



Minnesota Pollution Control Agency

RECORDS AND DATA MANAGEMENT MANUAL

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Introduction

Pursuant to Minn. Stat. § 15.17, all governmental entities such as the Minnesota Pollution Control Agency (MPCA) must make and preserve all records necessary to a full and accurate knowledge of their official activities. These records must be passed on to successors in office to ensure that it is understood why past actions and decisions were made.

Minn. Stat. § 138.17 requires all governmental entities to keep an inventory of their records and to maintain a records retention schedule that determines how long these records need to be preserved and describes the manner in which they should be disposed.

Governmental entities that fail to create, preserve and properly dispose of their records according to the law may not be able to meet their obligations under the Minnesota Government Data Practices Act, found in Minnesota statutes chapter 13, which is a state law that regulates the handling of all governmental data that are created, collected, received, stored, maintained and disseminated by a governmental entity regardless of their physical form, how they are stored or how they are used.

Specific Roles and Responsibilities

In order to fulfill these statutory requirements, all agency employees are responsible for following the agency's Records and Data Management Policy (number 1-admin 8-12) as well as the requirements described in this manual. This manual defines the following records management-related requirements and responsibilities:

Commissioner

The Commissioner is responsible for creating and preserving records that adequately and properly document the organization, functions, policies, decisions, procedures and essential transactions of the MPCA. This responsibility is delegated to the Data Services Section Manager.

Data Services Section Manager/Agency Record Managers

The Data Services Section Manager is responsible for the planning, guidance and general oversight of the records management program in the agency and its incorporation into the agency culture and the broader information resources management framework. The Data Services Section Manager is responsible for:

- incorporating records management and policies into the agency's overall information resources and management policy and planning;
- designating agency Records Managers who will be responsible for:
 - leading and managing the agency-wide records management program;
 - ensuring senior agency staff members are aware of their programmatic and individual records management responsibilities;
 - advising on records management issues and developing agency-wide records management policies, procedures, guidance and training materials;
 - coordinating the approval of the agency's records retention schedule;

- coordinating records management issues with other agencies, including federal oversight agencies;
- providing technical advice and training to all agency employees and establishing and maintaining an effective records management program; and
- evaluating recordkeeping practices to determine the effectiveness of the program
- designating records management staff as required or needed;
- promulgating and communicating agency-wide policies and guidance that reflect the agency's records management mission and goals, incorporating any state or federal requirements; and
- assigning overall responsibility for the records management aspects of centrally provided information technology infrastructure, including local area network applications.

Deputy Commissioners/Division Directors/Section Managers/Supervisors

The Deputy Commissioners, Division Directors, Section Managers and Supervisors are responsible for:

- ensuring that there are adequate skills, resources and time for staff to regularly conduct recordkeeping activities;
- developing and disseminating directives and operating procedures as needed to supplement the agency-wide Records and Data Management policy in order to meet the unique records management needs of the organization and to support a records management program within the organization;
- ensuring records and other types of required documentary materials are not unlawfully removed from the agency by current or departing officials, employees or agents;
- developing records management oversight roles and a communication network with all program units including field offices and other facilities, as appropriate, to ensure that the records management program is implemented at all sites under their jurisdiction;
- ensuring that not public records are protected in accordance with appropriate laws;
- monitoring staff members under their supervision to ensure that they understand and comply with the agency's recordkeeping policies and procedures for the creation and maintenance of records; and
- supporting and fostering a culture within their workgroup that promotes good recordkeeping practices.

Minnesota Information Technology Systems

The agency Minnesota Information Technology Systems staff members are responsible for:

- ensuring that information systems intended to carry out electronic records management comply with the agency's electronic recordkeeping system;
- implementing proper recordkeeping procedures for existing information systems and ensuring recordkeeping requirements are included in proposed systems;
- ensuring that internet and intranet postings containing official records are maintained in accordance with the agency's recordkeeping requirements; and
- working with the agency Records Manager to establish and update records schedules for electronic systems.

Continuity of Operations Program Planners

The Continuity of Operations (COOP) Program planners are responsible for:

- working with records management staff to implement the vital records plan to ensure the continuation of designated COOP essential functions and
- ensuring that vital records are accessible from designated COOP locations.

Employees

All employees must ensure that they:

- understand the recordkeeping obligations and responsibilities that relate to their positions;
- adhere to agency policies, procedures and standards in keeping records documenting their daily work;
- create all records needed to conduct the agency's business and document its actions, activities and decisions and capture these records into identified agency recordkeeping systems as required by law and the MPCA's policies and procedures;
- follow the operational standard throughout the agency for the creation, capturing, maintenance, retention, storage and disposition of records;
- understand their records management responsibilities relative to the creation, capturing, maintenance, retention, storage and disposition of records;
- maintain and store agency records in such a manner that they can be easily accessed and retrieved when needed; and
- safeguard the agency's records through appropriate access and security arrangements is understood and observed by all employees for all classifications of data (public or not public).

In order to follow required records management procedures, employees must have a good understanding records and records management.

Background Information

Benefits of a Records Management Program

Records enable and support the agency in its work to fulfill its mission. "Records management" involves controlling and governing the records of the agency.

Records management:

- allows quicker retrieval of records from files;
- contributes to the smooth operation of the agency's programs by making the records needed for decision making and operations readily available;
- facilitates effective performance of activities throughout the agency;
- improves office efficiency and productivity;
- provides better documentation more efficiently;
- helps deliver services in a consistent and equitable manner;
- meets statutory and regulatory requirements regarding archival, audit and oversight activities;

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- protects records from inappropriate and unauthorized access;
 - protects the rights of the agency, its employees and its customers;
 - provides protection and support in litigation;
 - provides continuity in the event of a disaster;
 - supports and documents historical and other research;
 - avoids unnecessary purchases of office equipment and
 - frees up office space for other purposes by moving inactive records to storage facilities.

The work of records management includes identifying, classifying, prioritizing, storing, securing, archiving, preserving, retrieving, tracking and disposing of records.

The agency's Records Management program aims to maintain, protect, retain or dispose of records in accordance with governmental regulations, legal requirements and historical and reference requirements. The goals of the records management program are to:

- provide an historical record of the agency's operations and activities to facilitate sound, consistent decision making;
- provide evidence of business transactions and decisions - for purposes of accountability;
- meet legislative and service delivery requirements and
- minimize or eliminate risks of poor decision-making arising from gaps in information and background.

What is a Record?

"Records" are broadly defined by statutes and regulation to include all recorded information, regardless of medium or format, made or received by the agency or its agents under law in connection with the transaction of public business and either preserved or appropriate for preservation because of their administrative, evidential, fiscal, historical, informational or legal value.

Administrative Value

Records that have administrative value support the ongoing, day-to-day administrative affairs of the agency and are used in conducting routine business and they assist the agency in performing its current and future work.

Evidential Value

Records that have evidential value document, in the historical sense, the existence and achievements of the agency and are useful for ensuring accountability and for writing organizational administrative histories.

Fiscal Value

Records that have fiscal value pertain to financial matters and transactions. They are often needed for audit purposes. Federal and state requirements often determine retention periods for records with fiscal value.

Historical Value

Records that have historical value provide information about the past. They often document the development of the agency and its policies, provide unique evidence of the lives and activities of its employees and describe social and economic conditions of the agency.

Informational Value

Records that have informational value pertain mostly to the external activities in which the agency has been engaged and are useful for researching people, significant historical events and social developments.

Legal Value

Records that have legal value deal with matters related to law. They often demonstrate compliance with legal, statutory and regulatory requirements.

Record Types

There are different types of records managed at the MPCA and the agency has procedures for managing these records regardless of their type. These types include:

- Official Record;
- Transitory Record;
- Duplicate Record;
- Working Paper and
- Nonrecord.

Official Record

An "official record" is broadly defined by statutes and regulation to include all recorded information, regardless of medium or format, made or received by the agency or its agents under law in connection with the transaction of public business and either preserved or appropriate for preservation because of its administrative, evidential, fiscal, historical, informational or legal value.

An official record includes any final product related to the agency's activities. Some examples may include: enforcement actions, letters, models, permits, reports etc.

An official record also includes supporting materials and data that document and explain the agency's decision-making processes connected with the transaction of its business - such as annotations, drafts, meeting minutes, raw data, reports, telephone logs etc.

Once a document is scanned into the agency's electronic document management system (e.g. OnBase), the document then becomes the agency's "official record."

Transitory Record

A “transitory record” is a document of short-term interest that does not pertain to the official activities of the agency.

Some common types of transitory records include:

- routine requests for information or publications and copies of replies that require no administrative action, no policy decision and no special compilation or research (e.g., an e-mail requesting nominations for an agency work group and the replies to this message);
- letters of transmittal that do not add information to the transmitted materials (e.g., a message transmitting a copy of a document to a requester); and
- quasi-official notices that do not serve as the basis for official actions (e.g., notices of holidays, bond campaigns etc).

Duplicate Record

A “duplicate record” is a copy of an agency record.

A duplicate record should only be used when access to or use of the record in the agency’s filing systems is not possible or is inconvenient.

A duplicate record should be marked as such by marking them with a “COPY” stamp or by adding a “COPY” notation in the upper right corner of the document.

A duplicate record should be destroyed immediately after use.

It is the responsibility of the originator of a document that is addressed to multiple recipients to ensure that the original is retained in accordance with the procedures described in this manual.

A recipient of a copy of a communication that clearly has multiple addressees should destroy that copy, unless the recipient has made annotations against his/her copy and addressed them to the originator or a third person. A copy of a record that has annotations or notes constitutes an original record and cannot be destroyed. It must be retained in accordance with the procedures described in this manual.

Working Paper

The National Archives and Records Administration defines working papers as documents such as "rough notes, calculations or drafts assembled or created and used to prepare or analyze other documents."

There are two principal types of working papers:

- working papers that receive no official action themselves, are not reviewed or approved by others and are simply used to prepare documents for official action such as review, signature, publication etc. (e.g., budget calculations using different

parameters, preliminary outlines for a report, lists of suggested points to be included in a memo etc.) and

- working papers that relate to preliminary, interim or ancillary activities that are not needed as part of the official record of the activity (e.g., drafts of routine memoranda and correspondence and proposed changes, informal comments received on a draft publication, documents used to brief staff and achieve concurrence on a proposed action etc.)

There are many functions and activities for which specific recordkeeping guidelines have been developed that explicitly identify the types of documentation necessary for complete files. Working papers, including drafts, background information etc. may or may not be needed as part of the documentation for these activities. For each type of file or function, existing function or program-specific guidance concerning the documentation necessary for a complete file should be referenced.

Working papers pertaining to legal matters and financial concerns of the agency may need to be retained. If there are questions regarding whether working papers should be retained, guidance should be sought from records management staff.

Specific types of working papers include:

- **Comments**

Unless otherwise specified, comments received on drafts, proposals, suggestions and similar things can be deleted/destroyed once they have been incorporated or summarized for the official record. Examples include comments on drafts of internal memoranda, routine correspondence and reports.

Please note that there are very specific requirements for keeping records of comments for specific activities such as scientific publications and regulatory or policy development. Comments received during internal and/or informal reviews are usually not as critical to the adequate and proper documentation of an activity.

However, comments received from the public and/or regulated community during a formal agency comment process or those received during a formal review by outside experts should be carefully documented for the record - either by keeping the original comments themselves, or, if the volume is extensive, by keeping a summary of the comments and how they were used.

- **Development materials**

Documents such as preliminary calculations, approaches to issues, outlines and other materials that a staff member uses to prepare documents for official action can be destroyed/deleted once they are incorporated into a final product. Examples include annotated copies of documents, preliminary calculations, results of preliminary investigations, lists of points to be considered or included, ideas or suggestions received from coworkers and other documentation used in the development of documents for official action.

- **Drafts**

Drafts and comments associated with them require special attention. In some cases, these must be included in the official file as part of the documentation of agency activity. Examples include important mission-related policy, regulatory development, and some types of permits. In general, the recordkeeping requirements for a specific type of file should specify the conditions under which drafts and comments need to be included as part of the official files.

However, there are many instances when drafts can safely be destroyed. Examples include drafts not circulated for comment and drafts of most general publications, correspondence, internal memoranda and other documents not related to critical functions. In such cases, drafts and associated comments can be destroyed once changes have been included in a revised version.

- **Notes**

Unless otherwise specified, notes that do not qualify as personal papers can be destroyed/deleted once they are incorporated into a final product. Examples include notes used to prepare meeting minutes, records of telephone conversations, decision memoranda or other documents when the gist of the discussion, conversation, direction or other activity is embodied in a document that states the official agency decision, position or outcome.

