

APPENDIX A – Alternative Repositories

Use of Non-Profit Alternative Repositories for Paper Records

A. General Guidelines. Nonconfidential records to be retained or authorized to be destroyed according to these schedules, as well as confidential records to be retained, may be deposited with an alternative institution as described in Part B. The local government agency retains legal custody of these records and shall ensure that they are not alienated from the institution except for placement, with approval of the local government agency, in another approved institution or for authorized destruction. The local government agency may regain possession of records deposited in an authorized institution at any time.

Local government agencies shall enter a written agreement with the institution ensuring that issues of custody, regaining possession, security, preservation, and access are clarified; that the institution will, if applicable, comply with policies and directives of the local government agency governing confidentiality and preservation of records in accordance with state and federal law; and that the institution will provide storage facilities capable of preserving records at least as well as those available to the local government agency. A copy of this agreement shall be sent to the State Archivist and approved by the Archivist, with the advice of the Archives Advisory Board before any records are deposited at the alternative institution.

To become approved, the institution must meet the following criteria:

1. Provide security to prevent the loss of records both in storage and in reference areas. This shall at a minimum include locks on all doors and windows, plus an intruder alarm system and a fire alarm system. Minimum security shall also always include direct supervision of researchers when records are available for access.
2. Provide storage facilities situated in a physically safe location (i.e., not located in a flood plain; not located next to a hazardous chemical storage area; etc.). These facilities should have heating/ventilation/air conditioning capable of maintaining temperatures between 60 and 70-degrees Fahrenheit, and of holding relative humidity to less than 50 percent.
3. Provide reasonable access to the records as required by the [Public Records and Proceedings statute](#) (MRS Title 1, §408-A). “Reasonable” should at a minimum mean that the facility is open to the public, by regularly scheduled hours or by appointment, at least two days each week throughout the year. There shall be no charge for retrieving or viewing the records, and any charge for obtaining copies shall be limited to the organization’s actual cost to produce such copies. However, if the organization’s staff is requested to research the records for the requestor the organization may charge any fee that it would normally require for research services.
4. Show evidence of a capacity to care for the records by providing evidence 1) of a mission statement; and 2) that a person who cares for the records has had basic archival training, such as a workshop approved by the Maine State Archives, formal education, or related experience.
5. Maintain a non-profit corporate status.
6. May be inspected by Maine State Archives staff before approval is granted, with re-inspection possible at any time after approval.
7. Notify the State Archivist of any changes in its facilities or policies that relate to the standards described in this section.
8. Approval may be revoked by the State Archivist at any time, after notice and opportunity to correct, if standards do not continue to be met.

To accept confidential records, the institution also must show evidence that it has staff capable of maintaining confidentiality in accordance with policies of federal, state, and local government agencies.

B. Approved Institutions. An institution must be approved by the State Archivist as a depository for local government records and/or to accept confidential records before a local government agency can deposit its records with the institution. The State Archivist shall maintain a list of approved institutions (available on the Maine State Archives website).

Use of Commercial Records Centers for Paper Records

Local government agencies may use commercial records centers to store their closed records. Before any records are transferred, the commercial records center must be approved in writing by the Maine State Archivist, with the advice of the Archives Advisory Board. The following criteria must be met:

1. Security must be provided to prevent the loss of records, both in storage areas and during transfer.
2. Fire protection must be provided.
3. Stored records can be released only to employees of the local government agency (which shall be responsible for making records available to the public).
4. Only bonded employees of the Records Center can handle boxes or provide reference services.
5. Routine reference service must be available within one business day.
6. Emergency reference service must be available within 2 hours or less during normal business hours.
7. Records must be stored in a physically safe facility (i.e., not located in a flood plain; not located next to a hazardous chemical storage area).

Commercial records centers used by local government agencies may be subject to inspection by the Maine State Archives, which will notify the Archives Advisory Board of any failure to meet these standards. Local government agencies which use commercial records centers must maintain accurate listings of all records stored.

Commercial records centers used by local government agencies shall be liable for damage, destruction, or loss of records, whether in storage at the facility or in transit between the facility and the local government agency's offices.

Use of Third-Party Vendors for Electronic Records (Cloud Storage)

Local government agencies can use third-party vendors to store electronic records. Before any agreements are entered into with a third-party vendor, the Maine State Archivist shall be consulted.

Maine State Archives makes the following minimum recommendations:

1. Retain legal custody of records and information;
2. Maintain record and information controls over cloud storage;
3. Specify provider recordkeeping responsibilities in contracts;
4. Plan in the contract for future migration, transfer, and destruction of the records.

