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HARRIS COUNTY, TEXAS

Universal Services

Information Technology • Public Safety Technology • Fleet

Bruce High
Executive Director & CIO

December 10, 2019

Commissioners Court
Harris County Administration Building
1001 Preston, 9th Floor
Houston, Texas 77002

Vote of the Court:

Table with 3 columns: Name, Yes, No, Abstain. Rows include Judge Hidalgo, Comm. Ellis, Comm. A. Garcia, Comm. Radaack, and Comm. Cagle.

RE: Request for Court Approval of Records and Information Management Plan and Amended Records Control Schedule

Members of Commissioners Court:

Harris County Universal Services (HCUS) requests approval of the attached Amended Records Control Schedule, Amended Records and Information Management Plan, and to authorize the Harris County Records Management Officer to file a statement of compliance with the Texas State Library and Archives Commissioner (TSLAC) in accordance with the Texas Local Government Code, 203.041(d) and Texas Local Government Code, 203.005.

The Amended Records Control Schedule reflects changes in retention requirements adopted by the TSLAC since the previous version. In addition, the amended version improves usability through industry best practices in record series consolidation and clarifying local retention requirements by providing additional examples. The Amended Records and Information Management Plan replaces the Records Management Plan approved by Commissioner Court on October 6, 2015, improves usability through clarity of roles & responsibilities and improved guidance on electronic content including email and social media platforms as well as records vs. non-records (information) content.

In accordance with the Records Management Policy Plan adopted by Commissioner Court on October 6, 2015, the County Records Management Committee, consisting of representatives for the County Attorney, District Attorney, and County Auditor, have reviewed and approved this Amended Records Control Schedule and Amended Records and Information Management Plan.

Sincerely,
[Bruce High Signature]
Bruce High
Chief Information Officer

Presented to Commissioners Court

BH/BF
Attachments

cc: Chron

DEC 17 2019
APPROVE E/G
Recorded Vol Page

For inclusion on Court Agenda dated December 17, 2019

406 Caroline Street, 4th Floor • Houston, Texas • 77002-2027
Phone 713-755-6621 • www.harriscountytexas.gov

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HARRIS COUNTY
JUSTICE DEPARTMENT



Records & Information Management Plan *Information Governance Program*

Harris County, Texas

**Prepared by:
Harris County Universal Services**

**Reviewed and Approved by:
The County Attorney's Office
The District Attorney's Office
The County Auditor's Office**

December 10, 2019

Table of Contents

I. OVERVIEW	3
A. Applicability	3
B. Purpose.....	3
C. Definitions	3
D. Policy	4
E. Public Property	4
II. ROLES AND RESPONSIBILITIES.....	4
A. Records Management Officer.....	4
B. Information Governance Technology Committee.....	5
C. Records Management Committee	6
D. Department Heads	6
E. Records Liaison.....	6
III. RECORDS AND INFORMATION MANAGEMENT REQUIREMENTS	7
A. Creation and Capture	7
B. Use and Access	7
C. Storage.....	8
1. Physical Records Storage.....	8
2. Electronic Records and Information Storage.....	8
D. Retention and Destruction	9
1. Records Control Schedule Maintenance and Approval	9
2. Records Control Schedule Implementation	9
3. Records Destruction	10
4. Electronic Deletion and Programmed Destruction	10
5. Non-Record Destruction.....	11
E. Email	11
F. Web and Social Media.....	11
G. Archives	11
IV. ADDITIONAL DEFINITIONS.....	12

**INFORMATION GOVERNANCE PROGRAM
RECORDS AND INFORMATION MANAGEMENT PLAN**

HARRIS COUNTY AND HARRIS COUNTY FLOOD CONTROL DISTRICT

I. OVERVIEW

A. Applicability

This plan is applicable to:

- (1) all appointed Harris County officials and their staff and all Harris County Flood Control District officials and staff; and
- (2) all elected Harris County officials who have elected or will elect to participate in the County program as is permitted by TEX. LOC. GOV'T CODE §203.005(g), as amended.

