Goal

- Achieve a comprehensive Records Management Program
- To comply with our legal obligations
  - By establishing a centrally controlled information management system for managing records
  - By establishing systems for eliminating all unmanaged information
Challenges

- Outdated Records Management Policy (PM 99-05)
- Ambiguity within new regulations
- Complexity of electronic records and compliance
- Risk
Why a Records Management Program Matters

• An effective program provides systematic review, retention and destruction of documents in the course of business

• A document retention policy formalizes protocol for saving and discarding documents in the course of business

• Identifies documents that need to be maintained with guidelines for how long they should be kept and how they should be destroyed

• Ensures compliance with federal and state laws and regulations

• Protects business in litigation

• Valuable records become more accessible; Valueless records are destroyed; Inactive records are transferred

• Frees up valuable space which promotes and improves operational efficiency
Why Now?

- Bulk of business information is produced electronically
- Compliance with regulations is becoming a top priority for executives across all industries due to the recent court outcomes and introduction of the newer regulations, such as Sarbanes-Oxley
- Executive leadership change in the past three to four years
Why Electronic Records Compliance is a Difficult Issue

- Volume
- Distribution/Locations
- Interpretation – Data + Software
- Unmanaged information – email
- Back-ups/Legacy Systems
Privacy Laws

- **California Public Records Act**  
  (Government Code Sec 6250 st seq.)  
  - Writing  
  - Contains Information  
  - Owns, used or retained by state/local agency  
  - Exemptions

- **California Information Practices Act**  
  (California Civil Code Sec. 1798 et seq.)  
  - Agency Obligations

- **Family Educational Rights and Privacy Act**  
  (20 USC Sec 1232 (g))  
  - Education Records
What Dictates Compliance?

- Statutes/Regulations
- Court Decisions
- Discovery
- Organizational Needs/Risk Assessment/Cost
• Sarbanes – Oxley Act
• Health Insurance Portability & Accountability Act (HIPPA)
• Gramm-Leach Bliley Act (GLBA)
Court Decisions

- Authur Anderson
- Morgan Stanley
- Zubulake Decision(s)
What is Discovery?

- A formal investigation – governed by court rules – that is conducted before trial. Discovery allows one party to question other parties, and sometimes witnesses. It also allows one party to force the others to produce requested documents of other physical evidence.
Electronic Discovery?

- Electronic discovery refers to discovery of electronic documents and data
  - Email, web pages, word processing files, computer databases, and virtually anything that is stored on a computer

- Documents and data are “electronic” if they exist in a medium that can only be read through the use of computers
  - Cache memory, magnetic disks, optical disks (such as DVDs or CDs), and magnetic tapes

- The same rules that govern paper discovery govern electronic discovery
Challenges of Discovery

- Time and cost of compliance
- Difficulty of compliance
- Multiple sources, locations and formats
- Risk of non-compliance
Managing Documents in a Changing Landscape

- Impact of Sarbanes-Oxley and other laws

- Includes criminalization of the destruction, alteration and falsification of records in federal investigations, bankruptcy cases and official proceedings

- Section 802 provides for a fine and imprisonment up to 20 years for knowingly “alter, destroy, mutilate, conceal, cover up, falsify, or make a false entry” to any record or document with intent to impede, obstruct or influence an investigation...”
Responsibilities of Records Management Coordinator

- Ensure compliance with federal and state laws and regulations
- Maintain currency in Records Management field
- Promote and improve operational efficiency
- Serve as campus resource regarding records management issues
- Coordinate movement of records from departments to storage site
- Update Records Management Policy
- Serve as Co-chair of Records Management Advisory Committee
- Communicate Records Management information to the campus community
- Finalize and launch Records Management web site and keep updated
**Contact Information**

- Kem Gravenberg, University Records Management Coordinator  
  8/5809: kem@csus.edu
- Edmundo Aguilar, Legal Counsel  
  8/6940: aguilare@csus.edu
- Candace Kehoe, Administrative Support Coordinator  
  8/6312: ckehoe@csus.edu
- Disposition and Retention Schedule – University Policy Manual  
  Personnel: [http://www.csus.edu/umanual/admin/umr15051.htm](http://www.csus.edu/umanual/admin/umr15051.htm)  
  Fiscal: [http://www.csus.edu/umanual/admin/umr15052.htm](http://www.csus.edu/umanual/admin/umr15052.htm)  
  Student: [http://www.csus.edu/umanual/admin/umr15053.htm](http://www.csus.edu/umanual/admin/umr15053.htm)  
  Administrative: [http://www.csus.edu/umanual/admin/umr15054.htm](http://www.csus.edu/umanual/admin/umr15054.htm)
  Web site: [http://www.csus.edu/umanual/admin/umr15050.htm](http://www.csus.edu/umanual/admin/umr15050.htm)