



# State Agency Electronic Records Management Could Be Improved

## *at a glance*

While the Department of State sets policy for managing electronic records, state agencies use a wide range of approaches to implement these policies. To improve electronic records management, we recommend that the Legislature and state agencies take the steps below.

- The Department of State should collect additional information on state agencies' current electronic records management practices and use the information to develop a statewide strategic plan.
- The Legislature could consider updating Chapter 119, *Florida Statutes*, to establish a uniform fee policy for copies of electronic public records.

## Scope

As requested by the Legislature, this report examines state agency electronic records management activities and addresses three issues.

- What is the current statutory framework for managing the state's electronic records?
- Do state agencies have policies and procedures in place to manage electronic records within this framework?
- What options should the Legislature and state agencies consider to improve agency electronic records management?

## Background

State government generates a huge volume of information and public records. During the last decade, state agencies have increased their use of electronic, rather than paper, records to document their activities and business processes. This transformation has improved the way state agencies serve the public, but has also generated a vast and rapidly growing volume of electronic records. These records, which are created, stored, and transmitted electronically, include databases, documents created using word processing software, and electronic mail (e-mail).

Because approximately 92% of all new information is stored in electronic format, agencies face challenges related to cataloging and accessing electronic records, particularly those maintained on aging technology. Given the volume of stored electronic records, agencies may lack the ability to retrieve desired information unless they use effective systems that catalog the content of these records. In addition, as the computer hardware and software advances, agencies may lose the capability to access archived records that are stored on outdated storage media (e.g., computer tapes and 8-inch floppy diskettes) unless they convert these records to newer technology.

Effective records management is important as these records document information that is necessary for essential government functions and for protecting citizen interests. Almost all electronic records made or received pursuant to law or in connection with the transaction of official business are public records and are subject to inspection by any person at any time.<sup>1</sup> In addition, some records are sufficiently significant that they must be preserved in archives for the historical record.

## Questions and Answers—

### *What is the current statutory framework for managing the state’s electronic records?*

Florida law provides that the Department of State (DOS) is the lead agency for records management, and charges the department with providing guidance and training to state agencies and local governments. As provided by s. 257.36, *Florida Statutes*, the department’s Division of Library and Information Services has the authority to promulgate rules relating to records management. While the law states that agencies have a duty to cooperate with the department in complying with statutory provisions, DOS is not empowered to enforce records management laws or require compliance with its rules.<sup>2</sup>

The division is charged with promoting efficient and economical practices for creating, maintaining, retaining, preserving, and disposing of public records. In addition, the division is required to develop and coordinate records management standards, procedures, and techniques, and provide training to state agencies and local governments on approved records management practices and public records access requirements. The division is also statutorily authorized to recommend improvements in current records management practices and is

required to survey continuously agency records management operations.<sup>3</sup>

To fulfill its statutory responsibilities, the division conducts annual statewide training seminars on records management and related issues such as responding to public records requests. Upon request, the division also reviews state agency and local government electronic records functions, and makes recommendations to improve operations. The division also issues a manual on electronic records and records management practices.<sup>4</sup> This manual provides guidance to creators and users of electronic records, and contains definitions, defines roles and responsibilities, and provides references to all applicable electronic records management rules and statutes.

The division annually receives information from all Florida government entities relating to the number of cubic feet of records they have properly disposed of, and asks entities to certify their compliance with state records management laws and to report the volume of records they have disposed of. However, this information does not generally identify entities’ current records management practices, such as the volume of records being maintained, the technology used to maintain the records, or the cost or number of personnel dedicated to records management functions. As a result, the division has limited knowledge of the records management activities of state agencies and local governments.

Although the division’s responsibilities include providing guidance related to electronic records, it does not consider itself a statewide resource for technological issues related to electronic records management; instead it considers the Department of Management Services as the lead agency for technology issues. However, the division has not established a formal relationship with the department to address and coordinate technology issues related to electronic records management.

<sup>1</sup> See ss. 119.01 and 119.011, *F.S.*

<sup>2</sup> Pursuant to s. 257.36(5), *F.S.*, it is the duty of each agency to cooperate with the division in complying with state law, designate a records management liaison officer, and establish and maintain an active and continuing program for the economical and efficient management of records.

<sup>3</sup> Suggested improvements may include the use of space, equipment, supplies, and personnel in creating, maintaining, and servicing records.

<sup>4</sup> *Electronic Records and Records Management Practices Manual*, Department of State, Division of Library Services, March 2006 Edition.

