

Policy 1109
Records Management

Date of Current Version: May 2022
Responsible Officer: Director of Human Resources

1. PURPOSE

The purpose of this policy is to authorize a university records management program in accordance with State law and the university's need for proper records management.

Some major considerations in records retention and disposition are:

- Legal requirements must be met.
- Audit requirements must be met. This includes the university's ongoing internal audit program, as well as the requirements of the Auditor of Public Accounts and other external agencies.
- Limitations of space. The university has very limited storage space. Departments are restricted as to both the volume of records that can be maintained and the duration for which records may be stored.

Historical and research information about the university must be preserved. In addition, records with historic value should be kept in a manner that makes them readily accessible to researchers.

2. AUTHORITY

The Board of Visitors has been authorized by the Commonwealth of Virginia to govern James Madison University. See Code of Virginia § 23.1-1600; § 23.1-1301. The Board has delegated the authority to manage the university to the president.

STATE OR FEDERAL STATUTE AND /OR REGULATION

The Virginia Public Records Act, Code of Virginia, Sections 42.1-76 through 42.1-91, The Freedom of Information Act, Code of Virginia, Sections 2.2-3700 through 2.23-3715, The Government Data Collection and Dissemination Practices Act, Code of Virginia, Sections 2.2-3800 through 2.2-3809, The Family Educational Rights and Privacy Act, 20 U.S.C § 1232g; 34 CFR Part 99, records.

3. DEFINITIONS

Archival Record

A public record of continuing and enduring value useful to the citizens of the Commonwealth and necessary to the administrative functions of public agencies in the conduct of services and activities mandated by law that is identified on a Library of Virginia approved records retention and disposition schedule as having sufficient informational value to be permanently maintained by the Commonwealth.

Current Records

Records needed to conduct the daily business of the university by virtue of their administrative, fiscal or legal value. Current records must be maintained in appropriate filing or retrieval equipment for immediate access in a working office.

Certificate of Records Destruction

Library of Virginia RM-3 Form required to be completed and approved prior to discarding or destroying any public records.

Copy of Record

The single copy of a document, often the original, which is designated as the official copy for reference and preservation.

Disposition

Records' final destruction, permanent retention, or transfer to archives as determined by their classification within the Library of Virginia General Schedules.

Electronic Records

Data or information that is captured and fixed for storage or manipulation in an automated system and that requires the use of the system to render it intelligible by a person.

Essential Records

Records immediately necessary to begin recovery of business after a disaster or essential to protecting the rights and interests of the organization, its employees, and the citizens of the commonwealth.

General Records Retention and Disposition Schedules (General Schedules)

Library of Virginia-approved timetable which applies to records that all state agencies create, such as personnel, fiscal, or administrative records, stating the length of time a record must be kept and its required disposition.

Historical Value

Value of a record based on its uniqueness, age, or exceptional significance.

Identifying Information

Social security number; driver's license number; bank account numbers; credit or debit card numbers; personal identification numbers (PIN); electronic identification codes; automated or electronic signatures; or passwords; or any other number or information that can be used to access a person's financial resources, obtain identification, act as identification, or obtain goods and services.

Library of Virginia (LVA)

Reference library at the seat of government in Virginia, which also certifies libraries, distributes state and federal funds to public libraries, manages the archives of the Commonwealth, and acts as agent for the Library Board in establishing standards, policies, and procedures for the management of public records.

Non-record

Convenience, courtesy, or information-only copy of a record, such as reading file or duplicate copy that is disposed of after use.

Non-current Records

Records not needed to conduct current business and have no further use to the originating office. If non-current records have historic value, they should be transferred to the special collections of the Carrier Library. If disposable, they should be destroyed or disposed of in accordance with an approved records retention and disposition schedule.

Permanent Record

Materials created or received in the conduct of affairs that are preserved by the creator because of the enduring historical value or as evidence of the roles and responsibilities of the creator.

Private Record:

A record that does not relate to or affect the carrying out of the official duties of the employee, the office, the department, or any aspect of the university, including private correspondence, diaries, journals, or notes that are not prepared for, utilized for, circulated, or communicated in the course of transacting public business.

Personal Papers

Private records related solely to an individual's own affairs.

Public Records:

Recorded information that documents a transaction or activity by or with any public officer, agency or employee of an agency. Regardless of physical form or characteristic, the recorded information is a public record if it is produced, collected, received or retained in pursuance of law or in connection with the transaction of public business. The medium upon which such information is recorded has no bearing on the determination of whether the recording is a public record. Materials made or acquired and preserved solely for reference use or exhibition purposes, extra copies of documents preserved only for convenience or reference, and stocks of publications are not considered public records for the purposes of this policy.

Preservation

Act of stabilizing storage environments and records in order to ensure the continued existence, accessibility, and authenticity of documents over time.

Records Management

The systematic control of records throughout their life cycle to ensure efficiency and economy in their creation, use, handling, control, maintenance, and disposition.

Records Officer:

The Records Officer role for the university resides in the Office of the Assistant Vice President for Human Resources, Training and Performance.

Records Series

Group of similar or related records that are arranged according to the file system and that are related as a result of being created, received, or used in the same activity.

Retention Period

Length of time a record is held before disposal takes place.