Nonrecord

A “nonrecord” is a document created or received by the agency that does not meet the definitions of any of the other listed record types. It does not contribute to an understanding of the agency’s activities, business or decision-making processes.

Some examples may include: documents received that provide information but are not connected to the transaction of agency business (such as an e-mail from a listserv, a flyer regarding an upcoming training), library materials, technical materials maintained for the purpose of reference etc.

A summary of the various record types can be found in the below table.

Record Type	Description
Official Record	made or received by the agency or its agents under law in connection with the transaction of public business preserved or appropriate for preservation because of its administrative, evidential, historical, fiscal, informative or legal value
Transitory Record	documents of short-term interest that do not pertain to the official activities of the agency retention period limited to the interval required for completion of the action required by the communication
Duplicate Record	a copy of an agency record
Nonrecord	materials that do not meet the definition of a record usually not required to be retained
Working Paper	rough notes, calculations or drafts assembled, created or used to prepare or analyze other documents

Is it a Record or a Nonrecord?

When trying to determine whether a document is a record, it may be helpful to ask the following questions:

- Does the information contain evidence of or contribute to an understanding of the agency's activities, decision making processes, directives, functions, mission, operations, policies, procedures, programs or projects? Does it document business actions such as what happened, when it happened, the order of events, what advice was given, what was decided, who was involved?
- Is the information appropriate for preservation because it has administrative, evidential, fiscal, historical informational, legal, or programmatic value?
- Is the information mandated by statute or regulation?
- Are you or the agency the creator of the information? Did you generate or receive the information to use in conducting agency business?
- Does it support financial obligations or legal claims (for example, grants, contracts, related to litigation)?
- Did the information originate outside the agency but is something on which you commented or took action?
- Is the information an original document related to agency business that does not exist elsewhere?
- Does the information communicate MPCA requirements (for example, guidance documents, policies, and procedures)?

If the answer to any of the above-listed questions is "yes," the document in question is a record.

If the answer to any of the below-listed questions is "yes," the document in question may be a nonrecord.

- Does the information consist of development materials such as approaches to issues, drafts, notes, outlines, preliminary calculations etc. that you have used when preparing documents for official agency action that have been incorporated or summarized in a final product? (Note: Some drafts are needed to support the decision trail.)
- Does the information consist of materials for which no action is recorded or taken and are not needed to document agency activities or are not connected to the transaction of agency business?
- Is the information of short-term interest such as a letter of transmittal that does not add information to the transmitted material or a quasi-official notice that does not serve as a basis for official actions?
- Is the information a duplicate of a record retained elsewhere that serves as a convenience copy kept for ease of access or reference?
- Does the information pertain to your own affairs and does not relate to or have an effect on agency business?
- Is it a stock copy? (for example, MPCA publications or forms)

If there is a question regarding whether a document is a record, one should consult with the agency's File Management staff.

Record Media Types

A record may be stored on any media. Some examples include:

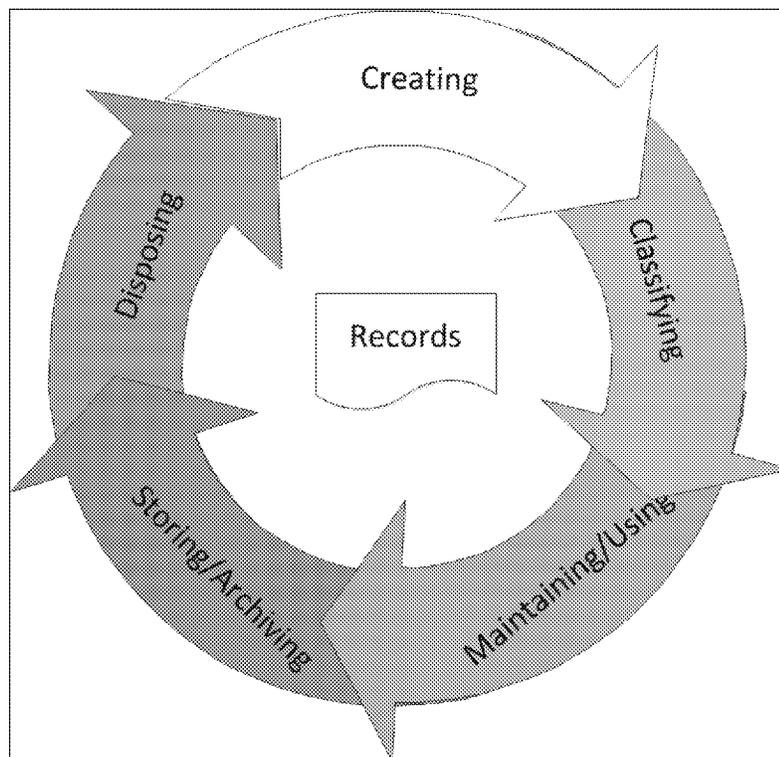
aperture card	audio cassette tape
cell phone	compact disc
digital versatile disc	diskette
e-mail	film
flash drive	floppy disk
microfiche	microfilm
mobile storage device	paper
photograph	slide
sticky note	video tape
voice mail	website

Lifecycle of a Record

All records have a lifecycle which includes the following stages:

- creation;
- classification;
- maintenance/use;
- storage/archiving; and
- disposition.

The life span is the time period from the creation or receipt of a record through its useful life to its final disposition



Creation

Records are considered to be “created” when they are written by or received at the agency.

Records should be added to the agency’s filing system immediately or upon final approvals (whether stored in paper or electronic form).

Classification

A file name is the chief identifier for a record. Consistently named records foster collaboration based on mutual understanding of how to name and use files. They also help the agency meet legal requirements. When records are consistently and logically named, they more easily meet these requirements.

Paper Files

Records can be filed in a variety of ways. A common filing system is **alphabetical order** which is the placement of items in order based on the position of the letters of the alphabet. At the agency many programs file their sites in alphabetical order by the name of the facility, individual or topic. Some agency program files arranged by alphabetical order include: Hazardous Waste regulatory compliance files, Human Resources files, Solid Waste landfill permit files and Water Quality permit files.

Another commonly used filing system used is **numerical order** which is the placement of items in order based on their numerical value - usually in ascending order. Some agency

program files arranged by numerical order include: Air Quality permit files, asbestos files and Petroleum Remediation program files.

Each agency program file has a standard operating procedure that determines how its files will be organized. The documents to be contained in a file as well as the organization and naming of folders are specified. For access to these programmatic standard operating procedures, click this [link](#).

This section should include file naming conventions for X:/drive files which should only be used for draft versions of documents.

Electronic Files

File naming and classification within OnBase are based on the agency's record taxonomy. The taxonomy is a hierarchical document and record classification scheme based on agency functions, rather than organizational structures.

Classifying according to function is due to frequent reorganizations within the agency. This taxonomy is a three-tiered classification structure. The first tier is the Function. The second tier is the Activity. The third tier is the Document Type.

The taxonomy, along with definitions and descriptions, can be viewed on the Intranet by selecting this link [Interactive \(AKA\) Retention Schedule in the "taxonomy" format](#).

Maintenance and Use

While a record is being actively used by the agency, it is usually maintained on site. To be useful for decision-making, long-term planning, and other analytical activities, records need to be complete and have integrity. This requires that:

- records are not removed from the agency unless allowed by the appropriate records management procedure;
- missing records be considered unacceptable;
- redundant versions of records be expunged;
- all file folders are signed out by staff when they are removed from the filing system;
- names on sign-out cards are changed when files are transferred to other staff members;
- not public data are segregated and stored securely;
- personal or unprofessional annotations are prohibited;
- file managers are notified when files get too full or need repair; and
- file managers are notified if records become lost.

Official File Stamp

All incoming paper records should be marked with the Official File stamp. This is done either by the support staff as the incoming mail is processed or by the technical staff as soon as the documents have been distributed to them. Official File stamps are located in the support staff workspaces and in agency copy rooms.

Technical staff members are required to fill in all applicable information requested on the stamp:

the site name, the site number (if applicable), the page number on which the document should be filed in a multi-part folder (if applicable), the name of the staff member submitting the document and the filing category to which the document belongs (if applicable).

Not all agency programs make use of filing categories. For those that do, these filing categories may vary from program to program. A list of the filing categories used can be obtained from the appropriate file manager.

Staff members must mark all other records not received through the incoming mail with the Official File stamp as well and fill in all the applicable information requested on the stamp.

When multiple copies of a document are received, only one copy should be marked with the Official File stamp and filed in the Lektrievers/cabinets. Any other copies received can be used as working copies and kept at staff members' desks or recycled.

Once the stamp has been filled out, the item should be submitted for labeling (if it is a document) or filed in its appropriate folder (if it is loose-leaf).

Labeling and Filing

It is important that all paper records received are submitted for labeling and filing as soon as possible. This ensures that anybody reviewing the site file will be fully aware of all the records that exist within it. If a record is needed (e.g., for the process of reviewing it), it may be checked out as soon as it has been labeled and filed in the Lektriever/cabinet.

For physical records (audio or video tapes, microfilm/microfiche, paper files etc.), there are specific programmatic procedures for labeling and filing them. To access these, refer to the Standard Operating Procedures for the various agency programs or contact the appropriate file manager. [Click here](#) to access these programmatic Standard Operating Procedures.

Staff members must not write on agency records. All comments made during the process of reviewing a record should be made on 8 1/2 x 11 sheets of paper (not on sticky notes) and filed within the correspondence folder belonging to the file.

The date and year should be placed on all records before they are filed in the Lektrievers/cabinets.

Everything filed in the Lektrievers/cabinets must be on 8 1/2 x 11 size paper. Any notes smaller than this (e.g., a telephone message) must be placed on an 8 1/2 x 11 sheet of paper before it is filed. Legal size documents must be reduced to 8 1/2 x 11 before they are filed in the Lektrievers/cabinets.

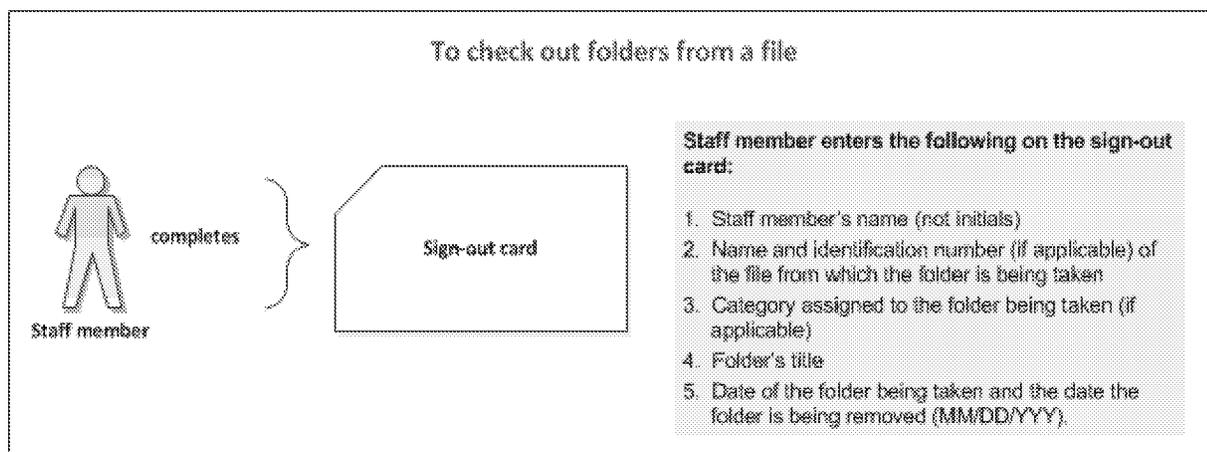
Binder clips, paper clips, rubber bands, sticky notes, tape Flags etc. may not be attached to any records stored in the Lektrievers/cabinets - either within the record or hanging off the side of the record. All comments made during the record review process must be made on 8 1/2 x 11 pieces of paper and placed within the correspondence file for the site.

Checking-out Files

A sign-out card must be completed when checking out an individual record from a file cabinet or Lektreiver. Sign-out cards are usually located on the Lektreiver posting board or on top of the filing cabinet in which the file is located.

When checking out a paper record from a file cabinet/Lektreiver, the following information on the sign-out card should be completed:

- the name of the borrower (not initials);
- the name and identification number (if applicable) of the site file from which the record is being taken;
- the filing category assigned to the record being taken (if applicable);
- the record's title;
- the date of the record being taken; and
- the date the record is being removed (including the month, date and year).



The completed sign-out card should be placed in the spot vacated by the record being taken. It should not be placed on the stack of sign-out cards that is on the Lektreiver or filing cabinet.

Staff members must not separate the record from the folder in which it is contained. When checking out a record from a file, the entire folder should be taken. (An empty folder should not be left behind in the filing cabinet/Lektreiver.)

