VI. PUBLIC RECORDS REQUESTS (APPENDIX A)

The Office provides access to records and information in accordance with the PRA and, where applicable for copy requests, the Uniform Schedule of Public Record Charges for State Agencies (CVR 04-000-002). Essential provisions of the PRA, including a standard certification for records that exempt from public inspection and copying, are in Appendix A.

## **VII. RECORDS AND INFORMATION MANAGEMENT GUIDELINE (APPENDIX B)**

The Records and Information Management Guideline incorporated into this policy as Appendix B shall be used for the systematic management of records within the Office.

## **VIII. INFORMATION TECHNOLOGY GUIDELINE (APPENDIX C)**

All information technology applications and programs used in the course of Office business to produce or acquire written or recorded information, regardless of physical form or characteristics, shall support the Office's compliance with the PRA and the statewide records and information management program.

The Information Technology Guideline incorporated into this policy as Appendix C provides a comprehensive listing of standard applications and programs approved for use by the Office. In the event an application or program used in the course of Office business does not readily support the Office's ability to comply with the PRA and/or the statewide records and information management program, it shall be noted in the Information Technology Guideline.

## **IX. REVISION HISTORY**

The latest version of this policy will be on file with the Vermont State Archives and Records Administration at all times.

<b>Date</b>	<b>Revision #</b>	<b>Modification</b>
2021-01-26	1.0	Policy approved by Lieutenant Governor Gray.

## **APPENDIX A: PUBLIC RECORDS REQUESTS**

The following are essential provisions of the Public Records Act that underpin the Office's response to public records requests, including requests for archival records in the legal custody of the Vermont State Archives and Records Administration.

Pursuant to 1 V.S.A. § 316(j), which states that public agencies may make reasonable rules to prevent disruption of operations, to preserve the security of public records or documents, and to protect them from damage, Office divisions shall defer to incident management protocols the Emergency Procedures Plan (EPP) for their respective buildings.

<b>Legal Requirement</b>	<b>Citation</b>
A "public record" or "public document" means any written or recorded information, regardless of physical form or characteristics, which is produced or acquired in the course of Office business.	<a href="#">1 V.S.A. § 317</a>
Any person may inspect or copy any public record of a public agency during customary business hours.	<a href="#">1 V.S.A. § 316</a>
Motive is irrelevant to any person's right to inspect or copy any public record of a public agency.	<a href="#">Finberg v. Murnane</a> , No. 91-485 (1992)
Records must be promptly produced for inspection or copying. If the record is in active use or in storage, the Office must promptly certify this fact in writing and, in the certification, set a date and hour within one calendar week of the request when the record will be available.	<a href="#">1 V.S.A. § 318</a>
The Office may make reasonable rules to prevent disruption of operations, to preserve the security of public records or documents, and to protect them from damage.	<a href="#">1 V.S.A. § 316</a>
If a record does not exist, the Office shall promptly certify in writing that the record does not exist under the name given to the Office by the applicant or by any other name known to the Office.	<a href="#">1 V.S.A. § 318</a>
Certain public records are exempt from public inspection and copying.	<a href="#">1 V.S.A. § 317</a>
If the Office considers the record to be exempt from inspection and copying, the Office shall promptly so certify in writing. The certification shall: identify the records withheld; include the asserted statutory basis for denial and a brief statement of the reasons and supporting facts for denial; provide the names and titles or positions of each person responsible for denial of the request; and notify the person of his or her right to appeal to the Lieutenant Governor any adverse determination.	<a href="#">1 V.S.A. § 318</a>
The Office shall not withhold any record in its entirety on the basis that it contains some exempt content if the record is otherwise subject to disclosure; instead, the Office shall redact the information it considers to be exempt and produce the record accompanied by an explanation of the basis for denial of the redacted information.	<a href="#">1 V.S.A. § 318</a>

