

# ADMINISTRATIVE MANUAL

## CHAPTER 15

### LSC RECORDS MANAGEMENT POLICY

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#### A. PURPOSE

This Policy sets forth the Legal Services Corporation's (LSC or Corporation) records management program requirements and identifies specific records management responsibilities. The purposes of this Policy are: to ensure compliance with statutory and/or regulatory record keeping requirements; to enable the Corporation to keep and access such records as necessary and desirable to enable LSC to carry out its mission efficiently and effectively, using electronic records as the primary means for record retention; to ensure adequate and proper documentation of the policies and activities of the Corporation as a federally-funded entity; to ensure consistency throughout LSC with respect to records management; to manage risk to the Corporation; and to manage on-site record storage space needs and limit off-site storage costs.

#### B. SCOPE AND APPLICABILITY

This Policy applies to all records of the Corporation, regardless of medium (including paper, electronic, microform, and audiovisual media) which are created, collected, processed, used, stored, and/or disposed of by LSC and its employees. For the purposes of this Policy, the term "records" is defined as all recorded information, regardless of medium or format, including e-mail and voice mail, made or received by LSC and its agents in connection with the transaction of Corporation business and either preserved or appropriate for preservation because of their administrative, legal, fiscal or informational values, except for library and reference materials, stocks of publications and processed documents maintained for distribution, extra copies of records made or acquired only for convenience of reference and personal papers. While all of the above are records, not all records are worthy of preservation or preservation for the same period of time. This Policy applies to all LSC employees and agents.

#### C. BACKGROUND

The Corporation's records are a valuable information resource, the maintenance, retention and storage of which requires investment of Corporation resources (space, money and staff time). Accordingly, LSC's records must be managed as a Corporation asset throughout their respective lifecycles.

Records management consists of planning, controlling, directing, organizing, training, promoting, and other managerial activities related to records creation, maintenance, use and disposal in order to fulfill the purposes of this Policy.

The lifecycle of a record is initiated by the creation, collection or receipt of the record. The lifecycle continues through the processing and active use of the record, until the record is determined to be inactive. The next stage in the lifecycle is the archival stage, which may be on-site in electronic or other form at the Corporation or in off-site storage. For permanent records, the archival stage represents the final stage. However, for all other records, the final stage in the lifecycle is disposal, whereby records are routinely destroyed.

Since all Corporation staff are involved in creating, maintaining and/or using Corporation records, it is imperative that all staff understand this Policy and their individual records management responsibilities. As records move through their lifecycle, they require management by those who create or collect them, those who use them, those who may be physical custodians of them, and those who are responsible for their continued maintenance and disposition. LSC staff and their agents who create, collect, use and/or come into possession of LSC records do not thereby retain any personal or proprietary interest therein. Official Corporation records are at all times the property of the Corporation. The misuse, unauthorized removal or appropriation, or unauthorized destruction of Corporation records may result in disciplinary action, up to and including termination in accordance with the Corporation's personnel policies.

#### **D. RECORDS OFFICERS AND RECORDS MANAGEMENT COMMITTEE**

Each office must identify a Records Officer whose official duties include assuring that the office is managing its records in accordance with this Policy. The Records Officers, together with other staff members selected by the Chief Administrative Officer (CAO), will form a Records Management Committee which will report to the CAO, who will chair the committee. The Records Management Committee will meet semi-annually to review compliance with the Policy; to review the Policy to determine if any revisions to the policy or updates to the Appendices are required, and to recommend any changes to the LSC Executive Team.

A records officer's responsibilities include:

- reviewing the office's Worksite structure for consistency with records schedules;
- providing guidance to staff on the appropriate filing of records in keeping with the schedules;
- assuring compliance with office procedures for converting paper documents to pdf files when appropriate;

- annually reviewing the office's records schedule and recommending any necessary modifications;
- annually reviewing the office's records destruction procedures and compliance with the records schedule.

## **E. RECORDS MANAGEMENT PROCEDURES**

### **1. Minimum Procedures**

Each office must establish records management procedures which include:

- Logging of Incoming Correspondence. The LSC electronic mail log database should be used to maintain this information in an electronic format.<sup>1</sup>
- Maintenance of Record Files. Each staff member is responsible for filing records which they generate. Each office must establish procedures for electronic filing of records by subject/topic.
- Archiving of Word Processing Records. Records such as letters, memoranda, reports, handbooks, directives, and manuals recorded on electronic media should be copied to the electronic recordkeeping system in PDF format for any records that are to be preserved for more than 5 years. For help in converting documents to .pdf, see <http://eweb.lsc.gov/pdfs/FAQHowDoIConvertPDFPicturetoSearchableText.pdf>.

A version of the record may be maintained in its original format until no longer needed for updating or revision and should not be used for archival purposes.

- Archiving of Emails and Voice Mail Messages. In order to assure that email records are filed appropriately for records purposes, email records must be filed by employees at least on a semi-annual basis. Sender and recipient versions of email messages that meet the definition of an LSC record that is to be retained for more than six months, and any attachment to the record messages, should be copied to the electronic recordkeeping system.

