

**SALT LAKE COUNTY
COUNTY-WIDE POLICY
ON
GRAMA - ELECTRONIC RECORDS RETENTION POLICY**

References--

Government Records Access and Management Act, (GRAMA) Utah Code Annotated, Section 63G-2-101.

Salt Lake County Ordinance, Title 2: Chapter 2.82 Records Management

Salt Lake Countywide Policy 2000, Records Management Program Definitions

Salt Lake Countywide Policy 2125, Business Continuity

Salt Lake Countywide Policy 2115, Electronic Mail

Salt Lake Countywide Security Policies, 1400 series

Uniform Electronic Transaction Act, Utah Code Annotated, Section 46-4-101 et seq.

Purpose--

The intent of this policy is to provide requirements, guidelines and best practices for electronic records that meet the criteria for public records as defined by the Government Records Access and Management Act (GRAMA) and for the access, preservation, management and retrieval of records to be in compliance with GRAMA, Health Insurance Portability and Accountability Act (HIPAA) and other legal requirements. This policy advances the best practices in capturing, managing, and retaining electronic records to comply with state law and county ordinance concerning the creation, retention of, and access to electronic records. By identifying electronic records that are records and establishing their relevant retention periods, the county ensures compliance with state records law and promotes good management protocol of county information systems.

1.0 Definitions

- 1.1 **CLOUD COMPUTING:** A type of computing that relies on sharing computer resources. It may utilize off-site servers for data storage and management that is owned and operated by third-party providers. This is a model for enabling convenient, on-demand network access to a shared pool of configurable computing resources (e.g., networks, servers, storage, applications, and services) that can be rapidly provisioned and released with minimal management effort or service provider interaction.
- 1.2 **DATA:** is text, drawings and images created or captured on variety of storage devices, computer hard drives and removable media.

- 1.3 **ELECTRONIC MAIL:** Content of communication, transaction information to include dates, times of receipt, sent, opened or deleted and any attachments.
- 1.4 **ELECTRONIC RECORDS:** records created, generated, sent, communicated, received or stored by electronic means. These records include analog (audio, videotapes) and digital formats created electronically or produced by scanning material in other formats.
- 1.5 **INFORMATION:** Is data, text, images, sounds codes, computer programs, software, and databases in any form or format.
- 1.6 **LONG-TERM RETENTION:** The ongoing usefulness or significance of records, based on the administrative, legal, fiscal, evidential, or historical information they contain, justifying their continued preservation.
- 1.7 **RECORDS:** Information or documentary material, regardless of physical form or characteristics, storage media or condition of use. It refers to any means of storing information which is (a) any format, including books, letters, maps, plans, photographs, and other hard copy materials; film, video or audio tape, recordings, and other formats; and disks, computer tapes, e-mails, and other electronic data; (b) which the government prepares, owns, receives or keeps; and (c) which can be reproduced by photocopy or other mechanical or electronic means.
- 1.8 **SOCIAL MEDIA:** Web 2.0 technologies characterized as a collection of Web tools that facilitate collaboration and information sharing. Web-based communities and hosted services include social-networking sites, video and photo sharing sites, wikis, blogs, virtual worlds, and other emerging technologies.

2.0 E-mail Classification

- 2.1 All electronic mail (e-mail) messages that are created, received or stored are the property of Salt Lake County and may be considered a record under the Government Records Access and Management Act.
- 2.2 It is the responsibility of the sender or originator to manage e-mail as a record by selecting the appropriate retention schedule, maintaining the record for the required time period, and complying with the classification requirements of the record. The recipient may also need to maintain e-mail received if it significantly impacts the activities and functions of the recipient's agency.
- 2.3 E-mail is categorized into four broad types; Non-records, Transitory Records, Administrative Support Records and Policy and Program Records. See Salt Lake Countywide Policy 2115 on Retention and Classification of Electronic Mail.
 - 2.3.1 E-mail messages meeting the definition of a record shall be scheduled for retention. The employee creator or originator of documents will manage said

document(s) by creating folders for the appropriate category and delete within set retention schedule.

3.0 Responsibilities of Salt Lake County Agencies

- 3.1 It will be the responsibility of each agency to establish and develop standards, procedures, practices, techniques and schedules; managed under an existing retention schedule whenever possible.
 - 3.1.1 Records shall be managed in order to establish existence, description, location and availability of information stored within the guidelines and direction of Division and department heads.
- 3.2 The County-wide Electronic Records Program is developed to facilitate electronic record management practices. Assistance will be provided to elected officials= offices as requested.
- 3.3 County agencies will follow industry standards guidelines to facilitate electronic commerce and electronic government services, except when limited or prohibited by state statutes.

