

**University of California  
Records Management Compliance  
Concerns**

Laurie Sletten, CRM, CA  
Records Retention Schedules Project Lead  
UCOP Information Technology Services

2013 UC Compliance & Audit Symposium

---

---

---

---

---

---

---

---

**Why are records needed?**

- Enable business to be conducted efficiently
- Provide continuity by providing a memory of events
- Document the University's activities
- Provide evidence of how decisions are made
- Protect rights of individuals and the University

2

---

---

---

---

---

---

---

---

**Managing Records**

Since we need records, they must be managed

**WHY?**

Everyone creates records

Records seem to outgrow their space overnight

Private information can accidentally be released

It costs money to maintain records

Out-of-date records jeopardize efficiency

Obsolete records can be a legal liability

3

---

---

---

---

---

---

---

---




---

---

---

---

---

---

---

---

---

---

---

---

**Records Management Division**

- General
- Outreach & Training
- Records Management
- Special Projects
- Stuff
- Things
- Marks - KEEP OUT

Item	Description	Date	Category
101	101-101-101-101	Monday, February 11, 2002 11:13:19 AM	Calendar
102	101-101-101-101	Tuesday, April 30, 2002 12:03:19 PM	Calendar
103	101-101-101-101	Tuesday, April 30, 2002 11:30:19 AM	Calendar
104	101-101-101-101	Tuesday, April 30, 2002 11:10:19 AM	Calendar
105	101-101-101-101	Friday, April 05, 2002 12:03:19 PM	Calendar
106	101-101-101-101	Monday, April 08, 2002 11:30:19 AM	Calendar
107	101-101-101-101	Monday, April 08, 2002 11:10:19 AM	Calendar
108	101-101-101-101	Monday, April 08, 2002 11:00:19 AM	Calendar
109	101-101-101-101	Monday, April 15, 2002 11:30:19 AM	Calendar
110	101-101-101-101	Monday, April 15, 2002 11:10:19 AM	Calendar
111	101-101-101-101	Monday, April 15, 2002 11:00:19 AM	Calendar
112	101-101-101-101	Tuesday, April 16, 2002 11:30:19 AM	Calendar
113	101-101-101-101	Tuesday, April 16, 2002 11:10:19 AM	Calendar
114	101-101-101-101	Tuesday, April 16, 2002 11:00:19 AM	Calendar
115	101-101-101-101	Wednesday, April 17, 2002 11:30:19 AM	Calendar
116	101-101-101-101	Wednesday, April 17, 2002 11:10:19 AM	Calendar
117	101-101-101-101	Wednesday, April 17, 2002 11:00:19 AM	Calendar
118	101-101-101-101	Thursday, April 18, 2002 11:30:19 AM	Calendar
119	101-101-101-101	Thursday, April 18, 2002 11:10:19 AM	Calendar
120	101-101-101-101	Thursday, April 18, 2002 11:00:19 AM	Calendar

---

---

---

---

---

---

---

---

---

---

---

---

**We used to have the records in (paper or microfiche) but we had them scanned and then we destroyed the other records. Now we are finding out that no one checked the scans to make sure they were legible.**

---

---

---

---

---

---

---

---

---

---

---

---



## Proliferation

**Volume**

- One printed word-processing document
- How many electronic documents?

1 hard drive + 12 monthly backups	13
3 internal recipients	40
5 drafts reviewed by recipients	184
Email used to circulate drafts and final	364 to 1444

From **Electronic Discovery**, National Workshop for United States Magistrate Judges, June 12, 2002, Kenneth J. Withers, FJC Research Division at <http://www.fjc.gov/newweb/jnetweb.nsf/pages/196>

---

---

---

---

---

---

---

---

---

---

## Persistence and Proliferation

**Volume**

- Hypothetical email system
  - 100 employees
  - 25 messages/employee/day
  - 250 full working days/year

**625,000 messages**

- 12 monthly backups

**7,500,000 total messages**

From **Electronic Discovery**, National Workshop for United States Magistrate Judges, June 12, 2002, Kenneth J. Withers, FJC Research Division at <http://www.fjc.gov/newweb/jnetweb.nsf/pages/196>

---

---

---

---

---

---

---

---

---

---

## Real life example

### E-Discovery – Document Production

My harvesting for first 11 days = 69 hours:

