

Record and Archive Management Program (RAMP) Handbook

Guidelines for Managing the
Documentary History of
The Lutheran Church—Missouri Synod

2020



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Honoring our Past
Inspiring our Future

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**Record and Archive Management Program (RAMP)
Handbook 2020: Guidelines for Managing the
Documentary History of The Lutheran Church—Missouri
Synod. Edited by Daniel N. Harmelink.**

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804 Seminary Place, Saint Louis, Missouri 63105

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The active management of historical records honors the past of Christ's redeeming work among us and inspires our future under his gracious promises.

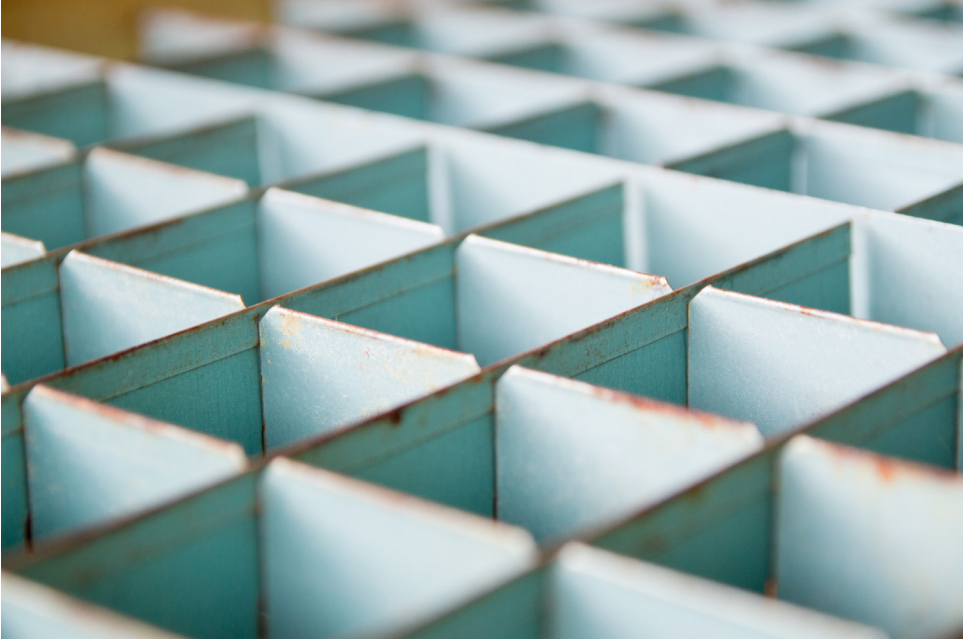


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The responsible management of historical records is the foundation upon which the history of the Lord's ministry among us is preserved and proclaimed.

CONTENTS

Purpose	1
Rationale	3
Benefits	4
Explanation of Terms	7
Planning, Implementing, and Fine Tuning a Comprehensive Records and Archives Management Program for Your Department	23
How Records are to be Managed Over the Course of Their “Life Cycle”	25
Five Levels of Access	33
Naming of Files	37
Organizing and Naming Folders	39
The RAM Schedule	41
Training and Implementation of Litigation Hold Procedures	45
Index	55



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Your management of records is an opportunity to document the good service provided to the Lord and His Church.

Properly maintained documents ensure an accurate paper trail of your faithful service to your department, to the entire organization, and the many people your organization serves.

Record and Archive Management Program

Purpose

It is simply good stewardship that requires each department and entity of the LCMS to be a responsible, diligent manager of documents created and used in the course of doing ministry.

It is essential that the source documents of Christ's activity through the Missouri Synod—be they reports, minutes, correspondence, photographs and video, internet blogs—be actively kept in a way that will make them available to those who serve with us and those who will serve after us. The responsible keeping of records is the foundation upon which the history of the Lord's ministry among us is preserved and proclaimed.

The purpose of Record and Archive Management (RAM) is part of an organization's broader function of governance, risk management, and compliance. Record and Archive Management is primarily concerned with actively managing the documentary evidence of an organization's activities. This includes identifying, classifying, storing, securing, retrieving, tracking and disposing (either destroying or archiving) the records of an organization in a systematic and efficient way.

Implementing and maintaining a comprehensive Record and Archive Management Program (RAMP) ensures that reliable, complete, usable and accessible records—records (a) needed to support the on-going work of LCMS institutions, departments, and staff, (b) needed to ensure accountability to church leaders and donors; (c) needed as evidence during audits, dispute resolution, and litigation; and (d) necessary for the construction of the future history of the organization—are properly managed over the record's "life-cycle."

This becomes increasingly critical as more records are created and maintained in a variety of digital formats, more staff are using personal electronic devices in the workplace to create and store work-related records, levels of access become increasingly complicated, and resources are strained to train and support staff to actively manage records over the span of their “life-cycle.”

A Record and Archive Management Program is vital in helping the Missouri Synod and its entities conduct business efficiently, comply with legal and financial laws, eliminate waste, and preserve the history of the Synod and related agencies for future historical research and writing.

Your management of records as an opportunity to document the good service you are providing to the Lord and His Church. Properly maintained documents ensure an accurate paper trail of your faithful service to your department, to the entire organization, and the many people your organization serves.



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Record and Archive Management Program

Rationale

From the very beginning of The Lutheran Church—Missouri Synod, provisions were made for the management of records and their final disposition. The Secretary of the Missouri Synod was charged with not only the keeping of the church body's records but was also charged with being the synod's Chronicler who would act as Curator to document the history of the LCMS.

In accordance with 3.6.2.2.1 of the LCMS Handbook, Concordia Historical Institute is charged with establishing procedures and guidelines for LCMS institutions concerning the management and final disposition of records—especially those records that are marked for archiving at the end of their “life-cycle.”

When it comes to maintaining records present in a wide variety of formats and media, LCMS staff, departments, and synodical entities are given important responsibilities (legal, fiscal, administrative, evidential, informational and historical). We are called to be responsible and wise stewards of the records entrusted to us as the LCMS.

There are real, tangible benefits in implementing and maintaining a comprehensive Record and Archive Management Program. These benefits

- **increase value to the department and institution,**
- **reduce risk, and**
- **ensure the future of the historical record.**

Benefits of a Records and Archive Management Program

1. Reduces the risk of legal and fiscal liability

Records that are not retained for an appropriate period of time can measurably increase legal and fiscal risk. Contrary to conventional wisdom, the destruction of records does not reduce risk, but increases it. State and federal requirements must be considered before records are destroyed or deleted. Deletion of records before they are scheduled for archiving or destruction significantly increases risk—especially in the case of audit, dispute resolution, or litigation.

(It is important to note that as soon as legal action or an audit is initiated, any destruction of relevant records be suspended until final disposition of charges and/or litigation.)

2. Reduces costs through marked increases in efficiency of document management

Records and Archives Management Programs decrease the time and effort needed for staff to work with records generated in two ways: (a) marking documents at the time they are created decreases the time and effort to find them at a future time, while (b) the archiving or deletion of documents at the scheduled time decreases the volume of documents needed for staff to search through. Increases in time and effort searching large volumes of stored documents result in measurable costs to the department and entity.

3. Reduces costs through marked saving of office space

Active management of records results in regular disposition of documents reduces space in the office needed for filing of paper records. In the case of electronic records, active management reduces the requirements for sizable hard drives or internet “cloud” size requirements.

4. Reduces costs associated with the discovery phase of dispute resolution or litigation

Appropriate archival of documents increases efficiency and shortens the time and effort of the discovery phase when litigation or an audit process is initiated.

