



When Information Meets Litigation

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

Litigation, or the prospect of litigation, introduces a new dynamic to records management: an immediate need to know, find, and prevent the destruction of all potentially relevant recorded information.

Agency records management programs can facilitate the agency's response to ongoing or anticipated litigation. Records management makes it more likely that there is documentation of: (a) what records have been created or received; (b) where records are located and how they are maintained; and (c) if the records have already been destroyed pursuant to a disposition order or record schedule.

Records that may be relevant to ongoing or anticipated litigation should not be destroyed. Period. Even when retention requirements have been met and destruction is authorized by a record schedule or disposition order, agencies should take steps to prevent the destruction of records.

To effectively preserve potentially relevant recorded information, a "legal hold" should be implemented in response to litigation. Legal holds suspend the application of retention policies until ongoing or anticipated litigation is resolved, after which time the hold can be released and routine records management practices, including retention, can be resumed.

Litigation may arrive with little warning, so do not wait until it commences to better prepare your agency and staff. Legal or retention holds are not limited to litigation. Ongoing or pending investigations, claims, negotiations, audits, and other extenuating circumstances may require the suspension of retention policies as well.

2011 Open House Dates

Open houses are held at VSARA twice a month. At these events we provide informal, basic training in records management and using the State Records Center, and give our users the opportunity to tour our facilities and meet our staff.

Tuesday Morning Sessions

(9:30 - 11:00 am)

July 5

August 2

September 6

Thursday Afternoon Sessions

(1:30 - 3:00 pm)

June 23

July 28

August 2k

Email us at

rim@sec.state.vt.us or call Rachel Muse at 828-2397 if you'd like to attend.

A Request Can Freeze Routine Destruction

On April 29, 2011, the Vermont Supreme Court issued a decision in the case of Price v. Town of Fairlee in which a 4 to 1 majority of the Court concluded that ballots and tally sheets held by a Town past statutorily mandated sealed retention requirements become open to public inspection upon request.

General Records Schedules: What's New

As VSARA makes more General Records Schedules (GRS) available, more and more agencies are adopting them for use. GRS are a fantastic way to get started on developing a records management program for your agency: they establish minimum retention requirements for a wide variety of records, are flexible and easy to adapt to your needs, and more are underway.

Our latest compilation of GRS now available for use. These schedules are designed for use by public utilities, and cover records related to managing ratepayer records, and the operational and policy making records of telecommunications providers.

GRS for Public Utilities

Encore Sessions of "Got Records? Now What?"

For those of you who were unable to attend our March sessions of the course "Got Records? Now What?" at the Summit, we are pleased to announce two more dates: July 20, 9:00-12:00, and November 2, 12:30-3:30.

The first half of this workshop introduces concepts of records and information management, including best practices, tools, and resources currently available. The second half of the session helps attendees understand the statutes surrounding public records in Vermont, be able to respond efficiently to public records requests and understand exemptions and how to apply them.

Register for the courses through the Summit.



RIM Fast Fact!

In the US, it's estimated that server farms, which house Internet, business and telecommunications systems and store the bulk of our data, consume close to 3 percent of our national power supply.

Shelley Podolny, "The Digital Pileup" New York Times, March 12, 2011

A Records Management Cartoon Break!

DigitalPreservationEurope, a multi-disciplinary group that seeks to find solutions to preserve at-risk digital data, have developed a series of cartoons to illustrate the challenges associated with preserving data digitally.

Digital Preservation and Nuclear Disaster: An Animation

Reminder: Authorizations Expiring

Be Aware: June 30th will mark the date when current authorizations to access records at the State Records Center will no longer be valid. If you've authorized individuals who are not records officers or liaisons to have ongoing access records stored in the State Records Center using the VSARA-003 form, those individuals will need to be reauthorized for the upcoming fiscal year (July 1, 2010 - June 30, 2011).

Questions or Comments? Email us at rim@sec.state.vt.us.

Vermont State Archives and Records Administration

1078 US RTE 2, Middlesex • Montpelier, VT 05633-7701

Tel: (802) 828-3700 • Fax: (802) 828-3710

http://vermont-archives.org/

Find the RIM Update online at:

http://vermont-archives.org/publications/records/index.htm