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# Ramblings and Introspection from the Electronic Records Section at MDAH

by David Pilcher, MDAH

The proliferation of electronic records is causing governments, corporations and organizations around the globe to reassess the way they keep and manage their records. There's no more prominent example of this than our own country's National Archives and Records Administration (NARA) and its draft "Proposal for a Redesign of Federal Records Management," issued in July 2002.<sup>1</sup> This proposal was preceded by the "Report on Current Recordkeeping Practices within the Federal Government," produced jointly by NARA and a private contractor in December 2001, and the General Accounting Office's (GAO) report to Congress entitled "Information Management: Challenges in Managing and Preserving Electronic Records," issued in June 2002.<sup>2</sup> In his "State of the Archives" address of December 3, 2002, Archivist of the United States John W. Carlin described the situation thusly:

To put it simply, our current records management program was developed in the 20th century in a paper environment and has not kept up with a government that now creates and uses most of its records electronically. With our current way of doing business, we just don't have the resources to cope with the growing volumes of both electronic and paper records. It is clear that today's Federal records environment requires different management strategies and techniques.<sup>3</sup>

NARA is not alone in wrestling with these issues. Its records management system is emulated by many states, including Mississippi, and the need for reexamination of existing policies and procedures is shared by those states. While NARA admittedly operates on a much larger scale, the Mississippi Department of Archives and History (MDAH) is no stranger to finding ways to meet its obligations and carry out its duties on a tight budget with a small staff. The MDAH Records Management Division and Archives and Library Division alike are short on staff and resources but long on responsibility and duties.

At the Society of American Archivists' annual meeting in Birmingham, Alabama in August 2002, I took part in a program session entitled *Behind the Firewall: Establishing Archival Electronic Records Systems in Government*. The session was moderated by Nancy Kunde of the University of Wisconsin and also featured presentations by Dr. Patricia Galloway, formerly of MDAH and now with the University of Texas Graduate School of Library and Information Science, and Deborah Gouin of the State Archives of Michigan. My presentation was entitled *Negotiating Electronic Records Scheduling and Management Practice in Mississippi State Government*. Sounds spellbinding, doesn't it? I used the occasion to speak generally about our experiences as an electronic records component of a state archives and records

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<sup>1</sup> NARA's redesign proposal is located on their website at [http://www.archives.gov/records\\_management/initiatives/rm\\_redesign.html](http://www.archives.gov/records_management/initiatives/rm_redesign.html).

<sup>2</sup> The "Report on Current Recordkeeping Practices within the Federal Government" is located on the NARA website at [http://www.archives.gov/records\\_management/pdf/report\\_on\\_recordkeeping\\_practices.pdf](http://www.archives.gov/records_management/pdf/report_on_recordkeeping_practices.pdf). The GAO's report is located on the GAO website at <http://www.gao.gov/new.items/d02586.pdf>.

<sup>3</sup> The address is available on the NARA website at [http://www.archives.gov/about\\_us/archivists\\_speeches/speech\\_12-3-02.html](http://www.archives.gov/about_us/archivists_speeches/speech_12-3-02.html).

management agency, including our trial and error approach thus far, some of the lessons we have learned from practical experience, and improvements we must make to be able to do our jobs in the future. I also attempted to tie in NARA's draft proposal for redesigning federal records management and how it relates to those of us at the state level. The thoughts expressed in that presentation form the basis of this article. To give a little background to those not familiar with the inner workings of the venerable MDAH, the Electronic Records Section is situated within the Archives and Library Division. The section evolved from the Department's NHPRC-assisted Electronic Records Initiative project in the summer of 2000 and is now responsible for acquiring, accessioning, describing, preserving, and providing access to electronic records determined to have archival value. The section also teams with the Department's Records Management Division to produce records control schedules for state government agencies and entities. Working in records management in any capacity can be likened to being a fan of Mississippi State football, or being the father of two daughters aged 8 and 2. I speak from experience here and let's just say it can be frustrating and overwhelming but the rewards and benefits can be great.

