Nye County
Records Management Policy

Nye County Board Appointment Guidelines

Document and Contact Information

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File Name:	Nye County Records Management Policy
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Requirements for Document acceptance and changes:	Acceptance of, and changes to this document must be reviewed and approved by the Nye County Manager and subsequently the Nye County Board of County Commissioners (BOCC).

History of Revision

Date	Version	Comments

1. GENERAL PROVISIONS

I. PURPOSE

Establish a Records Management policy to protect, control and manage all county records in an efficient and cost-effective manner and in compliance with applicable laws and regulations.

Overview

Records are a significant government asset. They contain valuable information used to support decision-making, sustain communications, control the delivery of services, substantiate citizen entitlement and ensure accountability. All government leaders and employees of Nye County have a responsibility to properly manage records.

Records Management is the systematic control of records throughout their life cycle. Local governments have a duty to all stakeholders to manage records effectively in order to control cost, maximize resources, and ensure the vitality of the organization. Effective Records Management ensures that the information needed is retrievable, authentic and accurate. This requires:

- Each department/office follows this policy and ensures best practices are implemented.
- Identifying who is responsible and accountable for managing records.
- Creating, communicating and executing procedures consistently.
- Integrating best practices and process flows with other departments/offices.

Employees use records and information daily to:

- Perform daily business transactions.
- Deliver goods and services consistently and with integrity.
- Comply with legislative and regulatory requirements.
- Manage risk.
- Protect the interests of all stakeholders inside and outside the county.
- Preserve the organizational identity and history.

This Records Management Policy provides guidance regarding the proper management, storage, retention, and timely disposition of records.

This policy has been designed to assist the county in achieving the following objectives:

- Compliance with all applicable regulatory and legal requirements regarding document retention.
- Preservation of records which are vital to the county's continued operations.
- Protection of the confidentiality and privacy of county records.
- Meeting the county's obligations to the general public.
- Reduction of costs by preventing the unnecessary accumulation of information, data and documents.

II. ORGANIZATIONS AFFECTED

This policy applies to all Nye County elected and appointed officials, employees, contractors and other individuals authorized to create, access, use, store or dispose of county records.

III. __TERMS__

Drafts	Preliminary versions of documents superseded by more recent versions. An example of a Draft is a proposed contract before a final contract is signed. The final contract is the Official Record; the preliminary versions are Drafts.
Duplicates	Exact reproductions or duplicate copies of an Official Record or Non-Record, containing no additional markings of any kind, such as notes in the margins, handwriting, highlighting, or date stamping. Duplicates may be disposed of before the end of the Retention Period applicable to the Official Record and should never be retained longer than the Official Record. Duplicates of Non-Records may be handled the same as the Non-Record.
Electronic Record	A record of a governmental entity that is stored by the governmental entity in an electronic format, such that a computer or machine is required to access or process the record. (NAC 239.906)
Legal Hold	Suspending the process of routine disposition of Records when it is determined that the Records may be relevant to foreseeable or pending litigation, government investigation, or audit.
Media	The types of storage vehicles on which Records are retained. Records may be memorialized on paper or can be stored in a variety of electronic or magnetic formats, such as an optical disk or a hard drive.
Metadata	A description of a document i.e., data about the data relating to the context, form or content of the document and its management through time. With Electronic Records, metadata are attached to or form part of each Record. Examples of metadata include: information about the author, title and subject of a document.
Non-Record	This includes publications, worksheets, Drafts, routine replies, telephone messages, blank forms, and extra copies of documents created for convenience or public distribution. Non-Records may be destroyed when no longer administratively needed.
Official Records	Final versions of Records. For example, a final executed contract would be considered the Official Record. Earlier versions would be considered Drafts.
Record	Recorded information, regardless of medium or characteristics. Any paper, book, microfilm, card, magnetic tape, disk, map, or any copy or printout that has been received by an organization and has been used by that organization or its successors as evidence of its activities or because of the information contained.
Records Management	The systematic control and management of a record throughout the life cycle of the record, including, without limitation, the creation, use, maintenance, retention and ultimate disposition of the record. (NAC 239.106)
Record Series/Record Series Title	Records that are kept or filed in a unified or sequential arrangement, having similar characteristics or relating to a similar function or activity (NAC 239.103)
Retention Period	The period from when the Record is created to the time of its final disposition. The retention period is usually triggered by an event, such as end of calendar year, end of fiscal year, creation date, termination date, expiration date, cancellation date, etc.
Retention Schedule	A disposition schedule ensures government Records have been retained for as long as they are needed and promotes prompt and legal disposition of Records.