B. Purpose

The Harris County, Texas (County) Records and Information Management Plan (Plan) is adopted in compliance with TEX. LOC. GOV'T CODE §203.005 to establish the framework of rules and guidelines for handling all County Records and Information throughout their lifecycles, including creation, access, use, storage, retention, and disposition.

This Plan ensures the satisfaction of legal obligations, regulatory requirements, and operational needs for both Records and Information by establishing consistent and accountable information management and recordkeeping practices throughout the County.

The Records Management Program has been superseded by the Information Governance (IG) Program, which governs all Information, including Records. This Plan is a component of the IG Program.

C. Definitions

- (1) Record – Recorded Information created or received by Harris County or any of its officers or staff pursuant to law or in the transaction of public business. Includes documents, papers, letters, books, maps, photographs, sound or video recordings, microfilm, magnetic tape, electronic media, or other information recording media, regardless of physical form or characteristics and regardless of whether public access is open or restricted under the laws of the state of Texas.
- (2) Non-Record – Recorded Information of temporary value (sometimes referred to as Transitory Information) or which does not constitute a Record. Includes:
 - (a) Extra identical copies of documents created only for the convenience of reference, research or office convenience;
 - (b) Preliminary drafts and reference notes compiled in the preparation of a Record;
 - (c) Notes, journals, appointment books, diaries, day calendars and similar documents staff may use for personal convenience;
 - (d) Blank forms;

- (e) Stocks of publications;
- (f) Correspondence, messages, and documents of a personal or professional nature that staff or official may keep at his or her office that do not document public business; or
- (g) Reference material, including books and information files that do not document official actions.

D. Policy

It is the policy of Harris County that all officers and staff members shall manage and protect Information according to its value and risk, as established in the Information Governance (IG) Program. The IG Program provides for the efficient, economical, and effective controls for managing all County Information from creation to ultimate disposition, consistent with the requirements of the TEX. LOC. GOV'T CODE §§203.001, and accepted records and information management best practices.

This Policy is supplemented by the following County documents:

- Records Control Schedule
- Records Management Procedures Manual
- County Personnel Regulations
- County Equipment, Media, and Services Policy

E. Public Property

- 1) All Harris County information is hereby declared to be the property of Harris County. No County official, employee or contractor has, by virtue of his or her position, any personal or property right to such information even though he or she may have developed or compiled them. Harris County forbids the unauthorized destruction, removal, or use of its Record and Non-Record Information.
- 2) The County reserves the right to access and review the content of all Information created, stored, transmitted or received using County systems and resources except as provided by law. Staff should not expect any right to privacy with respect to such documents and communications.

II. ROLES AND RESPONSIBILITIES

The successful implementation of this Plan relies on the coordinated efforts of several Information Governance and Records Management Roles spread throughout Harris County Departments and Agencies.

A. Records Management Officer

The County Records Manager Officer role resides in the Universal Services Department. As provided by TEX. LOC. GOV'T CODE § 203.025(c), as amended, each successive holder of the position shall file his or her name with the Director and Librarian of the Texas State Library and Archives Commission within thirty (30) days of the initial designation of or taking up the position.

The Records Management Officer shall:

