

## Government Oversight Committee

### Summary of Reported Records Management and Retention Efforts Since April 2014 As of May 2016

#### Actions Reported by the Secretary of State/Archives

In an April 2014 letter to the GOC, the Secretary of State (SOS) proposed taking several initial actions and from there developing a plan for addressing the rest of the recommendations included in the Records Retention and Management Report to the Government Oversight Committee dated April 2015. The SOS has provided the GOC with periodic updates since then and has reported the following actions taken:

**Stakeholder Group.** Convened a Stakeholder Group with representation from State Archives, Secretary of State, Attorney General's Office, Executive Branch OIT, Legislature, and the Judicial Branch. A Maine citizen is also a member of the Group. According to the SOS in June 2015, the initial purpose of the Stakeholder Group was to determine what best practices would be for records retention of both paper and digital records. He also thought the Stakeholder Group could help develop what the overall role of the Archives Advisory Board would be going forward. Meetings of the Stakeholder Group were held August 4, 2015 and October 28, 2015. Attached is the Summary of Suggested Topics for the Stakeholder Group that was developed at the first meeting. So far, the focus of the Stakeholder Group has been primarily on the Mission, Role and Make-up of the Archives Advisory Board with some discussion of staffing at State Archives. The SOS has previously provided the GOC the written minutes from both Stakeholder Group meetings.

**Appointments to Archives Advisory Board.** Worked with the Executive to get two new public members appointed to the Board – one is the former State Records Management Director and the other is a former National Archives staffer. There was also one resignation from the Board and other existing members are continuing to serve. Stakeholder Group has been considering whether there should be changes to the make-up and size of the AAB. The AAB met on October 9, 2015 and began discussing some of the same issues the Stakeholder Group was discussing.

**Establishing/Updating Records Officers for Agencies.** Archives had contacted 60 employees currently listed as “active” Records Officers with the State Archives asking for confirmation that they continue to fill that role or, if not, to provide updated information on who the Records Officers for the agencies were. As of July 13, 2015, Archives had received responses from 30 of those contacted representing eight Executive Branch Departments and also the Office of the Executive.

**Updating and Offering Records Management Training for Records Officers.** Archive's Records Management staff developed a revised training curriculum for training that would be provided each October. Records Officers are notified when training is available. The first training in October 2015 was well attended with about 26 Records Officers registering for the training on the first day registrations were taken.

**Statutory Changes.** The SOS indicated to the GOC in his briefing on January 8, 2016, that the need for some minor statutory changes had been identified, primarily with regard to the AAB, and that he would like to review those with the GOC before submitting them to the Legislature for consideration.

**Actions Reported by Governor's Office**

In a letter to the Governor's Chief Council dated June 2015, the GOC requested that the Executive consider taking the following actions to help improve records management and retention across the Executive Branch:

- Ensure Department heads and senior managers are aware of agency records management and retention responsibilities as well as guidance and resources available through State Archives;
- Direct agencies to assign Records Officers and submit current list of Officers to State Archives; and
- Direct agencies to conduct a self-assessment of the current status of their records management and retention program against the framework and responsibilities outlined in statute and rule. Also to formally communicate the results of their Self-Assessment to State Archives including identified challenges and concerns.

In December 2015, the Chief Counsel reported to the GOC that the Governor's Office had been working on its own records management program and retention schedules and would be seeking to get them approved by State Archives. Subsequently, the Governor's Office would then begin to work with State agencies on their efforts.

See attached letter from Governor's Chief Counsel dated December 29, 2015.

**SUMMARY OF SUGGESTED TOPICS FOR NEXT MEETINGS**  
(based on detailed discussion points at August 4, 2015 meeting – see minutes)