### ***Do state agencies have policies and procedures in place to manage electronic records within this framework?***

Current statutory provisions governing electronic records provide substantial flexibility to agencies. Most agencies have developed internal written policies and procedures relating to electronic records, which vary widely in detail and scope. While much of this variation is appropriate given the differences in agency mission, technology, and workforces, greater statewide direction would be useful in some areas.

To examine agency electronic records management, we surveyed each agency relating to their current practices.<sup>5</sup> Specific areas we assessed included

- written policies for managing electronic records;
- policies for assessing fees for responding to public records requests;
- designation of records management responsibility;
- scope of training provided to agency personnel;
- record retention and destruction schedules;
- internal evaluations of records management practices; and
- coordination between records management and information technology.

Policies governing the management of electronic records. Most agencies have developed written policies to manage their records. However, these policies may be oriented towards paper records and not specifically deal with some types of electronic records. For example, most agencies use e-mail systems to distribute internal memos and documents, send external correspondence, and support various aspects of their operations. These systems can increase efficiency by expediting communications and eliminating paperwork, but can also lead to inappropriate use of personal e-mail, loss of control of official records, and security problems. Less than half of the agencies (14 of 32) reported having written e-

mail policies and procedures governing use of e-mail by staff.

Public records fees. Current state law does not specifically establish fees that agencies may assess for electronic records with agencies charging differing fee levels for these records. Section 119.07, *Florida Statutes*, provides that agencies may charge up to 15 cents per one-sided copy and no more than 20 cents per two-sided copy for public records, plus up to \$1 per copy of a certified copy of a public record and the actual cost of duplicating all other public records.

Over half of state agencies surveyed (17 of 32) reported that they may assess the maximum per page charge per one-sided copy allowable by law when providing requested electronic documents. However, agencies charge differing fees depending on how they provide this information. For example, some agencies do not assess any fee for documents they provide via e-mail, while other agencies print all electronic records and charge the requestor by the page. Some agencies also assess an additional fee for records provided via a computer diskette or compact disk. Agencies also vary in how they compute fees based on the amount of time needed to process the public records request for electronic records. The current law authorizes agencies to assess a fee based on the amount of time required to process electronic records requests if “extensive use” of agency resources is needed to satisfy the request. Agencies use differing definitions of “extensive use,” with some agencies assessing fees if responding to the public records request requires 15 minutes or more of staff time, while other agencies do not assess this fee unless the request requires over an hour of staff time.

Records management responsibility. Under state law, agencies can place primary responsibility for the records management function anywhere within their organization, and all agencies reported that they assign staff to this function. Most agencies (22 of 32) have placed this responsibility within their centralized administrative unit, with a wide range of staff, from general service specialists to administrative services directors, serving as the organization’s

<sup>5</sup> We questioned 32 agencies regarding their electronic records management policies and practices; all 32 agencies responded to our questionnaire.

records manager. The remaining 10 agencies place responsibility for records management within units such as the general counsel, the information technology office, or other offices.

Scope of training. The Department of State offers an annual records management training seminar to agency representatives, which covers retention and disposal of records, public records law, and access to records, archives, and technology. As the department’s training does not address agency specific needs, several agencies have developed their own training programs that cover issues such as policies on categorizing, storing, and retrieving electronic documents. Most agencies (30 of 32) reported that their staff receives records management instruction from either the Department of State or internal sources. The frequency and amount of such training as well as the staff that are included in training sessions varies widely across agencies, with some requiring all staff to attend electronic recordkeeping training and others providing training on an “as needed” basis.

Records retention and destruction. Electronic records, like those stored on paper and other mediums, must be retained for specified periods, but may then be destroyed when the content is no longer needed for government business or historic preservation. Most agencies (29 of 32) reported having written retention schedules and/or policies governing retention and destruction of electronic documents. Of the remaining agencies, two reported that they do not have retention schedules and/or policies governing retention and destruction of electronic records, and one did not provide a response.

Internal evaluations of records management practices. According to state law, agencies have a duty to establish and maintain an active and continuing program for the economical and efficient management of records. Systematic reviews of agency records management practices would assist in fulfilling this duty. However, most agencies have not systematically reviewed their records management policies and procedures, including staffing, training, and fee assessment. Specifically, only 8 of 32 agencies have conducted

internal evaluations of their records management practices.

Coordination between records management and information technology. While not addressed in statute, it is increasingly important for agencies to coordinate records management and information technology, as most new records are stored in electronic formats and agencies regularly implement new information systems. In addition, as technology ages, agencies face challenges related to changing storage mediums and software. However, many agencies (11 of 32) do not require records management and IT staff to work together when developing and implementing electronic records management practices and planning and budgeting new information systems.