5. Reduces the risk associated with missing records

Active management of records decreases the possibility that important records will be lost or mis-filed. Lost or mis-filed (and therefore irretrievable) records result in real consequences with real costs associated with those losses.

6. Increases the security of records (a)

An important component of document management is initiating measures in case disaster strikes.

7. Increases the security of records (b)

Security measures (limited access and environmental controls) implemented when documents are archived decreases the chance that catastrophic loss of vital documents will occur.

8. Increases the sense of a department's or institution's identity, mission and vision

Actively managed documents directly contribute to increased clarity of an institution's identity, mission and vision.

9. Increases the ability to conduct historical research

There are real benefits to the department or institution through the process and products of historical research—historical research that can only be done on the basis of available (archived and accessible) primary source documents.

10. Increases clarity in decision-making

Access to and review of available support documents contributes to clarity in the decision-making process at the department and institutional level. Records that document policy or document establish precedent are invaluable, especially for new employees or leadership.

A record is any piece of information that has reasonable probability of possessing administrative, legal, contractual, financial or historical value.



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A record functions as evidence of the Synod's organization, functions, policies, decisions, procedures, motivations, obligations, and operations.

Record and Archive Management Program

Explanation of Terms

RAMP (Record and Archive Management Program) Records Disposition Program Records Retention Program

1. What is a Record and Archive Management Program?

A Records and Archives Management Program (sometimes called a Record Disposition or Record Retention Program) sets definitions, procedures and policies for the management (identifying, classifying, storing, securing, retrieving, tracking and either destroying or archiving) of all work-related records.

Final Disposition

2. What is meant by the final disposition of a record?

The final disposition of a record is the authorized transfer of a record to its final destination, either destruction or an archive (the archive of the department, agency or Concordia Historical Institute), as determined by its classification and mandated by the RAM Schedule. Records disposition is sometimes referred to as “records retirement” and is the last phase of a record’s life-cycle.

Record

3. What is a record? What is not a record?

Within the Record and Archive Management Program, the term record is defined by its function as a fixed product created by a participant or observer of activity of an employee or agent, department or organization and not by its format (paper, electronic, photographic print, web page, audio-visual file, etc.).

A record is any document or piece of information created or received in the course of work done or transacted business by employees or agents, boards, commissions, committees, and task forces of the LCMS—or any agency owned or controlled by the LCMS. Records serve as evidence of an activity, event, process or person. Records include correspondence (paper and electronic) including email, meeting documents (agenda, minutes, reports, etc.), administrative files, voicemail, and the text and files on website pages and blogs.

Records in a RAMP do not include unofficial announcements, invitations or other pieces of information that are not related to the work of the employee or agent, department, board or agency of the LCMS.

A record is any piece of information that has reasonable probability of possessing administrative, legal, contractual, financial or historical value. A record functions as evidence of the Synod's organization, functions, policies, decisions, procedures, motivations, obligations, and operations.

RAMP distinguish between records and non-records (convenience copies, duplicates, etc.), which are not in the scope of the RAMP. Especially in the case of electronically generated and stored records ("digitally-born records") a record is specifically marked as a "record" so that it will be filed, stored, handled and finally disposed of as a record and not a non-record. Once declared, a record cannot be changed and can only be finally disposed of within the rules of the RAMP.

Archival Record

Permanent Record

Vital Record

4. What is the difference between an archival record and a permanent or vital record?

An archival record is a record that has been identified as having a reasonable probability of possessing enduring administrative, legal, contractual, financial or historical value. Archival records are

records intentionally earmarked for preservation at the department, organizational or synod level.

A permanent or vital record is a record, often contained in a personnel file, that is legally required to be retained indefinitely.

Enduring Value

5. How is enduring value assigned to a record or group of records?

Enduring value is defined as “the ongoing usefulness or significance of records, based on the administrative, legal, fiscal, evidential, or historical information they contain, justifying their continued preservation.” (Richard Pierce-Moses. *A Glossary of Archival and Records Terminology*. Chicago: Society of American Archivists. 2005. 29) While only a minority of records created and received possess enduring value, their identification at time of creation / reception is vitally important in marking them as permanent records for the department’s or synod’s archives.

Records Inventory

6. What is a records inventory?

A records inventory is the initial process of identifying / classifying (usually when the record is created or received), what classification from the RAM Schedule applies to a specific record or group of records. Classifying a record is the first step in the responsible management of records and archives. Identifying and organizing records according to RAM Schedule classifications makes possible the building of an accurate listing of the record’s location, media type, level of access, and its life-cycle.

Ownership Statement

7. Why must employees / agents sign an “Ownership of Records Created or Received by Employees of the LCMS” statement?

It is critical that all employees and agents understand their responsibilities to be good stewards of the records they create

and receive. The Statement explains the difference between ownership and stewardship of work-related records and explains the importance of classifying records so that they can appropriately follow the Records and Archives Management Schedule. The Statement also discusses the distinction between work-related and personal information.

Final Disposition Schedule

Final Destruction Schedule

8. What is a Record Final Disposition Schedule?

The RAM Schedule is one of the most important elements of any RAM Program. It is a comprehensive and detailed charting of the mandatory life-cycle of all records created and received by the Synod, its departments and agencies, employees and agents. The Schedule cites the reasons why specific records are held, archived or destroyed. It also helps in classifying records and conducting a regular records inventory. The RAM Schedule is reviewed at least once a year on the basis of questions arising from the process of inventorying / classifying records and new legislation.

Secure Storage of Minutes of Executive Sessions

9. How are Minutes of Executive Sessions of a board meeting to be securely stored?

Minutes and related records of an executive session of a board meeting are to be printed on acid-free paper and sealed in a 9" x 12" opaque envelope with a label explaining under what circumstances the contents of the folder can be accessed. These records must be appropriately labeled on the outside of the envelope. Holes on the side of the envelope for storage in a ring binder may be helpful in keeping the executive session minutes stored next to regular minutes.

Final Disposition of Published Materials for the Public

10. How should published materials for the public be archived?

Although employees or departments may not create published materials, specific published materials may have permanent value

and should be classified in order that they follow the life-cycle specified in the RAM Schedule so that materials are available to staff or historical research in appropriate ways.

Record Format Conversion

11. Why does each department / agency of Synod maintain a location for records storage and media conversion?

The RAM Schedule mandates that some records be kept by the department or agency (usually when they may be needed by department personnel, but on an infrequent basis) until they are finally either destroyed or sent to Concordia Historical Institute for permanent archiving. Each department or agency is not only responsible for keeping vital / permanent records but also converting records to a fixed / stable format when records are unstable or in a media format that will be outdated or obsolete.

Records Possessing Historical Value

12. What records have historical value and should properly be retained in the LCMS archives at CHI?

Records have historical value as pieces of information in more clearly understanding the past of the LCMS, its leaders, departments, committees, task forces, agencies and employees. Historically valuable records show the administrative, fiscal, legal, and decision-making history of the Synod and its officers.

Permanent Record Vital Record

13. What records are vital or permanent records?

A permanent or vital record is a record, often contained in a personnel file, that is legally required to be retained indefinitely. (See also **Archival Record**)

Disaster Prevention and Recovery Plan

14. What is a Disaster Prevention and Recovery Plan?

A Disaster Prevention and Recovery Plan consists of a written and

approved plan for the eventuality of a disaster that has the potential to destroy vital / permanent records. The Disaster Prevention and Recovery Plan details the necessary steps in recovering records after a disaster. Components include steps taken to mitigate in the case of a potential disaster, emergency contact information, a decision tree, a listing of possible resources in helping with reclaiming records damaged or lost, details on electronic records backup policy and procedures, and a listing of Q&A of what to do in a variety of threatening situations.