ESI harvesting results	Items	Bytes	Megabytes	Gigabytes
E-mail messages	8,993	3,335,965,696	3,181	3.107
Other ESI	606	303,038,464	289	0.282
Totals	9,599	3,639,004,160	3,470	3.389

12

---

---

---

---

---

---

---

---

---

---

ESI on server	PSTs	PST
B:\_pst	_pst	817 MB
B:\_BAK\Profile	Personal Folders(1).pst	873 MB
B:\_Desktop\My Documents\docs from c	archive.pst	0.98 MB
	Backup.pst	8.25 MB
B:\_email	archive2.pst	556 MB
B:\_Desktop\My Documents\docs from c	Backup.pst	8.25 MB
B:\_Desktop\My Documents\docs from floppy disk	Backup.pst	8.25 MB
	Backup.pst	8.25 MB
B:\_My Documents\docs from floppy disk	archive.pst	320 MB
B:\_Outlook		
B:\_U	Personal Folders(1).pst	873 MB
B:\_UNC Drive\Documents and Settings\N\Desktop\My Documents\docs from c	Backup.pst	8.25 MB
B:\_UNC Drive\Documents and Settings\My Documents\docs from floppy disk	Backup.pst	8.25 MB
B:\_UNC Drive\email	archive.pst	556 MB
B:\_U\BAK\email	archive.pst	556 MB
B:\_U\Outlook	archive.pst	320 MB
	_pst	817 MB



## Real life example

### E-Discovery – Document Production

My harvesting for first 11 days = 69 hours:

ESI harvesting results	Items	Bytes	Megabytes	Gigabytes
E-mail messages	8,993	3,335,965,696	3,181	3.107
Other ESI	606	303,038,464	289	0.282
<b>Totals</b>	<b>9,599</b>	<b>3,639,004,160</b>	<b>3,470</b>	<b>3.389</b>

Final numbers (hours not available):

ESI harvesting results	Items	Bytes	Megabytes	Gigabytes
E-mail messages	34,695	12,292,428,800	11,723	11.448
Other ESI	66,906	104,919,430,296	100,059	97.714
<b>Totals</b>	<b>101,601</b>	<b>117,211,859,096</b>	<b>111,782</b>	<b>109.162</b>

14



### Engineer: Utility knew pipeline records incomplete

By The Associated Press  
Wednesday, August 1, 2012

REDWOOD CITY, Calif. — A senior Pacific Gas & Electric Co. engineer testified that he repeatedly warned his supervisors before a fatal gas pipeline explosion in a San Francisco suburb that the utility's gas records were incomplete, but they did nothing about it.

John Azzari said in a deposition taken as part of a lawsuit against PG&E after the 2010 blast in San Bruno that he was concerned those faulty records could endanger lives. The blast killed eight people, injured dozens and destroyed 38 homes.

Azzari's deposition was filed on Tuesday in San Mateo County Superior Court for attorneys for the 150 plaintiffs in the suit. PG&E has said the explosion was an accident.

He said he was scheduled to go to trial in October.

Azzari said the incomplete and inaccurate records were contained in PG&E's internal details about a pipeline's history and characteristics.

Internal and state regulators have said there were errors and missing information.

PG&E, for example, was not aware that the pipeline that exploded in San Bruno would have been required to prove the line was in good condition before it was built.

PG&E spokeswoman Brittany Chertoff said the utility will file its response to Azzari's deposition.

PG&E President Chris Johns has said he was told only after the blast that he Sept. 9, 2010, blast has been blamed on an inferior pipeline weld. An attorney representing pipeline welders has accused PG&E of covering up the company's use of inferior welds.

The company has said it plans to pressure test, replace or otherwise evaluate the pipeline.

### IT boss says she was told to delete emails

**Fallbrook district accuses her of hacking, snooping**

By Ashley McGilone  
Monday, June 11, 2012

The former technology director is suing the Fallbrook Union Elementary School District for nearly \$1 million, alleging she was wrongfully terminated for erasing emails from the district's email system.

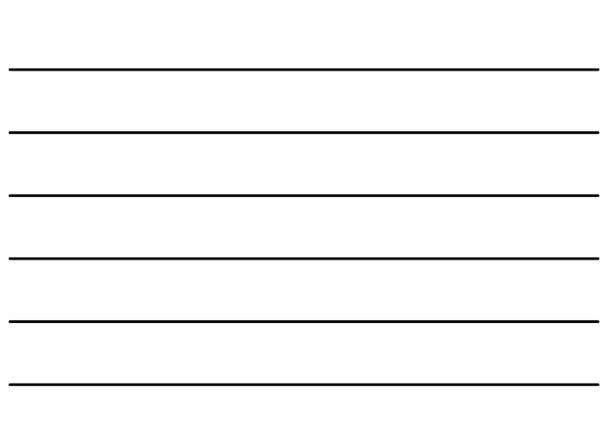
She claims she was told to do so, but the district accuses her of hacking.

