



Agency Electronic Records Management Has Improved, But Statewide Strategic Plan Still Needed

at a glance

The Department of State has made progress addressing the issues raised in our previous report, including revising administrative rules that govern electronic records, updating its Records Compliance Statement Form, and enhancing training opportunities. However, the department should take additional steps to address other recommendations made in our previous report, including

- collecting information from agencies on their current electronic records management practices, and
- developing a statewide strategic plan for electronic records management.

Scope

In accordance with state law, this progress report describes actions taken by the Department of State and the Legislature to address the findings and recommendations of OPPAGA's 2007 report.^{1, 2}

Background

State government generates a huge volume of information and public records. During the last decade, state agencies have increased their use of electronic rather than paper records to document their activities and business processes. This transformation has improved the way state agencies serve the public, but also has generated a

vast and rapidly growing volume of electronic records. These records include databases, documents created using word processing software, and electronic mail (e-mail).

State agencies face challenges related to cataloging and accessing electronic records, particularly those maintained on aging technology. Given the volume of stored electronic records, agencies may lack the ability to retrieve desired information unless they use effective systems that catalog the content of these records. In addition, as computer hardware and software advances, agencies may lose the capability to access archived records that are stored on outdated storage media (e.g., computer tapes and eight-inch floppy diskettes) unless they convert these records to newer technology.

Florida law mandates that the Department of State is the lead agency for records management, and charges the department with providing guidance and training to state agencies and local governments. As provided by s. 257.36, *Florida Statutes*, the department's Division of Library and Information Services has the authority to promulgate rules relating to records management. While the law states that agencies have a duty to cooperate with the department in complying with statutory provisions, the department is not empowered to enforce records management laws or require compliance with its rules.³

¹ Section 11.51(6), *F.S.*

² *State Agency Electronic Records Management Could Be Improved*, OPPAGA Report No. [07-06](#), January 2007.

³ Pursuant to s. 257.36(5), *F.S.*, it is the duty of each agency to cooperate with the division in complying with state law, designate a records management liaison officer, and establish and maintain an active and continuing program for the economical and efficient management of records.

The division promotes efficient and economical practices for creating, maintaining, retaining, preserving, and disposing of public records. In addition, the division is required to develop and coordinate records management standards, procedures, and techniques, and provide training to state agencies and local governments on approved records management practices and public records access requirements. The division is also statutorily authorized to recommend improvements in current records management practices and is required to survey continuously agency records management operations.⁴

OPPAGA's 2007 review of state agency electronic records management activities found that while the Department of State sets policy for managing electronic records, state agencies use a wide range of approaches to implement these policies. To improve electronic records management, we recommended that the Legislature and department take the actions described below.

- The Department of State should collect additional information on state agencies' current electronic records management practices and use the information to develop a statewide strategic plan.
- The Legislature could consider updating Ch. 119, *Florida Statutes*, to establish a uniform fee policy for copies of electronic records.

Current Status

As we recommended, the Department of State has collaborated with other stakeholders in the early stages of a statewide strategic plan, including modifying administrative rules that govern electronic records. The department also addressed assessment of state agency electronic records practices by updating its Records Compliance Statement form and improving its records management training curriculum. In addition, the department is currently participating in a federally funded program that should further enhance the state's preservation of digital records. However, the department should take additional actions to implement a statewide strategic plan for electronic records management. The Legislature has not

established a uniform fee policy for copies of electronic records.

The department collaborated with stakeholders to modify rules governing electronic records. Our 2007 report recommended that the department annually survey agency electronic records management staff and use the results to develop a statewide strategic plan.⁵ According to department officials, such a survey would be costly and unlikely to elicit a high level of response. The department determined that a more productive approach to electronic records management would be to work with state agencies such as the State of Florida Chief Information Officers (CIO) Council and the Agency for Enterprise Information Technology, to revise administrative rules related to electronic records.⁶

Specifically, the department worked with the CIO Council to revise Rule 1B-26.003, *Florida Administrative Code*, Electronic Recordkeeping. The revision updates guidelines for managing public records created or maintained in electronic form. The updated guidelines reflect current technologies and best practices in managing electronic records and ensuring their retention and accessibility in accordance with the public records provisions of Ch. 119, *Florida Statutes*.

The department also promulgated Ch. 1B-31, *Florida Administrative Code*, Florida Real Property Electronic Recording Standards. The rule prescribes standards for electronic recording of real property documents in those Florida counties in which the county recorder elects to accept electronic real property documents for recordation. The Florida Electronic Recording Advisory Committee recommended the standards based on electronic recording principles issued by the Property Records Industry Association.⁷

⁵ In creating such a plan, the department should work with the Department of Management Services, as the state agency with responsibility for statewide information technology planning and guidance. We also recommended that the department consult with other entities, such as the CIO Council to ensure that the plan has an enterprise-wide perspective, addressing challenges and best practices across agencies.