Records in the cloud must:

1. Retain accountability, integrity, compliance, authenticity, and reliability;
2. Be available, searchable, and retrievable;
3. Be protected from unauthorized deletion;
4. Be retained for the minimum retention period;
5. Be destroyed/transferred in accordance with the appropriate records retention schedule.

Other items to consider:

Transactions of public business conducted through cloud-based services are public records and must be managed in accordance with record retention schedules. If the records are managed exclusively in the cloud, careful consideration must be taken regarding the implications of cloud storage for records management. For example, if the contract with the cloud vendor expires or the service is no longer supported by the vendor, records and any corresponding metadata will need to be downloaded onto a local system. The transfer must maintain the integrity of the files, with the assurance the files are transferred accurately and completely. The use of cloud applications for storage will shape concerns related to security and confidentiality, ownership, ease of data removal, and disaster recovery. Understanding user expectations and whether they are being met by the service provider is critical.

APPENDIX B – Vault for Permanent Records

State law requires each local government to have a fireproof safe or vault to protect permanently valuable records. Fires in several towns provide a reminder about the perils of not protecting critical records. 5 M.R.S.A. §95-B. (provisions for local government records) states the following:

2. Safe or vault for preservation. Each local government shall provide a fireproof safe or vault for the preservation of all records that must be retained permanently but are not required for business purposes. The official having responsibility for those records shall deposit them in the safe or vault where those records must be kept except when required for use.

General Guidelines for Budgeting and Planning Purposes, to Insure Conformity with State Law:

Vault should be either ground-supported (i.e., capable of standing on its own if the building around it collapses) or located within a fire-resistive building (one that will not suffer structural collapse even if its contents is completely consumed). Walls of the building can only be used as walls of the vault if the building is fire-resistant.

The vault should be planned, and its construction supervised by a registered engineer or architect. Its walls can only be pierced for necessary services and should not be open to any type of shaft. Floor and roof cannot be pierced. All walls, floor (if vault is structure-supported rather than ground-supported), and door should at a minimum meet 4-hour fire resistance standards per a nationally recognized standards organization. The vault door cannot be a standard “fire door” or other design not specifically intended for vault use. The door locking mechanism should provide for escape by a person accidentally locked inside.

No combustible materials can be used in the vault’s construction, including in any necessary damp-proofing. A ventilating system that conforms to nationally recognized standards should be provided, and all services (electrical, heating, etc.) should conform to national and local codes. Open flame heating shall not be used under any circumstances.

The vault should be installed by qualified and experienced personnel, in conformity with its manufacturer’s requirements. “Fireproof” cabinets or other portable fire-resistant records storage equipment cannot be substituted for a properly designed and constructed vault.

Specific Guidelines for Vault Construction

The National Fire Protection Association’s Standard (NFPA 232, Protection of Records) provides guidance concerning vault construction. This copyrighted publication may be obtained from the NFPA website: www.nfpa.org.

APPENDIX C – Determining Essential Records (what should go in the vault)

Essential (Vital) Records

Essential records are the records that are fundamental to the functioning of an organization and necessary to continue operations without delay under abnormal conditions. If these records are destroyed, your operations would come to a grinding halt. They typically contain information needed to recreate your legal and financial status and to preserve the rights and obligations of stakeholders, including employees, customers, shareholders, business partners, and citizens.

Business Continuity

Plans for the protection and recovery of essential records often fall under the “business continuity” umbrella. Business continuity refers to an organization’s ability to continue to operate in case of a disaster or disruption. It is recommended to have a business continuity plan in place which is periodically tested. This plan would include all actions to be taken to reduce the risk of avoidable disaster and to minimize the loss if a disaster occurs.

The American National Standards Institute/Association of Records Managers and Administrators standard on essential records suggests asking four specific questions when identifying essential records.

1. What records are absolutely necessary to resume operations?
2. What records are necessary to protect assets, protect the legal and financial status of the organization, and preserve rights and obligations of employees, customers, stockholders, and citizens?
3. Are there other sources inside or outside the organization from which the records can be retrieved or reconstructed?
4. Does the necessary information reside in more than one medium?

Additional Factor to Consider for Permanent Records – Intrinsic Value

Are the records of significant monetary value (e.g., bearer bonds or rare manuscripts) or great symbolic value retained more as an artifact than a record (where a reproduction cannot be substituted for the original, such as founding documents or treaties)?

