

FOR THE RECORD

MARCH/APRIL 2008

WE ARE PLEASED TO ANNOUNCE THE ENGAGEMENT OF ...

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Reducing costs and increasing efficiency is a common theme across State government. Therefore it is not surprising to hear statements about streamlining government functions through Business Process Management (BPM). BPM focuses on the understanding and management of key business processes.

One of BPM's core elements is "process mapping," which provides a graphical depiction of business processes. It is a very useful tool for reaching a common understanding within an organization about routine activities and tasks. One of the outcomes of the process mapping session is the identification of related records and information. This is exactly where business process management and records and information management intersect.

Records and Information Management (RIM) focuses on the understanding and management of records and information that *support* key busi-

ness processes. One of RIM's core elements is a record schedule, which provides the context, from a legal perspective, in which records are created or received by organizations.

The intersection of BPM and RIM is more than a simple overlap. Their connection is about confirming and verifying processes that produce records and the recordkeeping requirements that drive processes. Business process, records, and information management are all dependent on one another for their ultimate success.

iSTART is embracing the opportunity to marry BPM and RIM through the enterprise content management initiatives currently occurring within the State, such as SharePoint and the new eLicensing system for regulating professions. Look for more information in upcoming issues!



PUBLIC RECORDS AND THE ENTERPRISE

While focused on S. 351, by invitation or interest the State Archives sat in on numerous other legislative discussions related to records and information. This provided a great deal of insight into public concerns and uncertainties about government records, particularly in a digital world.

For example, does the definition of "public record" (1 V.S.A. §317(b)) need to be amended

to recognize new information technologies? Recognizing the impossibility of enumerating each new format, S. 229 proposes to simplify the current definition to: "any written or record information, regardless of physical form or characteristics, which is produced or acquired in the course of agency business."

The intent is to make it clear that whether a document is

captured on paper, in digital form, on video- or audiotape, etc, it falls under the broad public record definition. S. 229 also calls for a Public Records Act Review Committee charged with the sustained evaluation of public record exemptions.

Uncertainty over which public records should be open or exempt lay at the heart of numerous bills. The intent of the Public Records Act is to increase

VERMONT HIGHLIGHT

S. 351 passed and signed into law!



Read more about the consolidation of the management of public records on Page 2.

VERMONT STATE ARCHIVES

On March 25th, Governor Jim Douglas signed S. 351 in a ceremony at the Secretary of State's Office. S. 351, now Act 96, transfers the authorities, positions, staff, equipment, and funding of the Public Records Division of the Department of Buildings and General Services to the State Archives within the Secretary of State.

By combining the related functions and activities of the

two programs, the new State Archives and Records Administration will improve records and information management services to agencies. Agencies should not expect to see far-ranging changes by the July 1st effective date since the initial work is focused on a smooth transition.

Once transition issues have been addressed the combined program will evaluate current services, seek input

on agency needs, and develop strategies for improving services.

There are numerous exciting opportunities to develop a global (enterprise) approach to records and information management that recognizes the importance of these assets to government and the public alike.

We look forward to working with you and welcome your thoughts and suggestions!

DII'S ENTERPRISE PROJECT MANAGEMENT OFFICE

For many months the Exchange project team at DII has been working on designing and building the new Microsoft Enterprise Exchange 2007 environment for e-mail, calendaring, contacts and tasks, and web-based support.

This is a highly robust enterprise application with many best-in-class features and capabilities. We expect to start migrating the first test groups onto the new system

in early May 2008.

In the coming weeks the project team will be publishing more specific information and information requests relative to the migration process.

Beginning in the next few weeks, the new DII web portal will be used as a focal point for posting up-to-date information regarding the new Exchange environment and key project milestones.

The [DII newsletter](#) (cio.vermont.gov) will also include basic information on the Exchange implementation for the general population along with links to the exchange information on our portal.

Future communications regarding this implementation will come directly from the Exchange project team. Any support or usage related questions should go through the usual channels.

BGS' DIVISION OF PUBLIC RECORDS

As mentioned earlier in this newsletter, beginning July 1st, the Public Records Division will be transferring to the newly created Vermont Archives and Records Administration under the auspices of the Secretary of State's Office.

This move will not have an immediate impact on any of the services that our customers have grown to depend on. You will be working with the same friendly staff in the Records Center, Microfilm and Reference/Research that you always have. We, in turn, look forward to continu-

ing and expanding the relationships we have developed with our customers.

We would also like to take a moment to thank BGS Commissioner Myers and BGS Internal Services Director Robin Orr and their predecessors for their support over the years.