Legal Requirement	Citation
In responding to a request to inspect or copy a record, the Office shall consult with the person making the request in order: to clarify the request; obtain additional information that will assist the public agency in responding to the request; and/or facilitating production of the requested record for inspection or copying. The Office may request that a person seeking a voluminous amount of separate and distinct records narrow the scope of a public records request.	<a href="#">1 V.S.A. § 318</a>
If the Office has the equipment necessary to copy its public records, the Office shall utilize its equipment to produce copies. If the Office does not have such equipment, the Office is not required to provide or arrange for copying service; to use or permit the use of copying equipment other than its own; to permit operation of its copying equipment by other than its own personnel; to permit removal of the public record by the requesting person for purposes of copying; or to make its own personnel available for making handwritten or typed copies of the public record or document requested.	<a href="#">1 V.S.A. § 316</a>
If a person making the request has a disability which requires accommodation to gain equal access to the public record sought, the person shall notify the Office of the type of accommodation requested. The Office shall give primary consideration to the accommodation choice expressed by the requestor but may propose an alternative accommodation so long as it achieves equal access. The Office shall provide accommodation to the person making the request unless the Office can demonstrate that accommodation would result in a fundamental alteration in the nature of its service, programs, activities, or in undue financial and administrative burden.	<a href="#">1 V.S.A. § 318</a>

### Model Denial Response

In the event records requested from our Office are clearly exempt from public inspection and copying pursuant to a specific statutory exemption, the following response shall serve as a guideline and model for denying a request to inspect or copy an Office record:

*Thank you for your request for [description of records request]. The records you request are exempt from public inspection and copying pursuant to [citation of statute,] which states: "[transcription of from statute.]"*

*Any concerns or requests for appeal may be brought to the attention of Lieutenant Governor Gray at [email address].*

If uncertain of the applicability of an exemption to an Office record, consultation with the Lieutenant Governor is necessary prior to responding to the requestor. Upon consultation, Office employees shall respond as directed by the Lieutenant Governor.

## **APPENDIX B: RECORDS MANAGEMENT GUIDELINE**

### **Transitory Records (SRS-1645.1000)**

**Transitory Records** are defined as records only needed for a limited period of time in order to complete a routine action or prepare or update a formal or on-going record. They are not subject to any specific legal recordkeeping requirements, explicit or implied, and are administratively obsolete after the specific action or process to which they relate is complete. Drafts, notes, reference material, and similar records are examples of transitory records.

If your Division has not established specific retention periods for transitory records, the following types of transitory records can and should be destroyed when no longer needed administratively provided that the records are not subject to any specific legal requirements or a legal retention hold.

- **Routine Correspondence:** Incoming and outgoing correspondence that is part of a regular routine function and has limited value or need after a routine action is completed.
- **Drafts:** Preliminary or tentative versions of a document that have no additional value beyond the drafter and, where applicable, immediate collaborator(s). Includes drafts that have been superseded by another document.
- **Notes:** Notes that have been taken to aid personal memory for later review. Includes short, informal notes such as phone messages.
- **Publications and Reference Sources:** Information that is intended primarily for consultation and is for reference or informational purposes only.
- **Requests:** Requests and responses for forms, publications, records, and other Office information that do not require any administrative review before, or further action after, the information is provided.
- **Worksheets:** Forms, checklists, and similar worksheets used to prepare or update other records or informally track a workflow.

All electronic messages created or received by Office employees are public records. Examples of transitory messages that can and should be destroyed from Office employees when no longer needed administratively are: (1) inter-office correspondence and notes concerning routine processes and workflows, including simple requests for information; (2) out-of-office or meeting notifications; and (3) updates and other messages received for informational or reference purposes only.

Records in an employee's personal work drives are also public records and personal work drives should only be used for transitory records that: (1) an employee has created or received to complete a routine action or prepare or update a formal or on-going record; (2) are administratively obsolete after the specific action or process to which they relate is complete; and (3) are not needed by other Office employees to carry out an action or process.

## Operational/Managerial Records (SRS-1645.1103)

**Operational/Managerial Records** relate to the day-to-day operations of the Office and its divisions.

Office employees responsible for the day-to-day operations of a specific program, process, or function shall apply SRS-1645.1103 where applicable. The following Operational/Managerial Records can be destroyed after retention requirements have been met provided that the records are not subject to any specific legal requirements or a legal retention hold.