- 1) Administer the Records and Information Management (RIM) Plan and provide assistance to department heads and elected officials in its implementation;
- 2) Plan, formulate, and prescribe Records disposition policies, systems, standards, and procedures;
- 3) Develop procedures to ensure the permanent preservation of historically valuable Records of the County and their accessioning into the archives;
- 4) Provide records management advice and assistance to all departments by preparation of a manual of procedure and policy and by on-site consultation;
- 5) Monitor records retention schedules and administrative rules issued by the Texas State Library and Archives Commission to determine if the RIM Plan and County Records Control Schedule are in compliance with state regulations;
- 6) Disseminate to the Commissioners Court and department heads information concerning Texas laws and administrative rules relating to local government records;
- 7) Instruct Records Liaisons or other personnel in policies and procedures and their duties under the RIM Plan and Texas law;
- 8) Direct Records Liaisons or other personnel in the conduct of Records inventories in preparation for the development of Records Control Schedules and the requirements of Texas law and this plan;
- 9) Ensure that the maintenance, preservation, imaging, microfilming, destruction, or other disposition of County Records is carried out in accordance with the policies and procedures under the RIM Plan and the requirements of Texas Law and this plan;
- 10) Facilitate and document the destruction of Records disposed of under the Records Control Schedule and the estimated cost and space savings as a result of such disposal or disposition;
- 11) From time to time, report to the Commissioners Court on the implementation of the RIM Plan in each department of the County, including summaries of the statistical and fiscal data compiled under Subsection (10) above;
- 12) Bring to the attention of the Commissioners Court non-compliance by department heads or other County personnel with the policies and procedures of the RIM Plan or of the TEX. LOC. GOV'T CODE §§ 203.001;
- 13) Act as the Records Custodian for those Records for which the office of origin cannot be determined, Records of defunct offices unless the Records have been transferred to the custody of another County office, Records that the County acquires coincidental to the acquisition of property unless those Records are required by a County department to maintain or administer the asset, and for existing offices for programs no longer overseen by the department head if the department head transfers them to the Records Management Officer;
- 14) Plan for and coordinate records disaster preparedness and disaster response;
- 15) Evaluate proposals for expenditures from the County-Wide Records Management Funds and submit to Commissioners Court those recommended for approval.

B. Information Governance Technology Committee

The Information Governance (IG) Technology Committee is responsible for establishing the IG Program vision and strategy, aligning Program initiatives according to the vision, and monitoring the development and implementation of the vision. The Committee members will nominate staff to participate on various working groups within the IG Program. The Committee may recommend county-wide policies to Commissioners Court for adoption.

The IG Technology Committee shall be comprised of:

- Committee Chairs to lead the meeting – the County Auditor and County Attorney
- Records Management Officer to represent the program and provide leadership
- HCUS Enterprise Program Manager for meeting facilitation and guidance
- Committee Members to represent the departments/agencies

C. Records Management Committee

A Records Management Committee is hereby established and shall consist of:

- 1) The County Records Management Officer;
- 2) The County Attorney or his or her designated representative;
- 3) The District Attorney or his or her designated representative; and
- 4) The County Auditor or his or her designated representative.

The Committee shall:

- 1) Review and approve amendments to the Records Control Schedule before they are submitted to the Texas State Library and Archives Commission; and
- 2) Review and approve all Formal Records Destructions of Records whether in accordance with the approved Records Control Schedule or in accordance with TEX. LOC. GOV'T CODE § 203.045.

D. Department Heads

Department Heads shall:

- 1) Cooperate with the Records Management Officer in carrying out the policies and procedures established in Harris County for the efficient and economical management of records and information and in carrying out the requirements of this plan.
- 2) Adequately document the transaction of government business and the services, programs, and duties for which the Department Head and his or her staff are responsible.
- 3) Maintain the Records in his or her care and carry out their arrangement, description, preservation (including, migrating and refreshing electronic media as necessary), and disposition.
- 4) Establish, as necessary, internal policies and procedures to facilitate compliance with this RIM Plan, the Texas Local Government Records Act, and the informational needs of the department. Such internal policies may include requiring the minimum retention or mandatory destruction of Records and transitory information, and restricting access to specific systems and areas.

E. Records Liaison

Each Department Head shall designate a member of his or her staff to serve as Records Liaison for the implementation of the RIM Plan in the department. Department Heads may serve as their own Records Liaison and may appoint two or more Records Liaisons for different sections of their office. Persons acting as Records Liaison shall be thoroughly familiar with all the records and information created and maintained by the department.

Records Liaisons shall:

- 1) Assist the Records Management Officer in the development and maintenance of the County Records Control Schedule;
- 2) In cooperation with the Records Management Officer, coordinate and implement the policies and procedures of the RIM Plan in their department; and
- 3) Disseminate information to department staff concerning the Information Governance Program.

