

# Public Records and Records Retention

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# What is a public record?

- Everything created or received by a public body or public officer that relates to public business or is created or received in the course of conducting public business (even if on personal computers)
  - Pursuance of a duty
  - Required by law to be maintained
  - Records of official transactions



# Examples of Public Records

- Calendars
- Reports
- Briefs
- Legal Memoranda
- Policies and procedures
- Maps
- Accident reports
- Training videos and materials
- Photographs
- Personnel records
- Case files
- Data bases
- E-mail
- Correspondence to/from
- Permits
- Licenses
- Certificates
- Applications
- Salaries
- Agendas
- Minutes
- Exhibits
- Budgets Revenue/expenditures (financial information)
- Annual reports
- Travel claims
- Phone bills
- Police reports
- Drafts
- Social Media Sites



# What's not a public record?

- Extra copies
- Multiples of blank forms
- Post-it notes
- Commercially available software
- Articles, periodicals, materials needed only for reference
- **Private papers (including purely personal electronic communications)**



# Records Management

- Make and maintain appropriate records
- Have a records management program
- Preserve records
- Adhere to retention schedules
- Properly destroy records
- [www.azlibrary.gov](http://www.azlibrary.gov)

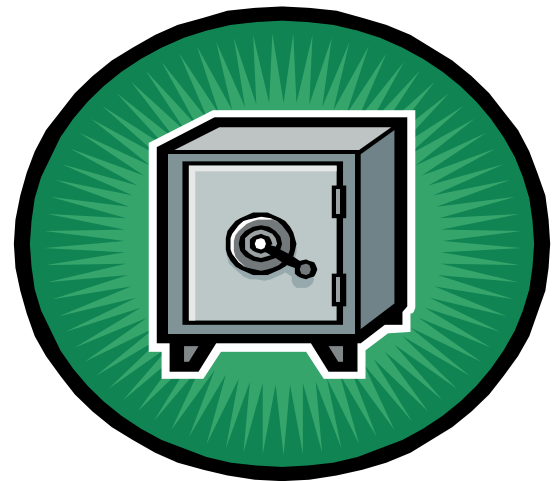


# Duty to Preserve Records

## A.R.S. § 39-121.01(C)

It is the duty of each public body to protect records from:

- deterioration
- mutilation
- loss
- destruction





# General Retention Schedules

<https://azlibrary.gov/arm/retention-schedules>

You will also find forms, standards, guidance, FAQs, and training.

# Click here to browse and search general retention schedules

The screenshot shows a web browser window with the URL [azlibrary.gov/arm/retention-schedules](http://azlibrary.gov/arm/retention-schedules). The page header includes the logo for ADRIAN FONTES, Secretary of State, and the text "ARIZONA STATE LIBRARY, ARCHIVES, & PUBLIC RECORDS". A search bar is located in the top right corner. The main navigation menu includes links for ABOUT, BRANCHES, COLLECTIONS, SERVICES, and EVENTS. The breadcrumb trail reads: Home » Branches » Records Management » Retention Schedules, Forms, Standards, Guidance and FAQs » Retention Schedules. A light blue banner across the page reads: "Please excuse our site changes as we transition to Secretary Fontes." The main content area is divided into two columns. The left column is titled "Retention Schedules" and contains a sub-section "General Retention Schedules". Below this, there is a paragraph: "If you have a record series listed as permanent, or it is historically significant, please contact the State Archives at (602) 926-3720 for next steps." This is followed by a link for "Permanent and Historical Records". A larger paragraph states: "General Schedules supersede all existing custom schedules with the following exception: the custom schedule retention period is longer than the general schedule retention period." At the bottom of this section, there is a link: "Fully Searchable PDF of ALL GENERAL RETENTION SCHEDULES". A blue arrow points to this link. Below the link is another link: "Click here to browse and search general retention schedules." The right column is titled "BRANCHES" and contains a list of links: Archives, Arizona Capitol Museum, Arizona Talking Book Library, E-Rate, Library Development, Records Management (which is expanded to show Records Center Services and Retention Schedules, Forms, Standards, Guidance and FAQs).



