Records Management
Interagency Coordinating Council

Biennial Report

2001-2002

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Council Members and Delegates

Chair, Peggy Rudd, Director and Librarian
Texas State Library and Archives Commission
representing the Texas State Library and Archives Commission

Carolyn Purcell, Executive Director
Department of Information Resources
representing the Executive Director, Department of Information Resources

Amanda Crawford, Assistant Attorney General
Office of the Attorney General
representing the Attorney General

Teresa Morales, Records Management Officer
Office of the Comptroller of Public Accounts
representing the Comptroller of Public Accounts

Eva Dechene, Records Management Officer
Texas Building and Procurement Commission
representing the Executive Director, Texas Building and Procurement Commission

Dan Procter, Texas Register Director
Office of the Secretary of State
representing the Secretary of State

Laura Wisdom, Librarian and Records Management Officer
State Auditor's Office
representing the State Auditor, who serves as a non-voting member

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Part I. Background

The Records Management Interagency Coordinating Council (RMICC) was established by Senate Bill 366 of the 74th Legislature. It replaced the State Library and Archives Commission's Records Management and Preservation Advisory Committee, which was abolished by the same act. During the 75th Legislative Session, the RMICC's responsibilities were expanded to implement Senate Bill 897. The Council is composed of the following officers or the officer's designee:

(1)   the Secretary of State;
(2)   the State Auditor, who serves as a nonvoting member;
(3)   the Comptroller of Public Accounts;
(4)   the Attorney General;
(5)   the Director and Librarian, State Library and Archives Commission;
(6)   the Executive Director, Texas Building and Procurement Commission; and
(7)   the Executive Director, Department of Information Resources.

The Council is charged to:
(1)   review the activities of each member agency that affect the state's management of records;
(2)   study other records management issues; and
(3)   report its findings and any recommended legislation to the governor and the legislature.
(4)   Monitor compliance of Senate Bill 897 (Sections 1-3 concerning telephone directory blue pages; Section 4 concerning the Electronic Records Research Committee).

Mission Statement:

The RMICC coordinates the management of government records by:

- Informing the legislature on records management issues and making recommendations to improve records management processes and accountability;
- Facilitating the transition from paper to electronic records; and
- Developing consistent records management in state agencies.

Part II. New E-Mail Policy Model for State Agencies

Progress Report

On October 3, 2001 RMICC approved and endorsed a *Model Policy for Records Management Requirements for Electronic Mail* for use by Texas state agencies. The Texas State Library and Archives Commission developed the model policy in response to requests for policy guidance by state agencies. It can be found on the Library's Web Site at http://www.tsl.state.tx.us/slrm/recordspubs/e-mail_model.html

The opportunities that e-mail provides for enhancing information exchange are just as great as the challenges it presents for the proper management of state records. The issues that must be addressed in any e-mail policy include staff use, privacy concerns, impact of the Texas Public Information Act, and management and disposition of e-mail in accordance to state records retention requirements.

Because electronic messages transmitted through an agency's e-mail system are generally considered to be state records, they are subject to disclosure under the Public Information Act.

Retention periods for records are based on subject matter content, not on media format. Therefore, e-mail is not a single record series and there is no single retention period for all e-mail messages. Currently, the end-user of the e-mail system must take the responsibility of classifying and disposing of e-mail. To achieve compliance with retention rules, training the end-users will be essential.

This policy model should be implemented within the larger context of the agency's record's management structure. It is hoped that this policy will provide Texas state agencies with a starting point in their efforts to manage e-mail.

Recommendation

RMICC encourages state agencies to use the Model Policy for Records Management Requirements for Electronic Mail in their records management programs.

Part III. Uniform Electronic Transactions Act

Progress Report

The Uniform Electronic Transactions Act (UETA) is a model act developed and approved for adoption by state legislatures by The National Conference of Commissioners on Uniform State Laws in 1999. The Texas version of UETA, Senate Bill 393 was passed by the 77th Texas Legislature in 2001 and became effective on January 1, 2002. It is codified in Chapter 43 of the Business and Commerce Code. Before the passage of the act there was no comprehensive Texas state law for electronic

commerce and electronic transactions. The purpose of UETA is to remove barriers to electronic commerce by validating and effectuating electronic records and signatures. It is not a digital signature statute. UETA is designed to support and compliment Texas' digital signature rule.

An important aspect of this law is that it does not require a record or signature to be created, sent, received or otherwise processed by electronic means. It is permissive in that each of the parties of a transaction must agree to conduct that transaction by electronic means and does not require that all transactions be electronic. It also provides that if a law requires a written record or signature, an electronic record or signature will suffice. Records managers should note that UETA requires that the record be retained in a manner that accurately reflects the information in the record at the time the record was created, and that the record remain accessible for later reference. If that record is to be retained, it may be retained in electronic format. UETA also prohibits evidence in a lawsuit to be excluded solely because it is in electronic form. However, UETA does not apply to laws governing the creation and execution of wills, codicils and testamentary trusts.

