

START

FOR THE RECORD

SPRING 2009

WHAT IS ENTERPRISE? A TALE FROM THE TRENCHES

By Darwin Thompson

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Simply put, the enterprise, *our* enterprise, is state government, and we serve the citizens of Vermont, i.e. the Vermont enterprise. The Department of Information and Innovation (DII) was created (22 V.S.A. § 901.) “....to provide direction and oversight for all activities directly related to information technology in state government.” DII’s goal for enterprise information management is to make sure decision makers in state government, as well as those citizens who need government information, have the *right* information available to them when needed. We cannot do this without a strong partnership with the business side of government.

Without collaborative IT governance (working with business users who work with citizens), information systems can grow to be disparate, complex silos of technology. We can mitigate this by pairing IT best practices across state

agencies and departments with a defined business framework. A business framework is the environment in which business partners can work efficiently and effectively as individuals *and* groups. Business strategy must be supported by continuous analysis and thoughtful project selection. Enterprise IT projects, including, email, network improvements, SharePoint, Grants Management, etc. are designed to meet well defined, common business needs of the state enterprise. Done right, we can build, govern, manage, and secure technology and business systems across the enterprise without needing to abandon years of IT investments.

The partnership between VSARA and DII is an excellent example of IT and business working together effectively to improve the quality, timeliness, and availability of state government information .

RECORDS MANAGEMENT 101

Records management (also known as Records and Information Management or "RIM") is the "identification and management of public records to assure their authenticity and accessibility from creation to ultimate disposition." 3 V.S.A. § 117 (a)(1)

RIM uses a combination of policies, procedures and tools to align an agency's information to its business needs.

By incorporating RIM into workflow, agencies have an appro-

priate and cost-effective way to manage their information and records as assets. This means that:

- Information valuable and important to the agency and its business functions is created and received;
- The right people have access to and use of the right information at the right time;
- Information vital to the agency and its functions is retained and readily available;
- Information appraised as

archival is preserved; and

- Non-permanent information is destroyed when its retention requirements have been met.

A comprehensive records program, one that aligns RIM with business functions, should be a goal of every public agency. In fact, every public employee is responsible and accountable for the lifecycle management of records and information in his or her custody. Therefore a sound records program is to everyone's benefit.

RIM "KUDOS" TO*:

- AHS Departments of Mental Health; Children & Families; and Disabilities, Aging and Independent Living.
- Agency of Commerce and Community Development
- Agency of Administration Departments of Finance & Management and Information and Innovation
- Public Service Department
- ANR's Wastewater Management Division

* The above agencies/departments are enrolled in VSARA's Targeted Assistance Program

VERMONT STATE ARCHIVES & RECORDS ADMIN. (VSARA)

VSARA staff are now located at the state complex in Middlesex. The archival records housed at Redstone will be moved to Middlesex over the coming months as the vault spaces are prepared during the second phase of construction.

Most agencies have updated their record officer appointments. Record officers are the central to implementing agency record management programs, authorizing the access to agency records, and transferring records to the record center. Information on record officers is at: <http://vermont-archives.org/records/handbook/pdf/VSARA0004.pdf>.

VSARA has issued its first general record schedules, covering administrative policy records, administrative managerial records, and contracting files. General schedules cover records common across agencies and allow for consistency in managing similar records. The schedules and

how to use them are at: <http://vermont-archives.org/records/schedules/general/>.

Agency specific record schedules have been approved for the Professional Responsibility Board and the Labor Relations Board. These schedules, governing records specific to those boards, may found at: <http://vermont-archives.org/records/schedules/agency/>

We continue to get positive responses to our Targeted Assistance Program (TAP), which creates partnerships with agencies who want to improve their record management programs. TAP has the potential to create savings and efficiencies that are particularly important in this time of economic downturn. To learn more about TAP go to: <http://vermont-archives.org/records/tap/>. Please note: Given the number of current TAP requests we have to carefully schedule any new requests.

RECORDS MANAGEMENT

The amount of progress we have experienced at VSARA in less than a year's existence is very exciting.

Please monitor our managing records section (<http://vermont-archives.org/records/>) to follow our ongoing efforts.

DEPARTMENT OF INFORMATION & INNOVATION (DII)

SharePoint Update

The state project team has been hard at work building out the enterprise SharePoint infrastructure. They are currently testing the technical environment and have built the SharePoint Intranet portal base offerings and templates. User acceptance testing is about to start, and the system will be available for Governance Board review within a few weeks.

What is SharePoint Governance?

When asked about his views on governance, DII Commissioner and CIO Tom Murray responded; "Vermont cannot afford to implement systems, particularly a platform like SharePoint, on a trial and error basis trying to work out the best way to do things 'on the fly'.

Jointly developing a governance model that defines roles, responsibilities and rules for system use along with open two-way communication will

ensure the successful adoption of SharePoint technologies while maintaining an appropriate amount of control."