Elaine Albyn of Encinitas claims the superintendent and assistant superintendent of business services directed her to dismantle the district's email archive in August, permanently erasing emails in trash folders systemwide.

She also claims she was asked to change district computers so they would retain emails for one week - down from three years.

Her lawsuit says she told the superintendent the move would violate state and federal laws governing public agency records retention, and she was ultimately directed to keep un-deleted emails for no more than one year, and deleted emails for no more than one week.

Albyn was fired May 7. The district claims she repeatedly hacked into administrator emails to snoop on her superiors for several months, and initiated unauthorized email deletions in "an attempt to evade detection of her deceitful activities," and destroy evidence of her email snooping.



*Zubulake v. UBS Warburg, LLC*

- Can you imagine:
  - Testifying in court through more than five years and seven lawsuits?
  - Being fined \$29 million in damages for:
    - Willfully deleting e-mails?
    - Recycling and reusing backup tapes?
    - Failing in your duty to locate, preserve, and produce relevant information in a timely fashion?

---

---

---

---

---

---

---

---

---

---

**Murder retrial ordered after court records destroyed by virus**  
 Stenographer blamed after backup records nixed

John E. Dunn (Techworld) — 05 January 2012 02:05

A convicted murderer has been granted a retrial after a stenographer's backup record of his trial was apparently destroyed by a malware infection.

The possibly unique sequence of events came to a head when Randy Chaviano, 26, appealed against his 2009 conviction in a Florida court for shooting Charles Accosta during an alleged drug deal.

When the Appeal Court discovered that almost no records of the trial still existed, the judge struck down the conviction and ordered a retrial.

According to Florida press sources, the stenographer tasked to record the trial had deleted primary records held on a 'memory disc' used in the stenography process before the electronic backup made to a PC was also destroyed after an unspecified malware infection.

All that survived were some pre-trial notes and closing arguments made by the defence and prosecution. The paper records that are usually made by stenography machines were apparently not made in full, which means that the legal recording process failed in three separate media.

"The overturning of a murder conviction always means terrible pain for the victim's family and frustration for prosecutors and police officers," Ed Griffith of the Miami-Dade Attorney's Office was reported as saying.

"Overturning a murder conviction because of a court reporter's problem creates a brand new level of pain and frustration," he said.

Exactly what went wrong with the stenographer's PC is a mystery. Normally, even data from a non-functioning hard disk can be recovered at relatively low cost using a specialised service.

17

---

---

---

---

---

---

---

---

---

---

**Records Management**

- **Records Management:** Ensures records can be easily retrieved when required and disposed of in accordance with policy, law, and contracts. (RMP 1 – University Records Management Program)

18

---

---

---

---

---

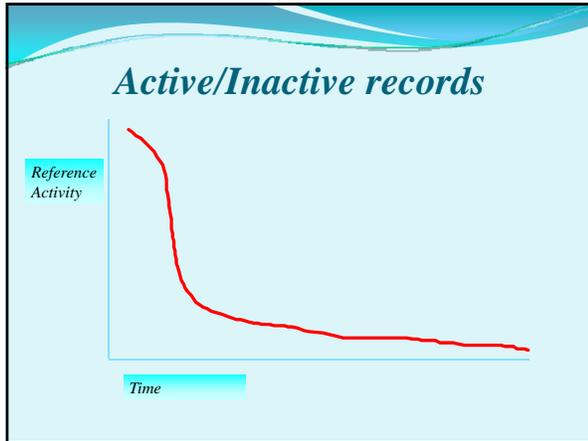
---

---

---

---

---



---

---

---

---

---

---

---

---

### What is meant by "Active" and "Inactive" Records?

- **Active Records** - Records needed for current, day-to-day activities. Usually stored near users and accessed frequently.
- **Inactive Records** - Records no longer needed for the day-to-day operations, but still required to be kept for operational, legal, fiscal, or historical reasons. Records could be stored further away from the users as they are not accessed frequently.