Administrative Value

Legal Value

Financial Value

15. What records have administrative, legal or financial value?

Because of their content, some records are classified as vital or permanent records because of their administrative, legal or financial value. The RAMP Handbook gives guidelines for and examples of these important records. The RAM Schedule is then to be followed in order that these records are appropriately handled and transmitted.

Content

16. What is meant by the content of a record?

The content of a record is the information that constitutes the classification of a document in the RAM Schedule. Content is completely independent of the form / media of a document or record.

Transmittal Form

17. What is a Record Transmittal Form?

The Records Transmittal Form (RTF) provides critical information about the contents of a collection or box of records—especially its current and future disposition. The back of the form also outlines how best to organize a group of records being moved to a new location.

Record Ownership

18. What's the difference between ownership and stewardship of records?

The LCMS is the legal owner of all work-related records created and received by employees or agents of the LCMS. These records are created or received in order for the Synod to do its business or in order to comply with state / federal law. Every employee and agent is a caretaker / steward of the records under their care. They are responsible for their appropriate classification at time of creation, their maintenance and final disposition under the guidance of their departmental manager, the department's Record Management liaison and Concordia Historical Institute.

Annual Inventory

19. What is an annual inventory?

An annual inventory consists of once-a-year (calendar or fiscal) review of employee / department / agency records during which time records are evaluated and categorized. Based on this evaluation, groups of records are either retained, destroyed or organized and moved to a department archive, an agency archive or Concordia Historical Institute. The day designated for the annual inventory is sometimes referred to as the annual records and archives “cut off” date. A final phase of the annual inventory is the creation of a new folders used in organizing records for the next (calendar or fiscal) year.

Final Disposition Schedule Records Retention Schedule

20. What is the Final Disposition Schedule?

A foundational—and mandatory—component of any RAMP is the Records Final Disposition Schedule or Records Retention Schedule. This groups records into types or categories of function and media type and charts its “life cycle,” showing times before the record is either destroyed or organized and moved to a department archive or

Record Maintenance

Record Stability

21. Why must records be stable?

If they are to be available for future reference, the contents of records that evidence the work of the past must continue to be stable. This is especially true when it comes to records on unstable media, such as floppy disks, motion picture film, photographs, audio-visual tapes, and electronic files for programs that cannot be run on current equipment. Responsible stewardship of these types of records demands that they be fixed in a way that preserves their integrity while allowing access in the future. An example would be making microfilm copies of records printed on deteriorating paper.

Organizations that do not actively manage records find it difficult to access and retrieve information when needed. The inefficiency of filing maintenance and storage systems can prove to be costly in terms of wasted space and resources expended searching for records. Each department of the LCMS and its entities is responsible to keep records organized, backed-up, and marked for final disposition.

Destruction

22. What is involved in records destruction?

Records that have come to the end of their life-cycle and have been judged to have no reasonable probability of possessing administrative, legal, contractual, financial or historical value are destroyed under the direction of a departmental officer or Concordia Historical Institute. The department / agency must insure that the destruction of records is documented and that destruction is carried out in a secure manner.

Public Access and Internal Access

Unrestricted and Restricted Access

23. How are sensitive or restricted access records to be securely stored?

Records that are of a sensitive nature (Level 4 or 5) and require restricted access should be stabilized (printed on acid-free paper) and sealed in a 9" x 12" envelope with a label explaining under what circumstances the contents of the folder can be accessed. These records must be appropriately labeled on the outside of the envelope.

Records may be marked as "restricted" to regulate who can access them and under what circumstances. Physical controls may be used to keep confidential records secure. Personnel files, for instance, which hold sensitive personal data, may be held in a locked cabinet with a control log to track access.

There are five different levels of access within the RAMP. Digital records systems may include role-based access controls, allowing permissions (to view, change and/or delete) to be allocated to staff depending on their role in the organization. An audit trail showing all access and changes can be maintained to ensure the integrity of the records.

Time constraints may also be placed on a record or a collection of records. A thirty-year restriction on archived records before they are open to historians is common practice. In the case of records involving litigation, governing boards will need to specify the length of time before records may be opened to researchers or the public. They may be sealed indefinitely if designated by the governing board.

Annotated Copies of Records

24. Should annotated copies be saved / archived?

Records with annotations (handwritten notes, corrections, explanations, etc. in the margins) may be valuable in understanding an original record without annotations. Both the non-annotated original record and the annotated copy should be kept if the annotations give insight into an understanding or process, but the two should be kept separate from each other.

Staples Paper Clips and Binder Clips

Rubber Bands

25. What should be done with records held together with staples or rubber bands?

The removal of staples followed by re-stapling is destructive to paper documents. In a humid environment staples, paper clips, and binder clips will rust and deteriorate the surrounding paper. Rubber bands also quickly deteriorate and fuse themselves to paper records. It is best to group individual papers using archival-quality file folders instead of staples, paper clips, binder clips or rubber bands.

A group of pieces of paper originally held together with staples or binding clips are best placed in an archival folder or archival folded sheet of paper that bears notice that these pieces of paper were originally held together with staples or clips.

Note that the order of the pieces of paper should always remain in the order they were held together.

Documents on Newsprint

26. What should be done with records generated on newsprint or paper using wood-pulp?

Newsprint quickly deteriorates and will also deteriorate paper records in contact with it. It is best to photocopy the record printed on newsprint using high-quality acid-free paper and discard the original newsprint record, but only after labeling the photocopy with the record's metadata, including date, page number, and the name of the original publication.

Environment

27. What is the best environment for storing and preserving permanent records?

Low temperature (60-65 degrees Fahrenheit), low humidity (30-40 percent humidity), and absence of dust, mold, mildew, and insects are essential in preserving permanent records. Records should not be exposed to light and should be stored in a place least likely to experience water damage (from either water pipes or flooding).

Permanent / vital records should also be kept in a secure location.

Adding Metadata to Records and Audio/Visual Media

28. How should documents, photographs, and audio/visual media be labeled?

It is best if a group of paper documents originally held together with staples or clips be placed in an archival folded sheet of paper or file folder that is appropriately labeled after the staples or clips are removed.

Labeling should be done on the file folder in pencil (not permanent marker). In the case of photographs, and audio/visual material an archival envelope should be used, again, labeling the outside of the envelope in pencil. Writing in ink or permanent marker on the back of a photograph will damage the photo and should be strictly avoided.

It is critical that metadata (information about people, time, location, event, etc. be identified on the envelope containing the photograph. Special software is also available (for example: PhotoShelter) to add metadata directly into the digital media file.

RAMP Directive

29. What is the Records and Archives Management Program Directive?

The Records and Archives Management Program Directive is a document that assigns authority and responsibilities for aspects of RAMP, including how the program is to be promoted (marketing, training, and continuing education), compliance with applicable laws and regulations, and overall evaluation of the program within the LCMS and its agencies.

Record and Archive Management Officer Record and Archive Management Coordinator

30. What are the responsibilities of a Records and Archives Management Officer?

A Records and Archives Management Officer is an individual appointed within a department, an agency or the Synod charged with overseeing implementation, training, and evaluation of the department's RAM Program.

Record Labeling

Record Tagging

Record Typing

31. How can labeling or typing of individual records be done that ensures quick identification and retrieval while also providing continuity / consistency over time?

Labeling must provide clarity and consistency. It is helpful if departments and agencies develop conventions that can be used consistently in the creation of a wide variety of records across many media types. For example: how to consistently format names, places and dates when creating a computer word-processor file name.