- **Agreements:** Informal agreements concerning the day-to-day operations of the Office and its divisions.
- **Calendars:** Staff calendars of meetings and events. Does not include the calendar of the Lieutenant Governor.
- **Logs:** Internal records documenting or tracking the performance or use of equipment, space, or information for internal control purposes.
- **Plans:** Internal planning documents pertaining to the day-to-day operations of the Office and its divisions.
- **Procedures:** Written instructions and procedures related to internal workflows and processes for day-to-day operations.
- **Reports:** Internal reports used to communicate and/or document day-to-day operations of the Office and its divisions.
- **Studies:** Internal studies and other evaluations related to the day-to-day operations of the Office and its divisions.

Regardless of an employee's position in the Office, if any of the above records are (1) received for reference or informational purposes only; and (2) outside of the employee's job responsibility to manage in accordance with SRS-1645.1103, the copies are presumed to be duplicates and shall be managed as Transitory Records (SRS-1645.1000).

Any records that need to be shared should be stored in a place that is readily accessible to other Office employees. If your Division is not using a system that can alert coworkers to when a record is ready to be reviewed, accessed, or referenced, instead of attaching the file to an email, provide the file path, URL or other location information to your coworkers. If sending by email or instant messaging, do not leave spaces when naming your file folders or files – this will eliminate your ability to use the file path as a URL

Providing the file path, URL or other location information allows coworkers to access the file directly from its storage location. This also saves valuable space in your email or instant messaging system and means that you and your coworkers can treat the email or instant message about the location of the record as transitory.

## Administrative Policy Records (SRS-1645.1102)

**Administrative Policy Records** relate to the administration of the Office and the formulation or development of policy. They have continuing value if they provide evidence of deliberations, decisions, and actions relating to policy or major administrative issues.

The following Administrative Policy Records are permanent (archival) and shall be transferred into the Vermont State Archives under SRS-1645.1102 when retention requirements have been met.

- **Agreements:** Formal agreements entered into by the Lieutenant Governor.
- **Calendars:** The calendars of official meetings and events of the Lieutenant Governor.
- **Correspondence (Substantive):** Correspondence created or received by the Lieutenant Governor that has significant administrative value and/or is essential in supporting policy decisions.
- **Declarations:** Official statements, including formal opinions and similar records, made by the Lieutenant Governor.
- **Plans, Policies, and Procedures:** Strategic plans, written policies and directives, and substantive instructions and procedures governing the administration of the Office of Lieutenant Governor.
- **Press Releases:** Official or authoritative statements distributed to the press that relate to the administration of the Office of Lieutenant Governor.
- **Reports and Studies:** Annual and other substantive reports documenting the activities and accomplishments of the Office and studies conducted by or for the Office that relate to the administration of the Office and/or the formulation of policy.

Grant documentation, unless the final report is substantive in nature and legal notices related to the administration of the Office and its divisions and/or or the formulation of policy are temporary (legal) records that shall be destroyed when retention requirements have been met.

Email systems and personal drives are not appropriate for the storage or the long-term management and preservation of administrative policy records.

## APPENDIX C: INFORMATION TECHNOLOGY GUIDELINE

The State of Vermont's (SOV) Office 365 platform is administered by the Agency of Digital Services. While Office 365 does not readily support the Office's ability to comply with the PRA and/or the statewide records and information management program, the management of some transitory records (SRS-1645.1000) is automated to the extent possible. Employees shall use Office 365 applications as prescribed in the matrix below.