---

---

---

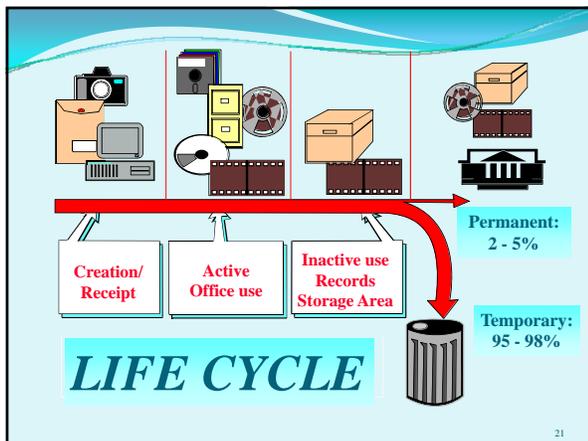
---

---

---

---

---



---

---

---

---

---

---

---

---

### Stages in Records Life Cycle

**CREATION:**  
Records are made or received by the University

**MAINTENANCE AND USE:**  
Any action involving the storage, retrieval, and handling of records kept in offices by, or for, the University

**DISPOSITION:**  
Action taken regarding records no longer needed for current business. These actions include:

- transfer to storage facilities or a formal records center,
- transfer from one organization to another,
- transfer of permanent records to an archives, and
- disposal of temporary records

22

---

---

---

---

---

---

---

---

---

---

Total Records Management  
The "Life Cycle" Approach  
Adapted from Ira A. Penn, CRM, FAI

---

---

---

---

---

---

---

---

---

---

### Records Disposition – Records Retention

- Most Records Management programs will have this component.
- A major key to managing records is determining how long to keep them and when they can be destroyed or transferred to a records center or an archives after their active usage has diminished.

---

---

---

---

---

---

---

---

---

---

*Records Appraisal*  
Determining the value of records

- All records have value to the organization creating or receiving them
- Some records have permanent value and warrant preservation by an archives
- Records appraisal is the process used to determine the value of a record series



---

---

---

---

---

---

---

---

Records Appraisal is **NOT**

- Flipping a coin 

---

---

---

---

---

---

---

---

Records Appraisal is **NOT**

- Flipping a coin 
- Using an Ouija Board 

---

---

---

---

---

---

---

---

Records Appraisal is **NOT**

- Flipping a coin 
- Using an Ouija Board 
- Holding a Séance 

---

---

---

---

---

---

---

---

Records Appraisal is **NOT**

- Flipping a coin 
- Using an Ouija Board 
- Holding a Séance 
- Deciding on some arbitrary amount of time, like 7 years

---

---

---

---

---

---

---

---

Records Appraisal is **NOT**

*Deuteronomy  
Chapter 15:1*

*“At the end of every seven years you shall grant a release.”* 

---

---

---

---

---

---

---

---

**Records Appraisal:**

- Administrative value - how long does the office need the records for their day-to-day requirements?
- Fiscal value – are the records needed for any financial audits, what organization is doing the audit, and what is their audit cycle?
- Legal value – what are the possible legal issues, and laws/regulations that govern these issues, such as "causes of actions" for "statutes of limitations"?
- Historical value - Archivists weigh the significance of records in terms of our mission; past, current, and future research interests; and other records found in the archives.

31

---

---

---

---

---

---

---

---

**CAUTION!**

Records should be retained, regardless of media, for the retention period required by the **Records Retention Schedule**, or for as long as the records are "**Frozen**"\*\*



**\*\* Records that must be retained for audits, investigations and litigation purposes, regardless of the retention period**

---

---

---

---

---

---

---

---

**NETWORKWORLD**

This story appeared on Network World at <http://www.networkworld.com/newsletters/gwn/2008-040708msg1.html>

**Not preserving data properly can cost you**

The pain that can be imposed on companies if they don't properly archive or protect content **Unified Communications Alert** By Michael Osterman , Network World , 04/08/2008



\* In the case of Bank of America vs. SR International Business Insurance, it was estimated that the cost to produce e-mails from 350 to 400 backup tapes would be anywhere from \$3,750 to \$4,300 per tape.

\* In the case of Leon vs. IDX Systems Corporation, the plaintiff deleted 2,200 files from the laptop computer his employer had issued to him. The court dismissed the case and awarded the defendant \$65,000 for the spoliation.

\* Prudential Insurance Company of America was fined \$1 million because it destroyed records during a legal action involving its sales practices.