Important Records

In many organizations, the loss of certain records may disrupt business but not jeopardize the mission. These records are considered important or useful, but not vital.

Important records support the business operations and help it meet its responsibilities. The loss of such records may cause delays or confusion that impede a business unit’s work, but it will not bring mission-critical operations to a halt. If destroyed, these records are potentially replaceable at a cost. Therefore, these records don’t necessarily require special protection.

For additional information on the identification and protection of records, see the [National Archives and Records Administration Essential Records Guide](#).

APPENDIX D – RECORD DEFINITIONS

Record means all documentary material, regardless of media or characteristics and regardless of when it was created, made, or received or maintained by an agency in accordance with law or rule or in the transaction of its official business. "Record" does not include extra copies of printed or processed material of which official or record copies have been retained, stocks of publications and processed documents intended for distribution or use or records relating to personal matters that may have been kept in an office for convenience.

Record includes records of historic and archival value to the State or municipality, regardless of the date of their generation, including all documents determined to have such value to the State by statute and, when appropriate, by the State Archivist.

SPECIFIC TYPES OF RECORDS

- **Archival/Permanent Records** – Records required to be kept indefinitely because they have a high enduring or archival value. Once business needs of the agency are met, archival records contain a secondary, research value.
- **Closed Records** – Records which no longer have immediate value for the current business of the originating office or official and would either be destroyed, or a retention period would begin.
- **Confidential Records** – Confidential records are those records which are exempt from public inspection according to law.
- **Current (Active) Records** – Records needed and used in the day-to-day conduct of the current business of a local government office or official.
- **Essential (Vital) Records** – Records necessary to re-start an organization's operations in the event of a natural or human-made disaster. They support necessary services and preserve the legal, financial, and/or functional status of the agency.
- **Non-Record** – Non-retention materials may include: additional copies of materials for which official or record copies have been retained; stocks of publications and processed documents intended for distribution; or records relating to personal matters being kept for convenience.
- **Temporary Records** – Records which will be destroyed once they have met their agreed to retention period. These can be either short or long-term retention records.
- **Transitory Records** - Records having short-term value. Usually, we think of correspondence in this category which would typically be less than 30 days.

APPENDIX E – ELECTRONIC/DIGITAL RECORDKEEPING

Local government agencies are encouraged to review two documents on the State Archives website for further information regarding digital records. Although they are intended for state agencies, much of this information also applies to local government.

- [MSA Requirements for Digital/Electronic Recordkeeping \(pdf\)](#)
- [MSA Social Media Retention Guidance and Best Practices for State Agencies \(pdf\)](#)

ELECTRONIC RECORDS

Electronic records are records containing machine-readable information which cannot be read without the aid of hardware or software.

Electronic records are public records and subject to the same laws as paper records. Public records include anything created in the transaction of public business *regardless of format*.

The retention and disposition of records is determined by their content, not by their format or storage location. There is no blanket retention period for email messages or other electronic files. Retention is always based on content (value), regardless of format.

Remember, a record, is a record, is a record. Electronic records must be managed just as paper records. This means when the record copy is in electronic format, it must follow the retention schedule; be retained and purged appropriately.

Scanning/Maintaining Electronic Records

Local Government must:

- Identify the appropriate retention schedules for the records involved.
- Consider whether the agency will be able to manage the imaged records for the duration of the retention period.
- Preserve original archival paper documents which are scanned. These records will be scanned for access only (not for “scan and toss”). Any original archival paper records must be preserved by the municipality in their original form.

Scanning Original Paper Records

Once paper records have been converted to a scanned digital image original paper records can be destroyed only if meeting the following provisions:

1. No other state or federal laws apply requiring the original document.
2. They are not permanent records. (State Archives continues to recommend retaining original paper records which are long-term or permanent.)
3. The agency can ensure any digital records can remain readable and accessible for the entire retention period. If these are records being retained over 10 years, there must be migration plans in place to avoid obsolescence.

Local government does have the option of scanning original paper records that are scheduled to be destroyed at a designated time and storing them, using an electronic version as their “working” copy. If records are fragile, they may use the electronic version for public use to preserve the original documents (see [MRS Title 5, §95-C \(1C\)](#) for additional information.)

Electronic Records Systems

Local Governments must ensure that all records in an electronic system are authentic, retrievable, and usable for as long as needed to conduct agency business and to meet approved retention periods. Procedures must be developed to enable the migration of records and their associated metadata to new storage media or formats to avoid loss due to media decay or technology obsolescence.