The Records Management Division came into being with the Mississippi Legislature's passage of the Archives and Records Management Law of 1981 (Mississippi Code of 1972, Annotated, §25-59-1, et seq.).<sup>4</sup> That sweeping law defined "public records"; designated MDAH as the archival and records management agency for state government; established procedures for the production of records control schedules; created the State Records Committee to review, approve, reject, amend or modify those schedules; established the State Records Center for temporary storage of non-archival records; and informed state agencies and entities that no public records were to be destroyed without the Department Director's consent.

Prior to the creation of the Electronic Records Section, the Records Management Division had near sole responsibility for producing records control schedules, from the initial contact with the agency through the schedule's approval by the State Records Committee. The Archives and Library Division's role consisted of review of the draft schedules by state government archivists and the division director and occasional followup visits to agencies by archivists. The arrival of the Electronic Records Section led to an amendment of the scheduling and appraisal process in January 2000. The director of the Records Management Division continues to target the agencies and agency subunits to be scheduled. Records analysts and Electronic Records Section staff then work in tandem to inventory agency or subunit records and to produce preliminary records control schedules meeting with agency approval. The schedules are then reviewed by an in-house appraisal committee chaired by the head of the Paper Archives Section to ensure that the disposition of the records is agreed upon prior to consideration by the State Records Committee.

The Electronic Records Section straddles the line of demarcation that has traditionally existed between the archives and records management functions at MDAH. We have responsibilities at both ends of the line – the places where the records are generated and also the destination where those that have been determined to have archival value will end up and where they must be preserved and made available to the public.

Mississippi is fortunate to have a sound archives and records management law flexible enough to allow MDAH and agencies to meet the challenges that come with managing electronic records. To be most effective, it must be supported by efforts to advertise it to agencies and to clarify what constitutes compliance. The law divides records management responsibility between state government agencies and MDAH. In a world with only paper records, it would be more practical and logical for MDAH to assume the lion's share of that responsibility and the duties that come with it. With the proliferation of electronic records, reality dictates that records creators and custodians share more of the records management burden. The electronic generation and storage of government records can turn employees up and down

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<sup>4</sup> The law is accessible via a Lexis search on the Mississippi Secretary of State's website at <http://www.sos.state.ms.us/pubs/mscode/>

the organizational chart into de facto records managers. Any employee that uses email or maintains work documents on a government computer becomes a records manager subject to the provisions of the aforementioned law as well as the Mississippi Public Records Law (MCA 1972, §25-61-1, et seq.)

The Electronic Records Section is first and foremost an archival unit of the Archives and Library Division, and as we move into our facilities in the new building we will have the wherewithal to properly accession, preserve, and provide public access to archival electronic records.<sup>5</sup> But our collaboration with the Records Management Division in producing records control schedules will continue to be an integral part of our job. Just prior to the new scheduling and appraisal procedures going into effect, we revised the existing records control scheduling form to address the generation and storage of all formats. There's no separate form for scheduling electronic records. We also managed to work every element of our Dublin Core-based metadata standard into the form (we've done the same thing with our accession record) and we devised an electronic records counterpart to the existing records series inventory sheet used by the records analysts.

We try to negotiate and produce schedules that are by necessity much more comprehensive and flexible than in the past. We write in special instructions for safeguarding and organizing electronic components of records series found to be archival and we stress the need for the agency to have continuing contact with MDAH.

When visiting agency workers we try to put them at ease by letting them know that we don't need to sit at their PC and look at all of their email and files. We do need to know the purpose and functions of the office, what is produced and how it's generated and stored. And we need to know what is maintained solely in electronic form so we can help them determine how to provide for its disposition within the law. In dealing with agency managers, we do the same but we also tend to talk more about the agency's responsibilities with respect to the Archives and Records Management Law and the Public Records Law, even Mississippi's adopted version of the Uniform Electronic Transactions Act (Mississippi Code of 1972, Annotated, §75-12-1 et seq.). We talk about the role of recordkeeping in accountability to the public, how it is important to set retention periods and abide by them, and about how an approved records control schedule carries the full force of law. We talk about ever-changing technology, the rapid rise of e-government, the fragility of electronic records, and how it behooves them to have a sound and comprehensive records management program. We try to dispel any misconceptions that they might have, the most common being that we are going to cost them money and that we are going to try to archive everything. We find that they relax more when we inform them that only a small percentage of records are found to have archival value. We also dispense advice on digitization projects, pc file and directory structures, and the handling of electronic records in the event of employee departure.