It is suggested that individual records be tagged according to the types described in the RAMP Final Disposition Schedule. This will greatly facilitate on-going management and final disposition of the record.

Electronic Records

Digital Records

32. Why must special care be given to electronic / digital records and the equipment used to access them?

Although conventional wisdom might believe that preservation is best done when everything is digitized and the originals disposed of, electronic / digital records are, in some respects, more at risk and therefore demand special care. Software programs, operating systems or hardware used to access the digital record rapidly changes. Electronic / digital formats also inevitably change and become outdated.

Non-record

33. What is a non-record?

A non-record is different than a personal record. A non-record is defined as work-related records duplicated by individuals in order to be accessed more easily. For example, a personal copy of the LCMS Handbook on an employee computer or included in an office's paper files is an "information copy" and is not considered a "record" within the RAMP. When it is not clear (after consulting categories detailed in the RAM Schedule) if a record should be strictly classified as a record or non-record, the record should be treated as a record. Records determined to be a non-record may be destroyed without consulting a RAMP Officer.

Personal Record

34. What is a personal record?

A personal record is different than a non-record. A personal record is defined as a record that is owned by the employee or agent of LCMS departments, agencies or Synod. These records on the premises of the Synod or its agencies are not used to conduct LCMS business. Personal records usually relate to an employee's or agent's family matters, outside business pursuits, or membership in other volunteer or community organizations.

Helpful questions in determining if a record is a personal record include: "Does this record contain work-related information?" "Was this record used in the course of doing work-related business?" "Was this record kept on a business computer or kept in a business file?"

Personal records should be brought into the office with department or agency approval (since the maintenance of personal records requires work space / equipment), remain separate from work-related records, and be clearly labeled.

Destroying Records when Employment Ends

35. Why must proper procedures be followed concerning the destruction of records when employment is ended?

When the time of employment is ended, employees and agents are to receive guidance concerning the final disposition of their work-related records. Unauthorized or inappropriate removal / destruction

of records is a serious matter and may have legal consequences for the employee and the department / agency.

Transfer Transmittal

36. How are records transferred to department, agency or Concordia Historical Institute?

When the RAM Schedule determines that records are no longer needed by the employee they are transferred to a department or agency storage location, or to the Synod's archives at Concordia Historical Institute. Records should be organized and the storage folder / box labeled with the details of the records inside. A Record and Archive Management Transmittal Form is to be filled out and communicated to the appropriate RAM Officer for final approval.

Storage Box Requirements

37. What kind and size of boxes should be used for records storage?

Department, agency, and Synod storage locations require archival-quality storage boxes of a standard size. For permanent records scheduled to finally be transferred to Concordia Historical Institute, archival storage boxes should be obtained by the department and agency that meet CHI requirements.

Active Record Inactive Record

38. What is the difference between an active record and an inactive record?

These two terms describe two segments (Phase II and Phase III) in the "life cycle" of a record.

An active record is a record that is currently being used—or has a high probability of being needed—by the employee / agent, department, or organization.

An inactive record is a record that is no longer needed by the

employee / agent, department, or organization to conduct current business and is being held until the time of its final disposition (either destruction or transmittal to the archive).

Life-cycle Second Life

39. What is meant by the “life-cycle” of a record? What is meant by the “second life” of a record?

Life-cycle refers to the creation, development, use, and final disposition of a record.

Records pass from a time of activity to a time of inactivity (see active record; inactive record) depending on times specified in the Final Disposition Schedule and the completion of projects, tasks, or employment of staff / agent.

Early in the “life-cycle” (Phase I), a record is classified or tagged according to types outlined in the Final Disposition Schedule. This is essential in the on-going maintenance of the record.

When a record has been identified as having a reasonable probability of possessing enduring administrative, legal, contractual, financial or historical value, it eventually is transmitted for archiving at the department, organizational or synod level. Transmittal begins a “second life” for the record as it is processed, cataloged, and its contents summarized in an archival finding aid at the time it is received into the archive.

Content Management Software (CMS)

40. What is “Content Management Software” and how is it used?

Various software companies produce “Content Management Software” (CMS). These are specialized programs that have the ability to aid in managing records on the department and organizational level.



Photo by Helloquence on unsplash.

Department heads must become advocates of adopting an appropriate RAM Program, explaining how this will add value to ministry while reducing real risks.

Record and Archive Management Program

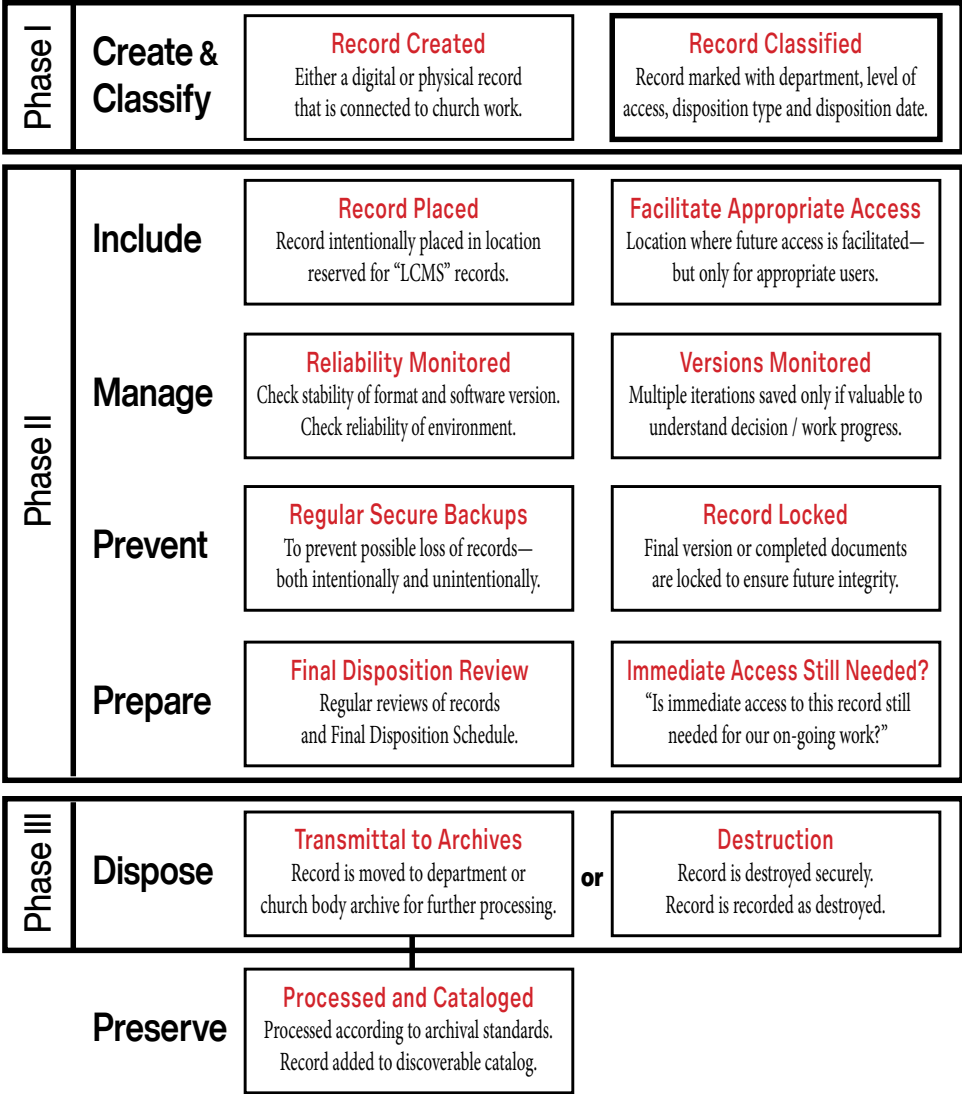
Planning, Implementing, and Fine Tuning a Comprehensive RAM Program for Your Department

Initiating a responsible and comprehensive RAM Program for your department or agency takes time and effort to plan, implement, monitor and fine tune. It lies with department heads to become advocates of adopting an appropriate RAM Program, explaining how this will add value to ministry while reducing real risks.