III. RECORDS AND INFORMATION MANAGEMENT REQUIREMENTS

All County employees, contractors and agents have a responsibility to comply with Records and Information Management policies and procedures and relevant laws and regulations. Specific responsibilities include:

- 1) Creating, receiving and managing Records as part of their daily work according to established policies and procedures.
- 2) Evaluating Records to determine their appropriate classification and storage requirements.
- 3) Disposing of Records and Non-Records according to established Records and Information Management policies and procedures.

A. Creation and Capture

Records provide documentation of governmental business transactions, decisions, operations, and other official activities. The latest, complete, and final version constitutes the Record. All drafts, duplicates, and convenience copies are Transitory or Non-Records to be retained as long as they are of administrative value or as otherwise required by law, regulation, or this plan.

All Records should be created and composed in a professional and concise manner using appropriate language and facts. Employees, contractors, and agents are expected to capture and retain County Records in an approved recordkeeping system.

B. Use and Access

Public Records must be available both for business purposes and, except as where otherwise provided for by law, accessible to the public to comply with the statutory commitment that the people have complete information about the affairs of government and the official acts of public officials and employees as expressed by the Public Information Act, Chapter 552 of the Government Code. All County employees, contractors, and agents must take reasonable steps to protect the security of records and information and to prevent unauthorized access to those documents excepted from disclosure by the Public Information Act or made confidential by other law or regulation. They must behave ethically in relation to their privileged access to information.

Records within a given department may be accessed for operational purposes only by staff designated by the Department Head. Access to others may be granted by the Department Head, based on the business need.

The County Records Management Officer has access, to the extent allowed by law, to all Records for litigation, investigation, and audit support.

C. Storage

Records are considered active while they relate to current or in-process activities and are referenced regularly; Records become inactive when the activities they refer to are closed or completed or they are no longer referenced regularly. Active Records must be stored in an approved recordkeeping system (whether manual or electronic).

Active Records and Information must be reviewed regularly to dispose of Information with no administrative value and move inactive Records to inactive storage, flagged for destruction review or preservation as historical Records.

Inactive Records must be stored to ensure their protection, usability, and integrity for the period of time prescribed in the Records Control Schedule. Physical Records must be stored on County premises or in an approved off-site storage facility. Electronic Records must be stored in County systems or with vendors approved by the Chief Information Officer or designee. Storage facilities and systems, whether on-site or off-site, must protect Records from corruption, degradation, environmental or other physical harm and from unauthorized access.

1. Physical Records Storage

Departments are to send inactive Records to off-site storage facilities where they can be conveniently, securely, and economically retained until such time as they can be disposed of under the County Records Control Schedule or they once again become active. Normally this will be the Harris County Records Center, which is under the direct control and supervision of the Universal Services Department, which shall continue to keep current policies and procedures regulating the operations and use of the records center, and ensuring that this RIM Plan is carried out.

2. Electronic Records and Information Storage

Harris County utilizes a variety of systems and media to store Records and Information. Universal Services Department and other County departments operating information systems are directed to:

- a) Ensure that information systems provide for access, security, and the recovery of Information in the event of an emergency.
- b) Design and implement systems that reproduce Records as they appear in their original form.
- c) Design systems to ensure the retention of Records throughout their required retention periods and that when a system is replaced all Records are to be migrated to the new system.
- d) Design and implement systems to permit the destruction/deletion of Records upon the expiration of the retention period as established by the County Records Control Schedule.

County Records maintained in electronic systems described in this section are considered the Record; any physical copies of such Records are considered Non-Records and must not be retained longer than the Record.

D. Retention and Destruction

The County Records Control Schedule identifies and describes County Records and specifies how long each Record must be retained based on its operational, legal, or historical value to the County, along with the two exceptions below.

The first exception is a destruction hold, which is an order to preserve and protect Records during or in anticipation of litigation, investigation, inspection, or audit. The duty to preserve Records subject to destruction hold supersedes the scheduled retention and destruction of Records. Under a hold order all Records and Information (regardless of administrative value) may be retained for longer than the period prescribed in the Records Control Schedule and may not be destroyed, even if otherwise eligible, until the hold order is lifted. In addition, a judge may also prohibit the destruction of personal Records and Information that do not relate to the transaction of public business, but are, nevertheless, stored on a County electronic or digital system.