#	Suggested Topics	Background/ Resources
1	<b>Records management's legal, policy, technical, and fiscal implications throughout State Government</b>	Overview topic – see sub-topics below
2	<b>“Records Retention and Management Report to Government Oversight Committee”</b> (summary of 21 recommendations on page 23-24) <ul style="list-style-type: none"> <li>• ACTION: Discuss how to promote/ ensure effective implementation of each recommendation.</li> </ul>	<a href="http://legislature.maine.gov/uploads/originals/records-retention-and-management-report-to-goc-2015-4215.pdf">http://legislature.maine.gov/uploads/originals/records-retention-and-management-report-to-goc-2015-4215.pdf</a>
3	<b>Archives and Records Management Law</b> <ul style="list-style-type: none"> <li>• ACTION: Review statute for recommended changes by the Legislature.</li> </ul>	<a href="http://www.mainelegislature.org/legis/statutes/5/title5sec91.html">http://www.mainelegislature.org/legis/statutes/5/title5sec91.html</a> (sec. 91-98)
4	<b>Review role and membership of Archives Advisory Board (AAB)</b> <ul style="list-style-type: none"> <li>• ACTION: Recommend changes to statute, rule, and policy for the strengthening the AAB.</li> </ul>	Maine State Archives Rule (“Chapter 1”): <a href="http://www.maine.gov/sos/cec/rules/29/255/255c001.doc">http://www.maine.gov/sos/cec/rules/29/255/255c001.doc</a> – role described in sec. 12B
5	<b>Staffing at State Archives and in State Agencies</b> <ul style="list-style-type: none"> <li>• ACTION: Recommend needed staffing levels at both State Archives and State Agencies.</li> </ul>	Currently less than half the staff of what it was originally
6	<b>Agency records management programs</b> <ul style="list-style-type: none"> <li>• ACTION: Review how to strengthen State Agency compliance with records management law, rules, policy, guidance, training, and accountability.</li> </ul>	GOC report at #2 above
7	<b>Freedom of access to public records</b> <ul style="list-style-type: none"> <li>• ACTION: Recommend ways to overcome State Agency poor records retention practices, which blocks full compliance with FOAA.</li> <li>• ACTION: Recommend better technology tools to foster fuller compliance with FOAA.</li> </ul>	GOC report at #2 above
8	<b>Electronic records and email (non-historical)</b> <ul style="list-style-type: none"> <li>• ACTION: Give guidance to agencies on proper management and retention of electronic records and email within the agency.</li> <li>• ACTION: Plan for migration to email platforms (like Office 365) and records management systems (like SharePoint and OpenText) that enable effective/ efficient retrieval of records and email.</li> </ul>	Guidance from National Archives: <ul style="list-style-type: none"> <li>• Email management:  <a href="http://www.archives.gov/records-mgmt/email-mgmt.html">http://www.archives.gov/records-mgmt/email-mgmt.html</a> </li> <li>• Electronic Records Management:  <a href="http://www.archives.gov/records-mgmt/initiatives/erm-guidance.html">http://www.archives.gov/records-mgmt/initiatives/erm-guidance.html</a> </li> </ul>
9	<b>Electronic records and email (historical value)</b> <ul style="list-style-type: none"> <li>• ACTION: Recommend technical solution for an Electronic Records Archives – to enable State Agencies to convey electronic records and email to State Archives in digital form.</li> </ul>	Guidance from National Archives: <ul style="list-style-type: none"> <li>• Electronic Records Archives:  <a href="http://www.archives.gov/era/">http://www.archives.gov/era/</a> </li> </ul>
10	<b>Other topics?</b>	



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Paul R. LePage  
GOVERNOR

December 29, 2015

Senator Roger Katz, Senate Chair  
Representative Chuck Kruger, House Chair  
Maine State Legislature  
Government Oversight Committee  
82 State House Station  
Augusta, Maine 04333-0082

Dear Senator Katz and Representative Kruger:

Please forgive my delay in responding to your June letter regarding records management and retention efforts. As you know, there were a variety of issues that unfolded and required my attention over the course of the summer and fall. I offer much appreciation to Beth Ashcroft who, in recognition of both of our recent heavy workloads, reminded me that the GOC is reviewing this issue at its next meeting and that I had not previously responded to your inquiry. I also appreciate your patience.

With respect to the Governor's Office, I am pleased to report that we are fully engaged in records management and retention improvements and have been for several months. Consistent with the recommendations made by the GOC, our office convened a committee (of which I am a part), that has been meeting regularly over the last three months. When we initially met to discuss how to best manage our records, it became apparent relatively quickly that resolving weaknesses in records management and retention systems is much more complex than one might imagine. Consequently, we determined early on that making the effort in our own office and fully understanding the challenges and pitfalls was the best place to start.