If a single page from a record is needed, the entire folder in which the record is placed should be removed or a copy of the desired page should be made. (Single pages of a document may not be checked out.)

A record that has been signed-out should not be given to another staff member without first changing the name of the borrower on the sign-out card.

A checked-out record should be kept in a readily accessible location in a staff member's work area in case other staff member need to locate it.

If staff members check-out multiple records from a file, they must complete a sign-out card for each of the records being taken.

Refiling Checked-out Records

File management staff members are not responsible for refiling checked-out records.

When staff members are finished using a paper record that has been removed from the filing system, this record must be returned to its original location and the sign-out card removed.

The information contained on the sign-out card must be crossed off and the card should be returned to the sign-out cards stacks located on the Lektriever posting board or filing cabinet. However, if the sign-out card that was used when checking out the file cannot be located or a staff member is unsure about where to return a checked-out folder, the appropriate file manager should be contacted for assistance.

Storage and Archiving

The MPCA has central filing locations where agency records are stored. There are also convenience filing systems that contain working and draft documents or duplicate records.

Official Record

All official records must be stored in an approved agency filing system as soon as they are created or upon final approval. The agency's filing system includes physical filing areas under the control of the agency's Document Services and Information and Records Management units and the agency's electronic document management system, OnBase. Once a document is scanned into the agency's electronic document management system (e.g. OnBase), the document then becomes the agency's "official record."

Transitory Record

A transitory record that is created or received electronically should be deleted immediately or stored in the agency's electronic document management system, OnBase - categorized as Communications/Information Correspondence. (A transitory record will be deleted after ninety days in the electronic document management system).

A transitory record that is created or received in paper should be discarded after use.

Duplicate Record

A duplicate record must not be stored in any of the agency's filing systems.

NonRecord

A nonrecord that has value for reference should be stored in the agency's Learning Resource Center and Library or in its electronic document management system, OnBase - classified as Library Reference material.

Personal papers are non-work related documents that pertain to agency employees. These should be managed as such and should not be included in the agency's filing systems.

Working Paper

In the absence of specific programmatic guidance, a working paper can be deleted or destroyed after the completion of the action to which it pertains or sooner if it is no longer needed to support the activity.

An electronically generated working paper that is not classified as an official records should be stored in the agency's electronic document management system, OnBase and identified as such.

A paper working paper not classified as an official records can be stored temporarily at a staff member's desk but should be destroyed after the completion of the action to which it relates or if no longer needed to support the activity.

Document Storage Worksheet

A "Document Storage Worksheet" can be utilized to keep an inventory of where agency records are stored:

Document Storage Locations	Types of Documents Stored	Point of Contact *
Lektrivers:	[List the documents that are stored in Lektrivers]	
Off-site Storage (Insight)	[List the documents that are stored offsite]	
Staff e-mail (Outlook)	[List the documents that are stored in your e-mail]	
Group/Shared e-mail (Outlook)	[List the documents that are stored in your group/shared e-mail]	
Personal Network Drive (H: Drive)	How does your staff use their personal network drive?	
Personal Shared Network Drive (S: Drive)	How does your staff use their personal shared network drive?	
Personal Typing Drive (T: Drive)	How does your staff use their personal typing drive?	
Network Drive (X: Drive):	Drafts of Records	
OnBase	Final Records	

*Point of Contact = Subject matter experts who provide information about the documents and how they are organized. They also organize "clean up" days for storage locations.

Central File Areas

These are centrally located file cabinets and Lektrivers that house the paper files administered by agency file managers. Each program and business unit stores its files in a

designated area. Click on the link below to access a summary of the types of records found in each central file area.

Central File Areas.doc

Satellite File Cabinets

Satellite file cabinets are those located in central file areas and/or those that staff members have in their work areas. These are cabinets whose locations have been inventoried and authorized by file management staff.

Staff members will not be permitted to have additional file cabinets within their work areas without consultation with the agency Records Managers to ensure that their collection is scheduled, the information is not redundant to existing records and good recordkeeping behaviors are occurring.

Desks

Records that have been checked out from central or satellite file areas by staff members can be kept at their desks for temporary use. (Staff members must use a sign-out card when removing a document from the filing system. This card must be completely filled out.) Staff members must return records to the correct filing area when they are done using them.

Upon receipt, new documents must be submitted to the appropriate file manager to be properly inventoried, put into folders and labeled. (The procedure for doing this may vary from program to program. See the appropriate file manager for specifics on program procedures.) Once the documents have been entered into the appropriate filing system, they may be borrowed for staff use.

Staff members are not allowed to keep not public information at their desks. Upon arrival, any not public information received must be submitted to the appropriate file manager for storage in a secured area.

All documents being temporarily stored at staff members' desks must be relinquished to a file manager in response to a file review or an information request.

Network and Local Computer Drives

Records should not be permanently stored on agency network and local computer drives. Such drives should only be used as temporary storage locations while records are in the process of being developed. Once finalized, all records should be stored in the appropriate agency filing system.

Network Drive Folder Organization

Staff members should keep track of the documents they store on various network drives. This can be done by filling out a table such as the following:

Folder	Documents	File Naming Conventions	Who moves records to OnBase, deletes non-records and when?

Agency Websites

The MPCA maintains an internal and an external website which contain links to agency record. There are procedures in place for the development and maintenance of these websites. Publishing records to these websites requires approval from a supervisor.

E-mail

E-mail includes all electronic messages created and received by staff members - including their attachments. Staff members should treat e-mail messages the same way they handle paper correspondence. An e-mail message is a record if it documents the agency mission or provides evidence of a business transaction or staff would need to retrieve the message to find out what had been done or to use it in other official actions.

The standard described above is applied to both incoming and outgoing e-mail. This is due to the fact that both the sender and the recipient of e-mail messages have the responsibility to document their activities and those of their organizations. Both the sender and the recipient have to determine whether a particular e-mail message is a necessary part of that documentation.

Microsoft Outlook is the agency's e-mail system. Acceptable use of the system is for activities which support the user's job assignment within the guidelines and policies of the agency. Only State e-mail accounts are to be used to conduct official state business. See the Appropriate Use of Electronic Communication and Technology policy for more detailed information.

E-mail Folder Organization

Staff members should keep track of the documents they store in their e-mail accounts. This can be done by filling out a table such as the following:

Folder	Types of Messages	Who moves records to OnBase, deletes non-records and when?

Electronic Document Management System

The agency owns an electronic document management system called OnBase (Click on www.onbase.com for a description of the product). This is a system that is used to create, capture, distribute, edit, store and manage the agency's electronic documents.

Learning Resource Center and Library

The agency maintains a Learning Resource Center and Reference Library located on the first floor of the St. Paul building. It was established to provide environmental educational tools to external customers. These tools consist of video tapes, compact discs, visual aids and products specifically geared to the K-12 school audience. It also serves agency staff. Staff members have access to a number of leadership and performance improvement and training materials.

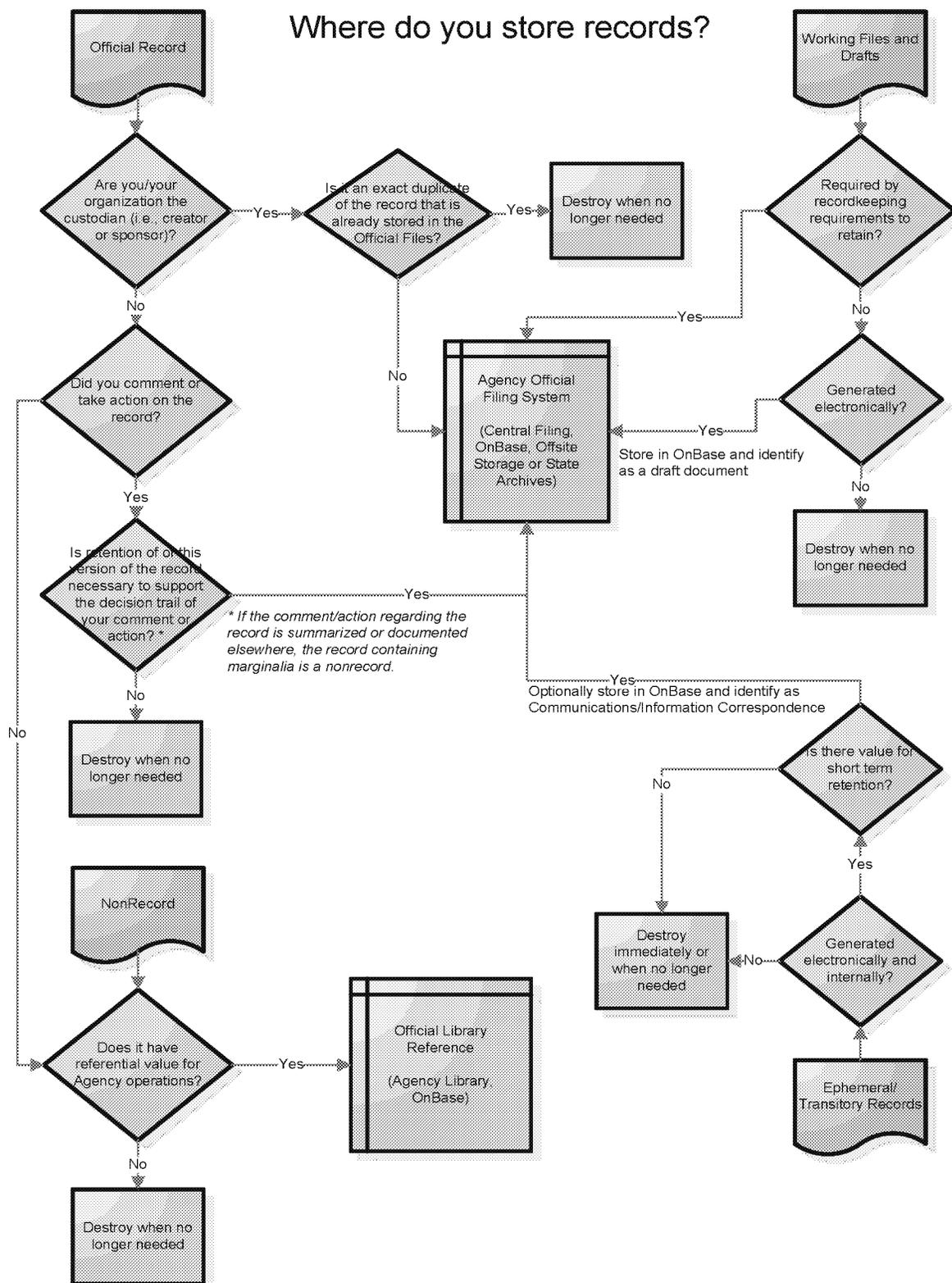
The Learning Resource Center's purpose is three-fold. The first purpose is to provide educational outreach materials to citizens and school districts. The second purpose is to provide internal training materials to employees. The third purpose is to house literature and printed/bound research materials relevant to the MPCA's purpose. It has a vast quantity of literature and publications on environmental topics, as well as most of the reports and findings produced by the MPCA. The majority of the materials in the library are in paper format or on microfiche. These materials are available for check out upon request. In order to keep the library current, all publications must be purchased through the library.

Overflow Storage

Files found in the following areas are considered to be stored in unapproved file storage locations and may be confiscated by the agency's file management staff:

- attics;
- behind or under workstations;
- basements;
- boxes;
- garages; and
- storage lockers.

Where do you store records?



Retention Schedule

The agency is required by statute to maintain a retention schedule for all of its official records. A retention schedule describes the type of records owned by the agency and dictates how long they are kept. The length of time records are kept is decided by the agency Records Managers in consultation with program staff. (At times, records retention is dictated by statutory requirements.) The MPCA retention schedule can be accessed electronically at the below links.

[Minnesota Retention Schedule link](#) and
[Interactive \(AKA\) Retention Schedule in the "taxonomy" format](#)

The agency periodically reviews its records to determine if the retention schedule is still appropriate. Based on the inventory, the retention schedule will be updated.

Once a retention schedule is adopted, records may be disposed of continually as they meet their stated minimum retention periods.

Once a document is scanned into the agency's electronic document management system (e.g. OnBase), the document then becomes the agency's "official record." Six months after a document has been scanned, the paper document can then be destroyed by Records Management, unless it has been identified by the Legal Services Unit as a document that must be kept in paper format.

Archival Storage

All records being sent to off-site storage are archived by file management staff. On an annual basis, agency file managers consult the agency's retention schedule to determine which records can be transferred to archival storage

If not already, the documents being archived are put into folders, the folders are labeled and put into storage boxes. For most programs, a list is made of the contents of each box. A database record is also made of all documents being sent to archival storage. File managers enter this information into programmatic databases or ones that have been created specifically to inventory archived documents.