Electronic versions of email on the desktop are to be deleted once the recordkeeping copy is kept in electronic form.

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<sup>1</sup> If an office determines an electronic chronological file is needed, such chronological files should be established based on a link to the document in its subject/topic file. This will eliminate duplicate file records.

Email records appropriate for preservation for less than 180 days may be managed on live email systems and allowed to be deleted as part of automatic processes, without further needing to print out or electronically archive.

Few voice mails are expected to be considered records needing retention, since important voice mails are usually followed by written confirmation. In the event that particular voice mails are considered records to be retained, recipients should email to themselves the inbox version of the record, adding in the email whatever information is necessary to identify the content of the voice mail, then click and drag the emailed version of the voice mail into the appropriate folder.

- Transitory Records. Records of short term (180 days or less) interest, including email, which have minimal or no documentary or evidential value are considered transitory records. Examples of transitory records are:
  - routine requests for info or publications and copies of replies which require no admin action, no policy decision, and no special compilation or research
  - originating office copies of letters of transmittal that do not add any info to that contained in the transmitted material, and the receiving office copy if filed separately from transmitted material
  - quasi official notices including memos and other records that do not serve as the basis for official actions (holiday notices, charity and welfare appeals, bond campaigns, etc.)
  - records documenting routine activities containing no substantive information
  - suspense and tickler files or to do and task lists

## 2. Index of Records and Lifecycles

Appendix A to this Policy sets forth the index of LSC records, by office and record type, and identifies the applicable lifecycle for each record type. Specifically, the index includes a brief description of each record type, where and in what form each record is kept, how long each record type is to be maintained in an active file, how it is to be archived (on-site and/or off-site), if at all, and if and when it is to be destroyed. For records subject to statutory and/or regulatory retention requirements, those records shall be retained for a minimum of the required retention period. A list of statutory and/or regulatory minimum record retention periods is attached as Appendix B to this Policy.

3. Identification of New Record Types

It is anticipated that from time to time new record types will be created in the course of Corporation business. Any such records shall be subject to this Policy. As a new record type is created, the employee with the primary responsibility for creating/collecting the new records must notify the Records Officer for the office within 30 days of the date that the first such new record is created or collected. The Records Officer, with the concurrence of the relevant Vice President and the Chair of the Records Management Committee, must identify the life-cycle and maintenance requirements for that record type for inclusion in the records index.

4. Procedure for Facilitation of Records through the Lifecycle (Active to Archiving to Destruction)

The Records Officer for each office is responsible for ensuring that records for the office are managed in accordance with this Policy. Specifically, the Records Officer shall maintain a tickler system for seeing that records move along their lifecycle as scheduled. This shall include ensuring that non-electronic files reaching their archiving stage are culled from active files and properly disposed of (archived or destroyed, as applicable) and that electronic files reaching the end of their scheduled life spans are destroyed. For records being sent to off-site storage, the Records Officer shall be responsible for assuring that the records are sufficiently indexed and packaged for storage and for coordinating with OIM to see that the records are shipped.

For records scheduled to be destroyed, the Records Officer shall notify the Director for that office and the General Counsel in writing (electronic format is acceptable) 60 days prior to the scheduled destruction of the records that the identified records are scheduled to be destroyed. A sample notice is attached as Appendix C to this Policy. The notice shall provide the Director and the General Counsel with 30 days to either sign off on the scheduled destruction of the records or to object to the scheduled destruction of the records, suggesting a specific additional period of retention along with an explanation as to why the scheduled destruction is not appropriate.

If a request for additional retention of records is made, the Records Officer may concur, in which case the record is retained and rescheduled for destruction at the later date. The Records Officer may also discuss the matter with the Director or General Counsel and come to an agreement about the retention or destruction of the records. If no agreement is reached, the Records Officer shall notify the relevant Vice President and the CAO in writing of the dispute and those officers will jointly make the final determination in the matter. If there is no objection to destruction of the record (if the Records Officer receives no response to the written notice within the allotted 30-day response period, the Records Officer shall deem there to be no objection) or if the CAO has determined that

records in dispute are to be destroyed, the Records Officer shall be responsible for assuring that the records have been destroyed.

The Records Officer shall keep sufficient records to demonstrate compliance with this Policy.

5. Other Records Management Considerations

Some records are sensitive and require limited employee access or may require special physical maintenance and storage (due to the sensitivity of the record or the medium of the record). Each office must identify specific requirements for limiting employee access to or providing physical security for records as necessary. The Records Officer shall maintain documentation identifying such records and the required limitations on access or requirements for storage and handling.

Corporate officers (or their designees) shall be responsible for ensuring that all staff under their supervision are aware of and understand this Policy.

LSC has an ongoing obligation to comply with legal demands requiring the preservation of documents as evidence in a particular litigation or Congressional requests; LSC must continue to take reasonable steps to freeze the disposition of any and all records as specified in court orders or other legal process. Requests for such holds on documents will be communicated to all staff by OLA or GRPA.