The second exception is an expunction order which is a court order that requires the destruction of all case files, offense reports, investigations, and other records relating to a criminal case. Upon receipt of an expunction order it becomes the duty of every recipient to comply with the instructions of the court, typically destroying or returning the case files to the court, obliterating names in dockets and indexes, deleting electronic files and otherwise destroying or altering Records associated with the case to protect the identity of the accused.

1. Records Control Schedule Maintenance and Approval

- a) The Records Management Officer, in cooperation with Department Heads and Records Liaisons, shall maintain and update as needed the County Records Control Schedule listing all Records created or received by county departments participating in the County-wide Program and the retention period for each Record.
- b) The Records Control Schedule shall be monitored and amended as needed by the Records Management Officer on a regular basis to ensure that it is in compliance with Records Control Schedules issued by the state of Texas, and that it continues to reflect the record keeping procedures and needs of the departments and the Information Governance Program of Harris County.
- c) Before its adoption, an Amended Records Control Schedule must be approved by the members of the Records Management Committee and Commissioners Court.
- d) Following Commissioners Court approval, the Records Management Officer must file a written certification of compliance that the amended Records Control Schedule complies with minimum requirements established on records retention schedules issues by the Texas State Library and Archives Commission (TSLAC) per TEX. LOC. GOV'T CODE § 203.041(d).

2. Records Control Schedule Implementation

The approved Records Control Schedule shall be implemented by Department Heads and Records Liaison Officers according to the policies and procedures of this plan.

A Record whose retention period has expired according to an approved Records Control Schedule should be destroyed unless:

- a) A request for the Record has been made in accordance with applicable Texas law;

- b) The subject matter of the Record is responsive to anticipated or pending litigation including a discovery motion or subpoena that has been received by the appropriate Harris County official.

3. Records Destruction

There are two authorized procedures for destroying County Records.

- a) The Informal Records Destruction process does not require the affirmative authorization of Commissioners Court. The Records must be in the physical possession of the owning department and the Department Head or a designated subordinate authorizes the destruction of the Records. The Department Head is responsible for ensuring that there are no outstanding Public Information Act requests, that the Records are not needed for litigation, investigation, inspection, or audit, and that they have reached the age required under the Records Control Schedule. Departments should develop internal procedures to accomplish and document the destruction.
- b) The Formal Records Destruction process includes the affirmative authorization of Commissioners Court and the concurrence of the Records Management Committee. The Department Head is responsible for ensuring that there are no outstanding Public Information Act requests, that the Records are not needed for litigation, investigation, inspection, or audit. The Records are listed on a form that identifies the records by classification according to the Records Control Schedule, dates covered, and quantity. The custodian (or Department Head), Records Management Officer, and members of the Records Management Committee must endorse the form which is presented to Commissioners Court for final approval.

A Formal Records Destruction is:

- 1) Required whenever a department is destroying Records it is storing for another department or agency.
- 2) Permitted whenever the department determines that the sensitivity or intrinsic value make it prudent to document fully the review process and official approval for the destruction of the Records.

The Records Management Officer shall keep accurate Records of Formal Records Destructions.

4. Electronic Deletion and Programmed Destruction

The deletion or destruction of electronic Records is subject to the same requirements as physical Records and must follow the Formal or Informal Records Destruction process described above.

County departments and agencies keeping Records electronically are authorized to program into their systems a mechanism for the automated deletion of Records at the end of their required retention under the County-wide Records Control Schedule, provided that such automated destruction can be overridden for documents subject to a Public Information Act Request, or to a destruction hold including a legal, investigation, inspection, or audit hold.

In such cases where electronic systems are retired or updated and the Records on those systems destroyed or deleted, the approval of all affected Department Heads, the Records Management Committee and Commissioners Court is required for any Records not being migrated to the system replacing the old one.