Retrieval of Records

Once records have been sent to archival storage, they can be easily retrieved if needed by the agency. Agency file managers can request records needing to be recalled. (Some file managers provide lists of the documents that have been archived for a particular site.) It usually takes one to three days to receive recalled records.

Disposition

A program for systematic, legal disposal of obsolete records has the following benefits:

- ensures that records are retained as long as they are needed for administrative, fiscal, legal or research purposes;

- ensures that records are disposed of after they are no longer needed;
- frees storage space and equipment for new records;
- eliminates time and effort required to service and sort unnecessary records;
- eliminates the potential fire hazard from storage of large quantities of unnecessary paper records; and
- facilitates the identification and preservation of archival records.

Records may be disposed of only as governed by the agency's retention schedule and applicable laws regarding records disposition.

When records in off-site storage have reached the end of their retention period, the archival storage vendor will handle their disposal. If records are destroyed on-site, disposition through consignment to a paper recycling plant is often the best choice as it helps conserve natural resources. For records containing not public information, disposition should ensure that the not public data are protected.

Electronic records such as compact discs, diskettes, audio or video cassette tapes or tft can be destroyed images should be deposited in the "techno trash" bins located in agency copy rooms.

Once a document is scanned into the agency's electronic document management system (e.g. OnBase), the document then becomes the agency's "official record." Six months after a document has been scanned, the paper document can then be destroyed Records Management, unless it has been identified by the Legal Services Unit as a document that must be kept in paper format.

Minnesota Historical Society

After the agency's records have reached the end of their retention periods in off-site storage, the majority is turned over to the Minnesota Historical Society (MHS) for review. MHS staff members examine the records to determine if they are of historical interest. If the records are deemed historically significant, they are retained by the MHS. Once the records are transferred to the MHS, they no longer belong to the agency.

At times, however, certain agency records bypass the off-site storage stage and are sent directly to the MHS (e.g., various Commissioner's Office documents).

If records are scheduled for destruction, agency file managers are notified and a final review is made of the file before authorization is given to destroy it.

A record is kept of all data that have been destroyed or transferred to the Minnesota Historical Society according to Agency's retention schedule.

Security of Agency Records

Records are considered primary assets and as such must be protected in a manner that is commensurate to their value. Dependence on information systems creates a unique vulnerability for the agency.

Security and privacy must focus on controlling unauthorized access to agency data and records. Security compromises or privacy violations could: jeopardize the agency's ability to provide service, result in the loss of revenue through fraud or destruction of proprietary or not public data, violate business transactions, trade secrets and customer privacy or reduce the agency's credibility and reputation with customers and the public.

The main objective is to ensure that all the agency's data and records are protected (in all of its forms and media) during all phases of their life cycle from unauthorized or inappropriate access, use, modification, disclosure, or destruction wherever they are stored. Staff members have a responsibility to ensure that agency records are maintained in good order and are available upon request by the public. To this end, staff members must check out files from their storage location by using a sign-out card. This is to ensure that all documents can be located at all times. All relevant documents and folders must be kept together. Files needing repair should be given to the appropriate file manager.

Staff members must comply with the MPCA's security precautions to protect and maintain the integrity of agency data. Decisions regarding the proper use and handling of not public data are delegated to individual supervisors who can permit employees to remove information and files. Off-site access to not public data may be permitted provided that agency certify the adequacy of the security for such access. However, not public data may not be removed to non-secured off-site locations.

Care must be taken to ensure that not public data are not disclosed to anyone except to those who have authorized access to such information. Supervisors allowing employees to access not public data from a remote worksite must maintain appropriate administrative, technical and physical safeguards to ensure the security of these records.

Data Practices

As long as data are recorded by a governmental entity, they are governmental data regardless of their physical form or how they are stored or used. Governmental data may be stored on any media - paper, in electronic form, on audio or video tape, on charts, on maps, etc.

The Minnesota Government Data Practices Act (MGDPA), found in Chapter 13 of the Minnesota Statutes, regulates how governmental data are created, collected, received, stored, maintained and disseminated by a governmental entity.

The MGDPA regulates:

- what data can be collected;
- who may see or have copies of data;
- classifications of data types;
- administrative duties of government personnel;
- procedures accessing the data;
- procedures for classifying data as not public;
- fees charged for data copies; and
- legal remedies and written opinions.

Information Requests

The MPCA's files are open to the public (subject to the restrictions of Minnesota statutes and decisions of the Office of the Attorney General) and the agency provides information to requesters. Information Requests should be directed to the [MPCA's external website](#). Requestor must fill out the Information Request Form. The request form will then be received by the Records Management Intake/Triage person to get assigned to the appropriate file manager.

The agency's guides for handling information requests are located in the internet at the following locations:

- [Guide for Members of the Public Requesting Information](#)
- [Guide for Requesting Information About Yourself](#)

Legal Holds

A legal hold is placed on agency records when they are needed for pending litigation, an audit or a court order directive. Directions are given on the handling the records to maintain their integrity for the duration of the hold. A release of the hold will eventually be given and the record lifecycle and status will resume. The agency's "Guidelines for Legal Hold and Trigger Events" can be accessed by clicking on the below link:

- [Guidelines for Legal Hold](#)

Working with Not Public Information

E-mail

Not public Information: Not public data should never be sent via e-mail. If staff members are uncertain whether certain information could be sent via e-mail, they should consult with their supervisors or a member of the records management staff.

E-mail Retention: Record retention schedules are the same regardless of the medium used to create or store the record. As a result, many e-mail messages are official records of the agency and must be retained in accordance with the agency's approved record retention schedule. Improper disposal may subject the agency and/or its employees to legal sanctions and other administrative or legal consequences.

E-mails that contain not public information as defined by state statute or the MPCA must follow the agency's procedures for dealing with not public data.

Redacting Not Public Information

Although most data maintained by the agency are public, there are some documents that, for statutory reasons, are classified as not public (e.g., attorney/client privileged data, complainant data, pending civil legal action data, sealed bids, security information, trade secret data and whistleblower information etc.).

- Reference: Types of Not Public Data at the Minnesota Pollution Control Agency i-admin11-35

The portions of the document that are not public data cannot be placed in the public file. Instead, they must be filed in a secured area. When staff members obtain data that is not public, they should:

1. Photocopy the original document containing the not public data.
2. Give the original document to the appropriate file manager for storage.
3. Redact the photocopy by blackening all portions of the document that are considered to be not public (e.g., the name and information identifying a complainant).
4. Photocopy of the redacted copy. (If held up to a light, the blackened out portions of a redacted copy can still be seen. Photocopying the redacted copy ensures that the not public data cannot be seen - even if held up to a light.)
5. Shred the redacted photocopy.
6. Place the photocopy of the redacted copy into the public file.

When entire documents are considered not public, staff should:

- Give the document to the appropriate file manager for storage.
- Place a notice in the public file that a portion of the site file is not public and not accessible due to statutory reasons.

Requests from Outside Parties to Classify Records as Not Public Data

The agency sometimes receives requests to have submitted data considered not public. When this happens, the staff member assigned to the site to which the submitted data belongs must:

- Notify the requester that they must write a letter to the agency's Commissioner requesting that the submitted data be deemed not public and citing the statute that supports this classification.
- If requested, help the Commissioner determine whether the submitted data should be considered not public based on the statute cited in the requester's letter.
- If requested, respond to the requester explaining the agency's decision. (Response form letter templates can be found on the agency's internal webpage by clicking on "Forms" and then "Information Requests."
<http://intranet/index.php/component/content/category/47-forms2>)
- If the submitted document is deemed not public, place a notice in the public file indicating that a portion of the site file is not accessible due to the fact that, for statutory reasons, it has been deemed not public and give the document to the appropriate file manager for storage in a secured area.
- If the submitted document is determined to be public instead of not public, follow the agency's procedures to place it in the public file.

Records Compliance Checks

Records compliance checks examine and evaluate the degree to which the agency's *Records and Data Management Policy* and Performance Management strategy are being met.

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- File management staff will conduct the audits.
 - The agency auditor and the file managers will meet before and after each audit is conducted.
 - Follow-up visits to assist with corrective action will be arranged by the auditor.

Compliance will be monitored regularly and monitoring includes:

- reviewing operations;
- inspecting records;
- reporting noncompliance; and
- recommending corrective action.

Audits will include review of the following:

- position descriptions for record management task and allocated time;
- employee time tracking records;
- agency work plans and strategic plans; and
- performance reviews.

Audits will be conducted at the department, program and individual staff levels. The auditor will use a checklist to document the results of the audit.

Training

All staff members must attend the following training:

- Data practices
- OnBase 101
- Records Management

Citations, References and Sources

Regulatory Framework:

In Minnesota, governmental records governed by three statutes: the Official Records Act, the Records Management Act and the Minnesota Government Data Practices Act.

The MPCA is also committed to developing its recordkeeping system in accordance with International Standard Organization 15489–2002, *Records Management*, and the State of Minnesota Office of Information Technology's Information and Records Management standards and policies.

The following table summarizes records management-related guidances, laws and standards.

Name	Source	Description
Official Records Act Minnesota Statutes, Chapter 15.17	http://www.revisor.leg.state.mn.us/stats/15/17.html	The Official Records Act is a general records law that 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 mandate reflects a concern for accountability. Since the government spends public money on public services, governmental agencies must be accountable to citizens, governmental administrators, courts, the Legislature, financial auditors and to future generations. Under the Official Records Act, the agency is responsible for creating and preserving governmental records, including electronic records. This statute also allows the agency to copy records to another format or storage medium and still preserve the authenticity, reliability and legal admissibility of the record - as long as the copies are made in a trustworthy process.
Records Management Act Minnesota Statutes, Chapter 138.17	http://www.revisor.leg.state.mn.us/stats/138/17.html	The Records Management Act recognizes that creating comprehensive records and preserving them forever would be an impossibly expensive burden. It creates a mechanism for the orderly and accountable disposition of records in the form of the Records Disposition Panel. It also makes the Minnesota Department of Administration responsible for overseeing the records management process.
Minnesota Government Data Practices Act (MGDPA) (Minnesota Statutes, Chapter 13)	http://www.revisor.leg.state.mn.us/stats/13	The MGDPA assumes that governmental records (including electronic records) should be accessible to the public. Citizens should know what the government is doing, because the government must be accountable to the public. However,

Name	Source	Description
		governmental agencies create some records that, by law are classified as not public.
Uniform Electronic Transactions Act (UETA) (Minnesota Statutes, Chapter 325L)	http://www.revisor.leg.state.mn.us/forms/getstatchap.shtml	UETA and E-Sign were both enacted in 2000. Both laws intend to facilitate the use of information technology in government and business by addressing the legal obstacles that exist in a system oriented towards paper records and signatures. The primary message of the law is that a court may not determine that an electronic record or signature is untrustworthy simply because it is in an electronic format. A court can, though, reject electronic records and signatures because a governmental agency is creating, using or managing them in an untrustworthy system or manner. (One indicator of untrustworthiness would be an agency's failure to respect the laws governing records.)
Electronic Signatures in Global and National Commerce (E-Sign), a federal law	http://thomas.loc.gov/cgi-bin/query/z?c106:S.761	
Electronic Records Management Guidelines - State Archives Department, Minnesota Historical Society	http://www.mnhs.org/preserve/records/electronicrecords/erguidelines.html	The Electronic Records Management Guidelines provide information on a variety of topics, such as file formats and file naming, electronic records management strategies, electronic document management systems, digital media, storage facilities and procedures, e-mail and web content management and electronic and digital signatures.
Managing Your Government Records: Guidelines for Archives and Agencies - State Archives Department, Minnesota Historical Society	http://www.mnhs.org/preserve/records/recordsguidelines/guidelines.html	The Managing Your Government Records: Guidelines for Archives and Agencies document details the laws that govern Minnesota's government records, appraisal, description, and storage issues and specific concerns relating to electronic records.
Disaster Preparedness Guidelines - - State Archives Department, Minnesota Historical Society	http://www.mnhs.org/preserve/records/disaster.html	Natural and man-made disasters and weather patterns all have the potential to damage or destroy records. Basic precautions and the formation of a disaster plan will help prevent the unnecessary loss of valuable records in the instance of a disaster. The Disaster Preparedness Guidelines help governmental entities minimize potential risks and reduce the loss of records.