⁶ The CIO Council was established by the Legislature to enhance communication and collaboration among Agency Chief Information Officers and the Agency for Enterprise Information Technology (AEIT). The AEIT was created to develop and implement strategies and policies for the design, delivery, and management of enterprise information technology.

⁷ The report can be found on the Florida Association of Court Clerks

⁴ Suggested improvements may include the use of space, equipment, supplies, and personnel in creating, maintaining, and servicing records.

The department updated compliance monitoring to better assess agency e-records management practices. The department's Division of Library and Information Services annually receives information from all Florida government entities related to their compliance with state records management laws. Along with compliance information, these entities report the number of cubic feet of records they have destroyed according to state records management requirements and agency disposal schedules.

To more effectively monitor agency e-records management, the division updated its Records Management Compliance Statement, asking agencies to report compliance with records management requirements as applied to such records. The department contacts agencies reporting noncompliance or requesting assistance to determine their needs and concerns. In Fiscal Year 2007-08, 18 agencies reported noncompliance, and the department contacted 17. Most of the agencies contacted were in the beginning stages of trying to establish a records management program, three of the agencies reporting noncompliance were provided onsite training and consultation services, and one sent staff to a division seminar.

However, the information gained from the statements does not generally identify entities' current records management practices, such as the volume of records maintained, the technology used to maintain the records, or the cost or number of personnel dedicated to records management functions. As a result, the division continues to have limited knowledge of the records management activities of state agencies and local governments.

The department enhanced its electronic records training opportunities. The department's Division of Library and Information Services offers a series of annual training seminars and specialty workshops to state and local government agencies on basic records management.⁸ Training opportunities are for individuals who have records management responsibilities, are employed by newly created public agencies, or desire a refresher

course in records management; training can be tailored to meet agency needs and requirements.

The department recently enhanced its records management training by updating its e-records management module. The updates reflect current standards and trends, with the seminars addressing issues such as

- emerging technologies and their implications for records management;
- e-mail and electronic media storage;
- tools and resources needed to develop an Electronic Record Management Policy; and
- current issues in electronic recordkeeping.

The department's implementation of interactive web-based training modules also expanded educational opportunities to state and local governments. The interactive training sessions focus on the recent rule changes that affect electronic records management.

The department is participating in a federal program for preserving digital government information. The department is currently participating in a multi-state, federally funded grant project to develop and test infrastructure for preserving and accessing government electronic records and documents with permanent or enduring value. The project, Persistent Digital Archives and Library System, is funded through the Library of Congress.

The system will be a highly automated information network that will tie participating states' digital storage systems together. The storage systems will hold government records, court case files, web-based publications, and other data that provide valuable information that is more usable and accessible if maintained in electronic form. When the system is operational, it will allow state government agencies to automatically retrieve and transfer electronic records into the storage system. Digital copies of these records will be stored across the nation at different points in the network, which will protect them in case of a catastrophic disaster. The project began in September 2007, and with additional funding provided by the Library of Congress, will run through December 2009.

and Comptrollers website at www.flclerks.com/eRecording.html.

⁸ Upon request, the division also reviews state agency and local government electronic records functions, and makes recommendations to improve operations. In addition, the division issues a manual on electronic records and records management practices.

Additional actions are needed to coordinate and implement a statewide strategic plan. Although the department has taken steps towards establishing a statewide strategic plan, we continue to recommend that it collect additional information from state agency records management staff regarding agency e-records management practices. This information would enable the department to assist agencies in implementing best practices and recommend necessary improvements. In addition, the department should use this information to develop a statewide strategic plan that addresses critical areas of concern, such as outdated technology and the need to ensure long-term access to electronic records created using such technology.

In creating a strategic plan, the department should work with the Department of Management Services, the CIO Council, the Agency for Enterprise Information Technology, and state agencies. In 2008, the National Association of State Chief Information Officers (NASCIO) highlighted the steps necessary to successfully implement a statewide electronic records management policy.⁹ NASCIO recommends creating a collaborative governance structure that includes the state chief information officer, agency records managers, state archivists, state attorneys, and other pertinent agency staff and stakeholders.

A uniform fee policy for copying electronic records has not been established. Our prior report recommended that the Legislature consider updating Ch. 119, *Florida Statutes*, to establish a uniform state policy for fees assessed by state agencies for copies of electronic records. We recommended that the revised policy establish uniform fee levels for providing electronic records, if additional fees should be charged for providing the requested public records via CD-ROM or other commonly used medium, and the level of staff time that represents "extensive use" of information technology and staff resources that would be subject to additional charges.

At this time, the Legislature has not established a uniform fee policy for electronic records. According to Department of State officials, the department has not pursued such a change because it is the prerogative of the Legislature to determine when a statutory revision is necessary. Officials report that should the Legislature determine that statutory changes to the fee structure are necessary, the department would assist the Legislature in making those changes.

⁹ See www.nascio.org/publications/documents/nascio-e-recordschallenges.pdf.

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