Department leaders are the best judges of how a RAM Program can work utilizing resources available to the department. It is helpful to always remember that after rolling out a RAM Program, regular adjustments will be necessary based on feedback and a further analysis of best practices in light of the realities of the department.

Blocking out time for training and regular discussions in order to assess how policies and procedures are actually working in the department are crucial to the long-term success of any RAM Program. It is suggested that at least one day a year be set aside for all department staff to assess

- **how well records and archives were managed,**
- **What adjustments / changes need to be made to increase efficiency,**
- **which records have come to the end of their “life cycle,” and**
- **how best to prepare for the management of documents and archives in the coming year.**



Three Phases of Management over the Life Cycle of as Record

Record and Archive Management Program

How Records are to be Managed Over the Course of Their “Life Cycle”

Life-cycle refers to the three phases of the life of a record: (1) creation and classification, (2) care and use, and (3) final disposition (archiving or destroying).

Proper record-keeping is an integral part of Lutheran ministry. Active management of records during these three phases creates the basis on which your ministry will be evaluated now and in the future. Properly managed documents are a significant part of the legacy you will leave to your ministry and the LCMS.

Phase I: The Creation and Classification of a Record

Phase I	Create & Classify	Record Created Either a digital or physical record that is connected to church work.	Record Classified Record marked with department, level of access, disposition type and disposition date.
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Understanding the importance of how a record should be created and classified is the first step in actively managing the records placed under your care to facilitate the ministry of your department and organization.

The initial phase involved in creating and classifying a record has a great influence on the remaining two phases of the life-cycle of the record. If a record is created and classified poorly, future location and use of the record is confused or hindered. If a record is created without proper metadata identifying its type and level of access, it

may not be available for future use—both as an active record and as an archived record. Poor management of records adversely affects accountability, transparency, and institutional memory.

It is therefore essential that the record be classified or marked as early as possible in its life-cycle (ideally at the time it is created) in a way that facilitated future retrieval and use.

At the time of their creation, records should be tagged with the following metadata:

- **marked as a record / document belonging to a specific LCMS department or entity**
- **marked with the appropriate level of access**
- **marked with Final Disposition Type (according to the Record Final Disposition Schedule)**
- **marked with Date of Final Disposition (according to the Record Final Disposition Schedule)**

Proper and complete classification with the information above at the time a record is created increases office efficiency, reduces risk, and directly contributes to future opportunities for the record to be used and make a difference in the future of the church's work and the future of historical research.

It is the responsibility of each employee / agent, as well as of every department of the LCMS and its entities, to ensure that records are classified appropriately at the time of creation. Again, this increases the record's value and decreases risks associated with losses associated with un-discoverable or lost records. Responsible record management of electronic and paper documents positively influences decision-making, authenticates the basis of research, shows compliance with legal obligations, and is essential both in audits and possible future litigation.

Note: When a record is not created but duplicated from another sources, guidelines are needed to also mark it as a “supporting record” that is included in the records of the department or organization. This situation should also be described and guidelines explained.

Phase II: The Care and Use of Records

Phase II	Include	Record Placed Record intentionally placed in location reserved for “LCMS” records.	Facilitate Appropriate Access Location where future access is facilitated— but only for appropriate users.
	Manage	Reliability Monitored Check stability of format and software version. Check reliability of environment.	Versions Monitored Multiple iterations saved only if valuable to understand decision / work progress.
	Prevent	Regular Secure Backups To prevent possible loss of records— both intentionally and unintentionally.	Record Locked Final version or completed documents are locked to ensure future integrity.
	Prepare	Final Disposition Review Regular reviews of records and Final Disposition Schedule.	Immediate Access Still Needed? “Is immediate access to this record still needed for our on-going work?”

The second phase in the life-cycle of a record occurs after a record is created and classified. Records may go through several stages of editing or modification, may be shared with various other employees and departments, and stored at multiple locations. Additionally, regular reviews of records vis-à-vis their final disposition is essential in properly managing what quickly can become an overwhelming number of records. Components of this second phase in the life-cycle of a record are summarized under the four headings of (a) include, (b) manage, (c) prevent, and (d) prepare.

2a. Include

Records are included in file cabinets, hard drives, and servers

managed departments and organizations. This brings up the importance of keeping records in *departmental* file cabinets, computer equipment, tablets, and smartphones. Work-related records on *private* laptops, tablets, and smartphones unduly confuses work-related and private records; it also decreases the efficiency of the work office and puts employees / agents, departments, and organizations at higher risk in regards to security and unauthorized access.

Note: If a record is confidential in nature, those creating and using it are responsible for making sure the record communicates clearly that it is confidential. (Review LCMS policy on privacy, confidentiality, and conflict of interest.)

“Include” describes the process of deciding where the record is to reside and who will have access to the record in the future. Consistency in managing the placement of records is done with the question “How can the title or file name best help future discoverability of this record?” Consider including keywords in the title or file name that will facilitate discovery 30 or 50 years from now.

“Include” also pertains to marking an appropriate level of access in the title or file name of the record—as well as where specifically the record will be stored (and who specifically has access to the location where the record is stored). The past several years has seen increased security concerning the sending, receiving, and storage of records. Reasons for limiting access to a record might include the presence of personal information, financial information, health-related information, or legally-privileged information.

When making decisions regarding storage location, it is appropriate to ask the question, “How can I best insure that, God forbid, work-related records in my care can continue to aid in ministry if something unexpected happens to me?” (Also see “Prevent” below.)

2b. Manage

“Manage” refers to the on-going, regular monitoring of the records

under your care. “Monitoring “reliability” concerns the format of the record. This pertains specifically to audio/visual records and electronic records. “How high is the risk that the current format of the record will hinder or prevent future access of the information within the record?” “Will users 30 or 50 years from now be able to access the information in this record?” Review and monitoring of records also concerns the on-going environment of the records. If, for example, paper records are kept at high temperatures with high humidity, the reliability of access in the future is put at much greater risk. Paper records should be kept in a well-ventilated area, under temperatures of 65 degrees Fahrenheit, under 50% humidity, away from direct sunlight or UV light, and housed in non-acid paper folders (archival quality folders). Photographs, audio/visual materials, and computer discs should be kept in a well ventilated area, under temperatures of 60 degrees Fahrenheit, under 50% humidity, away from light, and stored in archival, non-magnetic boxes.

“Manage” also includes keeping track of different versions of the same record. First drafts can be eliminated if they do not shed light on the decision-making process that resulted in the final version. Note that some word-processing programs allow tracking of changes. This may be helpful if it informs understanding of the decision-making process that resulted in the final version of the record.

Note: Software companies produce “Content Management Software” (CMS). Perform an online search for reviews and ratings on these specialized programs that have the ability to aid in managing records.

2c. Prevent

“Prevent” concerns the prevention of damage and loss of records. While making secure and regular backups of electronic files can be automated, damage, loss, and unauthorized access to records can still occur. Every department should have a disaster recovery plan in place to mitigate damage from a wide range of sources.