IV. POLICY STATEMENT

It is county policy to provide for efficient, economical, and effective controls over the creation, organization, maintenance, use, distribution, and disposition of all county records through a comprehensive program for the management of records from creation to their ultimate disposition, consistent with county business requirements, and in compliance with applicable laws and regulations, including the provisions of NAC & NRS Chapter 239.

A. Documents and Data Subject to This Policy

Overview

This policy applies to all records preserved in paper, photographic, electronic or any other permanent or quasi-permanent formats that have been generated or received by the county and its employees in conducting county business.

Non-Records and Documents That Do Not Need to Be Retained

The following generally need not be retained once they have served their purpose and should be destroyed as soon as possible after creation.

- Nonessential documents such as letters and notes which require neither acknowledgment nor follow-up, letters of transmittal, notes of appreciation, routing slips, congratulations, and plans of meetings.
- Preliminary drafts or copies of a document, if the signed or final original copy (official record) is already being retained.
- Notes, correspondence and email of a personal nature.
- Miscellaneous material with no discernible commercial, legal or other institutional value, such as communications regarding office social events or bulletins posted on bulletin boards that are not related to business issues.

Non-records are also subject to legal holds.

B. Retention of Records

Overview

This policy requires that records be retained, in a manner that permits timely, efficient, and cost-effective retrieval, and until they have satisfied all the retention requirements of county business objectives and applicable laws and regulations, as specified in the records retention schedules.

Employees should adhere to the following general guidelines regarding records retention:

- Per Resolution 2009-64, the Local Government Records Retention Schedules owned and updated by the Nevada State Library, Archives and Public Records (NSLAPR) was adopted.
- Records listed on the records retention schedule should be retained for the period Indicated on the schedule.
- If the schedule's Record Series Title (RST) has no Local Records Disposition Authorization (LRDA) number denoting non-permanent retention or there is no accurately matching RST to the document, the retention must be permanent. Contact the Records Management Administrator (RMA) for a possible new or modified RST.
- The NSLAPR Local Government Records Retention Schedules are cross-departmentally designed. A matching RST could be located in another department (e.g., Correspondence: Executive is under the Section Name of Administrative Records yet applies to all sections/departments).

- When records with varying retention periods are held as a unit, the retention period for the entire unit Is determined by the record having the longest requirement.
- Per NRS 239.051, a reproduction of an image of a record or writing that has been placed on microfilm or saved in an electronic recordkeeping system shall be deemed to be the original record or writing, regardless of whether the original exists.
- Only one copy of a record need be retained to satisfy retention requirements. Other duplicate copies, whether paper or electronic, should be deleted or destroyed as soon as they are no longer required.
- Once a document or electronic file has been finalized, drafts should not be retained unless they have continuing value.
- The proper retention period for correspondence items should be determined by their contents. Enclosed documents, including those attached to an email message, must be independently analyzed for retention purposes. Generally, documents attached to correspondence are duplicates that need not be retained unless they are integral to the correspondence.
- Files should be edited down to originals and necessary materials before being forwarded to the department storage area or imaged.

Exceptions to Records Retention Schedule

The schedule establishes only a minimum period of retention. Departments may retain any of their records beyond the retention schedule as they deem necessary but should have a compelling reason to do so (e.g., historical purposes).

