

6.0 Records Management

6.1 Purpose; Policy and Applicability

The purpose of this Records Management policy is to establish guidelines for the management and retention of records created or maintained by Township personnel.

The Township shall adhere to the State of Michigan Records General Retention Schedule, General Schedule # 10 – Michigan Township Record Retention, applicable retention schedules for specific records, and this policy. Notwithstanding, the Township will immediately cease the destruction of all relevant records (even if destruction is authorized by an approved Retention and Disposal Schedule) if it receives a FOIA request, an investigation or litigation is imminent, or if the Township is notified that an audit, investigation or litigation has commenced. Failure to cease the destruction of relevant records could result in penalties.

This policy shall apply to all officials, appointees, employees, agents, independent contractors, and volunteers of the Township. Each individual who creates, sends, or receives official records is responsible for retaining those records in accordance with this policy.

6.2 Records Management Responsibilities

The Clerk shall be responsible for coordinating all records management procedures and activities for Township offices, departments or services. Duties shall include:

- Distribution of approved general record retention schedules
- Development, review and approval of Township-specific record retention schedules
- Distribution of policies, guidelines, and standards published by the State of Michigan, the Township and other parties
- Arrange off-site storage facilities for inactive records
- Arrange for digital imaging services
- Arrange the destruction of confidential records with a vendor
- Coordination of all litigation holds to prevent the destruction of records that are relevant to a Freedom of Information Act request, investigation, or litigation

6.3 Responsibility to Enforce

The Clerk shall ensure that Township officials, appointees and employees are aware of and implement the Township's record management policies. The Clerk shall ensure that the Township has the most updated record retention schedules that cover all records (regardless of form or format) that are created and used by the Township.

The Clerk shall ensure that the digital files and Email (and other records) of former officials, appointees, employees, volunteers and consultants are retained in accordance with approved record retention schedules.

6.4 Separation from Township

Township officials, appointees, employees, volunteers and consultants/contractors shall not take public records with them when they terminate office, employment or contract with the Township, and they shall not destroy records that have not yet fulfilled their approved retention period. The Clerk is responsible for ensuring that the records, including Email and other digital records, of employees who are separating from the Township are retained in accordance with the Township's record retention policies.

6.5 Failure to Adhere to This Records Management Policy

Failure to adhere to the Township's records management policies may result in applicable discipline, up to and including discharge from employment, termination of the contractor status, or termination of the volunteer relationship. Further, the removal, mutilation or destruction of public records may result in civil and criminal liability, up to and including a penalty of not more than two years in state prison or a fine of not more than \$1,000. (MCL 750.491)

6.6 Records Are Maintained and Stored to Ensure Township Compliance with Law

Township officials, appointees, employees, volunteers and consultants/contractors shall create, develop, organize, maintain, retain and store all Township records to accommodate public inspection, FOIA compliance, record retention requirements, and minimize the Township's exposure to litigation and risk.

The Supervisor shall develop procedures to accommodate access by the Clerk and/or FOIA Coordinator for the purpose of public inspection of records, FOIA requests, and discovery or other litigation-related requests, when:

- Specific records are required by law or Township policy to have limited access
- Specific records contain information exempt from disclosure
- Township records are kept or used in home offices

6.7 Record Retention Schedules

All Township records shall be retained in accordance with an approved record retention schedule. Records not listed on an approved record retention schedule are considered permanent records and may not be disposed of until a schedule is approved.

6.8 Litigation, Investigations and Freedom of Information Act Requests

The FOIA coordinator shall keep a copy of all written requests for public records on file for no less than one year.

No records that are the subject of litigation, a pending investigation request or a pending FOIA request shall be destroyed until the legal action or activity has ended, even if the records are otherwise scheduled for destruction pursuant to a relevant record retention schedule.

Any individual with knowledge of pending litigation, a pending investigation or a FOIA request shall immediately inform the FOIA coordinator. In consultation with the Township attorney, the FOIA coordinator shall direct all relevant individuals to immediately cease disposal of all records relevant to the pending litigation, pending investigation or FOIA request. If the relevant records are in electronic form (including Email), the FOIA coordinator shall notify Township elected and appointed officials, and other appropriate personnel of appropriate information retrieval procedures.