4.0 Litigation Hold Requirements

The District Attorney's office is responsible to establish a litigation hold protocol to preserve physical and electronic materials and records that may have evidentiary value for internal use or use in administrative or court proceedings. County agencies are responsible to comply with this protocol regarding the retention and disposition of their records.

5.0 Storing Electronic Records

- 5.1 Long-term storage requires that the record be stored in a sustainable format which allows a record to be accessible throughout its life cycle and retention period. Accessibility of electronic records shall be reviewed and tested regularly to ensure accessibility and cost effectiveness.
 - 5.1.1 Disaster Recovery will protect the most business-critical processes and minimize unplanned downtime. The recover methodology process will be subjected to balancing solutions, downtime and cost.
 - 5.1.2 Location of records will utilize online, near line or offline systems, and an off-site storage facility.
 - 5.1.3 System and services will need to be cataloged and rated for criticality.
 - 5.1.4 Precedence of recovery in the case of systemic failure will be performed on a tier level based on the following ratings:

- 5.1.4.1 Recovery time for the data availability
- 5.1.4.2 Recovery of the IT infrastructure
- 5.1.4.3 Restoring the operational processes
- 5.1.4.4 Restoring the business processes

- 5.2 The utilization of pre-determined retention schedules by agency will help to lower the cost of storage. The records management plan will keep only records needed to meet business and legal requirements.
- 5.3 Agencies shall work with Information Services Division to ensure systems comply with standards outlined in state statutes, county ordinance or standard industry guidelines.

6.0 Records Retention Schedule

- 6.1 GRAMA requires counties to establish retention schedules for their records and record series regardless of format. GRAMA does not mandate a particular schedule for maintaining records. The county follows the general retention guidelines approved by the State where no specific County schedule exists.
- 6.2 Records may be retained in analog based system such as paper, photos, maps or digital systems which will be dependent on available technology.
 - 6.2.1 An electronic record shall maintain the integrity of the original document and any migration to a new electronic storage system, which shall also accurately preserve the original record for future reference.
- 6.3 Retention Requirements
 - 6.3.1 Retention and disposition of electronic records must be related to the content, or information they contain or the purpose they serve. Traditional paper-based retention schedules may be too detailed to apply to electronic record categories in which case the longest retention within a category applies.
 - 6.3.2 Agencies will consider the following issues when addressing the needs of retaining electronic records;
 - 6.3.2.1 Digital technology creates records that are fragile and difficult to assess for long term value.
 - 6.3.2.2 Policy issues such as legislative mandates and required standards, i.e., internal, industry, federal, state, etc., must be considered when determining access and retention of electronic records.
 - 6.3.2.3 In establishing retention schedules agencies the needs of all agencies which may be directly affected must be considered.
- 6.4 The law is satisfied by an electronic record retained in accordance with this section. Paper records scanned into imaging systems become the legally recognized record of the

agency and must be maintained for the required retention period. Agencies must develop appropriate program strategies to maintain record integrity and access to imaged records.

6.5 Voice mail and all forms of electronic communications may be considered a record under GRAMA and follow requirements and standards for retention and access.

6.6 Social Media

6.6.1 Salt Lake County agencies can use social media for communications as approved by the elected official and the department or division director in consultation with Information Services. Social media is used 1) for disseminating time-sensitive information, such as in emergency situations, 2) as a marketing/promotional tool to reach wide audiences quickly and 3) to respond to routine informational queries such as reference library requests. Social media postings are generally not reproducible and agencies are encouraged to post only the types of information listed above.

6.6.2 Electronic information posted to a social media site by the County, or a member of the public if permitted, may be considered a record subject to GRAMA. If site content meets the definition of an original record it shall be maintained in accordance with appropriate records retention schedules, IT policies and procedures, and maintained in a reproducible form.

6.7 Cloud Computing

6.7.1 It shall be the responsibility of each agency to ensure that records and documents they create and for which they are responsible are safeguarded and protected according to federal, state or county laws and regulations and all applicable standards.