We began our work by first meeting with Archives Director Tammy Marks and Records Management Analyst Felicia Kennedy, who proved to be invaluable in helping us determine where and how to start. At their suggestion, we reviewed the *Records Management Basic Principles for Maine State Employees* PowerPoint presentation and our own hard-to-read and outdated records retention schedule. From there, we spent several weeks conducting an inventory of our records. Each individual staff member retains and manages different records in different ways. Hence, we were surprised to find that conducting a records inventory is much more time-consuming and difficult than we had imagined. In sum, this was by no means an easy project. During the course of the inventory, we had regular contact with Ms. Marks and Ms. Kennedy, as well as Assistant Attorney General Brenda Kielty, the Freedom of Access Act Ombudsman. We also met with John Barden, Director of the State Law and Legislative Reference Library, who helped us to better understand where archival and historic records are kept. We also met with Chief Technology Officer Greg McNeal and with IT Project Manager Eric Stout for some education on the technological aspects of records keeping.



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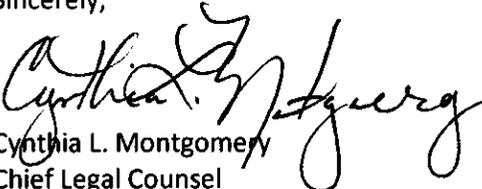
Senator Roger Katz, Senate Chair  
Representative Chuck Kruger, House Chair  
December 29, 2015  
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After conducting our inventory, our committee then met regularly to examine each identified group of records and apply the four part criteria for determining retention – administrative use, legal requirements, fiscal requirements, and historical/archival value. As we began drafting a retention schedule, we met with Ms. Marks and Ms. Kennedy to make sure we were on the right track. We submitted a first draft of our retention schedule to Ms. Kennedy, along with the necessary paperwork to update it. We are currently waiting for Ms. Kennedy's feedback.

Once we have an updated retention schedule that has been vetted and approved by Archives, our committee will meet with and train our staff. At the same time, we will meet with the Executive Branch communications' staffs and work with them to begin their own records management and retention improvements.

Thank you for your time and attention.

Sincerely,

  
Cynthia L. Montgomery  
Chief Legal Counsel

Cc: Beth Ashcroft, Director OPEGA



STATE OF MAINE  
OFFICE  
OF THE  
SECRETARY OF STATE

MATTHEW DUNLAP  
SECRETARY OF STATE

MEMORANDUM

**TO:** The Joint Standing Committee on Government Oversight  
**FROM:** Matthew Dunlap, Secretary of State   
**DATE:** April 24, 2015  
**SUBJ:** Records Retention and Management

Senator Katz, Representative Kruger and distinguished members of the Committee: In response to the recently-submitted Report to the Government Oversight Committee on Records Retention and Management, I offer the following approach to implement the recommendations in the Report.

First and foremost, we find the report to be comprehensive and an extremely helpful guide in making our offices a greater resource for the public. The public has a right to expect that they can access information about the activities of government, and our job is to insure that such access is not stymied because of poor understanding of what recordkeeping is and how state agencies should be meeting their responsibilities to the public.

Like every state agency, we've had our share of challenges. Unfortunately, the daily triage of functioning through staffing and budget cuts, retirements, staff changes, and rapidly changing technologies and all the challenges those conditions present have scattered our ability to remain focused on this aspect of our core mission. The Report lays out in great detail what is at risk, and offers us the opportunity to correct the situation.

We agree with the recommendations and will work to implement them. These issues did not emerge overnight, and will not altogether be addressed overnight. But we can begin our work immediately, by taking the following actions:

- 1) Work with the Executive to fill the vacancies on the Archives Advisory Board (AAB), and identify resources to support regular meetings;
- 2) Direct all state agencies to identify a Records Officer at the managerial level, as required by the Chapter 1 Rule, who can begin to assess the status of their agency's record management program; and
- 3) Notify all state agencies that Archives will defer acceptance of records from agencies until the name of a managerial level Records Officer has been provided.

In concert with these steps, we would encourage the GOC to direct the Records Officers in each state agency, over the next six months, to assess the status of their respective records management programs, including reviewing existing record retention schedules, identifying what

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schedules need to be updated and revised, and assessing the level of assistance from Archives that is needed in order to bring the agency's retention management program into full compliance with the Chapter 1 Rule.

Once this review is completed, we will have the information needed to develop the specific steps to further implement the recommendations in the Report.