If questions arise as to what records are relevant to a pending litigation, pending investigation, or FOIA request, the FOIA coordinator shall direct the immediate cessation of the disposal of **all** records. The moratorium on the disposal of all records relevant to the pending litigation, pending investigation or FOIA request shall remain in effect for the duration of the litigation or investigation, or until the FOIA request has been fully processed.

6.9 Public Inspection of Records

Upon receiving a verbal request to inspect Township records, the Township shall furnish the requesting person with a reasonable opportunity and reasonable facilities for inspection and examination of its public records.

A person shall be allowed to inspect public records during usual business hours. The public does not have unlimited access to Township offices or facilities, and a person may be required to inspect records at a specified counter or table, and in view of Township personnel.

Township officials, appointees, staff or consultants/contractors assisting with inspection of public records shall inform any person inspecting records that only pencils, and no pens or ink, may be used to take notes.

In coordination with the official responsible for the records, the FOIA Coordinator shall determine on a case-by-case basis when the Township will provide copies of original records, to allow for redaction of exempt information, to protect old or delicate original records, or because the original record is a digital file or database not available for public inspection.

The FOIA coordinator is responsible for identifying if records or information requested by the public is stored in digital files or Email, even if the public does not specifically request a digital file or Email.

A person shall not remove books, records or files from the place the Township has provided for the inspection.

No documents shall be removed from the office of the custodian of those documents without permission of that custodian, except by court order, subpoena, or for audit purposes. The official shall be given a receipt listing the records being removed. Documents may be removed from the office of the custodian of those documents with permission of that custodian to accommodate public inspection of those documents.

6.10 Copies May Be Required to Enable Public Inspection of Records

In coordination with the official responsible for the records, the FOIA coordinator will determine (*on a case-by-case basis*) when the Township will provide copies of original records, to allow for redaction of exempt information, to protect old or delicate original records, or because the original record is a digital file or database not available for public inspection. A fee will be charged for copies made to enable public inspection of records, according to the Township's FOIA policy.

6.11 Record Fees

In all cases, Township personnel shall use the most economical means available to make copies of public records, including digital copies of documents or recordings. Email may be used to distribute records. Record fees are provided in the Township's Freedom of Information Act Policy and relevant Appendices and are set by Township Resolution.

6.12 Digital Files and Email Retention

6.13 Email Defined

Electronic mail (email) is a means of exchanging messages and documents using telecommunications equipment and computers. A complete email message not only includes the contents of the communication, but also the transactional information (dates and times that messages were sent, received, opened, deleted, etc., as well as aliases and names of members of groups), and any attachments.

6.14 Digital Files and Email Messages May Be Public Records

A digital file or email message is a public record if it is prepared, owned, used, in the possession of or retained by a public body in the performance of an official function, from the time it is created.

6.15 Digital Files and Email Messages Are Public Property

All digital files and email messages that are created, received or stored by the Township are the property of the Township and not the property of the Township officials, appointees, employees, volunteers, consultants/contractors, vendors or customers. Email accounts are provided to Township staff for conducting public business. No one should have an expectation of privacy when using the Township's computer resources.

6.16 Digital Files and Email Retention and Disposal Schedules

Digital files and email shall be retained according to the applicable record retention schedule for the type of record the digital file or Email represents.

Individual employees or consultants are responsible for deleting digital files and email messages in accordance with the appropriate record retention schedule. The Clerk shall ensure that messages deleted in compliance with the appropriate record retention schedule are rendered unrecoverable within (*one week*) of deletion.

6.17 Digital Files and Email Storage and Maintenance

The Township shall retain its digital files and Email by (select):

- Filing the digital file or Email in a Document Management System repository where it will be organized and automatically disposed of at the end of its retention period.
- Storing Email online in the active Email system for its entire retention period. Email account holders are encouraged to establish folders for arranging Email according to their content, and they are responsible for disposing of Email that has met all of its retention requirements.
- Creating online Email archives for storing messages that are accessible by the active Email system, but are not stored on the active Email server. Email account holders are encouraged to establish folders for arranging Email according to their content, and they are responsible for disposing of Email that has met all of its retention requirements.
- Storing digital files or Email on hard drives or peripheral drives (information technology staff or other Township designees must specify which drive to use; shared servers are recommended). Email account holders are encouraged to establish folders for arranging digital files or Email according to their content, and they are responsible for disposing of digital files or Email that has met all of its retention requirements.
- Printing digital files or Email and related transactional information, and filing the paper in a manual filing system.