The Electronic Records Section is also responsible for researching and preparing background papers on agencies and subunits targeted for scheduling. The papers are primarily intended to provide the records analysts and members of the State Records Committee with information on the "big picture" of the agency's recordkeeping, but they also give us opportunities to inform the agency's staff about its history, its records currently housed at MDAH, its documentation needs, and confidentiality and public access issues.

In my SAA presentation I shared a short list of some of the many lessons we have learned in our work to this point. I'd like to include that here as well. There is no significance to the order:

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<sup>5</sup> The building contains a suite for the Electronic Records Section, including offices, a processing room, and a large storage area for media and equipment. There is also a server farm room located in the archival stacks. Due to a lack of space in the Capers Building, the section is currently housed in leased office space a block away.

We have realized for quite some time now that we need a tremendous increase in the amount of state records management information and guidance available on the MDAH website. We have been working with the Records Management Division on a state government records assistance page to provide records management and electronic records information for state agencies, including frequently asked questions, downloadable forms, general schedules, guidelines, training information, and pertinent laws such as the Archives and Records Management Law, the Public Records Law, and the state's adopted version of the Uniform Electronic Transactions Act. Now that the Sovereignty Commission records are on the web, we hope to have the initial version of the page ready for approval very soon.

Very few Mississippi agencies have someone serving in a professional capacity as a records officer, an employee that sees to it that the agency creates, maintains, transfers, and disposes of official records in accordance with applicable guidelines, laws, and regulations. Many agencies do, however, have a staff member who serves as liaison with MDAH and/or staff members experienced in dealing with records management issues. We are planning an effort to write and encourage more agency heads to appoint staff members to serve as records officers and/or liaisons with MDAH. We would like to do this in conjunction with the opening of the new building and to bring those lucky individuals in for group tours of the new facility, offer them training, and increase their awareness of their records management responsibilities. The proliferation of electronic records just makes it more imperative that we seek more active participation from agencies in records management.

In an agency like ours with separate records management and archives programs, the two must work together in gradually introducing new procedures and methods. One cannot overhaul the other.

You often must convince state government workers that electronic records management is a natural and important expansion of the traditional paper records management process. Our state's definition of public records makes it clear that a record does not have to be paper to be a record. We increasingly find that record of agency workers' work exists only on computers with no printed copy maintained.

In building an electronic records program, a mix of archives/records management knowledge and technical expertise is necessary. One without the other is not going to work.

Educating people on change management (departure policies, exit interviews, review of files, securing of records etc.) is very important.

This is stating the obvious to anyone who has not been hiding out in a cave for the last few years, but email presents many challenges to the archives and records management world and is not to be taken lightly. The term is used to refer both to the communication system and to the messages sent and received. Email is often used as a substitute for a telephone call or a shout across the hall, but it can have the same potential evidentiary value as any other record documenting the transaction of public business. Because email is increasingly used to conduct state government business, it is necessary that agencies develop policies and procedures that ensure that records created or received on email systems are managed according to Mississippi's public records laws. Many government workers still have the perception that their email is somehow private even though it is housed on government computers and in most cases meets our definition of a public record. It is not a single records series and therefore cannot be addressed by a single general records control schedule. If you maintain or take custody of it you must be prepared to respond to requests for it and to screen it for confidentiality. Email is a prime example of why we need and have records laws and not just policies put out by agencies. It is relatively new in the big scheme of things and it is not going anywhere. Records management has to catch up with it. Until it does and firm answers are in place, the law is there to say it cannot simply be discarded without a thought. It is clear that email meeting the definition of public record in the Archives and Records Management Law, that is to say email "made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency or by any appointed or elected official," needs to have its retention and disposition addressed by an approved records control schedule.