SOV O365	OneDrive for Business	Teams	Exchange/Outlook	SharePoint
<b>Primary Use</b>	Personal work drive	Collaboration	Communication	Content Management
<b>Features</b>	<ul style="list-style-type: none"> <li>• User Workspace</li> <li>• Informal Storage</li> <li>• Edit/View/Share</li> <li>• Attachments</li> </ul>	<ul style="list-style-type: none"> <li>• Chat</li> <li>• Workspace</li> <li>• Meetings</li> <li>• Attachments</li> </ul>	<ul style="list-style-type: none"> <li>• Messaging</li> <li>• Calendaring</li> <li>• Managing tasks</li> <li>• Attachments</li> </ul>	<ul style="list-style-type: none"> <li>• Agency Intranet</li> <li>• Formalized Storage</li> <li>• Structured Access</li> <li>• Business Continuity</li> </ul>
<b>Intended Use</b>	Individual user workspace to support personal work routines such as drafting, notetaking and personal reference with limited need to share.	Team workspace to support routine communications and activities of a team, including internal workflows and day-to-day operations and processes.	Communication platform for formal communications, whether routine or substantive, among users and internal and external parties.	Office-wide platform for formalized storage of Office records and information with structured access and workflows for records management.
<b>Schedule(s)</b>	SRS-1645.1000 (Transitory Records)	SRS-1645.1000 (Transitory Records) SRS-1645.1103 (Operational Records)	Varies based on context/content	Varies based on context/content
<b>Retention</b>	User manages in accordance with schedule with no automated retention.	Users manage in accordance with schedules with automated retention for chats only.	User manages in accordance with schedule with some automated retention (pending)	Users manage in accordance with schedules with automated retention (pending)
<b>Automation</b>	None	Default of 7-day retention for all messages within chats (excludes messages in private and standard Team channels)	Pending	Pending
<b>Deactivation</b>	30 days from date of separation with proper notice to supervisor.	30 days after six (6) months of inactivity with proper notice to Team owner.	Pending	Pending
<b>Disposition</b>	Records that have not met retention requirements in the schedule must be migrated by the user's supervisor within 30 days of deactivation.	Records that have not met retention requirements in the schedules must be migrated by Team owner within 30 days of deactivation.	Records that have not met retention requirements in the schedules must be migrated by the user, with oversight by supervisor, prior to separate date.	Pending



In addition to the matrix above, Office employees shall adhere to the following general guidelines when creating or receiving records using the State of Vermont Office 365 Platform.

Applications	State of Vermont Office 365 Platform
Exchange/Outlook	<p>Exchange/Outlook is a communication and calendaring application with a work email account that shall only be used for records and information created and received in the course of Office business.</p> <p>Messages created and received through Exchange shall be managed in accordance with their respective record schedules and only records that clearly fall under SRS-1645.1000 (Transitory Records) and possibly under SRS-1645.1103 (Operational/Managerial Records) shall be retained in only Exchange.</p> <p>All other messages shall be relocated to an appropriate repository until record retention requirements have been met. For records and information appraised as permanent (archival) on a record schedule, contact the Vermont State Archives and Records Administration for digital preservation repository requirements.</p>
OneDrive for Business	<p>OneDrive for Business is personal work drive that shall only be used for records and information created and received in the course of Office business that clearly fall under SRS-1645.1000 (Transitory Records), including supervisory records (e.g. draft performance evaluations, copies of final evaluations that are on file with the Department of Human Resources, worksheets, notes, etc.).</p>
SharePoint	<p>SharePoint is a file storage and collaboration application that shall only be used for records and information and received in the course of Office business.</p> <p>All records and information created or uploaded to SharePoint shall be managed in accordance with their respective record schedules.</p> <p>If using SharePoint for records and information appraised as permanent (archival) on a record schedule, contact the Vermont State Archives and Records Administration for digital preservation requirements.</p>
Teams	<p>Chat feature in Teams shall only be used for routine correspondence and shall be retained for no longer than 30 days.</p>

In addition to, but separate from, the Office 365 platform, Office employees shall adhere to the following guideline for other Office-wide external systems and platforms.

Resources	Office-Wide External Systems and Platforms
VoIP	<p>Voice over Internet Protocol or VoIP transmits telephone calls over an Internet protocol (IP) network, such as the Internet, instead of the traditional public switched telephone network (PSTN) with an assigned work number.</p> <p>Messages created and received through VoIP shall be managed in accordance with their respective record schedule(s) and only records that clearly fall under SRS-1645.1000 (Transitory Records) and possibly under SRS-1645.1103 (Operational/Managerial Records) shall be retained only as voice mail associated with an assigned work number.</p> <p>All other messages shall be relocated to an appropriate repository until record retention requirements have been met. For records and information appraised as permanent (archival) on a record schedule, contact the Vermont State Archives and Records Administration for digital preservation repository requirements.</p>

