

## WHAT DO YOU NEED TO KNOW ABOUT GOVERNMENT RECORDS?

Government records are of great value to the State of Minnesota and its citizens—they are necessary for conducting government business; they help preserve our heritage by documenting our historical places, people, and events; and they are used frequently for research and investigations. As a government agency or historical society, you take on the many responsibilities that come with holding and managing these vital documents. You need to be able to recognize government records and to undertake all the activities—acquisition, appraisal, description, preservation, storage, and retrieval—required to maintain an archives.

In this chapter you will learn all about records: the definition of a government record, what laws pertain to government records, who creates and manages records, and what records have historical value. You will be introduced to the State Archives of the Minnesota Historical Society, and how it can assist you in managing your own records. The issue of storing your records locally or non-locally will be discussed and resources to help you manage your government records will be presented. The appendices at the end of these guidelines contain *Requirements for the Disposition/Transfer of Government Records to Other Repositories* (Appendix A), and a model agreement entitled *Government Records Depository Agreement* (Appendix B).

### What is a government record?

Government records are defined as state and local records that are created in accordance with state law or in connection with public business transactions. Government records are created by officers or agencies of the state, counties, cities, towns, school districts, municipal subdivisions, organizations, or any other public authorities or political entities.

Examples of government records include correspondence, maps, memoranda, papers, photographs, reports, writings, recordings, e-mail, and other data, information, or documentary material. Records can be stored on various media such as paper, microform, audio and video tape, photographic materials, computer hard drives, or removable media. It is important to remember that government records refer to the recorded data or information regardless of the media it is recorded on or format it is in. For example, the information found on a birth certificate is considered the record, not the paper document or the microfilm it is recorded on.

For a more complete definition of Minnesota government records, see Chapter 138.17 of the Minnesota Statutes.<sup>1</sup>

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<sup>1</sup> Minnesota Office of the Revisor of Statutes. *2008 Minnesota Statutes: 138.17 Government Records; Administration*. <https://www.revisor.leg.state.mn.us/statutes/?id=138.17>

## What laws pertain to the preservation and management of government records?

In Minnesota, government recordkeeping is governed by three statutes: the Official Records Act, the Records Management Act, and the Minnesota Government Data Practices Act. These statutes directly affect you as a repository of government records.

### **Official Records Act, Minnesota Statutes, Chapter 15.17<sup>2</sup>**

The Official Records Act (M.S. 15.17) mandates that “all officers and agencies,” at all levels of government, “shall make and preserve all records necessary to a full and accurate knowledge of their activities.” This act helps to ensure that Minnesota government is accountable to its citizens, administrations, courts, legislatures, financial auditors, and future generations of Minnesotans.

### **Records Management Act, Minnesota Statutes, Chapter 138.17<sup>3</sup>**

The Records Management Act (M.S. 138.17) provides the mechanism for the orderly and accountable disposition of government records. This act defines the state Records Disposition Panel as well as the records retention schedules discussed later in this chapter.

### **Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13<sup>4</sup>**

The Minnesota Government Data Practices Act (MGDPA) (M.S. 13) ensures that the general public maintains access to non-restricted government records. More information on this act can be found in Chapter 6 of these guidelines (*How do you provide access to government records?*).

## Who is involved in record keeping?

Chief administrative officers of government offices and their staff, the Minnesota Department of Administration, and the Records Disposition Panel play major roles in the creation, management and access to government records.

### **Chief Administrative Officers and Their Staff**

According to Minnesota law, the chief administrative officers of government offices or agencies—city clerks, school district superintendents, township clerks, county officers, and state agency commissioners—are responsible for creating and preserving government records. And in the course of their normal work routines, all government staff members share this responsibility by following their agency’s policies and procedures.