A key to effectively using SharePoint is for agencies to employ best practice records management: careful planning as to what information will be stored in SharePoint and how it will be organized and managed is critical.

VSARA and DII are working to promote participation in the [Targeted Assistance Program \(TAP\)](#) for all agencies looking to use SharePoint. Through a well thought out governance plan and the collaboration between DII and VSARA we hope to ensure the most effective use of SharePoint for Vermont and its citizens.

SHAREPOINT UPDATE

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E-MESSAGES & INFORMATION SECURITY

In April 2009, the *Electronic Messages Best Practice for All Public Agencies* went into effect. The purpose of this best practice is to establish a set of statewide recommendations for the retention and disposition of electronic messages created with electronic communication systems (such as e-mail).

E-mail retention is a hot topic

for everyone, particular those in a government setting. The most important thing to remember is that e-mail is a form of communication through which messages pass – but not a record type for which a records retention policy can be executed.

The Information Security Best Practice for All Public Agencies was approved in May

2009. This best practice highlights the key concepts behind sound information security practices. The roles and responsibilities of records, business, information technology, and legal staff are also defined and articulated.



Vermont Best Practices for Managing Records and Information are Available Online at:

<http://vermont-archives.org/records/iSTART/standards/>



WHAT IS A PROPER PUBLIC RECORDS LEGAL CORNER

The question is sometimes asked if it is possible for a public records request to be so vague and broad as to not be a proper request.

There is no Vermont case law that directly addresses this question. On a few occasions the Vermont Supreme Court has suggested that one remedy for a burdensome request is to charge the requesting party. In a case decided last year the Court stated "The [State] is free under the statute to charge plaintiff the actual cost of providing the copy, the costs associated with mailing or transmitting the record and, under certain circumstances, the cost of staff time associated with complying with the request." *Sawyer v. Spaulding*, 2008 VT 63, 955 A. 2d 532.

In interpreting Vermont's Public Records Act the courts have sometimes considered how Federal Courts have construed the Freedom of Information Act (FOIA). It has been held that under FOIA the request must reasonably describe the records desired. It has been held that an agency is not obligated to disclose all of its records meeting some broad descrip-

tion if this would require a search through, and the production of, many thousands of records.

However, an agency may not refuse to provide records on the grounds that they are not properly identified by the requester if the agency has not made a good-faith attempt to assist the requestor in identifying the records. *Am Jur. 2D Freedom of Information Acts Section 58*. Therefore, if an agency receives a very broad request it is best to contact the requester and try to determine what he/she really wants and to make sure that the requester has some idea of what records actually exist.

If that conversation does not result in a narrowing of the request, one approach would be to provide the requester with an estimate of the cost of producing the records. Under 1 V.S.A. 316(d) the Secretary of State has adopted, by rule, a uniform schedule of public record charges for state agencies and political subdivisions whose legislative bodies have not adopted a uniform schedule. (<http://vermont-archives.org/research/fees/fees.htm>).

REQUEST?



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

In the case of an extremely vague request it may be possible to decline to provide the documents. In such a case, it would be important to send a letter to the requester explaining why the request is vague and unworkable and documenting that efforts have been made to work with the requester to focus the request. Such a letter would constitute a denial of the request and is appealable first to the agency head and then to Superior Court. Therefore, your agency's general counsel or AAG should be consulted.



MEMBERS

Gregory Sanford, VSARA

Tanya Marshall, VSARA

Darwin Thompson, DII

Serena Kemp, DII

Patricia Houston, Project Manager

Mike McShane, Legal Advisor

About iSTART

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

iSTART

iSTART@state.vt.us

Vermont State Archives

802-828-0405

vermont-archives.org

Department of Information & Innovation

802-828-1142

dii.vermont.gov

Office of the Attorney General

802-828-1005

www.atg.state.vt.us



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

IN THE NEWS

- The Center for Technology in Government's (CTG) recent article in *Public Administration Review's Theory to Practice* highlights 15 years of research by CTG into the challenges of cross-boundary knowledge and information sharing in government. More about the article, "From 'Need to Know' to 'Need to Share:' Tangled Problems, Information Boundaries, and the Building of Public Sector Knowledge Networks" is available at: http://www.ctg.albany.edu/publications/journals/par_knowledgenetworks_may09
- ARMA International, which is a professional association for records and information managers, is challenging organizations to implement better recordkeeping practices. Known as GARP (Generally Accepted Recordkeeping Principles), the following records management principles are outlined and explained: Accountability; Integrity; Protection; Compliance; Availability; Retention; Disposition; and Transparency. More about GARP can be found online at: <http://www.arma.org/garp/>
- AIIM has released a new Email Management ROI Calculator to its membership. As noted on AIIM's website, calculating the cost and return of investment of technology upgrades is crucial but people should keep in mind that while it costs about 20 cents to buy 1GB of storage, it costs about \$3,500 to review 1 GB of storage. More at: www.aiim.org