6.18 Record Storage and Maintenance

6.19 Record Storage

Township officials, appointees, employees, volunteers, consultants/contractors and departments shall organize records to promote fast and efficient retrieval of information. Appropriate and cost-effective office equipment, indexes and tools shall be used to maintain records.

The Clerk shall periodically evaluate and make recommendations to the Township Board on the method(s) to be used to maintain and store records for their minimum retention periods. Records that will be retained for more than 10 years shall be stored in an environment that facilitates the security and stability of the storage media. The Township may utilize low-cost storage facilities for inactive records that have not fulfilled their retention requirements.

The Clerk shall work in conjunction with the Deputy Clerk to determine the most cost-effective and reliable method of maintaining digital and electronic records for their full retention period, so technology changes do not render them inaccessible and unusable.

When reproducing Township records for storage purposes, the Township shall comply with the applicable State of Michigan standards and best practices for record reproduction, as authorized by the Records Reproduction Act, MCL 24.401, *et seq.*

Records containing sensitive or confidential information shall be protected against unauthorized access, especially records that are protected by state or federal laws, records containing private information, financial information, background checks, medical information and Social Security numbers. Individuals and offices shall employ appropriate locks, passwords and other devices to protect the privacy of this information.

6.20 Record Disposal

Public records that have reached their minimum retention period, and which are no longer required for the efficient operation of the Township, may be disposed of. All Township offices shall routinely review all records, regardless of format, to identify those that have fulfilled their retention requirements.

Disposal shall be made by a method that is guaranteed to ensure the privacy of sensitive or confidential information. Records that contain confidential information will be disposed of in a manner that ensures they cannot be reconstructed. The Township shall destroy sensitive or confidential information by using methods or procedures approved by Township legal counsel.

Some records possess permanent or historical value. These records may be designated for eventual transfer to the Archives of Michigan for permanent preservation. The Township shall follow the Archives' procedures for transferring records.

6.21 Disaster Prevention and Recovery

Township records, books and papers shall not be kept where they will be exposed to an unusual hazard of fire or theft or other damage.

In the event of damage to Township records, Township personnel, at the direction of the Clerk shall:

- Contact the Township's risk manager and/or insurance agent
- Determine the type of damage to records (fire, smoke, chemical, clean water, dirty water, heat, humidity, etc.)
- Determine which records have been damaged.
- Determine the types of materials that have been damaged (paper, film/microfiche, computer files, CDs/DVDs, etc.)
- Begin salvage according to applicable State of Michigan standards and best practices for document salvage

6.22 Resource Information

Records Reproduction Act, PA 116 of 1992, MCL 24.401, *et seq.*

Department of Technology, Management and Budget General Schedules for Local Government;
https://www.michigan.gov/dtmb/0,5552,7-358-82548_21738_31548-56101--,00.html

Township Schedules

GS1 - [Nonrecord Material Defined \(approved 6-2-2015\)](#)

GS10 - [Townships \(approved 7-1-1997, updated 2009, 2014\)](#)

- This schedule covers the following township departments: building, ordinance enforcement, planning and zoning, public works, and supervisor/assessing.

- GS11 - [Local Law Enforcement \(approved 8-2-2005, revised 2017, 2018\)](#)
- GS17 - [Public Libraries \(approved 1-18-2005, revised 3-16-2021\)](#)
- GS18 - [Fire/Ambulance Departments \(approved 3-6-2007\)](#)
- GS23 - [Elections Records \(approved 10-16-2007, revised 11-26-2013, revised 1-26-2016\)](#)
- GS25 - [Township Clerks \(approved 6-17-2008\)](#)
- GS26 - [Local Government Human Resources \(approved 10-7-2008\)](#)
- GS29 - [Township Treasurers \(approved 9-1-2009\)](#)
- GS30 - [Local Government Information Technology \(approved 12-1-2009\)](#)
- GS31 - [Local Government Financial Records \(approved 4-7-2009\)](#)
- GS32 - [Local Government Parks and Recreation Departments \(approved 4-20-2010\)](#)
- GS34 - [Local 9-1-1 Call Centers \(approved 7-20-2010\)](#)

Michigan's Records Management Services (RMS):

Contact Information

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Adopted _____
Torch Lake Township
Board of Trustees