

Montana Legislative Branch
Public Records Management
Records Classification Outline and Retention Schedule

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Purpose

The purpose of this document is to guide the Legislative Branch regarding essential files and public records of the branch. This policy covers standard filing and disposition procedures for all electronic and paper-based public records of the Legislative Branch permanent divisions according to the definition of public records in 2-6-1002, MCA. The policy provides for efficient filing and retrieval and ensures proper retention of current records and prompt disposition of outdated records to promote efficiency in the fulfillment of branch-wide responsibilities. The system also ensures continuity of information, economical use of equipment and supplies, and access to needed information for management, auditing, and research purposes. The system is designed to allow for the development and use of procedures for the electronic storage of records. The provisions of this policy and division filing procedures are designed to implement and supplement the provisions of Title 2, chapter 6, part 10, MCA. In the event of a conflict, the statute governs.

Policy

All Legislative Branch records are subject to the provisions of this policy. Records belong to the branch and not to the individuals who create them. Records must be turned over intact to successors.

All branch records are to be maintained in proper filing cabinets or other specially designated digital/electronic media equipment. Official files are not to be kept in individuals' desk drawers. Desk filing limits access for other personnel and makes it difficult to apply records management controls. Therefore, filing in desk drawers is restricted to personal working papers. The same principle applies to filing on electronic media. Records should be filed as finalized reference documents as soon as they become "official" records, such as upon publication or another release from the office. Records, such as databases stored on electronic media by appropriately documented procedures under the authority of the Division Director, may fulfill the requirement for a reference document.

It is the policy of the branch to maintain standardized control over the classification and handling of all branch records. However, the files themselves will remain decentralized and proximal to the principal users to ensure that the people who work with them have adequate access.

In this policy, branch-wide files that need uniform treatment by all divisions are distinguished from division-specific files. Branch-wide files are those for which common systems have been developed.

Except for records made public in the course of a hearing held under Joint Rule 10-85 and records that are open for public inspection under Montana law, a complaint and records obtained or prepared by the Legislative Conduct Panel in connection with an investigation or complaint are confidential documents and are not open for public inspection until the completion of its investigation if the release of the information would threaten the integrity of a pending investigation. The complainant and the person who is the subject of the complaint shall maintain the confidentiality of the complaint and any related documents released to the parties until a decision is issued.

However, the complainant, person who is the subject of a complaint, or a witness may waive, in writing, the right of confidentiality of their identifying information provided in this subsection. If a waiver is filed with the Human Resources Manager by the complainant, the person who is the subject of the complaint, or a witness, the information in the complaint and any related documents regarding the person who has waived confidentiality must be open for public inspection. The decision issued after investigation, with the complainant's and witnesses' identities redacted, is a public record open to inspection.

Personnel and Responsibilities

1. The Legislative Council shall administer the records management plan for the branch, under 2-6-1012(1), MCA.
2. Branch-wide Records Management Officer. The Business Coordinator in consultation with the Financial Services Manager and other managers serves as Records Management Officer to advise the Division Directors regarding branch files operations and records disposition programs for archivable records. Duties include:
 - a. Advising Division Directors regarding the formulation of standards and procedures for the management of administrative and archivable branch records.
 - b. Providing records management assistance for branch-wide files and to the directors and coordinating file location plans across divisions.
3. Division Records Management Officers. Each division shall designate a Records Management Officer who will be responsible for:
 - a. Monitoring the implementation of records management activities to ensure compliance with applicable statutes, branch policy, and Department of Administration guidelines and advising the appropriate Division Director in that regard.
 - b. Reviewing division filing policies and procedures and advising the Division Director concerning suggested changes to those policies and procedures and incorporation into this document.
 - c. Supervising routine filing and archive operations.
4. Division Directors. Division Directors and supervisors are responsible for monitoring compliance with the filing policies in their divisions or offices.
5. Responsible Positions are the persons with primary responsibility for filing and retrieval of assigned files. Duties include:
 - a. Creating, maintaining, and disposing of files in accordance with the filing policy.
 - b. Preparing files for transfer to archival or permanent administrative storage under supervision of the division Records Management Officer, Division Directors, and direct supervisors.
 - c. Preparing current file location plans for records for which they are directly responsible.
 - d. Recommending changes in the filing categories and procedures.
 - e. Reporting compliance with policy and coordinating disposition of records.

Scope

This policy applies to public records created or received by the Montana Legislative Branch and applies to all permanent full-time and part-time employees, including those independently contracted, and temporary or seasonal positions. This does not include reading files, nonwork-related emails, or social media posts. All electronic files have the same retention schedule as paper. For Legislator's e-mail retention, see Appendix G.