# For Assistance

- Arizona State Library, Archives & Public Records-  
Record Management Division
  - Main number: 602-926-3815
  - Email at [http://www.azlibrary.gov/contact/Records-  
Management-Center](http://www.azlibrary.gov/contact/Records-Management-Center)



# Handling Public Record Requests

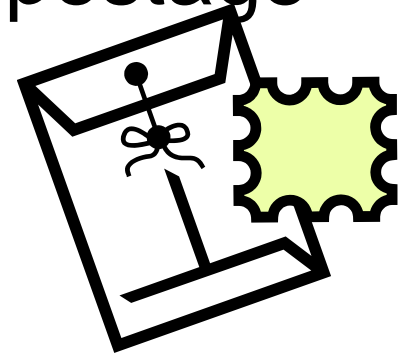
- Neither the identity of the requestor nor the purpose of the request determine the merits of the request.
- A.R.S. 39-121 provides that public records in the custody of any officer must be open to public inspection.
- This includes records under the control of the officer, even when:
  - Stored at a warehouse
  - Transported to another office
  - Received from another public body
  - They are copies – originals are with or controlled by another individual or entity.

# Point of Contact Requirement

- A.R.S. 39-171. Passed into law in 2022.
- Went into effect on 9/24/2022.
- Must provide the “name, telephone number and email address of an employee or department that is authorized and able to provide the information requested or able to forward the request to an employee or department that is authorized and able to provide the information requested.”
- This info must be posted on your website.
- The employee or department authorized to handles requests must acknowledge receipt of request within five business days of receiving request.
  - “[A] centralized online portal for submission of public records requests that provides receipt on submission of a request” suffices.

# Mailing Records in Response to Request - A.R.S. § 39-121.01

- Person may request that the custodian mail a copy of any public record not otherwise available on the public body's web site
- Custodian may require requestor to pay in advance for any copying and postage charges



# Promptly Furnish



- A.R.S. § 39-121.01(D) and (E)
- “Promptly furnish” is not defined by statute
- Depends on what is reasonable under the circumstances
- Acknowledge and communicate
- Access is deemed denied if a custodian fails to promptly respond
- How long would it take if you wanted it?



# Criteria to consider

- Agency's resources
- Nature of the request
- Content of the records
- Location of the records

Mere inconvenience to the public body does not warrant delay.

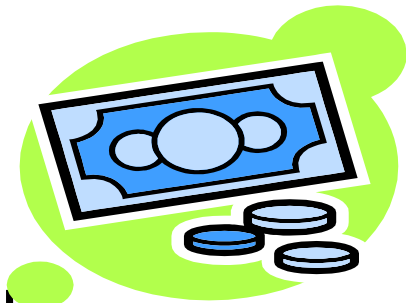
# Redaction

- Redact protected information and release the rest
  - Use black out rather than white out.
  - Photocopy after marking copy.
- Cannot charge fees for redacting.

Practical pointer: Ideally agencies should keep confidential information in one record and public information in another.

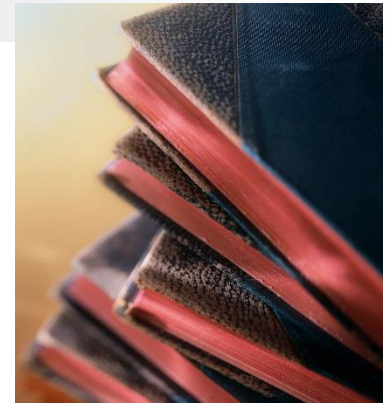
# Fees

- May impose a copying fee which includes:
  - Time
  - Equipment
  - Personnel used in reproducing the copies (per page cost)
- May not charge for search time
  - A.R.S. § 39-121.01(D)
  - Attorney General Opinion 186-090
- May charge for postage if mailed
- Fees for copies of electronic records





# Additional Resources



- Ombudsman Publications
- Ombudsman website [www.azoca.gov](http://www.azoca.gov)
- Department of Library, Archives, and Public Records [www.azlibrary.gov](http://www.azlibrary.gov)
- Title 2, Chapter 3, Article 3 of the Arizona Administrative Code (A.A.C. R2-3-301 et seq.)
- Case law
- Attorney General Opinions [www.azag.gov](http://www.azag.gov) or <http://azmemory.lib.az.us/>
- Arizona Agency Handbook, Chapter 6, [www.azag.gov](http://www.azag.gov)

# Questions?