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<sup>2</sup> Minnesota Office of the Revisor of Statutes. *2008 Minnesota Statutes: 15.17 Official Records*.  
<https://www.revisor.leg.state.mn.us/statutes/?id=15.17>

<sup>3</sup> Minnesota Office of the Revisor of Statutes. *2008 Minnesota Statutes: 138.17 Government Records; Administration*. <https://www.revisor.leg.state.mn.us/statutes/?id=138.17>

<sup>4</sup> Minnesota Office of the Revisor of Statutes. *2008 Minnesota Statutes: Chapter 13. Government Data Practices*.  
<https://www.revisor.leg.state.mn.us/statutes/?id=13>

### **Minnesota Department of Administration, Information Policy Analysis Division**

The Minnesota Department of Administration, Information Policy Analysis Division (IPAD) provides technical assistance and consultation about Minnesota's data practices (M.S. 13) and other information policy laws. More information can be found on IPAD's website.<sup>5</sup>

### **Records Disposition Panel**

The state Records Disposition Panel, a statutory body defined by the Records Management Act (M.S. 138.17)<sup>6</sup>, also plays a very important role in the preservation and management of government records by ensuring that the disposition of such records is managed appropriately. In addition to maintaining the records retention schedules, this panel reviews, evaluates, and decides on requests to destroy or transfer records. The panel consists of the following individuals:

- Legislative Auditor (for state agency records)
- State Auditor (for local agency records)
- Attorney General
- Minnesota Historical Society Director

The members of this panel were specifically chosen for their special knowledge of records value: the Legislative and State Auditors understand the fiscal value of state and local records, the Attorney General understands the legal value of records, and the Minnesota Historical Society Director understands the historical value of records.

It is important to know that you are responsible for submitting requests to the panel if you want to change the record format of an official copy, transfer records to another organization, or dispose of records not listed on an approved records retention schedule. It is the responsibility of the panel, then, to ensure that all fiscal, legal, and historical concerns are addressed before changes are made.

## **What is the role of the Minnesota State Archives?**

The mission of the Minnesota State Archives is to document the history of Minnesota by identifying, preserving, and making accessible the evidential record of government activities and the historically valuable information created by government. This is accomplished through shared responsibility with the records creators. One of the State Archives' most important responsibilities is to assist you in determining the historical value of your records (roughly only 3-5% of government records have permanent historical value).

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<sup>5</sup>Minnesota Department of Administration. *Information Policy Analysis Division (IPAD). Home Page.* <http://www.ipad.state.mn.us/>

<sup>6</sup>Minnesota Office of the Revisor of Statutes. *2008 Minnesota Statutes: 138.17 Government Records; Administration.* <https://www.revisor.leg.state.mn.us/statutes/?id=138.17>

In addition, the State Archives has produced a variety of resource guides covering legal and storage issues, disaster preparedness, digital imaging, and more. These guides are available on the State Archives' web site<sup>7</sup>.

## Why do government records have value?

Government records might have value for a variety of reasons—they might ensure accountability, provide proof of agreements or rights, be unique in nature, describe historically important events, and be useful for research or investigations.

For example, many records have historical value such as town board meeting minutes, accounting reports, civil and criminal court case files, annual reports, student censuses, and territorial documents. Records that offer genealogical information, such as birth and death certificates, are also of value as many archives users are researching family history.

For a complete discussion on the appraisal of government records, see Chapter 2 of these guidelines (*How do you appraise government records?*).

## Why is it important to document records?

Good documentation practice is essential to properly care for and protect your records of value, and it can also add to the value of your collection. Good documentation makes locating and retrieving your records easier, substantiates the trustworthiness of your collections, provides the means to manage and control your records more effectively, and helps justify your decisions and actions. Good documentation practice should apply to all your records whether they are paper or non-paper. For a complete discussion on documenting records, see Chapter 3 of these guidelines (*How do you describe government records?*).

## Where are your records best preserved, onsite or at another repository?

It is essential that you preserve and store your records with care. Eventually you will need to decide if you want to store records locally, either at a local government office or a local or regional historical society, or transfer them to the State Archives which may not be local. Each option has its own advantages and you will need to consider the tradeoffs when deciding what to store where.

Preserving and storing records locally provides a tremendous convenience for residents and others who are researching the local region. County historical societies and local governments focus on their regional history—their historical people, places, and events—demonstrating a

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<sup>7</sup> Minnesota Historical Society. *Home Page*. State Archives Department.  
<http://www.mnhs.org/preserve/records/index.html>

proud commitment and a strong desire to promote the local heritage. Records kept locally provide immediate access to local and regional history.

Transferring your records to nonlocal archives, on the other hand, can relieve you of the burdens and costs associated with preserving, storing, and managing records. Storing your records nonlocally will also lower your costs associated with archives-related services, such as photocopying and reference services. Other than those available through the Society's grant-in-aid program<sup>8</sup>, funds are not available from the state for local records management or archival programs. Contact the State Archives for advice on managing your government records.