Semi-current Records

Records not required for immediate access, but retained for information, audit, or legal purposes. Some semi-current records, such as certain student and personnel records, are permanent in nature.

4. APPLICABILITY

This policy applies to all university employees with the responsibility to maintain or manage university records.

5. POLICY

Departments must store, retain and timely destroy public records that they generate and receive.

Public records must not be destroyed or discarded unless the retention period has expired as indicated in the Library of Virginia General Records Retention and Disposition Schedules (General Schedules); a certificate of records destruction (RM-3 form) has been properly completed and has been approved by the university records officer; and there is no litigation, audit, investigation, or request for records pursuant to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) pending at the expiration of the retention period for the applicable records series.

6. PROCEDURES**6.1 Records Storage and Retention**

Records, regardless of their format, must be preserved, maintained, and accessible throughout the records' lifecycle. The lifecycle of a record is determined by its record retention period and disposition method stated in the General Schedules.

Current records must be maintained in appropriate filing or retrieval equipment for immediate access and use within the department. If a set of paper records are scanned and stored electronically, departments must document which copy, paper or electronic, will be the copy of record (the official public record) and which is the non-record. Non-records may be destroyed whenever the department deems appropriate.

Confidential records must be stored in a secure area that is locked and has controlled access for select personnel only. Access to confidential records in electronic formats will be limited by assigning the appropriate level of IT Security.

Semi-current records should be retired from storage in working office space and moved to a designated storage area when possible.

Some non-current records must be stored permanently according to the General Schedules. If the disposition stated in the General Schedules is not Permanent, then records may be destroyed at the end of the scheduled retention period noted in the General Schedules.

6.2 Records Destruction

All departments that generate, receive or maintain public records must undertake a periodic review of records to identify all records for which the retention period has expired. For any given public record or series of records, refer to the General Schedules to determine if the retention period has passed.

Before destroying records, complete a Certificate of Records Destruction ([RM-3 form](#)). Volume of records should be reported in cubic footage or bytes, such as megabytes (MB). See [Volume Equivalency Table](#). (Note: Destruction of non-records should not be reported on an RM-3 form. For example, if a set of paper records are scanned and stored electronically, departments document which one will be the copy of record and which is the non-record. Non-record copies may be destroyed whenever the department deems appropriate.)

Submit the completed RM-3 form to the university records officer for review for adherence to the records retention and disposition schedules, ensuring that all known audits, investigations, Freedom of Information Act (FOIA) requests, and litigation activities are resolved prior to destruction.

The records officer will flag any deficiencies in the RM-3 form for correction by the department. If the form is approved by the university records officer, the department receives notification to proceed with the destruction of the records. According to the Library of Virginia's interpretation of the Virginia Public Records Act, records scheduled for destruction will be destroyed no later than the end of the calendar or fiscal year in which the retention period expires. Records that contain identifying information shall be destroyed within six months of the expiration of the records retention period. In the case where expired records are discovered after this time frame, departments should proceed with completion and submission of the RM-3 form as soon as practical.

Upon request by the university records officer, records will be made available to evaluate the records' potential archival or historic value prior to authorizing destruction.

6.3 Destruction Methods

The department that owns the records refers to the General Schedules for guidance on the appropriate way to dispose of the records. The nature of the information and the format of the records (physical or electronic) dictate the method by which they should be destroyed. Departments must ensure that identifying information in confidential or privacy-protected records is protected from unauthorized disclosure through the ultimate destruction of the information. Destruction of confidential or privacy-protected paper records will be done by shredding, pulping, or incineration. Electronic records must be overwritten with meaningless data or the storage media must be physically destroyed.

Regardless of the method, the department that owns the records must assure that they are destroyed in a proper manner, and that all destructions are reported to the records officer, who in turn notifies the Library of Virginia.

7. RESPONSIBILITIES

The university records officer is responsible for administering the university's records management program in accordance with state law and university policy. The records officer assists departments with their records retention and disposition questions

The Office of University Counsel is responsible to notify the records officer of records that must be held for any in-process audit, Freedom of Information Act requests or litigation.

All departments, offices and employees that generate, receive or maintain public records as defined above are responsible for preparing and submitting the Certificate of Records Destruction (RM-3) for those records. They are further responsible for compliance with procedures regarding records storage and timely and appropriate destruction of their records, as established by this policy.

The university is responsible for the development of a Records Emergency Action Plan in conjunction with the university's Continuity of Operations Plan that is devoted to the protection and recovery of essential records in the event of a disaster or other emergency situation. At JMU, these matters are addressed in Policy [1112](#) – Contingency Management Planning, and Policy [1206](#) – Contingency Management for Technology-based Information Systems.

8. SANCTIONS

Sanctions will be commensurate with the severity and/or frequency of the offense and may include termination of employment.

9. EXCLUSIONS

Private records and personal papers owned or maintained by university employees are not covered by this policy.

Destruction of non-records - those records created for convenience, courtesy, or an information-only copy of a record, such as reading file or duplicate copy - are not reported and destroyed according to the procedures within this policy.

10. INTERPRETATION

The authority to interpret this policy rests with the president and is generally delegated to the records officer.

Previous version: March 2019

Approved by the President: April 2010

Additional Resources:

Policy [1103](#) – Responding to External Requests for Information

Policy [1316](#) – Employee Records – Release of Information

Policy [2112](#) – Student Privacy