Retention Designations

| Retention Designations (see Records Procedures) | |
|--|--|
| C | Current |
| P | Permanent |
| D | Discard/recycle/destroy |
| M | Change of medium |
| Ar | Offer to Historical Society for archiving before discarding |
| O | Stored offsite with the Secretary of State's office/Iron Mountain Storage. |

How to use this general schedule

1. The numbers denote years. Some letter codes are also used as follows:
 - "C" means retain while current or relevant;
 - "P" means retain permanently; and
 - "D" means to discard or destroy;

- “Ar” means that the file should be offered to the Historical Society Archives before discarding or destroying it;
 - “M” means a change of medium, such as from word file to pdf, or paper to an electronic file;
 - “O” means offsite storage such as Secretary of State but not the Historical Society which is for permanent archiving.
2. Retention codes are read as follows: "c/4/p", for example:
- “c” means to retain in office space while current
 - “4” years in the vault, then permanently in archives.
 - “p” means permanently in the designated location, such as vault, reference center, or Historical Society.
3. The records covered by many sections in this general schedule are authorized for erasure or deletion when the Legislative Services, Fiscal, or Audit Division determines that they are no longer needed for administrative, financial, reference, legal, audit, or other operational purposes.

Records Disposition

1. Disposition Functions. Disposition of records may occur in three ways:
 - a. Retirement. Records are retired according to their retention schedule when they are transferred to an inactive storage area. This would include moving files to the LSD vault (room 5), the LAD or LFD vault, archiving them on a secure digital drive or by taking them to the Historical Society, or transferring them to the records center which is now Iron Mountain Storage. Retirement may be done in phases as needed. Records that are designated as Ar should be offered to the Montana Historical Society so they may determine if the information is of significant historical value.
 - b. Destruction. Records whose retention period has been fulfilled may be destroyed by throwing them away (for small quantities of nonconfidential records) or turning them over to the Department of Administration in bulk for recycling. Destruction may also involve the erasure of information if media, for instance, can be erased and reused securely.
 - c. Change of medium. Electronic storage of paper records is a common example of changing medium. This may be done when the cost and availability of space exceed the cost of electronic storage of legislative records.
2. Implementation of Retention Schedules. The retention schedules incorporated in the records table identify when records are to be sent to inactive storage for a specific period, offered to the Montana Historical Society which would be permanent, permanently archived electronically or on site, and when they are to be destroyed. The schedules may not be altered or deviated from without consulting the supervisor.
 - a. Annual Files Review. Once the appropriate period for the current use of a file is over, the responsible position must review the file for disposition with the advice and assistance of the records management officer. The records management officer will review and weed all files before transmission to the archives, destruction, or recycling. When immediate destruction is indicated, the responsible staff should relay the information to the Records Manager and then dispose of the records directly. In the case of records designated for retirement to a storage area, estimate the volume involved and obtain the necessary records storage boxes.
3. Retrieval of Inactive Files from Storage. All retrieval of records from storage areas is controlled by the records management officer. Electronic files should be archived in the appropriate drives. To retrieve or send records management boxes for retention, you will first need to get login access from the HR Specialist. Once you are set up to log in - Click on Iron Mountains website at

<https://www.ironmountainconnect.com/imchome/> click on Training and Resources. All instructions are there in the training documents. Our agency is 26H8L.

4. Destruction of Records in Inactive Storage. The records management officer is responsible for the scheduled destruction of all records in inactive storage areas. Appropriate individuals will be notified of pending destruction action before the scheduled date. A summary describing records destroyed will be prepared. The records management officer will evaluate requests for extended retention.

Location

| Locations | |
|-----------|--|
| V5 | Vault room 5 of the Capitol Building |
| LADV | Legislative Audit Division Vault in room 156 of the Capitol Building |
| LFDV | Legislative Fiscal Division Vault in room 28A of the Capitol Building |
| 10 (Comm) | Publications Information Officer in room 10 of the Capitol Building |
| 10 RC | Legislative Reference Center in room 10 of the Capitol Building |
| 10 IT | Information Technology Office in room 10 of the Capitol Building |
| 74 | Legislative Services Division Session Printing office in room 74 of the Capitol Building |
| 112 | Legislative Services Executive Director's office in room 112 of the Capitol Building |
| 116 | Legislative Fiscal Division, Fiscal Analyst Office, in room 116 of the Capitol Building |
| 123 | Legal Office in room 123 of the Capitol Building |
| 136 | Research Office in room 136 of the Capitol Building |
| 154 | Fiscal/Financial Services in room 154 of the Capitol Building |
| 160 | Legislative Audit Division in Room 160 of the Capitol Building |
| 171 | Environmental Policy Office in room 171 of the Capitol Building |
| Online | Electronic file storage |