6.7.2 Each agency that uses cloud computing services must ensure that contract language with the third-party vendor addresses risk management issues that relate to records management and access issues and include but are not limited to:

6.7.2.1 Data integrity and protection concerns relating to who has access to the data,

6.7.2.2 Data security and auditing concerns regarding backups, data loss, data migration, integration with existing databases, data corruption and use of encryption,

6.7.2.3 Data service issues including down time and service restoration,

6.7.2.4 Compliance issues relating to applicable laws and regulations, legal requests for records or information under state records statutes, and e-discovery requests,

6.7.2.5 Records management requirements relating to the long-term functionality, sustainability and integrity of the electronic records stored by the vendor, and

6.7.2.6 To maintain integrity of the data stored by the third party provider, the provider must be able to prove, provide and implement a system of secured document and user rights protection processes. To be considered secure the

system must comply with county standards ensuring confidentiality, integrity, and availability and timely deletion and destruction of records. Breach of such implemented processes must be addressed by countywide policies and procedures.

7.0 Computer Security System - See Salt Lake Countywide Policies in the 1400 series on Information Technology Security.

7.1 It shall be the responsibility of agencies to enforce controls to limit access to access-restricted records. Where applicable, Information Services will coordinate the execution of agency requests for administrative and investigative access through the channels specified in county policies.

8.0 Standardization of File Names, File Formats, System Migration and Data Recovery

8.1 Standards for file naming of each file and subfolder shall be in a logical, consistent and searchable standard throughout each agency. Agencies will set standards to ensure continuity of file conversion so as not to orphan any and all files.

8.2 File formatting shall adhere to both reliability and internal consistency to ensure authenticity of digital documentation.

8.2.1 Compatibility of files relies on certain technologies such as tape drives and electronic compression utilities to be able to access file information. Files or groups of files of excessive size may require alternate methods of storage including compression and diverse media.

8.2.2 The purpose of consistent file formatting is to ensure that electronic records are accessible and retrievable for long-term retention. Examples of file format standards for types of formats include:

- HTML - to display on websites.
- PDF - (Portable Document Format (Adobe)) PDF image only and PDF with non-alterable text. PDF/A provides a file format for long-term preservation by providing a mechanism that represent the electronic document visually over time. (Reference ISO 19005-1).
- TIFF-(Tagged Image File Format): most flexible of the public domain raster file formats.
- JPEG-(Joint Photographic Expert Group): typically used for storing photographic images. JPEG images suffer generational degradations when repeatedly edited and saved.

8.3 System Migration: Agencies shall provide for system migration in accordance with acceptable standards in order to ensure accessibility and retrievability for long-term retention.

- 8.3.1 Agencies shall maintain instructions for access and retrieval of data along with all proper certificates and licensing. Testing, upgrades and quality checks need to be performed to ensure access to any and all documents and safeguard the authenticity and reliability of the record.

9.0 Digital Signatures

- 9.1 Electronic and digital signatures shall be designed to authenticate the signer or sender and indicate the sender’s document has not been altered. Electronic records and/or electronic signatures have legal consequences as determined by this section and other applicable laws.
- 9.2 Agencies using electronic signatures for transactions to conduct County business must retain the record in its final form and ensure it is accessible for later reference as required by UCA 46-4-301.

10.0 Audit Trails

- 10.1 An audit trail system or capability should be used on all county systems. Agencies need to be aware of regulatory requirements that mandate the use of an audit trail.
- 10.2 An audit trail shall document access to systems and information, including identification of the individual and the time of access. Security systems will validate or invalidate specific entries, detect attempts at violating the security of the system, and identify the violator(s). Audit trails shall be used to document the trustworthiness and reliability of the system as well as the integrity of the electronic records stored in the system.
- 10.3 Audit trails shall be generated automatically by the system receiving, processing, and maintaining the records. All audit records will be retained in compliance with established federal, state or local government records retention and disposition schedules.

11.0 Website Retention

- 11.1 Websites used by County agencies to disseminate information and provide services may contain content that meets the definition of a record under GRAMA. Web-based content may be static, such as documents or publications; or dynamic, which are sites generated from component parts of other individual web pages.
- 11.2 County agencies are encouraged to post only duplicates of official records which are maintained in other recordkeeping systems. If agencies post original, official records to their website they must be maintained in another recordkeeping system.

APPROVED and PASSED this 8 day of November, 2011.

SALT LAKE COUNTY COUNCIL

Max Burdick, Chair

ATTEST:

Sherrie Swensen, County Clerk

APPROVED AS TO FORM:

District Attorney's Office Date