UETA's consideration of other substantive law does not ignore the necessity of the creation of rules and guidelines for electronic contracting. The introduced bill was amended several times, but with one exception, the amendments were technical amendments designed to ensure minimal conflict between the Texas version of UETA with the Federal E-Sign legislation.

Beginning in April 2002, DIR and TSLAC convened a task force to determine what rules and procedures were necessary to enable Texas governments to effectively implement the requirements of UETA. The task force consisted of representatives from selected state agencies, local governments, county associations, technology vendors and a title company. In September, the UETA Task Force produced *Guidelines for the Management of Electronic Transactions and Signed Records.* The task force chose to recommend to DIR and TSLAC that they create a guideline, rather than rules, because of the rapidly changing nature of technology available for creating, sending, receiving, maintaining, and retaining signed electronic documents. The guidelines address electronic transactions and signed records, risks relating to electronic transactions and other records management issues.

Recommendation

RMICC has no recommendation at this time.

Part IV. Third Annual e-Records Conference Held

Progress Report

The Texas State Library and Archives Commission (TSLAC) and the Department of Information Resources (DIR) sponsored its third annual conference on December 2, 2001 in Austin, Texas. This conference was entitled "e-Records 2001: Privacy and Security of Electronic Records". The agenda included presentations by Joan Feldman from Computer Forensics, Inc., as well as records and legal experts from the Railroad Commission and the Attorney General's Office. A panel discussion on privacy and legislation followed with representatives from government and private organizations. The conference was well attended, with over 300 government registrants participating in the one-day event.

This year the conference will take on special meaning as a result of the events of September 11, 2001. The trade-off between personal freedoms and domestic security have far reaching implications for state government and how it conducts its business. The fourth annual conference will be held in Austin on November 21, 2002 and is entitled "e-Solutions in e-Government".

This annual conference is dedicated to cross training records managers, information resource managers and archivists on electronic records management. TSLAC & DIR are the two agencies in Texas responsible for managing records and providing technological infrastructure respectively.

Recommendation

RMICC has no recommendation at this time.

Part V. Managing E-Mail as a Record

Progress Report

In July, 2001, with the support of RMICC, professors from the University of Texas Graduate School of Library and Information Science and the Department of Computer Science, along with records management and information technology staff from the Railroad Commission of Texas submitted a grant proposal under the National Science Foundation's Digital Government Program. The title of the proposal was "Legitimating e-mail for official government business: Automatic adaptive classification." The project proposed to analyze human e-mail classification behaviors and apply text classification techniques to develop an automated means of classifying e-mail messages by subject content for records retention purposes.

While waiting for results of the grant review process, the Department of Information Resources, the Texas State Library and Archives Commission, the Railroad Commission,

the Texas Department of Mental Health and Mental Retardation, and the Graduate School of Library and Information Science convened staff to discuss the feasibility of establishing a centralized electronic repository for storing and accessing all state agencies' and universities' e-mail messages.

At that initial meeting, it was learned that the grant had not been approved. Alternatives were discussed which lead to asking the *Problems in the Permanent Retention of Electronic Records* class at the University of Texas at Austin to develop a model for the long-term preservation and access of electronic mail records produced by Texas state agencies. The class project, the *Texas E-mail Repository Model*, makes five recommendations for Texas leadership and proposes a model upon which a digital archive for Texas could be developed. The recommendations include:

- Encouraging compliance with the current e-mail guidelines as promulgated by the Texas State Library and Archives Commission to establish a common reference for all agencies
- Creating an automated e-mail classification system that uses metadata created by e-mail messaging systems
- Adopting the Open Archival Information System (OAIS) framework as a guide to developing a long-term trusted preservation repository for e-mail and other digital objects
- Developing a prototype repository with features that can be phased in over time using the facilities at the West Texas Disaster Recovery and Operations Center, with management and oversight of the archive by a representative management board and the administration and operations outsourced to a trusted vendor.

Recommendations

1. RMICC encourages compliance with the current e-mail guidelines as promulgated by the Texas State Library and Archives Commission to establish a common reference for all agencies.

2. RMICC supports DIR's initiative to establish a centralized, trusted, digital repository for e-mail archives as proposed in the Texas E-Mail Repository Model. After establishing the repository, subscription fees can be raised to support the repository as needed.

Part VI. Information Seeking and Access

Progress Report

Since RMICC's recommendation was made to seek partners within the academic community to conduct research into the informational needs and information-seeking behavior of Texas citizens, the Texas Online Portal has been fully authorized by the Legislature. Texas Online's goal is to become the preferred single point of access to government information and services by the public. In order to fulfill that goal, Texas Online has conducted usability tests and user surveys and implemented other process improvement measures. Texas Online and the State of Texas web page merged in January 2002.