ACT 96 OF 2008

Act 96 transfers the authorities, positions, staff, and funding of the Public Record Division (BGS) to the State Archives.

EXCHANGE ACTIVITIES

Questions?

**Contact Tom Jenny,
Project Manager,
Exchange 2007**

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or
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DISTRICT RUN Wednesday, May 28

Paperwork Due: May 7

LOCATIONS:

- Burlington
- Colchester
- Essex
- St. Albans
- Swanton

PUBLIC RECORDS AND THE ENTERPRISE

Continued from Page 1

government transparency.

Yet as government services expand and touch more Vermonters, more information about individuals is embedded in public records. Which of that information should be public as a tool for evaluating services? Which is so personal that it should not be made public?

Some bills added a twist to this tension by raising the

question of how public a public record should be. These bills sought to keep paper versions open while prohibiting digital copies from being shared or posted on the Internet.

Agencies confront the same uncertainties though legislative solutions are elusive. That is why the management of records and information becomes more and more important.

The flow of records and information across bureaucratic boundaries is also why an enterprise approach is important: mandates governing access need to adhere, when appropriate, to information shared by agencies.

These two intertwined realities are why the State Archives and Records Administration work within *iSTART* is such an important collaboration.

LEGAL CORNER:

DISCOVERY OF ELECTRONICALLY STORED INFORMATION

On December 1, 2006 the Federal Rules of Civil Procedure were amended to deal with electronically stored information. While electronically stored information had previously been subject to discovery in civil litigation, the 2006 amendment to the federal rules was the first time that electronic stored information was specifically dealt with in the rules.

The rules recognize that most organizations have document retention policies that provide for both the preservation and the orderly purging and destruction of electronic records. The rules provide that a court will not sanction a party in litigation for failing to provide electronically stored information "lost as a result of the routine, good-faith operation of an electronic system".

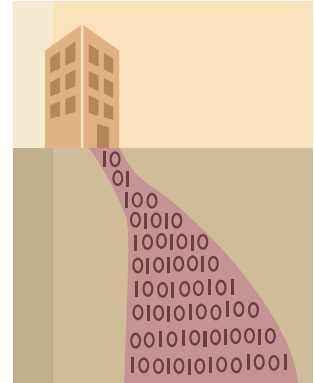
Therefore, for example, if old emails are not available at the time discovery is made because the system is designed to destroy them after a reasonable amount of time, the unavailability of that information should not result in a state agency suffering any sanction from the court.

However, if the agency has no consistent

practice as to how long emails are to be retained it will be very difficult to claim that destruction occurred as a result of the routine good faith operation of the system. Also, the rules provide that it is necessary to preserve both tangible and electronic information that is relevant to "reasonably foreseeable litigation".

Clearly, once a complaint is filed naming the agency as a defendant, emails and other information that is relevant to litigation should not be destroyed. Even routine destruction that would ordinarily take place should be placed on hold until the litigation is terminated or discovery issues resolved.

If you become aware that litigation has been filed against your agency and think that you have any electronically stored documents that may be relevant to the litigation, you should speak to your agency's attorney or the Assistant Attorney General (AAG) assigned to the litigation. Unless you are specifically advised to the contrary, when litigation is pending it is best to err on the side of caution and retain records.



The Legal Corner is offered by iSTART's legal advisor, Mike McShane, Office of the Attorney General.



MEMBERS

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About iSTART

iSTART is a volunteer collaborative group drawn from three public agencies with broad, cross-government responsibilities for the management of records and information technologies.

iSTART

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**RIGHT INFORMATION. RIGHT PEOPLE.
RIGHT TIME. EVERY TIME.**

IN THE NEWS

- E-mail issues continue in many State governments. In North Carolina, Governor Mike Easley is facing increased scrutiny after meeting notes, taken by public information officers, appear to state that spokespersons should delete their e-mail exchanges with the governor's office on a daily basis. Read more at: <http://www.newsobserver.com/news/sunshine/story/1021834.html>
- The National Association of State Chief Information Officers (NASCIO) released *IT Governance and Business Outcomes: A Shared Responsibility Between IT and Business Leadership* in March 2008. Download the publication at: <https://www.nascio.org/publications/index.cfm>
- The Identity Theft Resource Center (ITRC) in San Diego recorded 448 data breaches in 2007. In the first quarter of 2008, the Center has tracked 167 incidents that affect 8.3 million personal and financial records. The government and military are responsible for approximately 18% of data breaches. Visit ITRC's website to view the latest news: <http://www.idtheftcenter.org/>