Retention Schedules

The Retention schedules and tables for these categories can be found in Appendix H:

- I. Administration and Operations
- II. Committee Records
- III. Equipment on Hand
- IV. Facilities and Services
- V. Financial and Accounting
- VI. Information and Reference
- VII. Interstate Cooperation
- VIII. Legislative Drafting and Review
- IX. Montana Code Annotated Codification and Annotation
- X. Personnel
- XI. Publications
- XII. Purchasing
- XIII. Session Services
- XIV. Legislator E-mail

Appendix A – Interim Committee Filing Structure

Basic Structure & Definitions

1. Committee/Commission Members
 - A. Purpose: to provide a list of committee/commission members and their contact information.
 - B. Content: a list of all committee/commission members printed from the committee's web page.
2. Letters/Emails Received
 - A. Purpose: To provide a hard copy of correspondence received related to this committee/commission's work.
 - B. Content: a hard copy of correspondence received related to this committee/commission's work.
3. Letters/Emails Sent
 - A. Purpose: To provide a hard copy of correspondence sent to the committee/commission members that are related to this committee's/commission's work.
 - B. Content: a hard copy of correspondence sent to the committee/commission members that are related to this committee/commission's work. Documents (e.g., GovDelivery Messages or Rule Reviews) that are sent on the Researcher's or Attorney's behalf and that are filed in different folders, do not need to be filed in this folder.
4. News Releases
 - A. Purpose: To provide a hard copy of news releases related to this committee/commission's work.
 - B. Content: press releases: a hard copy of articles (press releases); GovDelivery email messages usually start with 'You are receiving this email as a subscriber to the School Funding Interim Commission email list' but always end with 'To Unsubscribe please visit this website: http://leg.mt.gov/css/email_logon.asp'.
 - C. Press Releases/ GovDelivery Messages

An email list hosted on the Legislative Branch's website that allows users to subscribe to receive information via email about specific legislative committees/commissions or other categories of news about the Legislative Branch. Legislative Branch staff (researchers, secretaries, or other staff) are given access via a login and password to manage each email list (contact the IT help desk at ext. 0912 for access information). When a staff member sends a message through a particular list, an email is sent to those who have subscribed or have been manually added by a staff member with access to the list. Staff members with access to a list have the ability to add or remove email addresses from the list; additionally, subscribers have access to unsubscribe or remove their emails from the list.
5. Mailed Meeting Packets
 - A. Purpose: To provide a hard copy of all materials mailed on a day in preparation for a particular meeting.
 - B. Content: any materials that were mailed. When filed, they should be placed in a manila folder labeled as shown in the example above. There can be more than one mailing (and, therefore, more than one manila folder) for a meeting. This folder includes both types of mailings: sent via traditional mail or e-mail. The folders are labeled by the following convention:

[Committee/Commission Name] // [Month Day, Year of meeting date] // Mailed: [Month Day, Year]

Example: Law & Justice Interim Committee // September 9, 2019 // Mailed: August 29, 2019
6. Day-Of-Meeting Packets
 - A. Purpose: To provide a hard copy of documents that were distributed to the committee/commission members but that cannot be filed in other folders. Usually, items that are not discussed in the meeting do not become exhibits.

- B. Content: any documents that cannot be filed in other folders. It might be articles printed from the Internet or documents that were not produced by the committee/commission staff. The folders are labeled by the following convention:

[Committee/Commission Name] // [Month Day, Year of meeting date] // Day-Of-Meeting Materials

7. Minutes with Exhibits

- A. Purpose: To provide a hard copy of Minutes Log and all Exhibits and Attachments.
- B. Content: Minutes Log, Exhibits, and Attachments in a manila folder that contains documents for one meeting only. It is helpful to also include a printout of a meeting webpage for that particular meeting (especially if it is a conference call meeting) that provides a list of all documents that are linked on the committee's website. This includes Public comments unless it has to be filed as a separate folder due to their volume. The folders are labeled by the following convention:
[Committee/Commission Name] // [Month Day, Year of meeting date] // Minutes, Attachments, & Exhibits
 - i. Exhibits: Materials that are distributed and/or discussed during the meeting.
 - ii. Attachments: All other materials, something that is not discussed by the committee members. These are documents such as Roll Call, Roll Call Vote forms, Visitor List. The agenda is also an attachment. In some rare cases, a presenter may provide additional materials shortly after the meeting that are important to his or her presentation; the committee's Researcher then may decide to include this document in the Minutes Log. Such document is marked as an Attachment as opposed to an Exhibit.

