**Best Practices for Records Retention and Management**

**Overview**

Establishing clear Records Management, Retention, and Destruction policies is essential for organizations to manage information effectively, comply with legal and regulatory requirements, protect sensitive data, and minimize operational and financial risks.

These policies ensure that organizations retain critical data for the appropriate duration while securely disposing of obsolete or unnecessary information, reducing the risk of breaches, unauthorized access, or legal liabilities.

Implementing robust retention and destruction policies is imperative for maintaining compliance, ensuring security, and upholding the integrity and reputation of the Commonwealth of Virginia.

**Understanding Records versus Non-Records**

**Records**

A record must be retained and disposed of according to retention schedules set by the **Library of Virginia (LVA)**. Public records include:

* Any recorded information, regardless of format (paper, digital, audio, video, etc.) created, received, or maintained by a public agency in the course of conducting public business. Records are used to document transactions, decisions, policies, or procedures.

**Examples:**

* Contracts, agreements, and procurement documents
* Policies, procedures, and directives
* Financial reports and budget documents
* Official meeting minutes
* Financial reports and budget documents
* Emails containing policy decisions or official actions
* Personnel records
* Case files, incident reports, and legal documents

**Non-Records**

Non-records can be deleted or discarded when no longer needed. They do not meet the legal definition of a public record and are typically personal, transitory, or reference materials not essential for agency operations. Please refer to your Agency’s Records Officer for specific retention policies.

**Examples:**

* Personal notes and drafts (unless used for official action)
* Duplicate copies of official records kept for convenience
* Library/reference materials (books, newspapers, brochures)
* Spam and junk mail
* Personal emails unrelated to government business
* Informal communications (e.g., lunch invitations, casual chats)

Misclassifying a record as a non-record could lead to non-compliance with FOIA requests, audits, or legal challenges.

**Note:** If you login to the Commonwealth of Virginia (COV) domain, please be aware that *all artifacts/documents/records in MS Exchange, SharePoint, and OneDrive, (e.g., emails, chats, documents, spreadsheets, Teams recordings, etc.) are currently on an indefinite hold until further notice from VITA and the LVA.*

**Roles and Responsibilities**

A Records Management Program requires clearly defined roles and responsibilities to ensure compliance, security. The following roles are essential for a successful records retention program:

**Key Roles**

| **Responsible** | **Responsibilities** |
| --- | --- |
| **Chief Data Officer** | * Oversee the management of records within their areas and provide guidance and direction. * Provides necessary resources for implementation. * Approves and supports the records management policy. * Promotes a culture of accountability in records management. |
| **Agency Records Officer** | * Designated via the Library of Virginia’s Records Officer Designation and Responsibilities (RM25) Form * Responsible for implementing the policy, conducting training, and ensuring compliance. * Required to approve, via signature, all Certificate of Records Destruction (RM-3) Forms |
| **Agency Legal and Compliance team or Office of Attorney General** | * Provide legal guidance on records retention, especially for litigation holds or audits. * Ensure records meet the Freedom of Information Act (FOIA) and other compliance requirements. * Review policies for alignment with state and federal laws. * Handle legal disputes involving records retention or destruction |
| **Agency Team Members** | * Follow records management policies and procedures in daily tasks. * Classify, store, and retrieve records properly. * Ensure records are disposed of securely based on retention schedules. * Report any policy violations or security concerns. |

**Records Management Program and Polices**

A well-structured records retention policy balances legal compliance, business needs, security, and efficiency. Agencies should evaluate and refine their policies continuously to ensure they are relevant and appropriate.

**Establish Clear Policies and Procedures**

* Develop a Records Management Policy outlining retention schedules, classification, and destruction guidelines (see policy template at odga.virginia.gov/resources).
* Align policies with legal, regulatory, and industry-specific requirements (e.g., VPRA, FOIA, HIPAA, FERPA).
* Integrate policies with LVA retention schedules.
  + Resources:
    - [Library of Virginia Records Management](https://www.lva.virginia.gov/agencies/records/index.htm)
    - [Library of Virginia Records Management Locality General Schedules](https://www.lva.virginia.gov/agencies/records/sched_local/index.htm)

**Conduct a Records Inventory and Classification**

* Identify and categorize all records based on type, function, and importance.
* Differentiate between active, inactive, and archival records.
* Assign appropriate retention periods based on regulations and business needs.
* Delete redundant or non-essential records following **COV policies**.
* Define record owners where applicable

**Evaluate Storage, Access, and Security**

* Define storage locations for physical and digital records.
* Implement access controls to protect sensitive information.

**Disposal & Archival Requirements**

* Establish procedures for secure destruction or archival transfer.
* Require documentation of disposed records.
* The destruction of agency/department records must adhere to the General Schedule and RM3 Form procedures.
  + Resources:
    - [Library of Virginia Records Management Forms](https://www.lva.virginia.gov/agencies/records/forms.asp)
    - [RM-3 Form (virginia.gov)](https://www.lva.virginia.gov/agencies/records/rm3/)
* The Records Officer shall determine the length of time that **non-records** can be kept in a storage repository. Once the time threshold has been met, they can be destroyed without an RM-3 form

**Enforcement & Compliance Audits**

* Define consequences for non-compliance.
* Establish periodic reviews and audits.

**Retention and Destruction Policies for Records**

* Draft Versions of Records: Retention/destruction policies for drafts are defined by the designated Records Officer.
* Record Destruction: All agency/department records will adhere to General Schedule and RM-3 Form procedures.
* Non-Records: The Records Officer determines retention periods for non-records before destruction.
* Legal Holds: The Records Officer will coordinate legal holds as needed.

**Records Management Process Implementation Summary**

1. **Conduct a Records Inventory**
   * Identify and document all records (physical & digital).
   * Map storage locations.
   * Classify records correctly.
   * Assign retention/disposition rules.
2. **Move Records to the Appropriate Repository or Delete per Policy**
   * Transfer records requiring retention to an approved repository.
   * Delete redundant or non-essential records following COV policies.
3. **Train Staff and Foster a Culture of Compliance**
   * Conduct regular training on records retention policies.
   * Develop quick reference guides.
   * Perform internal audits to ensure compliance.
4. **Emphasize best practices for file and folder management for agency members**

* Flat Structure: Avoid deeply nested folders. Aim for 3-4 levels at most to make navigation easier
* Structure and name folders to enhance the searchability of documents through M365's search features
* Leverage metadata and SharePoint columns to tag files instead of relying solely on folders.

1. **Monitor and Continuously Improve**
   * Conduct regular reviews and update policies as needed.
   * Engage stakeholders for feedback.
   * Perform audit and compliance checks.

**Need Help?**

* For questions regarding records classification or disposition, contact your **Agency Records Officer.** If you are not sure who that is, reach out to LVA and they will be able to assist.