Unnecessary retention of obsolete records can be expensive in space and filing equipment and may expose the office to costly public records access and potential discovery requirements.

Access Control

The confidentiality and security of records should be appropriately maintained by each employee. Records must be stored in safe and secure locations.

Indexing

The success of a records management program depends on the ease and efficiency of retrieval of the required data. Both paper and electronic records require an indexing tool and method. Electronic records shall be properly indexed with consistently applied metadata to each record type when uploaded into an electronic document content manager. A shared drive file system should have detailed folders and subfolders based on retention. A records index (e.g., a word or spreadsheet file) would identify stored records, key metadata, retention and storage location.

Disaster Preparedness and Recovery of Paper Records

All record holders shall make every reasonable effort to prevent, prepare for, and recover from disasters by:

- Minimizing the chances of a fire and maximize the chances for extinguishing it as quickly as possible by following proper building codes, use of outlets, authorized appliances, and keeping fire extinguishers handy.
- Essential, vital, permanent and historical records are ideally stored in adequately labeled fire-resistant cabinets. Avoid storing records in a non-climate-controlled area, under water pipes, directly on the floor, or near chemicals, cleaning supplies, furnaces, radiators, or heaters and avoid installing carpeting in records storage areas.

- In case of disaster, contact your manager and the RMA. Generally, the salvage focus is on records that are of permanent or historical value, essential records needed for continued operations and vital records that are difficult to recreate. The RMA can provide contacts for records salvage specialists if the disaster severity warrants it.

Consider digitizing records instead of storing the paper (NRS 239.051 Requirements Before Destruction) and best environment for storing records during planning/design for a new office location or remodel.

Conflict with Contractual Requirements

To the extent that contractual records retention requirements exceed retention periods listed in the retention schedule or specify the retention of documents not listed in the schedule, the contractual requirements will prevail. No originals of documents related to open contracts and subject to contractual retention requirements may be destroyed without consultation with, and advice of, the Office of the District Attorney, who will consult with other management employees as necessary.

Electronic Documents

County records are stored in various electronic forms including word processing documents, spreadsheets, images and databases. Documents and records created in electronic formats (born digital) must be accurately identified to allow county personnel to retrieve, protect, and provide for their disposition under this policy.

Managing records under this policy is not media dependent. The county must systematically capture and manage records in both paper and electronic format. Therefore, electronic records need to be accounted for and disposed of just as paper records are.

Periodic Review of Electronic Records. Employees should review all electronic documents and files in their control periodically and should eliminate those documents that need not be retained.

Databases. Electronic databases are subject to the same rules regarding retention and disposition that apply to other types of electronic records.

Migration of Electronic Records. If the electronic records are created with or stored on technologies that become obsolete, measures must be taken to convert data and documents whose continued retention is required to a supportable technology for the remaining retention period of the record.

Document Imaging

All records converted from paper to electronic documents should be imaged in the PDF* format with Optical Character Recognition (keyword searchable) at minimum 300 dpi. The imaging method, including created file type or medium, may be altered to best image the original document or when other technology must be used (e.g., microfilm, contracted imaging services, content manager requires other file type, or NRS requirements).

Note: PDF/A is the current preferred archiving standard, however a standard PDF is acceptable.

General maximum file sizes for PDF's are 102.4 kilobytes per page (10 pages at 1 megabyte, 100 pages at 10 megabytes). File sizes *less than* this guideline are encouraged provided the imaging quality is not sacrificed.

Upon completion of imaging, the digital image should be compared to the paper copy to verify that the image is an accurate representation of the original document including color, grayscale and black and white content.

Creating New Electronic Documents in Tyler Content Manager (TCM)

Each department/office should have a designated records coordinator for imaging and/or uploading records into TCM (or other content management system). Some documents are uploaded into TCM via integration with Eden.