8. Individual Studies

- A. Purpose: To provide a hard copy of documents that are directly connected with the work of the committee/commission. This folder will include documents that are compiled based on the committee's/commission's requests and documents that allow the committee/commission members to perform the duties assigned to them.
- B. Content: study/work plans, staff reports (including briefing papers), and individual bill studies (e.g., SJR 13 or HB 142).
 - 1. Study Plans: Work plans that outline statutory responsibilities and proposed roadmap on how to complete committee's/commission's work (including meeting schedule).
 - 2. Staff Reports any reports prepared by the Researchers. These documents can be identified by this phrase: "prepared by [Researcher's Name]".

9. Rule Review/Legal Memos

- A. Purpose: the purpose is for the legal staff to prepare memos or rule review reports regarding proposed rules by an agency for a committee's/commission's consideration.
- B. Content: memos and rule review reports.

10. Bill Drafts

- A. Purpose: To provide a hard copy of bill drafts that are prepared at the request of the committee/commission. Committee/Commission Researchers or Attorneys process bill drafts.
- B. Content: committee/commission bill drafts. They may be referenced by a CL #.

Appendix B – Montana Code Annotated Relevant Sections

Montana Code Annotated 2017 – 5-5-202

TITLE 5. LEGISLATIVE BRANCH

CHAPTER 5. LEGISLATIVE PROCEDURES

Part 2. Organization -- Interim Committees

Interim Committees

5-5-202. Interim committees. (1) During an interim when the legislature is not in session, the committees listed in subsection (2) are the interim committees of the legislature. They are empowered to sit as committees and may act in their respective areas of responsibility. The functions of the legislative council, legislative audit committee, legislative finance committee, environmental quality council, state-tribal relations committee, and local government committee are provided for in the statutes governing those committees.

(2) The following are the interim committees of the legislature:

- (a) economic affairs committee;
- (b) education committee;
- (c) children, families, health, and human services committee;
- (d) law and justice committee;
- (e) energy and telecommunications committee;
- (f) revenue committee;
- (g) state administration and veterans' affairs committee; and
- (h) water policy committee.

Transportation committee

Local Government committee

(3) An interim committee, the local government committee, or the environmental quality council may refer an issue to another committee that the referring committee determines to be more appropriate for the consideration of the issue. Upon the acceptance of the referred issue, the accepting committee shall consider the issue as if the issue were originally within its jurisdiction. If the committee that is referred to an issue declines to accept the issue, the original committee retains jurisdiction.

(4) If there is a dispute between committees as to which committee has proper jurisdiction over a subject, the legislative council shall determine the most appropriate committee and assign the subject to that committee. If there is an entity that is attached to an agency for administrative purposes under the jurisdiction of an interim committee and another interim committee has a justification to seek jurisdiction and petitions the legislative council, the legislative council may assign that entity to the interim committee seeking jurisdiction unless otherwise provided by law.

History: En. Sec. 10, Ch. 431, L. 1973; R.C.M. 1947, 43-718; amd. Sec. 1, Ch. 138, L. 1979; amd. Sec. 1, Ch. 353, L. 1981; amd. Sec. 19, Ch. 19, L. 1999; amd. Sec. 5, Ch. 210, L. 2001; amd. Sec. 1, Ch. 565, L. 2003; amd. Sec. 2, Ch. 285, L. 2009; amd. Sec. 1, Ch. 92, L. 2011; amd. Sec. 1, Ch. 122, L. 2015; amd. Sec. 2, Ch. 167, L. 2017.

Montana Code Annotated 2017 Definitions 2-6-1002

TITLE 2. GOVERNMENT STRUCTURE AND ADMINISTRATION

CHAPTER 6. PUBLIC RECORDS

Part 10. General Provisions

Definitions

2-6-1002. Definitions. As used in this chapter, the following definitions apply:

- (1) "Confidential information" means information that is accorded confidential status or is prohibited from disclosure as provided by applicable law. The term includes information that is:
 - (a) constitutionally protected from disclosure because an individual privacy interest clearly exceeds the merits of public disclosure;
 - (b) related to judicial deliberations in adversarial proceedings;
 - (c) necessary to maintain the security and integrity of secure facilities or information systems owned by or serving the state; and
 - (d) designated as confidential by statute or through judicial decisions, findings, or orders.
- (2) "Constitutional officer" means the governor, lieutenant governor, attorney general, secretary of state, superintendent of public instruction, or auditor, who are the constitutionally designated and elected officials of the executive branch of government.
- (3) "Constitutional officer record" means a public record prepared, owned, used, or retained by a constitutional officer.
- (4) "Essential record" means a public record immediately necessary to:
 - (a) respond to an emergency or disaster;
 - (b) begin recovery or reestablishment of operations during and after an emergency or disaster;
 - (c) protect the health, safety, and property of Montana citizens; or
 - (d) protect the assets, obligations, rights, history, and resources of a public agency, its employees and customers, and Montana citizens.
- (5) "Executive branch agency" means a department, board, commission, office, bureau, or other public authority of the executive branch of state government.
- (6) "Historic record" means a public record found by the state archivist to have permanent administrative or historic value to the state.
- (7) "Local government" means a city, town, county, consolidated city-county, special district, or school district or a subdivision of one of these entities.