These are just a few examples of the pain that can be imposed on companies if they don't properly archive or protect content prior to and during legal actions. While some decision makers continue to believe that destroying all older e-mail or electronic documents is the wisest course of action, it's important to understand that such a position is not borne out by the facts.

---

---

---

---

---

---

---

---

## Records Retention Schedule

- **Records Retention Schedule:** A document that identifies records and establishes a timetable for their disposition.
- **UC Records Management Committee:** Establishes the University records retention schedule, in consultation with functional managers, senior university management, and the Office of the General Counsel.
- **Membership:** Each campus has a representative on the RMC.

34

---

---

---

---

---

---

---

---

## Records Retention Schedule

- **UC's current schedule is outdated:**
  - Includes obsolete records and excludes current records
  - Does not address current technology or UC's interest in security and privacy
  - Keeps some records too long and others not long enough

35

---

---

---

---

---

---

---

---

### Records Disposition Schedules Manual

The Records Disposition Schedules Manual provides time periods for retaining and disposing of University records. Please contact your local Records Management Coordinator with questions about records disposition.

The Associate Vice President for Information Technology Services has Universitywide policy responsibility for records and information practices, including this disposition schedules manual and the Records Management and Privacy (RMP) series of the Business and Finance Bulletins.

**Introduction**  
 University Statement on Ownership of Administrative Records (RMP-1)  
 UC Records Management Coordinators

<http://www.ucop.edu/information-technology-services/staff/records-disposition-schedules-manual.html>

Records Disposition Schedules Manual (Classified by Functions)

- \* Explanations and Symbols
- \* Searchable Format

**I. Administrative**

- A. Agreements
- B. Applications and Requests
- C. Certificates, Licenses, Permits, Registrations, and Warranties
- D. Contracts, Grants, and Agreements (Extramural) for Research, Training, and Public

---

---

---

---

---

---

---

---





## Update Project

- Updating the schedule is essential to reduce cost, risk, e-discovery burden; and to enhance administrative efficiency.
- ITS has hired me to lead the update project.
- The RMC's Executive Committee developed the position description and participated in the selection.
- In May, I started a two-year contract position.

43

---

---

---

---

---

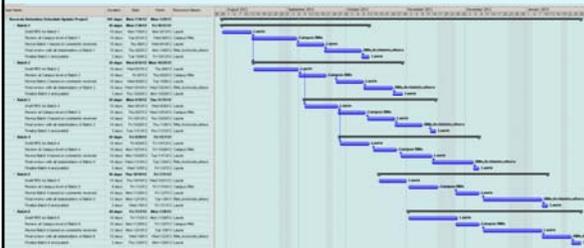
---

---

---

## The Plan

- We developed a plan and timeline for the first phase.



44

---

---

---

---

---

---

---

---

## The Format

- In June the RMC determined the format for the new schedule, and selected broad buckets for records categories.
- They prioritized work in batches by record type.
- Result: a user friendly schedule that will be easier to update over time

45

---

---

---

---

---

---

---

---



### Batches

Records are grouped by function to help facilitate the scheduling process.

Batch	Function
1	General Routine Office Transitory Records
2	Program Administration Records
3	Payroll and Benefits Records
4	Human Resources
5	Human Resources

49

---

---

---

---

---

---

---

---

### Retention Scheduling Process

RMC tells Laurie

What records they want her to schedule      What they want the schedules to look like

↓

Laurie writes a retention schedule (RRS) for those records

Subject matter experts (SMEs) consulted?      SMEs not consulted?

↓

Laurie provides Core Group with a draft schedule

People in the Core Group have their SMEs review      People in the Core Group rely on other Core Group people's SMEs review

↓

50

---

---

---

---

---

---

---

---

### RRS Process continued

After Core Group review, provide comments for changes

Laurie reviews the comments and makes changes when appropriate      Laurie reviews the comments and seeks additional clarification, then makes changes when appropriate

↓

Laurie provides full RMC with a draft schedule

SMEs      Archivists, Records Managers and other stakeholders identified by RMC

↓

No news after 10 work days means RRS is approved

Publish on web-site      Announce new schedule

51

---

---

---

---

---

---

---

---





**Questions on this project?**

*Laurie Sletten, CRM, CA*  
Records Retention Schedules Project Lead  
Laurie.Sletten@ucop.edu  
Phone: (510) 987-9411

58

---

---

---

---

---

---

---

---