More information regarding electronic records can be found in the [Managing Electronic Records](#) training available on our website. (Intended for state agencies but information is applicable for local government.)

When records are kept in more than one format, identify an **official “record copy”** for which the full retention period will be applied. When the record copy is electronic, identify the storage location so all changes are made, and records purged once they have met their retention.

NOTE: Local government agencies are also encouraged to review the guidelines and standards in MSA [Chapter 3 Rule: IMAGING STATE RECORDS](#). While this is specific for state agencies, there is information which may aid in the scanning process and electronic recordkeeping.

APPENDIX F – WORKING DOCUMENTS AND DRAFTS

Working documents and drafts are public records but they might only need to be retained for a brief period if they do not have significant administrative, legal, fiscal or historical value.

Considerations when retaining working documents and drafts:

- Significance of the document being drafted.
- Specific legal requirements relating to the retention of certain preliminary drafts.
- Need for records as evidence that the agency practiced due diligence in the drafting process.
- Unique/substantive information relating to formulation and execution of high-level policies, decisions, actions, or responsibilities.

Other types of working documents and drafts supporting certain financial, legal, and other mission-critical functions, however, may continue to have value even after the final, official copy has been approved. Local government shall have clearly defined policies and/or schedules regarding the retention and disposition of these types of working documents and drafts. Any record management decisions (not clearly defined) should be made on a case-by-case basis in consultation with a records manager or legal counsel.

Examples of drafts that might be immediately discarded following the creation of a new draft are:

- Documents which do not contain unique information documenting significant policy development, action, or decision making.
- Preliminary drafts produced solely for proof reading or internal discussion, reference, or consultation. Materials may include notes, associated transmittals, and reference and background materials.
- Documents containing only minor non-substantive changes such as correction of grammar and/or spelling or minor "word-smithing."

Local government policy should address internal record requirements for staff and target record management procedures for those documents circulated to outside agencies, including but not limited to working documents and drafts.

APPENDIX G – APPRAISING RECORDS FOR ARCHIVAL VALUE

Once the record fulfills the purpose for which it was created, the administrative, fiscal, or legal requirement of the record (its primary value) will be complete. While local government creates records for these specific reasons, it may also produce records with historical value. Such records are said to have a secondary value; they document things of interest to other people or organizations by providing information about subjects, events, or people in the State of Maine.

Archival/permanent value of records will vary from local government to local government and from region to region. The people, places, or events in each community, and the unique circumstances of each government, determine which records are important to preserve.

Records might contain historical information about the people, places, or events within the municipality or about the decisions made in relation to them. Records might also contain evidential information about the functions, activities, and context of their creation. This information can be very valuable to staff, researchers, and the public, but only if the information itself has enduring significance. Make sure the description of the records contain enough information to adequately document the purpose for which they are being retained.

Determining archival significance:

- When the records were created – consider records created during a time of significant change, which are scarce or cover a long period of time.
- What kind of information the records contain – how in-depth and complete is the information.
- What other records exist – is this information duplicated in other records or available elsewhere.
- The uniqueness and historical value of the records – do the records document important time periods, events or governmental policy/procedure.

Questions to Consider

- Do the records document important, or precedent setting, decisions, or transactions?
- Do they shed significant light on how important decisions were reached?
- Do the records contain information on people, places, things, phenomena, or events that will be useful to researchers, historians, scholars, genealogists, etc. for hundreds of years to come?
- Is the information unique, or are there other available sources that contain essentially the same information in a usable form?
- Who else might have long-term interest in the records? (Our individual or societal bias might exclude retention of records important to marginalized groups or cultures.)

NOTE: The archival nature of a local government record shall be made in consultation with the Maine State Archivist.

APPENDIX H – SAMPLE DISPOSITION FORM

Town of _____

RECORDS DISPOSITION FORM

Date: _____	Department: _____
-------------	-------------------

Media Type: Paper Microfilm/fiche Digital File Other _____

Destroyed/purged by agency Method: _____

Destroyed by outside vendor (attach certificate of destruction)

Schedule No.	Series No.	Records Title and Description	Retention	Date Span of Records	Volume (Cu. Ft./ MB)	Box # / Folders, Drives

AUTHORIZATION

I hereby certify that the records above have fulfilled their administrative, fiscal, or legal function in accordance with the Local Government Record Retention Schedules; no litigation, claim, negotiation, audit, public information request, administrative review, or other action involving the records above have been initiated or are reasonably anticipated.

Authorizing Signature (Records Officer, Town Manager, Etc.)

Date

Official Date of Destruction: _____