- (8) "Local government records committee" means the committee provided for in 2-6-1201.
- (9) "Permanent record" means a public record designated for long-term or permanent retention.
- (10) "Public agency" means the executive, legislative, and judicial branches of Montana state government, a political subdivision of the state, a local government, and any agency, department, board, commission, office, bureau, division, or other public authority of the executive, legislative, or judicial branch of the state of Montana.
- (11) "Public information" means information prepared, owned, used, or retained by any public agency relating to the transaction of official business, regardless of form, except for confidential information that must be protected against public disclosure under applicable law.
- (12) "Public officer" means any person who has been elected or appointed as an officer of state or local government.
- (13) "Public record" means public information that is:
- (a) fixed in any medium and is retrievable in a usable form for future reference; and
 - (b) designated for retention by the state records committee, judicial branch, legislative branch, or local government records committee.
- (14) "Records manager" means an individual designated by a public agency to be responsible for coordinating the efficient and effective management of the agency's public records and information.
- (15) "State records committee" means the state records committee provided for in 2-6-1107.
History: En. Sec. 2, Ch. 348, L. 2015.

NOTE: The Secretary of State maintains a glossary of terms for records management and may be found at:
<https://sosmt.gov/records/glossary/>

Appendix C- Records Procedures

- I. Records Management Components
- II. Types of Files
- III. Annual Program Review
- IV. Filing Procedures
- V. Records Maintenance

I. Records Management System Components

- A. Retention Schedules. The retention schedules in the policy define how long records must be kept. The schedules indicate when to remove records to inactive storage or archive, and when to destroy them. The retention schedules are based on legal, operational, and historical requirements. They are linked directly to the files classification outline to simplify the identification of records eligible for purging. Electronic records shall have the same disposition as paper records.
- B. Refer to Records Retention Table (Appendix H) – This table includes an inventory of documents, the responsible position, location, and the retention schedule.
- C. Retention and Disposition Codes. Retention periods for each file’s classification are coded in the last column of the outline. The retention codes consist of numbers and/or letters divided by one or more slashes. Time in office space appears before the first slash, with time in Capitol storage space noted immediately after it. The time in office storage and Capitol storage together must equal or exceed the office storage requirement published by the Department of Administration. Records are to be archived electronically or stored permanently on site, transferred to Historical Society Archives, the State record center, or destroyed as appropriate following office storage.
 - 1. The numbers denote years. Some letter codes are also used as follows: "C" means retain while current or relevant; "P" means retain permanently, and "D" means to discard or destroy. "Ar" means that the file should be offered to the Historical Society Archives before discarding or destroying it.
 - 2. Retention codes are read as follows: "c/4/p", for example, means retain in office space while current, 4 years in a vault, then permanently in archives. c/4/d means retain in the office while current, 4 years in a vault, then destroy or discard.

II. Types of Files/Records

- A. Transitory Files. Files volume can be greatly limited by using transitory files. They are set up to hold all records of short-term or otherwise limited value. These may include meeting and training announcements, hotel and travel reservations, subscription offers, etc. Transitory files should be purged every three months. For electronic records, this would include Spam/non-records.
- B. Working Files. In bulky files, working papers should be filed separately from official documents. Normally working files should be kept at the desk of the person creating them or in the individual’s H:\ drive. Collaborative efforts may require a central location that should be carefully identified. Working papers include preliminary drafts, notes, and informal documents that are normally purged from a file when it is closed. Having these materials filed separately makes the official file much easier to use. Furthermore, working papers that are not official or permanent records can be destroyed much earlier than the official file. Working papers for interim committee activity, for example, are usually discarded at the end of committee work prior to archiving them unless they have been discarded earlier. However, a staff member may wish to retain reference material in a desk file. Audit working papers are considered official records that have separate retention and archive periods.
- C. Reference Files. Generally, of a technical nature, these materials include reports, periodicals, and special studies. They typically originate outside the office. Placing them in correspondence files hinders efficient retrieval, retirement, and destruction of records. Reference material should be segregated from correspondence files wherever possible. When files are archived, items in reference files will normally be listed bibliographically and retained in the library or discarded as appropriate. Whenever possible, reference documents should be handled as library materials even before archival work is done.
- D. Official Record – This includes paper and electronic files that are permanent records. Examples would include minutes, final reports of interim committees, information requests, legal opinions, and bill drafts.