A request may have to be brought to the RMA to create new TCM Document Types (templates) with specific indexing metadata fields applicable to the Record Series Title being uploaded into TCM (see Section B: Indexing).

The records coordinator should ensure the consistent use of any content manager's metadata fields (e.g., a free-form text entry field such as the folder/description).

C. Disposition of Records

Overview

Unless their preservation is required to comply with a current public records request, legal hold, audit, contractual requirement or they are needed for business purposes, all records must be disposed of in the ordinary course of business, consistent with the retention period established for each type of record. It is each employee's responsibility to assist in the proper identification and disposition of all records under their control.

Except when a legal hold is in effect, non-records do not need to be retained and may be disposed of as soon as they are no longer needed for business purposes.

Paper Records

Paper records stored in department storage areas should be destroyed upon the expiration of their applicable retention period. Paper records that contain proprietary, confidential or personally identifiable information of employees or customers must be destroyed in such a manner that their contents may not be recovered, reconstituted or retrieved in any manner. Other records may be disposed of by normal methods.

Electronic Records

Electronic records should also be purged upon the expiration of their applicable retention period.

Purging Records

When obsolete records are in the possession of the department/office that controls those records, their records coordinator is responsible for overseeing and verifying the disposition process. Normally a calendar or fiscal year of a record series is purged at once.

- Disposition of Paper Records

1. Use the Records Retention Schedule and Records Inventory Worksheet (if applicable) to identify which containers (boxes or file drawers) potentially hold records that may be disposed of.

2. Check each container to ensure that all files are the same record series and are eligible for disposition. If a container holds more than one record series, the disposition date is calculated from the record series with the longest retention period. Separate out any items that are not eligible for disposition.

3. Label or red marker any boxed records so that the contents can later be identified for recycling or destruction. A red 'X' is suggested for destruction.

4. Complete a Records Disposition Authorization form to create a catalog of the items to be destroyed. All required information must be included on the form. The records coordinator and department/office head shall sign, date and retain it for at least the minimum required retention period.

- Disposition of Electronic Records in Tyler Content Manager

1. Complete a Records Disposition Authorization form to create a catalog of the items to be purged. All required information must be included on the form. The records coordinator and department/office head shall sign and date it.

2. When completed, forward the disposition form to the RMA. After the RMA has purged the documents, the RMA will sign the form and send a copy to the records coordinator.

3. The disposition dated and signed form shall be retained by the RMA.

For other than TCM records, the disposition process shall solely be conducted by the department/office records coordinator.

V. RESPONSIBILITIES

A. Department/Office Heads or Designee

The County's managers, directors, and elected officials are responsible for ensuring that county records in their departments are managed in a manner consistent with this policy. Each department will establish its own guidelines, standards and procedures consistent with this policy. Each department/office head is responsible for:

- Assigning at least one individual within their department as the department records coordinator.
- Ensuring that all employees in the department can correctly identify record and non-record documents or files.
- Ensuring that all employees in the department/office complete any required records management training.
- Assisting in the establishment, review, and confirmation of appropriate retention periods for all records created or used in their unit consistent with the records retention schedule.
- Confirming that records are retained and disposed of per this policy.
- Developing appropriate procedures and practices to successfully implement legal holds.
- Ensuring employees follow all records management procedures established under this policy.

B. Employees

Every County employee is responsible for managing the county's records in their custody according to the guidelines, rules, and procedures established by their department/office consistent with this policy. Specific responsibilities include, but are not limited to:

- Knowledge whether each document they create and/or receive in connection with business operations is a record or non-record.
- Maintaining the confidentiality of proprietary and sensitive county information.
- Managing records according to the guidelines, rules and procedures established for the county.
- Using, handling and managing records only for lawful, ethical, business-related purposes consistent with the county policies and business objectives, or as required by law.
- Complying with the legal hold policy and related procedures.