“Prevent” also refers to the on-going integrity of individual records. This is especially important when it comes to meeting minutes,

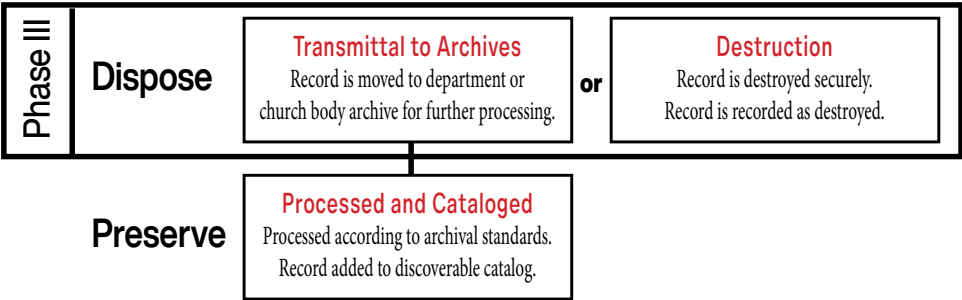
financial records and records associated with compliance with legal and ethical requirements. Proper record keeping requires review and monitoring of records that should be locked to prevent alteration at a later date.

2d. Prepare

“Prepare” is another important component of active record management. Records are prepared for the time they will undergo final disposition. Maybe departments cull out records and files that are no longer needed for the day-to-day operations of the department, but need to be retained until the time of their final disposition. These records and files could be temporarily stored in a departmental “archive” until final disposition in order to reduce the amount of records immediately accessible in the office. Final disposition is always carried out according to the Record and Archive Final Disposition Schedule.

Records that complete their active life and are scheduled for destruction must be logged in order to evidence their final disposition. Destruction of records is always suspended when the employee / agent or department becomes aware of a dispute or possible litigation.

Phase III: Final Disposition



When it has been determined that the department or entity no longer needs regular access to the record, the record is evaluated on the basis of the Final Disposition Schedule and either destroyed or transmitted to the archive.

Records pass from a time of activity to a time of inactivity (see **Active record; Inactive record**) depending on times specified in the Final Disposition Schedule and the completion of projects, tasks, or employment of staff / agent.

Early in the “life-cycle,” a record is classified or tagged according to specific types outlined in the Final Disposition Schedule. This Schedule classifies documents in order that individual records would be marked so that the time of their final disposition would be clear throughout the life cycle of the record.

When a record is identified as having a reasonable probability of possessing enduring administrative, legal, contractual, financial or historical value, it is eventually transmitted for archiving at the department, organizational or synod level. Transmittal begins a “second life” for the record as it is processed, cataloged, and its contents summarized in an archival finding aid at the time it is received into the archive.



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Is the information within the record appropriate for unlimited public access, limited public access, unlimited internal access, or limited internal access?

Record and Archive Management Program

Five Levels of Access

“Other than the creator, who is to have access to this particular record?” This important question needs to be asked—ideally as the record is created. The information contained in the record is evaluated based on the responsibilities and roles of others who may need access to the information contained in the record—or who should not have access to the information contained in the record.

“Does this record contain personal information or information of a sensitive nature?” “Is there information in this record that should be kept confidential—for a limited period of time?” These are the questions that determine where the record is kept, and how it is ultimately transmitted during its final disposition.

In previous generations, certain paper records would be stamped “CONFIDENTIAL,” placed securely in an envelope and then placed into a box and wrapped with twine, sealing wax, and a label announcing that access is strictly forbidden until some designated year when the information contained would lose its personal or confidential significance.

Responsible management of department records mandates that records be handled, stored, and made available according to the level of access appropriate for the information contained in that record.

Concordia Historical Institute follows best practices in recommending five levels of access: (Level 1) unrestricted public access; (Level 2) restricted public access; (Level 3) unrestricted internal access; (Level 4) restricted internal access; and (Level 5) no access (without the explicit permission of a synod board or resolution sometime in the future).

It is highly recommended that records be marked according to the level of access appropriate for the information it contains at the time it is created. Following are descriptions and examples of records that would be appropriate for each of these five levels of access.

(Level 1) Unrestricted Public Access

These records are often created for a public audience, and include published reports and periodicals, material that is posted onto department websites, and publicity material. Examples: annual reports, departmental newsletters, and publicity brochures.

(Level 2) Restricted Public Access

Records marked with this level of access contain information that might often be shared with the public, but would not be appropriate to place on a department or corporate website. Examples: board minutes (excluding executive session minutes), and financial reports.

(Level 3) Unrestricted Internal Access

These records include information necessary for a very broad number of employees, but not for public consumption. Examples: an agenda for a meeting, a staff directory, and an internal policy memo.

(Level 4) Restricted Internal Access

Many different records fall into this designation. Information that is designated for a select number of people—based on their specific responsibility and role in the organization—needs to be kept, distributed and archived in an intentional way that ensures restricted internal access.

Restrictions on the information contained in records may be implemented on the basis of legal or ethical concerns. Examples: records containing Social Security numbers, birthdates, or other personal information.

A particular sub-set of this level are the minutes from a board's executive session. While board minutes are usually made available on an unrestricted basis, executive session minutes are restricted to board only access. A discussion of how best to secure executive session minutes is discussed in "Explanation of Terms."

(Level 5) No Access

Records created in the process of dispute resolution or litigation are secured and marked appropriately but never destroyed. These records enjoy the highest level of access; it properly takes a specific resolution of a corporate board to grant one-time access to this type of record. Again, the destruction of records created during dispute resolution or litigation does not reduce risk; it greatly increases risk.

Each department must implement policies and procedures that ensure levels of access for the records being generated and stored. This is in addition to policies and guidelines regarding the intentional erasing of sensitive information if a cellphone, laptop, tablet or other device is lost or stolen.



Photo by John Mark Smith on unsplash.



Photo by Ron Dyar on unsplash.

File names must be well thought-out, consistent, and aid file searching, sharing, and archiving.

Record and Archive Management Program

Naming of Files

The name given to a file at the time the file is created is one of the most critical steps in the active management of records and archives.

File names must be well thought-out, consistent, and aid file searching, sharing, and archiving. File names should be complete enough in order to aid in re-organization into the appropriate folder if misplaced. (In other words, do not depend on the name of a folder to establish the content of individual files.)

File names should not include “special characters” (! @ # \$ % & + ? : < , .) that are reserved by the computer for special purposes or pose difficulties if posted to a server or the internet. Separate elements of the file name with either a hyphen or an underscore instead of a space.

Seven critical elements that should be included in creating a file name:

- **an easy-to-understand description of the specific file content.** (Choose a description of the actual content of the file that makes the most sense for not only current staff in your department but for those who will follow you or those who are outside your department. Avid over-abbreviating.)

Example: StrategicInitiative2025EnvironmentalFactors

- **the date the file was created** (in YYYYMMDD format).
- **the date of final release / publication** (in YYYYMMDD format).
- **the name of your entity and department.**

- **the version number in sequence.** (Use an appropriate number of leading zeros to aid in sorting.)

Examples: vers01; or v01.

- **complete initials of the name of the creator.**

- **assigned level of access.**

Example: ACCLEV03

Use abbreviations that are not confusing or ambiguous.

For most conventions it is most helpful if the date leads the name of the file. This can greatly aid review of files with the RAMP Schedule in determining if a file has reached the end of its life cycle.

Renaming electronic files that have already been created is possible using available file renaming applications or features in the computer operating system.



Photo by Erol Ahmed on unsplash.