III. Annual Program Review

- A. The records management officer will review all files location plans at least twice a biennium, at the end of the Fiscal Year in odd years and the fall of even years. The review will be timed to coincide with the cutoff of files from the previous biennium. Actual inspection of the files will be made as necessary. Compliance with the manual will be a major factor in the records management officer's reports to the Executive Director.

IV. Records Filing Procedures

- A. Filing is in the first instance the responsibility of the people in the office who generate and receive documents. The writer and primary user must be familiar with these procedures and initiate filing by marking the document to be filed, classifying it, and submitting it for filing. The secretary or support staff can help by screening obvious problems and by otherwise following procedures.
- B. File on a daily basis. The records most frequently requested are those most recently received. The best way to keep track of them is in the files.
- C. File Only What is Necessary. Unnecessary filing wastes time, space, and equipment. Limiting the creation and filing of records from the outset is the best control.
 1. Avoid formal communications about routine matters.
 2. Limit copies to the exact number required.
 3. Do not file routine communications that require no record after the action is taken.
 4. Limit the filing of reference materials. Submit reference materials to the library for retention.

V. Records Maintenance

- A. Preparation of hard paper copies. Prepare documents for filing as follows:
 1. Remove rubber bands, paper clips, pins, and other temporary fasteners. Staples may be left in place.
 2. Ensure that the file is complete and that all enclosures are accounted for.
 3. Mend or reinforce the records with transparent tape if necessary.
 4. Destroy all duplicates except originals and official or annotated file copies.
 5. See that parts of another file are not accidentally attached.
 6. Remove all copies of mail control forms and routing slips except those that contain remarks of record value. Also, remove envelopes unless the address is needed, or the date of receipt must be documented.
 7. Packing Records.
 - a. All records in each box must have the same retention period. Otherwise, the entire box has to be kept until the longest retention period is met, which wastes storage space.
 - b. Place records in the box in an upright position.
 - c. Arrange records in their original filing order.
 - d. Do not pack files too tightly. Leave about 1 inch in the box for working space.
 8. Labeling Boxes. After filling the boxes, type a storage label for each and attach it to the center of the box front. The label should note office, first and last classifications, inclusive dates, destruction date, and consecutively assigned office box numbers.
 9. Listing Box Contents. Prepare a box list for each box or group of boxes, listing the box label information, the records center storage locator (to be provided by the records management officer), and the file folder label identifiers. The format for the labels is the same as a file location plan, which can be adapted to this purpose. Keep the box list at the location of the files and provide a copy to the records management officer.

- a. Box lists serve as retrieval aids. They should be reviewed periodically for records that are eligible for destruction. Line out boxes when the boxes are disposed of and note exact destruction dates. Notify the records management officer in each case. Retain all box lists permanently.
10. Restricted Access Records. If access to certain records is restricted, note this in the file's location plan. Secure filing equipment should be used for these records. Personnel and financial records relating to individual privacy are the only records generally to be restricted.

Appendix D - Electronic File Management

A. Electronic Files

1. Paper records will continue to co-exist with electronic records for the foreseeable future.
2. All electronic files have the same retention schedule as paper records.
3. This general schedule applies to disposable official copies of electronic records created or received by the Legislature. It covers records created by computer users, including programmers, developers, business analysts, systems administrators, researchers, attorneys, support staff, and all personnel with access to a computer. These disposition schedules apply to the categories of electronic records described in this general schedule, regardless of the type of computer used to create or store these records.
4. The records covered by many sections in this general schedule are authorized for erasure or deletion when the agency determines that they are no longer needed for administrative, financial, reference, legal, audit, or other operational purposes.
5. Personal H:\Drive – Staff is assigned an H: drive on the network to store their electronic files. Each user should review all files in their H:\ drives annually and documents that are no longer needed should be deleted. The suggested annual review date is July 1, the start of the new fiscal year. Assistance can be provided by the branch Records Manager.
6. Non-database electronic records are subject to the same management requirements as their paper counterparts. This includes all requirements listed in this management plan, except where hard-copy records are mentioned specifically. As with records in other formats, electronic records will be managed through their entire lifecycle: from creation, when the records are created or received; through their active life, when the records are accessed frequently (at least once a month); through their inactive life, when the records are no longer active but have to be retained for a period of time for legal, fiscal, administrative, or historical reasons; until their final disposition, which could be destruction or preservation as a permanent record.