We have learned that we sometimes have to stretch the limits of our established procedures and act unilaterally. We cannot always stick to the targeted agency units and their boundaries within the

agency. We have to be free to go directly to IT managers, increase their awareness of the records laws and ask them "what do you have currently, what are you doing, and what would be mutually advantageous for us to arrange to archive electronically?" We have to look beyond the records series. The research of electronic records issues and the study of how other states, nations and corporations do things did not end with the end of the grant project. It will always be necessary. We are currently in the midst of an information explosion within our profession pertaining to electronic records topics. New ideas, approaches, and standards emerge almost daily from all corners of the earth. We are able to stay on top (or at least in touch) with most developments through membership in three listservs and a number of acquired research shortcuts. We have also benefited greatly from model policies for the management of electronic records and email, particularly those issued by the National Electronic Commerce Coordinating Council (NECCC).

Now I would like to briefly address NARA's July 2002 draft redesign proposal and how it relates to the situation in our state. While I enjoyed the GAO's June report "Challenges in Managing and Preserving Electronic Records" and the foreboding "Electronic Records & the Law: Causing the Federal Records Program to Implode?," a dissertation by Mary Rawlings-Milton from April 2000, I find the draft redesign proposal to be especially comforting, even soothing.<sup>6</sup> I'll attempt to explain why. During this period when we are all building experience in dealing with electronic records, we all must remember that we can learn so much from each other, and that no one has all the answers. So it's very comforting to learn that NARA is essentially saying that they are in the same boat with us in finding ways to meet the challenges. I certainly do not agree with all of the concepts and thoughts expressed in the proposal, but the bulk of it sounds very familiar, as we have been arriving at many of the same conclusions over the last few years. Those conclusions include the following:

Our current approach to scheduling and appraisal, like NARA's, is often labor intensive and time consuming.

Our records management program's responsibilities have always exceeded its allotted resources. This is not going to change for the better, so we must continue to work to find ways to streamline the scheduling process.

Many retention schedules are out of date and/or do not reflect the current technology being used to generate or reformat the records.

We too can benefit from emphasizing risk more to state agencies, both risk to agency business needs and risk of loss of the historical record.

We also recognize the need to create mutually supportive relationships with agencies and have been working to do just that.

We too could benefit from the creation of more general schedules (schedules for certain types of records common to all agencies or offices which may be established by the department and the State Records Committee) and from the updating of those currently in place.

We too could benefit from incorporating into our theoretical framework concepts from the ISO records management standard 15489, issued in September 2001.

and finally:

The proposal's idea of encouraging physical transfers of archival electronic records and taking on the preservation responsibilities for the agencies prior to legal accessioning sounds very similar to an approach that we have discussed with agencies, one that Dr. Galloway referred to as "escrow archiving."

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<sup>6</sup> Mary Rawlings-Milton's dissertation is available online at <http://scholar.lib.vt.edu/theses/available/etd-04202000-13400008/unrestricted/Ereecs.pdf>

I think it is indicative of the need for flexibility in scheduling brought about by the reality of electronic records.

The need for ongoing reexamination of existing policies and procedures is a natural result of the proliferation of non-paper records. Recognizing and admitting the need for updates and improvements is very important. The realization of the need for an electronic records program at MDAH came from self-examination and foresight. We're fortunate to have had the grant-funded initiative and to be as far along as we are. We have a foundation of sound records laws and leadership dedicated to compliance. There's an awful lot that's right about what we are doing, just as I know there's an awful lot that's right about the work of the National Archives. I know we look to them for leadership and we are especially thankful for their role in finding long-term preservation answers for electronic records.

(David Pilcher has been employed by MDAH since November 1985, primarily as an archivist working with government records. He served as project team leader for the Mississippi State Sovereignty Commission records imaging project from 1994 to 1998. He joined the staff of the MDAH Electronic Records Initiative in June 1998, and became head of the Electronic Records Section in September 2000.)