Requirements for depositing records in a local repository (Appendix A), along with a model government records depository agreement (Appendix B), are provided at the end of these guidelines. Chapter 5 of these guidelines (*How do you preserve and store government records?*) provides valuable information on storage environments and storage techniques for all types of records media.

## What resources are available to help manage government records?

The State Archives' web site offers many resources to help you manage your government records including forms for transferring records to the State Archives, information on record retention schedule information, and the Application for Authority to Dispose of Record form. In addition, the State Archives and the Minnesota Government Records and Information Network (MNGRIN) have published a manual that offers guidance in preserving and disposing government records.

### State Archives' Web Site

The State Archives' web site<sup>9</sup> offers up-to-date information on preserving and managing historical records. This site also contains links to professional associations and other state agencies that provide valuable resources. If needing to transfer records to the State Archives, the *Transfer of Records to State Archives*<sup>10</sup> form can also be found here.

### Records Retention Schedules (State Archives' Web Site)

Records retention schedules are an essential tool for managing your government records. These schedules specify minimum retention periods for records based on the records' administrative, fiscal, legal, and historical value. It is important to remember that the retention period pertains to the content of the records, regardless of the records' media or format. For instance, city council minutes must be permanently retained. They are originally recorded on paper, but might eventually be microfilmed. As long as the minutes are permanently retained on microfilm, the minutes in paper form might be eligible for destruction, assuming the proper review and approval have taken place.

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<sup>8</sup> Minnesota Historical Society. *Local History: State Grants-in-Aid*. <http://www.mnhs.org/shpo/lhs/grants/>

<sup>9</sup> Minnesota Historical Society. *Home Page*. State Archives Department. <http://www.mnhs.org/preserve/records/index.html>

<sup>10</sup> Minnesota Historical Society. *Transfer of Records to States Archives Form*. State Archives Department. May 2004. [http://www.mnhs.org/preserve/records/docs\\_pdfs/TransferForm.pdf](http://www.mnhs.org/preserve/records/docs_pdfs/TransferForm.pdf)

All records retention schedules indicate what records have historical value and what records need to be retained permanently. Some are retained in the agency, while others may be transferred to a local or county historical society or the State Archives. In these guidelines the State Archives provides requirements (Appendix A) and a model agreement (Appendix B) that cover transferring local government records to a local or county historical society for long-term retention. For nonpermanent records, the retention schedules give the time period the records must be retained. For example:

- City personnel files must be retained at least five years.
- Contracts on county buildings must be retained at least ten years after the final payment.
- Township vouchers must be retained at least six years.
- School district accident or damage reports must be retained at least ten years.

State or local government agencies may create their own records retention schedules, but each schedule must have the proper review and approval prior to use. To create your own records retention schedule, you must first submit three signed copies of your proposed schedule to the State Archives of the Minnesota Historical Society<sup>11</sup>. The State Archives will review the schedule, and then submit it to the Records Disposition Panel for final review and approval. Once the schedule is approved, a copy will be returned to your agency. A blank records retention schedule form, with instructions, is available on the State Archives web site<sup>12</sup>.

The State Archives maintains a website of retention schedule information, including schedules for Minnesota counties, cities, townships, school districts, district courts, human resources schedules for state agencies, and financial schedules for state agencies. The schedules can also be found on the State Archives web site<sup>13</sup>.

### ***Application for Authority to Dispose of Records Form***

The *Application for Authority to Dispose of Records* form<sup>14</sup> is a means of disposing records that are not covered in any records retention schedule. It is your responsibility to fill out the form completely and submit it to the State Archives. The State Archives will then secure the signatures of the Records Disposition Panel members and return the form to you.

### ***Preserving and Disposing of Government Records Manual***

Originally published by the Minnesota Department of Administration's Information Policy Analysis Division in July 2000, the *Preserving and Disposing of Government Records* manual<sup>15</sup> was updated jointly by the Minnesota State Archives and the Minnesota Government Records and Information Network (MNGRIN) in 2008. This records management resource explains the

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<sup>11</sup> Minnesota Historical Society, 345 Kellogg Boulevard West, Saint Paul, MN 55102-1906

<sup>12</sup> Minnesota Historical Society. *Record Services: Forms*. State Archives Department. September 2009. <http://www.mnhs.org/preserve/records/recser.html#forms>