B. Electronic records covered by this general schedule

This general schedule applies to disposable official copies of records created or received by the Legislative Services Division, the Legislative Audit Division, and the Legislative Fiscal Division. It covers records created by computer operators, programmers, analysts, systems administrators, and all personnel with access to a computer. In addition, this general schedule covers certain disposable electronic records produced by end-users in office automation applications. These disposition authorities apply to the categories of electronic records described in this general schedule, regardless of the type of computer used to create or store these records.

Appendix E – Electronic Message Requirements

Electronic Message Requirements

All electronic messages sent or received through any State/Legislative Services Division (LSD)-owned systems or devices belong to Legislative Services. These messages are considered public information. LSD has a responsibility to reduce risk to LSD/the State. Messaging on these systems may be monitored, and employees, therefore, have no expectation of privacy in messages sent or received. All electronic messages fall into the retention schedules in this policy. If a public records request for an electronic message is requested, a review will be conducted to screen potential information that may be considered private. Subject to the request a good faith search of personal devices will be done to comply with the public records request. Communications relating to Government business from a personal device or personal account are considered public record. In the event a Public Records request may encompass information sent or received from a personal device, the Government may request that you conduct a good faith search of your personal device to ensure that all public records are provided in compliance with the applicable laws and you must immediately comply with this request, as instructed by your supervisor or other individual making the request.

1. Types of electronic messages
 - a. Email
 - b. Instant Messaging (Microsoft Lync)
 - c. TEAMS
 - d. Texting
 - e. Voicemail

2. Categories of electronic messages

- a. Spam/non-record
- b. Transitory Communication
- c. Official Record

Appendix F – Legislator E-mail Retention

Many legislator emails are considered public information and must be managed within compliance with state law and branch policy. These guidelines are designed to assist legislators in anticipation of fulfilling public right-to-know requests and protection.

Whether an email constitutes public information depends on the content, not the format or where it resides. Emails may also include any attachment and transmission data (To, Sent, From) that provides context for the record.

Managing your public records

1. The following are Records Managed by the Branch:
 - Bills and resolutions
 - Committee minutes
 - Session journals
 - Interim reports
 - Legal opinions
 - Correspondence related to legislative business that is routed through the Branch

These records do not require legislators to maintain copies.

2. Records to be Managed by You as a Legislator:

- Correspondence relating to a legislative business that comes to or from you directly

How do you manage your public records? Best Practices Suggestions:

1. Have a separate email account dedicated solely to your legislative business - Legislative Services offers Zimbra to all legislators;
2. Save emails in that account for the retention period that is specified in the branch's record management policy. See Appendix H.
3. If you have someone make a request for your records, contact the branch's Chief Legal Counsel or Executive Director for assistance in fulfilling that request;
4. Include an automatic disclaimer that notifies correspondents that emails may be subject to public records requests. For example, "Legislators are publicly elected officials". Legislator emails sent or received involving legislative business may be subject to the Right to Know provisions of the Montana Constitution and may be considered a "public record" under Montana law. As such, email, sent or received, its sender and receiver, and the email contents, may be subject to public disclosure, except as otherwise provided by Montana law."

The content of the email relates to your duties or your position as a legislator and determines the disposition of the record. The following are examples:

- Emails distributing official committee documents such as agendas, reports, or committee bill drafts are retained and maintained by legislative branch staff are considered transitory and can be deleted by a legislator DELETE
- Emails that are tangentially related to your duties or position as a legislator, such as a newsletter from NCSL, are transitory records and can be deleted DELETE.
- Emails containing legislative administrative documents or discussions about the legislative business must be kept for a maximum of 5 years after leaving office. For example, if your term ends December 31 of 2015, you could delete emails after December 31 of 2020.