Name	Source	Description
IRM Standard 12, Version 1: Technical Standards for the Reproduction of Government Records Using Imaging Systems	http://www.state.mn.us/cgi-bin/portal/mn/jsp/content.do?s_ubchannel=null&programid=536881358&sc2=null&id=-8487&agency=OT	The purpose of these standards is to establish technical archival requirements for imaging systems so that documents stored in such systems are available for retrieval for as long as any law requires. Technical requirements include, but are not limited to, storage media, scanning quality, image file headers and compression techniques. Technical requirements do not include management, documentation, quality assurance, security procedures or storage facility requirements.
IRM Standard 13, Version 1: Management Standards for the Reproduction of Government Records Using Imaging Systems	http://www.state.mn.us/cgi-bin/portal/mn/jsp/content.do?s_ubchannel=null&programid=536881358&sc2=null&id=-8487&agency=OT	The purpose of these standards is to establish management procedures, controls and practices to ensure archival requirements for imaging systems are met, so that documents stored in such systems are available for retrieval for as long as any law requires.
Recommendations for the Effective Management of Government Information on the Internet and Other Electronic Records	http://www.cio.gov/documents/ICGI/ICGI-207e-report.pdf	Section 207 of the E-Government Act of 2002 (Pub.L. 107-347) mandates that the Interagency Committee on Government Information (ICGI) recommend policies to ensure effective management of governmental information on the Internet and other electronic records to the Director of the Office of Management and Budget (OMB) and the Archivist of the United States, by December 17, 2004. The ICGI established an Electronic Records Policy Working Group (ERPWG) to conduct studies and public outreach in order to develop these recommendations. This document reflects the ERPWG work and ICGI deliberations. This mandate represents a significant opportunity for the Federal Government to improve the management of Government information on the Internet and other electronic records. The recommendations need to be understood as mutually supportive, interdependent strategies that should be implemented in concert. These recommendations cover Government-wide policy and technical support, high-level advocacy and coordination, the infusion of information and records management requirements into agency business processes and decision-making, and accountability. The recommendations in this report propose policies and procedures to: 1. Support agencies through effective

Name	Source	Description
		leadership and clear records management guidance. 2. Create a Records Management Profile in the Federal Enterprise Architecture (FEA). 3. Improve accountability for records management.

Glossary

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

- A -

Access	The ability or opportunity to gain knowledge of stored information.
Accountability	The quality of being responsible or answerable. Accountability also refers to the obligation to report, explain, or justify an event or situation.
Acid-Free Paper	Paper having a pH of 7.0 or greater. Unless treated with an alkaline substance capable of neutralizing acids, paper that is acid-free at the time of manufacture may become acidic through contact with acidic material or atmospheric pollutants.
Addressee	The name of the organization or individual to whom a record is addressed.
Administrative Value	Records that have administrative value support the ongoing, day-to-day administrative affairs of the records creator, and are used in conducting routine business and assisting the agency in performing its current and future work. See Record Value.
Ambrotype	A picture taken on a plate of prepared glass. Light colors are represented in silver, while shades are produced by a dark background which is visible through the unsilvered portions of the glass.
Aperture Card	A card for mounting microfilmed pages. A card that is designed to hold one or more frames of microfilm.
Appraisal	The process of evaluating records to determine their value and ultimate disposition based upon their administrative, legal, historical and fiscal use, their evidential and informational content, their arrangement and condition, their intrinsic content and their relationship to other records. See Record Value.
Archives	A place in which public records or historical documents are deposited and preserved. Archives also refers to the material preserved.
Attachment	A document is associated with another document as an attachment when it is attached to the other document and transmitted between two persons, and filed in an EDMS. Both documents are required to form the record in an EDMS.
Attorney/Client Privileged Information	Certain communications between a government entity and its attorneys that are not public data subject to disclosure under the Minnesota Government Data Practices Act. Data that may be covered by the attorney/client privilege, such as letters, memos, electronic messages, reports and other documents that may contain either a request for legal advice or legal advice, will not be maintained in public files.
Audio Cassette	A magnetic sound recording storage medium on a thin plastic strip.
Authenticity	A function of a record's preservation. Authenticity also refers to a measure of a record's reliability over time. See trustworthiness.
Author or Originator	The author of a document is the office and/or position responsible for the creation or issuance of the document. The author is usually indicated by the letterhead and/or signature. For EDMS purposes, the author and/or originator may be a personal name, official title, office symbol, code etc.

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

- B -

Back-up	To copy files to a second medium as a precaution in case the first medium fails.
Backup	A substitute or alternative. A backup usually refers to a disk or tape that contains a copy of

	the data.
Blog	A website where entries are made in journal style and displayed in a reverse chronological order. Blogs often provide commentary or news on a particular subject, some function as more personal online diaries. A typical blog combines text, images, and links to other blogs, web pages, and other media related to its topic. The ability for readers to leave comments in an interactive format is an important part of many blogs. Most blogs are primarily textual although some focus on photographs (photoblog), videos (vlog), or audio (podcasting), and are part of a wider network of social media.

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

- C -

Catalogue Record	A finding aid that contains a descriptive summary of a set of records. The summary commonly contains information such as record storage location, author, title, history and contents summary. See Finding Aid.
Classification	The systematic identification and arrangement of business activities and/or records into categories according to logically structured conventions, methods, and procedural rules represented in a classification system.
Collection Policy	A written statement that defines a repository's collection scope and specifies the subject and format of materials to be collected. Collection policies guide the process of appraisal.
Complainant Information	The identities of individuals who register complaints concerning violations of state laws or local ordinances concerning the use of real property (including environmental violations) are classified as confidential data.
Confidential Data	Data generally not open to the individual concerned, but are open to the public 30 years after the creation of the data and 10 years after the death, or presumed death, of the individual. See Restricted Records.
Controlled Vocabularies and Thesauri	Data value standards that control the terminology used for describing information. See Description Standard.
Convenience Copies	Non-record copies of correspondence, completed forms, and other documents kept solely for the ease of access and reference, leaving the source document unchanged. Convenience copies are typically copies of official copies.
Conversion	The process of changing records from one medium to another or from one format to another.
Cycle	The periodic removal of obsolete records and their replacement with copies of current records. This may occur daily, weekly, quarterly, annually, or at other designated intervals.

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

- D -

Daguerreotype	An image made on a light-sensitive, silver-coated, metallic plate.
Database	Programs designed to organize, store, and retrieve machine-readable information from a computer-maintained database or data bank.
Data on Decedents	Data about a deceased individual which were created or collected before the individual's death. Classifications for data on decedents include: Confidential Data on Decedents: the category of data on decedents which describes data which, before the death of the data subject, were classified as confidential data on individuals. Access to the data is the same as access to confidential data on individuals. Private Data on Decedents: the category of data on decedents which describes data which, before the death of the data subject, were classified as private data on individuals. Access to private data on decedents is the same as access to private data on individuals. Additionally, the personal representative of the

	<p>estate may access the data if the estate is in probate. If the estate is not in probate, the data are accessible to the surviving spouse or, if there is no surviving spouse, to the decedent's child or children. If there are no children, the decedent's parents may access the data. The Minnesota Government Data Practices Act refers to the personal representative and the survivors of the decedent as the representative of the decedent.</p> <p>Public Data on Decedents: the category of data on decedents which describes data that are accessible to the public regardless of the interest or use of the data. It is also accessible to other government entities when needed for the administration and management of authorized programs.</p>
Data on Individuals	<p>Any data which identify an individual (a living human being) or from which an individual can be identified. If a person is a subject of the data, the data are classified as data on individuals. Classifications for Data on Individuals include:</p> <p>Confidential Data on Individuals: the category of data on individuals which describes data that by statute or federal law are not accessible to the public or the individual subject of the data. It is accessible only to authorized personnel of the entity which maintains the data and by agencies and persons who are authorized by law to access it.</p> <p>Private Data on Individuals: the category of data on individuals which describes data that are not accessible to the public but is, as a general rule, only accessible to the individual subject of the data (and, if the subject is a minor, by the subject's parent or guardian), the subject's authorized representative, or those given expressed authority by the data subject as documented in a written consent form. It is also accessible to entity staff whose work assignment requires it and to agencies and persons who are authorized by law to access it.</p> <p>Public Data on Individuals: the category of data on individuals which describes data that are accessible to the public regardless of who is requesting the data or why. It is also accessible to other government entities when needed for the administration and management of authorized programs.</p>
Data Model	<p>A diagram that shows the various subjects about which information is stored and illustrates the relationships between those subjects.</p>
Data Not on Individuals	<p>Any data that do not identify individuals. They include data about legally created persons such as business entities, organizations or partnerships, as well as administrative, policy and financial information maintained by government entities. Classifications for Data Not on Individuals include:</p> <p>Nonpublic Data Not on Individuals: the category of data not on individuals, which describes data that are not accessible to the public but are accessible to the subject of the data. It is also accessible to personnel whose work assignment requires it and to those authorized by law.</p> <p>Protected Nonpublic Data Not on Individuals: the category of data not on individuals, which describes data that are not public by state statute or federal law and not accessible to the subject of the data. It is accessible only to personnel whose work assignment requires it and those authorized by law.</p> <p>Public Data Not on Individuals: the category of data not on individuals, which describes data that are accessible to the public regardless of the interest or use of the data. It is also accessible to other government entities when needed for the administration and management of authorized programs.</p>
Data Practices Compliance	<p>The designated employee of a government entity to whom persons may direct questions or concerns regarding problems in obtaining access to data or other</p>

Official	data practices problem.
Data Warehouse	A computer based-information system that is home for "secondhand" data that originated from either another application or from an external system or source. A data warehouse is a read-only, integrated database designed to answer comparative and "what-if" scenarios. Unlike operational databases that are set up to handle up-to-date transactions, a data warehouse is analytical, subject-oriented, and structured to aggregate transactions as a snapshot in time.
Deed of Gift	A signed, written instrument containing a voluntary transfer of property title with no monetary consideration. A deed of gift frequently takes the form of a contract establishing conditions governing the transfer of title and specifying any restrictions on access or use.
Degauss	The act of removing magnetism from a device. When applied to magnetic storage medium such as floppy disks and tapes, data is erased.
Delete	The process of permanently removing, erasing, or obliterating recorded information from a medium, especially a magnetic disk or tape, which then may be reused.
Description Standard	A standard that promotes the use of common data values, data structures, data content, and data interchange. Description standards enhance the sharing of information between people, departments, and organizations.
Designee	A person designated by the responsible authority to be in charge of individual files or systems containing government data, and to comply with requests for government data.
Destruction	In records management, the disposal action for records. The information in the records is rendered inaccessible and unreadable. Methods of destroying records include salvaging the record medium, burning, pulping, shredding or discarding with other waste materials.
Digital Image	The file produced through the process of imaging, whereby a document or photograph is scanned by computer and converted from a human-readable format to a computer-readable, digital format.
Disaster Preparedness	The state in which an agency is prepared for disaster. It involves a plan for avoiding and recovering from a disaster. See Disaster Recovery .
Disaster Recovery	The retrieval and preservation of records damaged or distressed by an unexpected catastrophic occurrence such as fire or flooding. The recovery process includes repairing buildings and restoring an agency's critical business functions.
Disposition	The disposal of a set of records after they are no longer needed to conduct current business. This may mean immediate destruction, short-term or permanent retention, or transfer to an archives.
Document	Recorded information or object which can be treated as a unit. Also, defined as "recorded information regardless of physical form."
Document Creation Date	The date and time that the author and/or originator completed the development of and/or signed the document. For electronic documents, this date and time should be established by the author or from the time attribute assigned to the document by the application used to create the document. This is not necessarily the date and/or time that the document was filed in the EDMS and thus became a record.
Documentation	The act or process of substantiating by recording actions and decisions. Documentation also refers to the records required to plan, develop, operate, maintain and use electronic records. Documentation includes file and system specifications, codebooks, file layouts, user guides and output specifications. See Documentation Strategy and Record Description .
Documentation Strategy	A plan that describes how documentation will be carried out. See Documentation .
Duplicate	An extra copy of a record.

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

- E -

EDMS	Electronic Document Management System is any of the strategies and technologies employed in the information technology industry for managing the capture, storage, security, revision control, retrieval, distribution, preservation and destruction of documents and content. EDMS especially concerns content imported into or generated from within an organization in the course of its operation, and includes the control of access to this content from outside of the organization's processes.
E-mail	Short for electronic mail. E-mail systems allow for the creation and transmittal of electronic messages and files across and between networks.
Electronic Records	Records created, generated, sent, communicated, received, or stored by electronic means. See Government Records.
Encoded Archival Description (EAD)	A data structure and data interchange standard that applies to inventories and registers. EAD is compatible with XML. EAD-formatted inventories can be opened and viewed by web page browsers.
Ephemeral Records	Documents that have only short-term value to the Agency with no ongoing administrative, fiscal, legal, evidential, or historical value.
Evidential Value	Records that have evidential value document, in the historical sense, the existence and achievements of organizations and are useful for ensuring accountability within organizations and for writing organizational administrative histories. See Record Value.