<sup>13</sup> Minnesota Historical Society. *General Records Retention Schedules Available Online*. State Archives Department. August 24, 2009. <http://www.mnhs.org/preserve/records/retentionsched.html>

<sup>14</sup> Minnesota Historical Society. *Application for Authority to Dispose of Records*. State Archives Department. June 1997. [http://www.mnhs.org/preserve/records/docs\\_pdfs/PR1form.pdf](http://www.mnhs.org/preserve/records/docs_pdfs/PR1form.pdf)

<sup>15</sup> Minnesota Historical Society. *Preserving and Disposing of Government Records*. May 2008. [http://www.mnhs.org/preserve/records/docs\\_pdfs/PandD\\_may2008.pdf](http://www.mnhs.org/preserve/records/docs_pdfs/PandD_may2008.pdf)

responsibilities of government agencies, shows you how to set up a records storage area and take an inventory, discusses records disposal, and describes records retention schedules.

## Where can you get more information on government records?

### **Minnesota Historical Society, State Archives**<sup>16</sup>

The State Archives provides information on and assistance with historically valuable government records.

### **Minnesota Department of Administration, Information Policy Analysis Division (IPAD)**<sup>17</sup>

IPAD provides technical assistance and consultation about Minnesota's data practices (M.S. 13) and records management acts (M.S. 15.7 and 138.17), and other information policy laws.

### **Minnesota Office of Enterprise Technology**<sup>18</sup>

This office provides assistance with information technology issues and concerns.

### **ARMA International**<sup>19</sup>

ARMA International provides resources on topics relating to the records and information management profession.

### **Council of State Archivists**<sup>20</sup>

The Council of State Archivists provides links to key documents such as manuals, forms, fee schedules, and other documents that can help you manage your archives.

### **National Association of Government Archivists and Records Administrators**<sup>21</sup>

This association provides useful information and reports from around the country on government records.

### **National Archives and Records Administration**<sup>22</sup>

This is a very informative web site that describes the activities, policies, procedures, and collections of the National Archives.

### **Society of American Archivists**<sup>23</sup>

The Society of American Archivists has a very comprehensive web site that provides manuals, books, guides, and other information about managing your archives. For persons new to the

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<sup>16</sup> Minnesota Historical Society. *Home Page*. State Archives Department.

<http://www.mnhs.org/preserve/records/index.html>

<sup>17</sup> Minnesota Department of Administration. *Home Page*. Information Policy Analysis Division (IPAD).

<http://www.ipad.state.mn.us/>

<sup>18</sup> Office of Enterprise Technology. *Home Page*. <http://www.oet.state.mn.us/>

<sup>19</sup> ARMA International. *Home Page*. 2009. <http://www.arma.org/>

<sup>20</sup> Council of State Archivists (CoSA). *Home Page*. June 17, 2009. <http://www.statearchivists.org>

<sup>21</sup> National Association of Government Archives and Records Administrators (NAGARA). *Home Page*.

<http://www.nagara.org>

<sup>22</sup> The National Archives. *Home Page*. <http://www.archives.gov/index.html>

<sup>23</sup> The Society of American Archivists. *Home Page*. <http://www.archivists.org/>

archival profession the Society has a web site, hosted by Yale University, titled *Resources for New Archivists*<sup>24</sup>, that provides links to information about the core archival functions. Topics include acquisitions, processing, preservation, description, reference, continuing education, sources for readings, and other resources.

### **Archives Association of British Columbia**<sup>25</sup>

The Archives Association of British Columbia hosts a web site called the "Archivist's Toolkit," which is an excellent resource for those working in small- and medium-sized archives. The web site has links to policies and procedures, guidelines, standards, case studies, publications, and other resources on the following topics: establishing an archives, appraisal and accessioning, arrangement and description, reference and access, automation and digitization, preservation, conservation, and emergency planning.

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<sup>24</sup> The Society of American Archivists. *Resources for New Archivists*. August 26, 2004.  
[http://www.library.yale.edu/%7Ekspicher/mssrepos/resources\\_gateway1.htm](http://www.library.yale.edu/%7Ekspicher/mssrepos/resources_gateway1.htm)

<sup>25</sup> Archives Association of British Columbia. *The Archivist's Toolkit*. July 2009.  
[http://aabc.ca/TK\\_00\\_main\\_page.html](http://aabc.ca/TK_00_main_page.html)