5. Non-Record Destruction

Any material excluded from the definition of County Records, whether in paper or electronic form—including electronic communications, may be destroyed when its usefulness to the department has ceased, unless:

- a) A request for the Information has been made in accordance with applicable Texas law; or
- b) The subject matter of the Information is needed for litigation, investigation, inspection, or audit purposes.

Such material shall not be sent to the County Records Center. Department Heads shall direct individuals maintaining the files to routinely discard such items. No Record of such destruction is needed.

E. Email

eMail is a vehicle to transport information from person to person. Not all eMail is treated the same as the information contained in the message can vary.

Records and Information sent or received via email (including attachments) must be identified, classified, stored, retained, and destroyed according to the same criteria as other Records. Email Records and Information must be retained in an appropriate electronic system that supports records management and litigation requirements (which may include preservation-in-place models), including the capability to identify, retrieve, and retain Records for as long as they are needed.

It is the responsibility of each staff member to classify all records correctly and assure they are accessible to other staff members as needed in the course of performing their job.

F. Web and Social Media

All information created and posted by agency staff and citizens on external county websites and any social media sites is subject to and must comply with Harris County guidelines and policies. It is the responsibility of the posting agency to assure that content is properly identified and maintained according to its record series. Information posted on such sites must be periodically reviewed and identified as Record or Non-Record Information. Records must be captured and managed according to the stipulations in this plan.

G. Archives

The Harris County Archives is administered by the Harris County Archivist and is the County agency established to collect, preserve, and provide access to the historically significant Records of Harris County when they are no longer needed by the creating department.

The Archives shall take into its holdings:

- 1) All Records with a retention period of “permanent” as listed in the Records Control Schedule, but no longer needed for the operations of the office of origin;
- 2) All materials determined by the Records Management Officer and the Archivist to be of value in documenting the history of Harris County, the life and times of its citizens, or the

social, intellectual, political, economic, educational, or leisure time activities of both the inhabitants and businesses within the County.

IV. ADDITIONAL DEFINITIONS

The following definitions shall apply in the application of this Program:

- A. Accessioning - shall mean the action of transferring control and title of Records from the originating agency or department to the archives section of the Information Governance Program.
- B. Archival Record - shall mean any Record (no matter what physical form) for which the retention period of the approved Records Control Schedule is given as “permanent” and which has been accessioned into the archives section of the Information Governance Program.
- C. Chief Information Officer - shall mean the head of the Harris County Universal Services Department.
- D. Essential Record - shall mean any Record of Harris County necessary to the resumption or continuation of operations of Harris County in an emergency or disaster, to the re-creation of the legal and financial status of Harris County, or the protection and fulfillment of statutory or constitutional obligations of Harris County or Harris County officials.
- E. Official Actions - shall mean any action by a public official, employee, or contractor to comply with a constitutional requirement, statute, regulation, or County or departmental policy.
- F. Permanent Record - shall mean any record of Harris County for which the retention period on the approved Records Control Schedule is given as “permanent.”
- G. Records Custodian - shall mean the appointed or elected public officer who is in charge of a Harris County office that creates or receives Harris County Records or a person appointed by the officer to serve as the custodian of Records.
- H. Records Management - shall mean the application of management techniques to the creation, use, maintenance, retention, preservation, and disposal of records for the purposes of reducing the costs and improving the efficiency of record keeping. The term includes the development of records control schedules, management of filing and information retrieval systems, protection of Essential and Permanent Records, economical and space-effective storage of inactive records, control over the creation and distribution of forms, reports, and correspondence, and the management of micrographics and electronic and other records storage systems.
- I. Records Control Schedule - shall mean a document prepared by or under the authority of the Records Management Officer listing the records maintained by offices or departments of Harris County, their retention periods in accordance with the Texas Local Government Records Act, TEX. LOC. GOV'T CODE §§ 203.001 *et seq.*, as amended, and other Records disposition information that the records management program may require.
- J. Retention period - shall mean the minimum time that must pass after the creation, recording, or receipt of a Record, or the fulfillment of certain actions associated with a Record, before it is eligible for destruction.