Recently, a committee dedicated to refining and improving the portal by reviewing existing data and conducting new research on visitors' needs was convened. In addition, Texas Online is finalizing the vendor selection for a content management system that will include a significantly improved search process. Visitors with targeted interests will have a faster and more accurate means to seek and retrieve information about their topic. Plans also exist for Texas Online and TRAIL to find ways to coordinate or combine search capabilities.

The 76th Legislature required RMICC and the Texas Information and Referral Network (TIRN) to work together "to establish a single method of categorizing information about health and human services to be used by the RMICC and the TIRN." The TIRN report, published in December, 2000, suggested that after reviewing three different health and human services taxonomies in use by the State, the most complete one was already in use by TIRN. The report also indicated that the implementation of the 211 number for "one call health and human services" made the need for a single taxonomy moot. RMICC issued a letter concurring with TIRN's findings with the caveat that TIRN should continue providing a health and human services taxonomy to the telephone Blue Pages, at least until it was generally known that the 211 number existed.

Recommendation

RMICC should monitor the joint efforts of Texas Online and TRAIL to provide a single point of access for government information and services for citizens. There are still a large number of agency web sites, hotlines, information and referral services, and reference desks that confuse citizens and agency staff in their attempts to find the best resource to meet their specific needs. Proposed methods of combining access must be integrated with other efforts in Texas state government. RMICC should also monitor the use of the 211 number and the TIRN taxonomy in relation to the Blue Pages.

Part VII. Survey on the Status of Electronic Records Management in Texas State Government

Progress Report

The methods in which records are created, used, managed and retrieved have undergone significant changes in the last few years. The processes used in the past to manage paper records do not directly translate to managing electronic records. Challenges abound to efficiently and cost-effectively handle official state records in electronic format. Some of the issues RMICC has reviewed include managing transactional records, preserving and maintaining state agency web sites as records, identifying what kinds of information should be published on web sites, and methods for effectively managing e-mail. In February 2002, RMICC discussed the need to prioritize these issues in order to maximize its ability to make recommendations to State Leadership.

A workgroup was convened to prepare an action plan. RMICC approved the workgroup's recommendation to survey executive directors, records managers, and information resource managers about problems agencies and universities face in managing their electronic records and the coordination across disciplines necessary to achieve success. Separate surveys for each group are planned with the initial survey going to agency and university Records Management Officers (RMO). The RMO survey is being *beta*-tested during the fall and should be ready for mail out before the end of the calendar year. The survey results will provide a comprehensive picture of current electronic records management practices, identify and prioritize key challenges, and highlight best practices.

Finding solutions for managing electronic records will:

- Reduce risk to loss of information.
- Reduce risk of litigation.
- Increase security of confidential information.
- Determine feasibility of a centralized electronic records depository.
- Increase ability to respond to public information requests.
- Reduce costs of managing information.

Recommendation

RMICC should proceed with the survey of Records Management Officers and submit it to them before the end of 2002. RMICC should continue developing the survey forms for the executive directors and information resource managers. The surveys should be administered over the next year. The results of the surveys will be tabulated and RMICC will issue a special report on the findings by March 1, 2003.

Part VIII. Privacy Issues

Progress Report

RMICC's review and assessment of records management and electronic records issues has necessarily included discussions on various privacy considerations. RMICC will continue to evaluate and focus on gaining a better understanding of the privacy issues that relate to records management. The electronic records survey conducted by RMICC will help advance this research and discussion. RMICC anticipates being able to present its findings and recommendations on records management privacy issues upon conclusion of the electronic records survey.

Recommendation

RMICC has no recommendation at this time.

Part IX. RMICC Reviews Rules

Following a review of the Council's rules, pursuant to Texas Government Code §2002.039, RMICC determined that some of its rules were no longer necessary. In March 2002, the Council repealed its rules in Title13 Texas Administrative Code, Chapter 51, concerning Authentication of Electronic Information.

Adoption of similar rules by the Department of Information Resources rendered the RMICC rules unnecessary.

Recommendation

RMICC has no recommendation at this time.

Part X. Review of Records Management Software

RMICC reviewed several records management software products during the biennium. Records management software can be used to automate the classification, management and retention of electronic and paper documents.

Recommendation

RMICC has no recommendation at this time.

Part XI. Proposed Legislation to Expand Membership

RMICC drafted a bill that would expand its membership from seven members to ten members, with the additional three members to be appointed by the presiding officer. The addition of a faculty member from a public university in Texas with demonstrated knowledge in records and information management was discussed by the Council prior to the last session of the Legislature. RMICC now proposes that two state agency Information Resource Managers also be added to the Council. The appointments would bring more expertise to the table and would also be in keeping with efforts in recent years by the Department of Information Resources and the Texas Library and Archives Commission to bring the records management and technology communities closer together.

Recommendation

RMICC should expand its membership to ten members in an effort to increase its expertise in electronic records management.