Record and Archive Management Program

Organizing and Naming of Folders

The organization and name given to a folder is second only to file naming as the most critical step in the ongoing management of records and archives.

While folder names should not take the place of responsible naming of individual files, folders can— if created and managed responsibly —greatly aid in keeping individual files and file groupings organized.

File folder structures should reflect functions and roles of employees and aid in efficiently providing documentation to work tasks. In creating folders and sub-folders, ask the following questions: “What kind of structure does my current files suggest?” Folder names and organization should organically flow out of the reality of what files are being created. Identify categories that your specific files suggest.

Unlike file name creation, file folder management and organization is an ongoing process that requires adjustments as projects, tasks, and job functions change or develop.

Additionally, folders are often used to grant or restrict access to files shared by staff on department or entity servers. Folder creation should, therefore, facilitate appropriate file sharing.



Photo by Ali Yahya on unsplash.

“How long must an employee or department retain specific type of records until their final disposition?”

Record and Archive Management Program

The RAM Schedule

The most important table in the RAM Program is the RAM Schedule. The Schedule dictates the time of final disposition for all types of records. The RAM Schedule answers the question, “How long must an employee or department retain specific type of records until their final disposition (destruction or transport to Concordia Historical Institute for final archiving)?”

The RAM Schedule reflects current best practices from not only from a legal perspective (including state and federal laws), but also a historical perspective.

Note that the RAM Schedule pertains to original records. Paper copies of records should also follow the RAM Schedule and be eliminated at the time of their final disposition, unless they are annotated copies that provide operational and historical insights into decision-making processes of the department or entity.

It is even more important to note that impending litigation suspends the RAM Schedule. All records associated with litigation are to be retained and not destroyed—even when the RAM Schedule dictates destruction.

RAM Schedule Categories

The RAM Schedule is a comprehensive spreadsheet dictating appropriate final disposition according to record type. The Schedule list is presented under the following 12 categories: accounting, audit, banking records, purchasing, payroll, tax, claims/litigation, corporate, equipment and vehicles, human resources, intellectual property, and

real estate.

Special attention should be given to items under the category of “corporate records” that hold special historical significance:

- **Board, Board Committee, Task Force Meeting Agendas and Minutes (with any supporting documents)**
- **Listings of past and present board and committee members (with their terms of service)**
- **materials documenting strategic planning or major initiatives**
- **Board and Staff Correspondence (paper and electronic)**
- **Publicity Materials (including photos and video), Publications, Press Releases, Annual Reports**
- **Business appointment books and annual work calendars**
- **original articles published in a journal, newsletter, or magazine**
- **sermon / presentation, class instructor / Bible study manuscripts — especially those that are related to a special observance of congregation, district, synod or Lutheran entity**
- **printed or digital copies of website or blog**
- **photographs (printed and digital) with metadata attached**
- **vita, biography or resume**
- **books, pamphlets, etc. with personal notes and commentary**
- **coins, medals, fine art, memorabilia, and mission artifacts directly related to Lutheranism in North America**

Implementation of the RAM Schedule

Responsible and effective implementation of RAM Program and the accompanying RAM Schedule demands coordination, communication, the allocation of appropriate resources at entity and departmental levels, and adequate training of everyone creating or managing records in the department.

1. Identify and Train the RAM Program Leadership Team

One of the first steps in implementing a RAM Program is the training of the department executive along with someone in the department chosen to be the Records and Archive Management Officer. Both must lead the department as advocates of a Record and Archive Management Program that increases value to the department and Lutheran entity while decreasing real risks to the mission and ministry of the department and Lutheran entity.

2. Appraisal: Conduct a Preliminary Record Inventory

Along with the training of advocates for implementing and maintaining a responsible and realistic RAM Program is the planning and scheduling of a records inventory that will evidence what types of paper and electronic records are present in the department along with their location (physical or electronic). An inventory answers the question, “What records do we actually have to manage?” Use both the broad types and the specific types outlined in the entity-approved RAM Schedule.

Note that “non-records” are not part of the inventory proper.

3. Identifying Largest Groups of Records that have Reached the End of their Life Cycle

It is most valuable to first identify and manage the largest groups of records that have reached the end of their life cycle and have been identified for either secure destruction, temporary retention in a departmental archive, or permanent archiving at Concordia Historical Institute. After large groups are managed, the focus can turn to other groups or types of records in the department that also need management.

4. Implementing and Regular Monitoring of RAM Schedule

The department executive, in concert with the RAMP Officer, plans and executes training of staff in regards to RAM Program policies and procedures. New employee training on RAM Program fundamentals, as well as intranet resources that can help train employees may prove to be very helpful.

Regular monitoring (at least once a year), along with blocking out reasonable times for annual inventories, assessments, etc. with the staff is essential to the on-going sustainability of any RAM Program.

Record and Archive Retention Schedule

March 2020

Type of Record	Retention Period before Final Disposition	Rule Source
ACCOUNTING RECORDS		
Accounts Payable Invoices	CY+6	Legal/Tax
Account Receivable Offsets	CY+4	Legal/Tax
Bad Debt Records	CY+6	Legal/Tax
Cancelled Checks/Deposit Slips	CY+4	Legal/Tax
Cancelled Checks Related to other Documents	follow retention period for related document	
Check Registers	CY+6	Legal/Tax
Daily Balancing Files	CY+2	Legal/Tax
Depreciation Schedule	L+7	Legal/Tax
Expense Reports	CY+4	Legal/Tax
Financial Statements	Permanent	Legal/Tax
General	CY+4	Historical
Ledger	CY+6	Legal/Tax
Lockbox: Check Copies / Deposit Slips	CY+6	Legal/Tax
Microfiche History Files	Permanent	Legal/Tax
Miscellaneous Cash Receipts	CY+6	Legal/Tax
Reconciliations	CY+6	Legal/Tax
Stop Payment Confirmations	CY	Legal/Tax
Trial Balances	CY+6	Legal/Tax
Vendor Letters for Tax ID	CY+6	Legal/Tax
Write-Off Discounts	CY+4	Legal/Tax
AUDIT RECORDS		
Independent Audit Reports	Permanent	Legal/Tax
Internal Audit Reports	Permanent	Legal/Tax
Quality Audits	Permanent	Historical

Record and Archive Retention Schedule

March 2020

Type of Record	Retention Period before Final Disposition	Rule Source
BANKING RECORDS		
Bank Reconciliations	CY+6	Legal/Tax
Bank Statements	CY+6	Legal/Tax
Investment Statements	CY+2	Legal/Tax
Signature Cards	Permanent	Legal/Tax
Treasury Journal Entries	CY+2	Legal/Tax
Wire Transfer Documentation	CY+1	Legal/Tax
PURCHASING RECORDS		
Contracts	L+10	Legal/Tax
Packing Slips	CY+2	Legal/Tax
Purchase Orders	CY+2	Legal/Tax
Supplier Agreements	L	Legal/Tax
PAYROLL RECORDS		
Accruals	CY	Legal/Tax
Check Register	CY+6	Legal/Tax
Current Payroll	CY+3	Legal/Tax
Direct Deposit Register	CY+6	Legal/Tax
Federal Unemployment Insurance Tax Returns	CY+5	Legal/Tax
FICA Reports and Returns	CY+5	Legal/Tax
Last Payroll of the Calendar Year	Permanent	Legal/Tax
Last Payroll of the Fiscal Year	Permanent	Legal/Tax
Time Cards	CY+7	Legal/Tax
W-2 Forms	CY+7	Legal/Tax
Withholding Reports / Returns (Federal and State)	CY+7	Legal/Tax