***What options should the Legislature and state agencies consider to improve agency electronic records management?***

To improve electronic records management statewide, agencies and the Legislature should take several steps. These include the Department of State surveying agencies about their records management practices and using results to develop a statewide strategic plan, and establishing a uniform statutory policy for assessing fees for electronic public records.

Survey agency records management practices and use results to develop a statewide strategic plan. The Department of State should annually survey state agency public records management staff to collect more complete information about agency electronic records management practices. The survey should include questions about

- agency policies and procedures governing creation, use, and retention of e-mail;
- the volume and type of agency records being retained;
- what systems are currently being used for storage and retrieval of electronic records;
- agency plans for addressing outdated technologies that are used to store older electronic records; and
- agency internal evaluations of electronic records management practices.

Including these topics will enable the department to assist agencies in implementing best practices in electronic records management and to recommend necessary improvements.

In addition, the department should use survey results to develop a statewide strategic plan that addresses areas of particular concern, such as outdated technology and the need to ensure long-term access to electronic records created using such technology. In creating such a plan, the department should work with the Department of Management Services, as the state agency with responsibility for statewide information technology planning and guidance. The department should also consult with other entities, such as the state's Chief Information Officer Council, during plan development, to ensure that the plan has an enterprise-wide perspective, addressing challenges and best practices across agencies.

Establish a uniform fee policy. The Legislature could consider updating Ch. 119, *Florida Statutes*, to establish a uniform state policy for fees assessed by state agencies for copies of electronic records. This revised policy should establish uniform fee levels for providing electronic records, if additional fees should be charged for providing the requested public records via CD-ROM or other commonly used medium, and the level of staff time that represents "extensive use" of information technology and staff resources that would be subject to additional charges.

## Agency Response ---

In accordance with the provisions of s. 11.51(5), *Florida Statutes*, a draft of our report was submitted to the Department of State to review and respond. Their written response has been reproduced in Appendix A.

**Appendix A**

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**FLORIDA DEPARTMENT OF STATE**

CHARLIE CRIST  
Governor

KURT S. BROWNING  
Secretary of State

January 25, 2007

Mr. Gary R. VanLandingham, Director  
Office of Program Policy Analysis  
and Government Accountability  
Claude Pepper Building  
111 West Madison Street, Room 312  
Tallahassee, Florida 32399-1475

Dear Mr. VanLandingham:

Thank you for the opportunity to review and comment on the findings and conclusions of the Office of Program Policy Analysis and Government Accountability's report titled "State Agency Electronic Records Management Could Be Improved."

We appreciate the suggestions provided in the report, and are particularly interested in your recommendation to collect additional information on state agencies' current electronic records management practices to be used in the development of a statewide strategic plan, subject to appropriation. The Department of State could develop a fiscal estimate to conduct an annual survey and develop such a plan that could be submitted for Legislative consideration. When this project is developed, we would be pleased to work with both the Department of Management Services and the Chief Information Officer Council, as you have recommended.

The Department of State will continue to provide assistance and training on all aspects of records and information management through the regional workshops presented by the State Library and Archives of Florida. Our training staff updates workshop materials on a regular basis, and continues to address issues related to electronic records management. We will also continue to stress the need for coordination between records management and information technology at our training sessions.

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Response to OPPAGA report

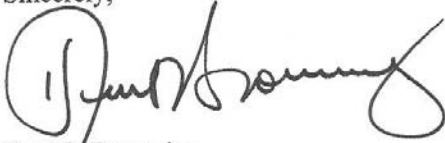
“State Agency Electronic Records Management Could Be Improved”

The Department of State’s Records and Information Management Program has promulgated Rule 1B-26.003, Florida Administrative Code, Standards and Requirements—Electronic Recordkeeping, and all agencies are responsible for adhering to the standards outlined in this rule for the design and implementation of any new system and enhancements to existing systems. We will also continue to establish retention schedules for all government public records, taking into account the legal, fiscal, administrative, and archival values of the records. The retention requirements established are applicable to records in all formats (electronic or otherwise).

If the Legislature considers updating Chapter 119, Florida Statutes, to establish a uniform fee policy for copies of electronic records, our staff will be pleased to assist.

The Department of State is committed to continued outstanding service to the people of Florida through its Records and Information Management Program. The findings and conclusions in your report will assist us in this effort.

Sincerely,



Kurt S. Browning  
Secretary of State

c: Dawn Roberts, Assistant Secretary of State  
JuDee Pettijohn, Deputy Secretary of State  
Kirby Mole, Inspector General

*The Florida Legislature*  
*Office of Program Policy Analysis*  
*and Government Accountability*



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