- The disposition of all records that have satisfied their retention requirement and are not subject to legal holds.
- Completing all required Records Management training, if applicable; and
- Informing a manager or the RMA immediately upon observing non-compliance with any aspect of this records management policy, or upon learning of any potential or actual audit, investigation, litigation or other legal proceeding that may involve the county.

The success of this records management program depends on the cooperation and involvement of every individual. If there are questions regarding records management, or to report any incident of non-compliance, employees are directed to immediately contact their manager or the RMA.

C. Records Management Administrator (RMA)

The RMA is responsible for the general management of county records and is the administrator for Tyler Content Manager (TCM). This includes development and maintenance of this policy and related procedures. The RMA is responsible for:

- Implementing this policy and updating it as necessary to ensure continued compliance with applicable laws and regulations.
- Following the issuance of orders for legal hold and release when litigation, a government inquiry, or other event requires preservation of documents.
- Assist departments to ensure that all county records are properly identified, physically secure, and properly managed with respect to their retention periods.
- Training employees on the control of records in all lifecycle phases, from creation or receipt, through access and use, to disposition in accordance with this policy.
- Reviewing requests for interpretation of, and exemptions from policy requirements.
- If the RMA position is vacant, the functions of the RMA shall be under the coordination of the Public Information Officer or Assistant County Manager.

Questions or requests for program guidance from any department should be directed to the RMA.

D. Third Parties

Plan administrators, contractors and other third parties having custody of county records are responsible for:

- Maintaining the confidentiality of proprietary and sensitive county records.
- Managing records according to the guidelines, rules and procedures established by this policy.
- Using, handling and managing county records only for the purposes established by the business relationship with the county, and consistent with this policy; and
- Complying with legal hold procedures.

NYE COUNTY RESOLUTION NO. 2021-37

A RESOLUTION ESTABLISHING A NYE COUNTY RECORDS MANAGEMENT POLICY.

WHEREAS, the Nye County Board of Commissioners ("Board") is the governing board of Nye County and, therefore setting procedural policies for the County, its officials and its employees; and

WHEREAS, the Records Management Administrator has submitted a Nye County Records Management Policy in accordance with NAC Chapter 239 and NRS Chapter 239 for approval by the Board; and

WHEREAS, the Board, due to its review of the Records Management Policy, is convinced that adoption of the Policy is in the best interests of the employees and residents of the County.

NOW THEREFORE, BE IT RESOLVED the Nye County Board of County Commissioners does hereby adopt the Nye County Records Management Policy.

NOW THEREFORE, BE IT FURTHER RESOLVED

1. The Nye County Records Management Policy [hereinafter, "Policy"] submitted by the Records Management Administrator hereby is adopted for Nye County and shall supersede and repeal any conflicting policies, procedures, rules or regulations previously promulgated.

2. The County Manager is directed to take every step necessary to assure that the provisions of the Policy are fully implemented.

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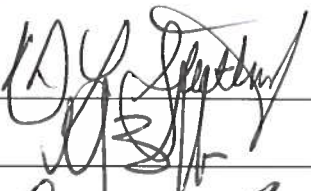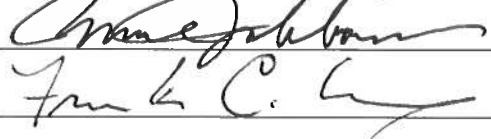Resolution 2021-37 Establishing a Nye County Records Management Policy

PASSED, ADOPTED, AND APPROVED the 2nd day of ~~November~~ 2021.

7th December

AYES: NAYS:

[signature]   _[signature]_

[signature]

Donna C. Cox

[signature]

[signature]

ABSENT: ABSTENTION:

∅   ∅

NYE COUNTY   ATTEST:

BOARD OF COUNTY COMMISSIONERS:

[signature]   _[signature]_

Debra Strickland, Chair   Sandra L. Merlino, Nye County Clerk

                                                        And Ex-Officio Clerk of the Board

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