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- F -

Federal Electronic Signatures in Global and National Commerce Act (E-Sign)	Passed by the Federal Government in June of 2000, E-Sign confirms that electronic signatures and electronic records generally satisfy legal requirements for written signatures and paper records. E-Sign is similar but less comprehensive than the Uniform Electronic Records Act (UETA). See Uniform Electronic Transactions Act (UETA).
Freedom of Information Act (FOIA)	Is a law ensuring public access to federal government records except to the extent that such records are protected from release by an exemption or special law enforcement record exclusion. Although FOIA requests only apply to federal government entities, those that are received by the agency are treated as Minnesota Government Data Practices Act requests.
Finding Aid	A document that lists or describes the content of a record making the record more readily accessible to the user. Common finding aids include guides, inventories, catalogues, calendars, lists, indexes and location inventories and registers. See also Catalogue Record, Inventory and Index.
Fiscal Value	Records that have fiscal value which are often needed for audit purposes. Federal and State requirements determine retention periods for records with fiscal value. See also Record Value.
Format	For electronic records, the format refers to the computer file format described by a formal or vendor standard or specification.
Floppy Disk/Diskette	A portable magnetic storage medium that can be used with personal computers.
Flash/Pen Drive	A small, portable device that functions as a disk drive, containing memory chips that store computer information.
Frozen Record	A record that is made not public because special circumstances (such as litigation, court order or an audit) requires the retention. The record cannot be destroyed until the frozen status is removed. See Legal Hold.

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

- G -

General Schedule	See Retention Schedule.
Government Data	All data kept in any recorded form by government entities.
Government Records	State and local records that are created in accordance with state law or in connection with public business transactions. Examples include correspondence, maps, memoranda, papers, photographs, reports, writings, recordings, e-mail and other data, information, or documentary material.

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

- H -

Historical Value	Records that have historical value provide information about the past. They often document the development of government and its policies, provide unique evidence of the lives and activities of people, describe social and economic conditions and record the development of community and business. See Record Value.
HTML (Hypertext Markup Language)	The authoring language used to create documents for the World Wide Web. HTML defines the structure and layout of a web document by using a variety of tags and attributes. See also XML.

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

- I -

Imaging	The process in which a document or photograph is scanned by computer and converted from a human-readable format to a computer-readable, digital format.
Inactive record	A record accessed infrequently but that is not yet ready for disposition.
Inactive storage	The maintenance of inactive records in a storage area that is separate from active records.
Index	A listing of all information held in a collection. An index is a guide to the finding aid most suitable for a particular search. See Finding Aid.
Indexing	The process of assigning search terms to facilitate the retrieval of records and/or information.
Information System	An electronic system for creating, generating, sending, receiving, storing, displaying and processing information.
Informational Value	Records that have informational value pertain mostly to the external activities that an agency has been engaged in and are useful for researching people, significant historical events and social developments. See Record Value.
Informed Consent	Permission obtained from a data subject to use or release private data about him/herself. An informed consent for the release of information is needed in order to use private data for a purpose that was not stated to the individual data subject in the Tennessee Warning given at the time the data was collected and to provide access to private data to a person, entity or agency other than those stated to the individual data subject in the Tennessee Warning given at the time the data was collected.
Instant Messaging	Instant messaging (IM) is an electronic messaging service that allows users to determine whether a certain party is connected to the messaging system at the same time. IM allows users to exchange text messages with connected parties in real time. Users may have the ability to attach and exchange electronic files such as images, audio, video and textual documents. This is also known as text messaging.
Internet	A decentralized global network connecting millions of computers.

Intrinsic Value	Records that have intrinsic value have unique characteristics that make them interesting and worthy of retention. A record can have intrinsic value because of its association with famous people and authors, coverage of historical events, exhibit potential, signatures, or attached seals. See Record Value.
Inventory	A finding aid that contains a detailed description of record sets. Inventories are typically more detailed than record catalogues, and contain information such as title, inclusive dates, quantity, arrangement, relationships to other series, description of significant subject content, and appendixes. See Finding Aid.

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

- L -

Laptop	A small, portable personal computer that is often battery operated, usually consisting of a case that opens to reveal a screen in the upper part and a keyboard in the lower part.
Legal Hold	The removal of the record from public access because of a special circumstance such as litigation, court order, investigation or audit. The retention plan is suspended until the legal hold is removed. See Frozen Hold.
Legal Value	Records that have legal value deal with matters related to law. Examples include: agreements, civil and criminal case files, contracts, leases and naturalization papers. See Record Value.
Lifecycle	The span of time a record from its creation, through its useful life, to its final disposition or retention.
Location Inventory	A finding aid used for organizing the location of records within a storage facility. A location inventory may contain maps, locator guides, indexes and lists. See Finding Aid.

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- M -

Machine Readable Cataloging (MARC)	A data interchange standard that defines catalogue information fields and field data type for all types of records. See Description Standard.
Meta Tag	A special HTML tag that provides information about a web page. Unlike normal HTML tags, meta tags do not affect how a page is displayed. Instead, they provide information such as who created the page, how often it is updated, what the page is about and what keywords represent the page's content. Many search engines use this information when building their indexes.
Metadata	This is commonly defined as data about data. Metadata describes: how, when and by whom particular information was collected, how the information is structured and other descriptive information. The key purpose of metadata is to facilitate and improve the management and retrieval of information.
Microfiche	A card-sized transparent sheet of film with microimages arranged in a grid pattern. Sometimes abbreviated as fiche. See Microform.
Microfilm	A fine-grain, high-resolution film containing microimages. See Microform.
Microform	Any form containing greatly reduced images, or microimages. Examples of film-type microforms include microfilm, microfiche and aperture cards.
Migration	The process of moving digital files from one information system or medium to another.
Minnesota Department of Administration, Information Policy Analysis Division (IPAD)	A Minnesota government agency that assists other government agencies and private organizations in understanding and complying with a variety of laws that constitute policy decisions about data practices, records management and access to government data and other types of information. IPAD also provides assistance to the

	legislature in the development of statutes relating to data access and disposition.
Minnesota Government Data Practices Act (MGDPA)	This is Chapter 13 of the Minnesota Statutes. It governs access to government records. The basic tenet of this act is that government records are presumed public and open to everyone unless the data in the records are classified as not public. See Restricted Records.
Minnesota Historical Society (MNHS)	The Minnesota Historical Society preserves Minnesota's past, shares our state's stories and connects people with history in meaningful ways, for today and for tomorrow. Because history matters. ¹

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

N -

Negative	A photographic image with reversed polarity or, if colored, tonal values that are complementary to those of the original.
Non-Proprietary Technology	A system that is easily accessible due to the use of standards. Non-proprietary technology exhibits an open architecture, allowing the system to be easily connected to devices and programs made by third-party manufacturers.
Not Public Data	A term that describes all types of data that are classified as not accessible to the public including, but not limited to, Confidential Data on Decedents, Private Data on Decedents, Confidential Data on Individuals, Private Data on Individuals, Nonpublic data Not on Individuals and Protected Nonpublic Data Not on Individuals. This also includes any data that have been deemed not accessible to the public by court order, law or statute.

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

- O -

Obsolete Record	A record that has met its retention period, is no longer useful to the organization and can be destroyed.
Official Record	The copy of the record held by the office of record. Any other copies of the record can be destroyed when they are no longer required.
Offsite Storage	A storage facility located separately from the main storage facility. Offsite storage is ideal for infrequently-used collections, master copies, copies of inventories and collection locators and disaster plans.
Operating System	The program that controls the basic operations of a personal computer. Windows, UNIX and Linux are examples of operating systems.
Owner	The person responsible for a business function and for determining controls and access to information resources supporting that business function.

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

- P -

PastPerfect	A commercial software package used by museums and historical societies to help manage their collections.
Pending Civil Legal Action	Data collected by state agencies, political subdivisions, or statewide systems as part of an active investigation undertaken for the purpose of the commencement or defense of a pending civil legal action, or which are retained in anticipation of a pending civil legal action. These data are classified as protected nonpublic data in the case of data not on individuals and confidential in the case of data on

¹ Minnesota Historical Society website <http://www.mnhs.org/about>

	individuals.
Permanent Record	A record that must be permanently retained.
Personal Digital Assistant (PDA)	A portable electronic handheld computer usually operated using a stylus rather than a keyboard.
Photocopying Policy	A written policy describing photocopying hours, cost, response time and what can and cannot be photocopied.
Photograph	An image recorded by a camera and reproduced on film.
Policy	a guiding principle used to set direction in an organization. It can be thought of as a mission statement or a set of rules
Preservation	Processes and operations involved in ensuring the technical and intellectual survival of authentic records through time.
Primary Value	A record has primary value when the activity or transaction that resulted in its creation, such as legislation or statutory mandate, is current. See Record Value.
Private Data	Data open only to the individual concerned and the creating agency. See Restricted Records.
Procedure	a way of accomplishing something and is designed as a series of steps to be followed as a consistent and repetitive approach to accomplish an end result
Public Data	Data open without restrictions to the public. See Restricted Records.
Purge	To systematically and permanently remove data.

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

- R -

Record	Records of the Department are books, papers, photographs, machine readable materials, maps, or other documentary materials, regardless of physical form or characteristics, that have documentary or evidential value. Such materials, created or received in connection with the transaction of official business, are preserved because of their informational value as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities. Records, also referred to as record material or Government records, can be destroyed only according to the provisions of authorized disposition schedules. Information created, received, and maintained as evidence and information by an organization or person, in pursuance of legal obligations or in the transaction of business.
Record Description	A means of providing useful information on the content and organizational structure of archival holdings. Record description results in the creation of finding aids such as catalogue records, inventories and registers and indices. See Documentation.
Records Management	Field of management responsible for the efficient and systematic control of the creation, receipt, maintenance, use and disposition of records, including processes for capturing and maintaining evidence of and information about business activities and transactions in the form of records.
Record Series	A group of identical or related records with the same function and the same retention period that is evaluated as a unit for retention scheduling purposes.
Record Value	Helps determine the length of retention or the disposition of records. Throughout the appraisal process, it is determined whether records have primary, secondary, administrative, fiscal, legal, historical, evidential, informational, research or intrinsic value. Records can have one or more of these values. See Appraisal.

Recordkeeping System	A system that facilitates the act or process of creating, maintaining and disposing of records.
Records Disposition Panel	Established by the Records Management Act, Minnesota Statutes, Chapter 138.17, this panel reviews and approves proposed records retention schedules and applications for authority to dispose of records. It is composed of the State and Legislative Auditors, the Office of the Attorney General and the Director of the Minnesota Historical Society.
Records Management	The discipline and organizational function of managing records to meet operational business needs, accountability requirement and community expectations. Records management strives for achieving economy and efficiency in the creation, use, maintenance and disposition of records.
Reference Policies and Procedures	Documentation that helps to provide equal and easy access to government records. Each agency must create its own reference policies and procedures.
Reliability	The measure of a record's authority. Reliability is determined solely by the circumstances of the record's creation. See Trustworthiness.
Removable Storage Media	Media such as tapes, floppy disks, and CD-ROMs that can be physically removed from the computer environment.
Repository	A place or room where archives are deposited or stored.
Research Policy	A written policy regarding the capacity in which staff or volunteers will serve researchers. The research policy often includes information on staff hours, availability for assistance, cost and acceptable request formats.
Research Value	Most records have research value and are often used in investigations and scholarly studies. See Record Value.
Responsible Authority	The individual who assures that the government entity complies with the Minnesota Government Data Practices Act. Responsibilities include the collection, use and dissemination of any set of data on individuals, government data or summary data, and the implementation and administration of the Minnesota Government Data Practices Act.
Restricted Records	Records that have limitations on their accessibility. Restrictions on accessibility are described in the Minnesota Government Data Practices Act (MGDPA). See Minnesota Government Data Practices Act (MGDPA).
Retention Period	The period of time that records need to be retained before their final disposal. A retention period is based on statutory requirements and an estimate of the frequency of current and future use.
Retention Schedule	A plan for the management of records including a list of record series, coverage dates, locations, formats, volume, data practices classifications, and retention periods. Retention schedules provide the legal authority for records retention and disposal.
Risk Analysis	A component of risk management that evaluates risks by examining the probability of loss or injury occurring and determining the amount of acceptable risk. Risk analysis also refers to a prioritization of risks.

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- S -

Search Engine	A program that searches documents for specified keywords and returns a list of the documents where the keywords are found. Although search engine refers to a general class of programs, the term is often used to specifically describe programs like Alta Vista and Excite that enable users to search for documents on the World Wide Web.
Secondary Value	Records have secondary value when the activity or transaction that resulted in their creation is complete. Many records with secondary value are rich with historical information because of their content, who created them and their uniqueness and usability. See Record Value.

