



Executive Summary

Governor's Office Operations
November 2014

Managing Gubernatorial Records: A Guide for Governors

Records management is one of the basic responsibilities of every gubernatorial administration. Thorough recordkeeping following the best practices developed by state archives and records management agencies enhances services and improves operations while the governor is in office. It also signals that the administration supports open government, transparency, and accountability—concepts that have become synonymous with good government and practices to which every administration will undoubtedly wish to aspire. At the end of an administration, proper recordkeeping ensures the preservation of archival records that have enduring value. Gubernatorial archives are a rich source of information regarding specific programs, policies, issues, legal decisions, and procedures that affect the citizens of the state. This guide is designed to help governors and their staff members make informed decisions about managing one of the state's most important assets—the records of the governor's office.

Managing gubernatorial records according to your state's established records management policies and practices will encourage consistency between administrations. While there are numerous considerations when implementing a systematic recordkeeping process, the state archives, records management agency and chief technology officer can work with the governor's office to develop a comprehensive records management program.

Key Issues to Consider

- **Managing Records:** Key elements of a sound and sustainable records management program should include: comprehensive filing systems and records retention and disposition schedules, clear definitions of public and personal records, and electronic recordkeeping systems that incorporate records management requirements into their design. If a records management program is already in place, it is important to determine whether the existing system meets the new administration's needs or requires revision to reflect new initiatives or changing information systems.
- **Official Records versus Personal Records:** No universal legal standard exists to define what constitutes an official or public record and what, alternatively, may be a non-official or personal record. Nevertheless, the archival and records management professions accept the core definition for "*official records*" to be "records created or received in the conduct of government business by the governor, the governor's staff, and other units and individuals in the governor's office, regardless of physical form or characteristics".¹ Official records are evidence of the constitutional, administrative, and ceremonial functions of the office. On the other hand, "*personal records*" contain personal or private material that does not relate to the official duties of the governor or his/her office.
- **Preserving Electronic Records: Special attention should be paid to the preservation of public records in electronic and digital formats.** Regular maintenance must be given to these records to ensure ongoing accessibility. Electronic records pose many unique challenges such as being

¹ This definition has been adapted from the 44 U.S. Code, Section 3301, "Definition of Records", (2008). <http://www.gpo.gov/fdsys/pkg/USCODE-2008-title44/html/USCODE-2008-title44-chap33-sec3301.htm> (Accessed July 30, 2014).

dependent upon specific hardware and software to remain accessible and usable, and electronic records often have no paper counterpart (the digital copy is the only record that exists). Also, there are often multiple versions and copies of each record, and electronic records are often retained on individual devices long after they are needed (which can be costly in terms of storage space, legal action and freedom of information requests). Given these circumstances, it is essential to establish security, authentication, backup, and migration procedures for records that will be maintained only in electronic format. **The governor's office should consider the unique properties and conditions concerning records in the following formats:**

Email. Like other forms of correspondence, much of the email from a governor's office will be retained permanently. Staff members must be cognizant of the extent to which their email may be or become public records. Otherwise, email users may have unrealistic expectations of privacy and informality when they send or receive messages.

Text messages. Text messages and instant messages made or received in the transaction of public business may be subject to your state's public records laws and should thus be managed and/or captured accordingly.

Voicemail. Although almost all voicemail messages have little value beyond identifying the caller and the reason for the call, those messages that convey important information, provide direction or guidance on significant issues, or authorize specific actions meet many states' legal definition of a public record.

Websites. Both internal (intranet) and public (Internet) websites contain records (such as reports, statistics, guidelines, advice, policies, and procedures), and increasingly, governments post this information directly online without creating a paper version. If a website is used to support transactions between the governor's office and its constituents, the records documenting these transactions must be identified and retained.

Social media. Social media websites have large, loyal user bases and, thus, are increasingly important outreach and communication tools for government entities to improve interactivity with the public. However, be aware that the content you create and the citizen comments you receive may be public records.

Cloud computing. Cloud computing technology allows users to access and use shared data and computing services via the Internet or a virtual private network (without having to build infrastructure to support these resources within their own environments or networks). While cloud computing offers many benefits (including ready accessibility, pay-as-you-go billing, and the ability to outsource), information is housed in a shared environment that is outside your control. Sensitive or legally restricted information must be protected.

Given the importance of electronic records and their fragile nature, the governor's office should be certain to seek guidance concerning the proper management of electronic records including electronic legal discovery.

Where to Turn for Help

Governor's office staff should contact their state's records management or archival agency for immediate assistance with issues relating to the management of official records. In most states, a variety of direct services are available to the governor's office. The Council of State Archivists (CoSA) and the National

Association of Government Archives and Records Administrators (NAGARA) are professional organizations that also can provide valuable information pertaining to records management and archives.

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The Council of State Archivists (CoSA) is a national organization comprising the heads of the state archival agencies. The state archivists and records managers are the officials primarily responsible for ensuring that government records are properly managed within their states and that records with ongoing legal, fiscal, and administrative value are preserved. A full list of reports, programs, and other resources produced by CoSA, as well as up-to-date contact information for every state archives, is available on the website www.statearchivists.org.

Additional Information

The full text of this NGA management note is available online at www.nga.org/omct under the section "Governor's Office Guides and Publications."

For more information on the NGA Office of Management Consulting & Training's (OMCT) services and publications, please contact Nikki Guilford, Director of OMCT (202/624-5422; nguiford@nga.org).