Record and Archive Retention Schedule

March 2020

Type of Record	Retention Period before Final Disposition	Rule Source
TAX RECORDS		
Employment	CY+3	Legal/Tax
Excise Tax Returns	CY+8	Legal/Tax
Federal Income Tax Returns	Permanent	Legal/Tax
Franchise Tax Returns	CY+8	Legal/Tax
IRS Document Requests	Permanent	Legal/Tax
IRS Audit Settlements	Permanent	Legal/Tax
Personal and Real Estate Property Tax Returns	CY+10	Legal/Tax
State Tax Returns	CY+8	Legal/Tax
CLAIMS/LITIGATION		
Against Entity	L+10	Legal/Tax
By Entity	L+10	Legal/Tax
Insurance Policies	L+10	Legal/Tax
CORPORATE RECORDS		
Articles of Incorporation	Permanent	Legal/Tax
Articles written by staff (journal/newsletter/magazine)	Permanent	Historical
Board Agendas and Minutes (with supporting documents)	Permanent	Legal/Tax
Board / committee / task force member listing (with terms of service)	Permanent	Historical
Books, pamphlets, etc. with personal notes / commentary	Permanent	Historical
Business appointment books and annual work calendars	Permanent	Legal/Tax

Record and Archive Retention Schedule

March 2020

Type of Record	Retention Period before Final Disposition	Rule Source
Bylaws		
Certificates of Incorporation	Permanent	Legal/Tax
Committee Agendas/Minutes (with supporting documents)	Permanent	Legal/Tax
Correspondence	Permanent	Historical
Documents related to a special observance or anniversary	Permanent	Historical
Donations	Permanent	Legal/Tax
Memorabilia/Artifacts related to Lutheranism in North America	Permanent	Historical
Photographs (printed and digital) with metadata attached	Permanent	Historical
Presentation/course instruction/ Bible study manuscripts	Permanent	Historical
Printed or digital copies of website or blog	Permanent	Historical
Project documents	Permanent	Historical
Publications, Press Releases, Annual Reports	Permanent	Historical
Publicity Materials (including photos and video)	Permanent	Historical
Strategic planning documents	Permanent	Historical
Task Force Agendas / Minutes (with supporting documents)	Permanent	Historical
Vita, Biography (Staff)	Permanent	Historical
EQUIPMENT / VEHICLE		
Certificate of Title / Ownership	Permanent	Legal/Tax
Contracts and Leases	L+ 10	Legal/Tax

Record and Archive Retention Schedule

March 2020

Type of Record	Retention Period before Final Disposition	Rule Source
Maintenance Records	L+10	Legal/Tax
Operating Certificates/Permits	L+5	Legal/Tax
Packing Slips	L+10	Legal/Tax
Purchase Orders	L+10	Legal/Tax
HUMAN RESOURCES		
Accident / Injury Reports	CY+5	Legal
Accident / Injury Reports (Hazardous Substances)	CY+30	Legal
Affirmative Action Plan	CY+6	Legal
Applications (Persons not hired)	CY+3	Legal
Worker Benefits (Contributions, Summaries)	CY+6	Legal Legal
Form EEO 1 and 2	CY+6	Legal
Personnel Records	3Y (after leaving employment)	Legal
Policies and Procedures	Permanent	Legal
INTELLECTUAL PROPERTY		
Copyrights/Trademarks	L+10	Legal
Permission to Reproduce	L+10	Legal
License Agreements	L+10	Legal
REAL ESTATE		
Contract for Purchase or Sale	CY+10	Legal/Tax
Deeds / Easements	Permanent	Legal/Tax
Leases	L+10	Legal/Tax
Mortgages	L+10	Legal/Tax
Title Abstracts and Policies	Permanent	Legal/Tax
Management Contracts	L+10	Legal



Photo by Bill Oxford on unsplash.

When a claim or litigation is reasonably suspected of occurring, litigation hold procedures must be initiated on all related records.

Record and Archive Management Program

Training and Implementation of Litigation Hold Procedures

All regular destruction under the MAP Schedule is put on hold / suspended when there is likely possibility that litigation will begin, or knowledge that litigation has been initiated.

Special procedures are placed on records under litigation or impending litigation. All staff needs to be aware of these procedures and have resources to address the preservation of records under these circumstances.

The Exterro website (<https://www.exterro.com/blog/5-best-practices-for-managing-legal-holds/>) outlines best practices when it comes to complying with a legal hold on department records:

1. Don't delay issuing a legal hold.

The “reasonable anticipation of litigation” standard for when preservation obligations begin is highly ambiguous. However, rather than waiting for litigation to commence before issuing the legal hold, which many companies still do, you're better served by identifying preservation-triggering events and using them as the starting point for your legal hold process. Every situation is different, but you should be able to build out some standard protocols. For example, if your company discovers a major defect in one of its products that has the potential to cause physical injury, it's probably reasonable to assume that litigation will soon follow. The cardinal rule here is: If a judge might see the event as “reasonable anticipation” of a law suit, then you should too.

2. Develop a custodian interview strategy.

The duty to preserve potentially relevant ESI applies to all custodians, including those who may have had only a passing encounter with the central issues in the litigation. Zubulake established that legal teams are expected to conduct a reasonable investigation and evaluation of the relevant facts and circumstances surrounding the matter to scope the legal hold, both in terms of relevant custodians and data sources. One of the most effective ways attorneys can rapidly turn up necessary information for legal hold scoping is through custodian interviews. To be effective, the custodian interview process must be conducted in a consistent, repeatable manner to ensure the information that results can be easily processed and acted upon.

For a helpful tool during this process, download Exterro's Custodian Interview Template.

3. Develop carefully defined reminder, update and escalation schedules.

You recognize the trigger, identify the relevant custodians, prepare the legal hold notice, and send it out. Guess what, you're not done; you're just getting started! You also have to monitor compliance. What this looks like in practice will vary from one organization to another. At a minimum, reminder notices should be distributed on a regular schedule, which is especially important for legal matters that last a while and require custodians to preserve data for prolonged periods of time. In some cases, the information provided in the legal hold might change as more is learned about the matter. For example, the date range for which ESI must be preserved might need to be expanded. Such changes need to be communicated to custodians in a systematic fashion. But reminders and updates won't do much good if some custodians are simply ignoring the notices altogether. For such scenarios, the escalation notice is a much more powerful tool. It's a communication sent to an unresponsive custodian's direct supervisor, alerting him or her that the custodian's inaction is

exposing the company to risk and requesting intervention. If the legal hold doesn't get the custodian's attention, chances are that an email or phone call from their supervisor will.

4. Use templates.

When it comes to legal holds, consistency is everything. That applies to everything from the initial legal hold notice to all reminders and interview questionnaires. Remember, custodians aren't legal experts, so simplicity is critical. Once you find notice language and a format that works, stick with it. Templates not only streamline the hold process by eliminating the need to re-create each legal hold notice, but also help improve compliance rates as custodians grow accustomed to the same type of communication and what's being asked of them.

5. Make documentation a priority.

At some point, your internal legal hold process and actions may be placed under scrutiny, and you may be asked to produce a record of your activities or answer some specific questions about the process. Rather than rely on memory, keep a log of steps taken, key decision points, and process milestones. With good documentation, you can easily demonstrate to the court that the legal hold process was implemented in a reasonable, good faith manner, even if evidence was lost. Remember, courts don't expect complete perfection. Documentation need not disclose strategy or legal analysis. Rather, it should be focused on the mechanics of the process: the who, what, when, where, and why of various tasks.

Record and Archive Management Program

Index

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Honoring our Past
Inspiring our Future