Security Information	Government data whose disclosure would jeopardize the security of information, possessions, individuals or property against theft, tampering, improper use, attempted escape, illegal disclosure, trespass, or physical injury.
Slide	A 35mm transparency image that has been mounted for projection on a screen.
Source Code	Program instructions in their original form. Source code consists of the programming statements that are created by a programmer and then saved in a file. In the case of a web page, the source code consists of commands from a markup language such as HTML. These commands determine the look, content, and any interactive functions of the web page.
State Archives Department (State Archives)	A department of the Minnesota Historical Society that documents the history of Minnesota by identifying, preserving and making accessible the evidential record of government activities and the historically valuable information created by government.
State Record	Any written, photographic, machine-readable or other recorded information created or received by or on behalf of a state agency or an elected official that documents activities in the conduct of state business or use of public resources.
Storage	Those operations aimed at maintaining and preserving archives.
Storage Facility	Provides for the safe storage and easy retrieval of archived materials.
Subject	A principal topic addressed in a record.
Summary Data	Information derived from data on individuals in which individuals are not identified. Data that does not contain any information that can identify the data subject. Summary data is public data and can be requested by anyone who is willing to bear the cost of preparing it.
System Development Life Cycle	A systematic and orderly approach to solving business problems and developing appropriate information systems. Typical phases of system development life cycle include planning, analysis, design, implementation and support.

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- T -

Text Messaging	See Instant Messaging
Tennessee Warning	<p>A notice given to an individual whenever a government entity asks him/her to provide private or confidential data about him/herself. This notice must inform the individual of:</p> <p>the purpose and intended use of the data (i.e. why the data are requested and how they will be used within the government entity);</p> <p>whether the individual may refuse or is legally required to supply the data (the subject has the right to know whether or not s/he is required by law to provide the data requested);</p> <p>any consequences to the individual of either supplying or refusing to supply the data; and</p>

	the identity of other persons or entities that are authorized by law to receive the data.
Tintype	A positive photograph made directly on an iron plate varnished with a thin sensitized film. This is also called a ferrotype
Trade Secret Information	Government data, including a formula, pattern, compilation, program, device, method, technique or process that is supplied by the affected individual or organization, that is the subject of efforts by the individual or organization that are reasonable under the circumstances to maintain its secrecy and that derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by the proper means by other persons who can obtain economic value from its disclosure or use.
Transfer	The act or process of moving records from one location to another. Transfer actions include: moving records to: storage facilities; the MNHS , another agency or agency offices.
Transitory Record	Transitory documents are documents of short-term interest which have no documentary or evidential value. Transitory documents are disposable because they clearly do not pertain to the official activities of the Agency.
Trustworthiness	Refers to the reliability and authenticity of records. See Reliability and Authenticity.

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- U -

Uniform Electronic Transactions Act (UETA)	An act that supports the use of electronic commerce by establishing that the electronic record of a transaction is as legally valid as that of a paper record. States that have not passed UETA are bound by the Federal Electronic Signatures in Global and National Commerce Act (E-Sign). See Federal Electronic Signatures in Global and National Commerce Act (E-Sign).
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- V -

Video Tape	A device for recording and playing back full motion audio-visual programming on a magnetic tape.
Vital Record	Any state record necessary for the resumption or continuation of state agency operations in an emergency or disaster, the recreation of the legal and financial status of the agency; or the protection and fulfillment of obligations to the people of the state.
Voice Mail	An electronic communications system that stores recordings of telephone messages for playback.

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- W -

Web Page	A document, such as the home page of a web site, on the World Wide Web.
Web Site	A site (location) on the World Wide Web. Every web site contains a home page that the viewer sees when they enter a site. A web site also contains other pages or documents and is owned and managed by an individual, company, or organization
Weeding	The process of removing and discarding unnecessary papers from a file.
Westrom Decision/Policy	A September 2, 2004, Minnesota Supreme Court decision that indicates that when there is an active investigation taking place that could lead to litigation, the data concerning this investigation are considered to be not public until the investigation becomes inactive. This decision affects public access to the agency's enforcement files. An agency policy regarding this decision addresses specific enforcement situations and how they affect public access to agency files.

Whistleblower Information	A Minnesota statute stating that no public official or law enforcement official shall disclose or cause to disclose the identity of an employee making a report or providing information to a government body or law enforcement official, without the employee's consent, unless the investigator determines that disclosure is necessary for prosecution. (If disclosure is necessary for prosecution, the employee shall be informed of this fact prior to the disclosure.)
Working Papers	Documents such as rough notes, calculations, or drafts assembled or created and used to prepare or analyze other documents.
World Wide Web (WWW)	A system of Internet servers that support specially formatted documents. The documents are formatted in a language called HTML that supports links to other documents, as well as to graphics and audio and video files. See HTML, Web Page, and Web Site.

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- X -

XML (Extensible Markup Language)	A web language similar to HTML. XML offers greater flexibility than HTML, allowing its users to create their own customized tags, thus enabling the definition, transmission, validation, and interpretation of data between applications and organizations. These qualities make XML appealing as a tool for electronic commerce, electronic government services, data warehousing and enterprise information portals. See HTML.
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Document Change Tracking

Contributor's Name	Area Changed	Date
Natalie Zett	Initial updated of original document (created in 2007)	June 30, 2014
Natalie Zett	Updated the Recordkeeping Procedures.	Aug 20, 2014
Natalie Zett	Action taken: updated Recordkeeping Procedures document and integrated it into the Records Management Manual. Reason for decision: Per team meeting on Aug. 20, 2014, determined Recordkeeping Procedures (formerly called "local procedures") should NOT be treated as a separate initiative; instead, should be part of the Records Management Manual, but keep.	Aug 21, 2014
Angela Crowley/Natalie Zett	Per e-mail from Angela: "When you go to the groups to meet on the recordkeeping procedures, can you please make sure that it says somewhere on there that a file must be signed by a regular staff, supervisor or manager for Not Public Data." Not student workers ACTION: Need to add this to the document.	
Angela Crowley	Changes requested by Chris Malec	September 19, 2014
Natalie Zett	Reviewed document to ensure it complies with the <u>State of Minnesota – Accessibility Standard</u> .	September 26, 2014
Angela Crowley	Changes to put Glossary at the end and remove Appendices wording.	September 30, 2014
Christine Malec	revisions made throughout document	September - October 2014

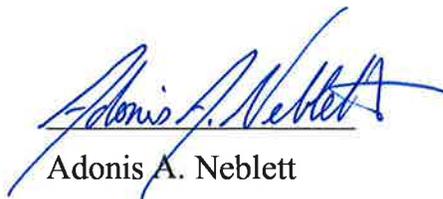
3. Although I anticipated litigation on the PolyMet NPDES permit, I did not impose a “litigation hold order” because the type of litigation that I anticipated was judicial review on an administrative record. In this type of case, it has been MPCA’s longstanding practice not to impose a litigation hold since the case will be based upon an administrative record and traditional discovery is not required. In addition, a sufficient legal obligation to preserve documents relevant to that litigation is already required by the Minnesota Official Records Act, Minn. Stat. §15.17.
4. Because the case is based upon an administrative record and because Official Records Act requires preservation of the documents that would be included in the administrative record in a judicial review case, I do not recall ever imposing a litigation hold order due to anticipated litigation to be decided on an administrative record.
5. Rather, for litigation decided on the administrative record, MPCA’s duties to compile and preserve the administrative record are guided by the Minnesota Administrative Procedure Act, Minn. Rule 7000.0750, Subpart 4, and MPCA’s Records and Data Management Manual (which was adopted to comply with the Official Records Act). MPCA has complied with these duties.
6. Although I have never counted the number of potential judicial review cases on an administrative record that could potentially be filed against MPCA each year, I know they are numerous. They would include all rulemaking, permitting, and administrative enforcement actions under the environmental statutes that we

administer. I expect that these sorts of actions number at least well into the hundreds of decisions each year. All such actions would have to be separately identified and affected employees would have to receive a hold order. The volume of documents that MPCA would have to maintain would be immense. And, of course, this would likely require preservation of a large volume of documents even for departed employees.

7. Maintaining and managing documents for hundreds of matters each year would be very burdensome. Such an effort would consume a large amount of this Agency's scarce resources. This expenditure of public resources would serve no useful purpose.
8. On June 25, 2019, I circulated a legal hold for documents related to the NorthMet permitting decision. This is the same day that the Court of Appeals issued its order referring this matter to the Second Judicial District. This legal hold was, at the outset, in response to an inquiry from the Office of the Legislative Auditor but it also served the purpose of preserving records that might be subject to this litigation. To the best of my knowledge, MPCA employees have abided by my instruction to preserve documents responsive to this legal hold.

I declare under penalty of perjury that everything I have stated in this document is true and correct.

Dated: January 10, 2020



Adonis A. Neblett

STATE OF MINNESOTA
IN COURT OF APPEALS

*In the Matter of the Denial of Contested
Case Hearing Requests and Issuance of
National Pollutant Discharge Elimination
System/State Disposal System Permit No.
MN0071013 for the Proposed NorthMet
Project St. Louis County Hoyt Lakes and
Babbitt Minnesota*

**DECLARATION OF
STEPHANIE HANDELAND**

Appellate Case Nos.
A19-0112
A19-0118
A19-0124

I, STEPHANIE HANDELAND, in accordance with section 358.116 of the Minnesota Statutes and rule 15 of the Minnesota Rules of General Practice, declare as follows:

Background

1. My job title is Environmental Specialist 4, Permit Writer, for the Minnesota Pollution Control Agency (“MPCA”). I have been employed by MPCA since May 1995.
2. My job responsibilities have included developing and drafting National Pollutant Discharge Elimination System/State Disposal System Permit No. MN0071013 (“Water Permit”) for the Poly Met NorthMet Mine project.
3. I was involved in developing the Water Permit from the beginning of preliminary discussions in 2015 until issuance on December 20, 2018. I also participated in regular meetings and conference calls with EPA during the development of the Water Permit, including the April 5, 2018, telephone call with EPA referenced in WaterLegacy’s May 17, 2019, Motion for Transfer to the District Court or, in the Alternative, for Stay Due

to Irregular Procedures and Missing Documents (“Motion”) and in its June 7, 2019, Reply in support of the Motion.

4. I submit this Declaration to the Court based on my personal knowledge and in support of MPCA’s Sur-reply to WaterLegacy’s Motion.

Factual Issues Raised in WaterLegacy’s Reply

5. In its Reply, WaterLegacy raises several questions it alleges require transfer to the district court for additional fact finding. *See* WaterLegacy Reply, at 19–20. I have first-hand knowledge of the answers to some of the questions WaterLegacy raises.

6. WaterLegacy asks what actions MPCA took to prevent EPA from submitting written comments on the Poly Met Permit in March 2018. *See id.* ¶ 1. I worked on developing the Poly Met Permit throughout the entire permit-development process and had regular conversations with other members of the MPCA staff and management. I also participated in twice-monthly conference calls with EPA from August 2016 until August 2017, and thereafter in periodic calls and meetings with EPA. I have no knowledge of any efforts by MPCA to influence whether EPA would submit comments in written form to MPCA. I have no knowledge of any alleged telephone call between MPCA Commissioner John Linc Stine and EPA Regional Administrator Cathy Stepp about complaints with EPA’s draft written comments.

7. WaterLegacy asks whether the “purpose of these actions” was “to prevent the creation of a written record disclosing EPA’s criticism” of the Poly Met Permit. *See id.* ¶ 2. First, to my knowledge, MPCA did not take any “actions” to suppress EPA’s written comments. It is in EPA’s discretion whether to submit written comments. MPCA never

had any intention of concealing that EPA had concerns with the Poly Met Permit. I was involved in conversations with EPA throughout the permit-development process. Any time that MPCA took substantive notes on the twice-monthly calls or meetings with EPA, those notes are included in the administrative record. The issues that EPA raised on the April 5, 2018, call overlapped nearly entirely with those of other stakeholders who did submit written comments. MPCA's responses to stakeholders' written comments thus responded to the substantive concerns that EPA had with the January 2018 version of the draft Poly Met Permit. Both the concerns and MPCA's responses are included in the administrative record.

8. WaterLegacy asks about the content of the comments EPA read over the phone on the April 5, 2018, conference call. *See id.* ¶ 3. As I stated in my previous declaration in support of MPCA's Response, there was nothing new or surprising in EPA's comments, all of which had been discussed in previous meetings or conference calls, except for one small concern about domestic wastewater, which MPCA summarized and addressed in the fact sheet. In short, on the call, EPA just restated the major concerns it had with the January 2018 version of the draft Poly Met Permit. EPA had previously raised those same concerns with MPCA. In addition, EPA's comments overlapped with other stakeholders' comments, so in summarizing and responding to all of the other stakeholders who actually submitted written comments, MPCA was summarizing and responding to EPA's substantive comments as well.

9. WaterLegacy asks what happened to the notes from the April 5, 2018, conference call "created by MPCA attorney Mike Schmidt and the unnamed member of

MPCA's water permitting team." *Id.* ¶ 4. I have no first-hand knowledge of what happened to Mike Schmidt's notes. I am, however, the "unnamed member of MPCA's water permitting team." *See id.* I expected the April 5, 2018, call to be similar to all of the other calls and meetings we had with EPA—conversational and deliberative. But it was clear from the beginning of the call that EPA was reading from a document. I did not know whether the document was a formal comment letter, a draft, or some other format. But EPA read from the document, and we listened.

10. EPA read the document very rapidly. For the first one or two minutes, I attempted to take notes on what EPA was saying, but because EPA was reading so quickly, I could not keep up accurate notetaking. I noticed that Mike Schmidt was also taking notes, so I stopped. I discarded the notes (recycled the paper) right after the call because my brief note taking was worthless. No one directed me to discard my brief notes. I did so on my own because the notes had no value. I discarded them directly after the call. I did not initially retain the notes and then discard them after WaterLegacy filed its subsequent Data Practices Act request.

11. WaterLegacy asks whether there are other notes of phone conversations or meetings with EPA that MPCA created but did not retain. *See id.* ¶ 6. I am not aware of any other notes that are not included in the administrative record for this appeal. The administrative record has many sets of notes, including my notes from the September 2018 two-day, in-person meeting with EPA. No one directed me to destroy or otherwise conceal any notes, and all of the substantive notes I took during the permit-development process are included in the administrative record.

12. WaterLegacy asks whether MPCA staff were directed at any time not to create or retain notes of telephone conversations or meetings with EPA. *See id.* at 20, ¶ 7. At no time was I ever directed or encouraged to not take notes or to destroy any notes that I did take.

13. WaterLegacy asks whether MPCA at any time after November 3, 2016, received any letters or emails from EPA memorializing conversations or meetings and describing the resolution of EPA's concerns or the failure to resolve EPA's concerns. *See id.* ¶ 8. The only written confirmation that we received was a response that EPA had reviewed Poly Met's permit application. We never received anything else in writing from EPA about resolution of its concerns throughout the entire permit-development process. The only other written communications we received from EPA (in addition to those already in the administrative record) were routine communications scheduling calls or meetings. We would send documents to EPA in advance of our twice-monthly calls so EPA could use them to prepare for discussions, but EPA never responded in writing. In fact, if EPA raised concerns on a conference call about something in the Poly Met Permit, I would sometimes ask EPA staff to please provide examples of solutions in other permits that we could use to get model language, but they never followed up by sending us that information.

14. Jeffrey Fowley's declaration states, "In my experience, if the EPA had agreed that all issues were resolved, it would have sent MPCA an email or letter confirming such a key fact." Fowley Decl. ¶ 17. In my experience, only once did EPA send a letter stating that all issues with a permit had been resolved to its satisfaction, and only then because I

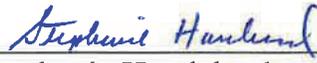
personally requested the letter. In my experience it is not common practice for EPA Region 5 to send those types of communications.

15. WaterLegacy asks whether MPCA received a letter from EPA stating that any deficiencies in Poly Met's permit application had been cured and that the application was complete. *See id.* ¶ 9. To my knowledge, we did not receive any EPA correspondence subsequent to the November 3, 2016 letter from EPA (WL Motion Exh. H, page 19) stating that Poly Met's permit application was complete.

16. WaterLegacy asks whether MPCA discussed internally what its obligations were with respect to responding to EPA's oral comments from the April 5, 2018, conference call. *See id.* ¶ 10. I do not recall any internal conversations about how to address EPA's oral comments. Because EPA's comments were not written, we did not think to identify them separately in our responses to comments. We knew we had addressed the substance of EPA's comments in the responses-to-comments document because (except for EPA's comment about domestic wastewater) EPA's comments fully overlapped with other stakeholders' written comments, so we knew that when we responded in writing to those written comments, we would also have responded in writing to EPA's oral comments.

I declare under penalty of perjury that everything I have stated in this document is true and correct.

Dated: June 12, 2019
Ramsey County
St. Paul, Minnesota


Stephanie Handeland
Environmental Specialist 4, Permit Writer
Minnesota Pollution Control Agency

**STATE OF MINNESOTA
IN COURT OF APPEALS**

*In the Matter of the Denial of Contested
Case Hearing Requests and Issuance of
National Pollutant Discharge Elimination
System/State Disposal System Permit No.
MN0071013 for the Proposed NorthMet
Project St. Louis County Hoyt Lakes and
Babbitt Minnesota*

**DECLARATION OF
RICHARD CLARK, P.G.**

Appellate Case Nos.
A19-0112
A19-0118
A19-0124

I, RICHARD CLARK, in accordance with section 358.116 of the Minnesota Statutes and rule 15 of the Minnesota Rules of General Practice, declare as follows:

Background

1. My job title is Supervisor, Metallic Mining Sector Unit, Water and Mining Section, Industrial Division, for the Minnesota Pollution Control Agency (“MPCA”). I have been employed by MPCA since July 23, 1986.

2. My job responsibilities have included developing and drafting National Pollutant Discharge Elimination System/State Disposal System Permit No. MN0071013 (“Water Permit”) for the Poly Met Mining, Inc. NorthMet Mine Project.

3. I was involved in developing the Water Permit from the beginning of preliminary discussions in 2015 until issuance on December 20, 2018. I also participated in regular meetings and conference calls with EPA during the development of the Water Permit, including the April 5, 2018, telephone call with EPA referenced in WaterLegacy’s May 17, 2019, Motion for Transfer to the District Court or, in the Alternative, for Stay Due to

Irregular Procedures and Missing Documents (“Motion”) and in its June 7, 2019, Reply in support of the Motion.

4. I submit this Declaration based on my personal knowledge and in support of MPCA’s Sur-reply to WaterLegacy’s Motion.

Questions Raised in WaterLegacy’ Reply

5. WaterLegacy asks several questions that it argues require transfer to the district court for additional fact finding to answer. *See* WaterLegacy Reply, at 19–20. I answer several of these questions below.

6. WaterLegacy asks what actions MPCA took “to request, encourage or otherwise affect” EPA’s decision not to submit written comments on the Poly Met Permit. *See id.* at 19, ¶ 1. I worked on the Poly Met Permit from before Poly Met even submitted its permit application and through the entire permit-development process. Throughout this entire period, I communicated with other members of the MPCA staff and management, and I participated in all of the twice-monthly conference calls with EPA. I never had any discussions with anyone about taking any action to suppress EPA written comments. I have no knowledge of anyone else from MPCA attempting to suppress EPA written comments. I do not know anything about an alleged telephone call between MPCA Commissioner John Linc Stine and EPA Regional Administrator Cathy Stepp concerning EPA’s draft written comments.

7. WaterLegacy wonders whether “these actions” were designed to keep EPA’s criticisms out of the administrative record. *See id.* ¶ 2. Again, I know of no such actions. EPA decides for itself whether to submit written comments, and to my knowledge MPCA

had no impact in EPA's decision. In any event, WaterLegacy has all of the substantive notes that were subject to release under the Data Practices Act ("DPA") or subject to inclusion in the administrative record. Those notes, combined with the public comments that covered the same ground as the EPA April 5, 2018, concerns with the January 2018 draft permit, provide a complete record of EPA's criticisms and concerns with the draft permit that MPCA made available for public comment.

8. WaterLegacy asks about the contents of EPA's comments that it read to us over the phone on the April 5, 2018, conference call. *See id.* ¶ 3. As I have declared before, the concerns that EPA voiced on the phone were duplicative of concerns that they had voiced throughout the permit-development process, which concerns are captured in other notes included in the administrative record. We also responded to the substance of EPA's April 5, 2018, comments in our responses to public comments because EPA's comments completely overlapped with other written public comments, except for one small issue about domestic wastewater, which we addressed in the fact sheet. Every EPA concern that remained after MPCA issued the January 2018 draft permit was considered in the development of the final permit and fact sheet and is addressed in the administrative record.

9. WaterLegacy asks about what happened to the notes from the April 5, 2018, conference call with EPA. *See id.* ¶ 4. I saw Mike Schmidt take notes throughout the call and Stephanie Handeland take notes for the first few minutes. I thought that the April 5 call, like all of the other calls and meetings we had with EPA, call would be more of a back-and-forth discussion about their comments on the draft permit. But in reality, the call did not involve any discussion, it was just EPA voicing its concerns while we listened. It

was clear that EPA staff on the call were reading from something, although I did not know whether that document was a formal letter, a draft letter, or a set of notes or bullet points. We knew that we would be changing the draft permit based on the written public comments we received, so we expected that not all of EPA's concerns would be uniquely relevant, since they largely overlapped stakeholders' concerns. In any event, EPA read their comments very quickly, and the concerns were all ones that we had heard before, so Ms. Handeland stopped taking notes after a couple of minutes, although Mr. Schmidt kept taking notes throughout the call. I have no first-hand knowledge of what happened to either set of notes.

10. WaterLegacy asks if there are other notes from telephone calls or meetings with EPA. *See id.* ¶ 6. I believe that all of the notes that MPCA took during these calls and meetings subject to release under the DPA were turned over to WaterLegacy and that all of the notes that we relied on in developing the Poly Met Permit are included in the administrative record. There are no other substantive notes that WaterLegacy has not seen. I was never directed or encouraged to destroy notes. At meetings, I would sometimes take basic notes in my own shorthand to help me remember what had come up in the meeting, but I never intended these to be used by anyone else: their only purpose was for my own memory retention – I remember and process things better if I write them down in my shorthand. This shorthand was never intended to inform the permit-development process, and did not, in fact, inform that process. I never intended to, nor did I ever, refer back to this shorthand; I took the shorthand notes only to help commit the issues to memory as they were being communicated to me. I would discard the notes shortly after the call or meeting.

11. WaterLegacy asks if MPCA staff were ever directed or encouraged to not take notes or to not retain notes of conversations with EPA. *See id.* at 20, ¶ 7. I was never directed or encouraged to not take notes or to not retain notes from any communications with EPA. Any time I felt the need to take my shorthand notes to aid my memory of the conversation, I did so. I never discarded any substantive notes that we intended to rely on in developing the Poly Met Permit.

12. WaterLegacy asks if, at any time, after November 3, 2016, MPCA received from EPA any letters or communications memorializing the results of any conference calls or meetings. *See id.* ¶ 8. Other than one letter we received that EPA had reviewed Poly Met's permit application, we never received any memorializing communications. We never received any memorializing emails or letters after any of the twice-monthly conference calls, even when issues were resolved to both agencies' satisfaction. We would often send EPA documents such as excerpts from the application or technical memos from the applicant before the calls to facilitate more productive conversations, but to the extent that EPA had any feedback on any of these documents, EPA staff communicated them orally to us over the phone or in meetings, never in writing. We never sent any communications to EPA, and EPA never sent any communications to us, that memorialized any substantive agreements. In fact, we would sometimes get frustrated with EPA because sometimes EPA would tell us that something was not agreeable to them, but when we would ask them what would be agreeable, they would not tell us. In these circumstances, we would have to provide additional explanation, propose additional solutions or table the

discussion until the next call. In short, EPA did not memorialize any of our conversations or meetings, and neither did we.

13. WaterLegacy asks whether MPCA ever received a letter from EPA stating that the deficiencies identified by EPA in Poly Met's permit application had been cured and was complete. *See id.* ¶ 9. MPCA never received a letter, or any other communication, of this kind. At this stage in our conversations with EPA, we would just address specific topics in the application that EPA was concerned about. There was nothing from EPA stating that the permit application was complete in EPA's eyes.

14. WaterLegacy asks whether MPCA discussed what its obligations were in terms of responding to EPA's oral comments. *See id.* ¶ 10. I do not recall ever discussing how we would handle EPA's oral comments as compared to others' written comments. Having heard EPA's comments and read all of the written comments submitted during the public-comment period, I knew that as we were responding to all of the written comments in our responses to comments, we were also responding to EPA's comments because (except for EPA's domestic wastewater issue that we addressed in the fact sheet) EPA's oral comments and other written comments fully overlapped.

I declare under penalty of perjury that everything I have stated in this document is true and correct.

Dated: June 12, 2019
Ramsey County
St. Paul, Minnesota


Richard Clark, P.G.
Supervisor, Metallic Mining Sector Unit
Water and Mining Section, Industrial Div.
Minnesota Pollution Control Agency