Appendix G – Retention Schedules

I. Administration and Operations

| ADM (Administration and Operations) | | | | |
|---|--|--|---|---------------------------------------|
| Characteristics: The purpose of Section 1 of this document is to provide an overview of documentation regarding the general administration and operation of the Legislative Branch. | | | | |
| Number | Item Name/Description | Responsible Position | Location | End of life |
| 1.1 | Management | | | |
| 1.1.1 | Division Administrator Correspondence/official correspondence from the Exec. Dir., LA, or LFA either original or in response to inquiries | Executive Director, Legislative Auditor, Legislative Fiscal Analyst | Should be filed with the appropriate committee or fall under an employee retention schedule | Appropriate to type of correspondence |
| 1.1.2 | Staff Evaluation Questionnaires /when an employee is specifically named it is retained in their personnel file | Human Resource Manager | 154 for LSD and LFD, LAD 360s, self evals & final evals are in Halogen | 3/C/P |
| 1.1.2.1 | Completed Legislators' Questionnaire/personnel information for legislators, including information for the Copper Books | Human Resources Specialist | 154 | 5/C/P |
| 1.1.3 | Session Committee Staffing/ personnel information for temporary employees hired to staff legislative session | Secretary of Senate or Clerk of the House or Human Resource Specialist | 154 | 2/C/D |
| 1.2 | Administrative Policy | | | |
| 1.2.1 | Administrative Manual/information, policies, and procedures relating to employment with the Montana Legislative Branch | Human Resources Manager | 154 | C/D |
| 1.2.2 | Office Policy Memoranda | Human Resources Manager | 154 | C/D |
| 1.2.3 | LAD Audit Manual | Legislative Auditor | 160 – electronic | C/P |
| 1.3 | Contracts | | | |
| 1.3.1 | Contracts for equipment, leases, and vendors that are not IT-related. | Business Coordinator | 154 | 10/10/D |
| 1.3.2 | IT- related contracts | Business Coordinator | 154 | 10/10/D |

| | | | | |
|-------|---|-------------------------|-----|---------|
| 1.3.3 | Audit and Misc. services that are not IT related | Legal Counsel | 160 | 10/10/D |
| 1.4 | Montana Safety and Employee Safety Program | Human Resources Manager | 154 | 2/P |
| 1.5 | Audit Workpapers | Legislative Auditor | 160 | C/5/D |

II. Committee Records

| COM (Committee Records) | | | | |
|---|---|----------------------|----------|-------------|
| The following records are reflective of documentation produced for or by a standing Legislative Committee staffed by the Legislative Services, Audit, or Fiscal Division. Appendix A provides further description regarding the content of each document or record. <i>Records for 2019 and forward will be online in electronic database format.</i> | | | | |
| Number | Item Description | Responsible Position | Location | End of life |
| 2.1 | Interim Study Polls | | | |
| 2.1.1 | Interim Study Poll Ballots/ballots completed by legislators regarding which issues they would like studied during the interim. | ORPA Director | 111 | 2/2/D |
| 2.2 | Committee Appointments | Executive Director | 112 | 4/D |
| 2.3 | Administrative Committees | | | |
| 2.3.1 | Branch Information Technology Planning Council | Committee Secretary | 136 | C/4/Ar |
| 2.3.2 | Districting and Apportionment Commission/Census Planning | Committee Secretary | 136 | 10/Ar |
| 2.3.3 | Legislative Council (Leg. Council Sub Committees have their own subfiles: Letters Sent / Letters Received / Minutes-if any / Staff Reports) | Committee Secretary | 136 | C/4/Ar |
| 2.3.4 | Legislative Finance Committee/MARA/ Interim Budget Committees | Committee Secretary | 116/LFDV | C/4/Ar |

| | | | | |
|-------|--|---------------------|----------|----------------|
| 2.3.5 | Legislative Audit Committee | Committee Secretary | 160/LADV | P - electronic |
| 2.4 | Interim Committees per MCA 5-5-202 (Appendix A) | Committee Secretary | 136 | C/4/Ar |

III. Equipment on hand

| EQP (Equipment on hand) | | | | |
|---|--|----------------------------|---|-------------|
| Inventory, maintenance, and related issues files for equipment the Legislative Branch entities own or have use of. Files related to the ownership and maintenance of computer programs (software) are listed since they are capital assets to the state system. Files related to prospective purchases of equipment are listed within purchasing files. | | | | |
| Number | Record | Responsible Position | Location | End of life |
| 3.1 | Inventory (agency records) /Hardware, furniture | Financial Services Manager | Assets: Online/SABHRS https://sabhrsi.mt.gov/index.html Furniture: FATS | 2/3/D |

IV. Facilities and Services

| FAS (Facilities and services [Dept. of Admin and Legislative Branch Facilities]) | | | | |
|---|---|---------------------------|-----------------|-------------|
| Material related to office space and other services provided by the Department of Administration principally through the General Services Division or State Information Technology Services Division (SITSD) to Legislative Branch entities. Materials related to services provided by the accounting division, publications and graphics, and personnel divisions or SITSD training programs should be filed under the appropriate functional area or in the case file to which the service relates. | | | | |
| | Record | Responsible Position | Location | End of life |
| 4.1 | Capitol Building – Space /agreement for the lease of physical space within the Capitol Building or any other location. | Business Coordinator | 154 | C/5/D |
| 4.2 | Office of Legislative Information Services | | | |
| 4.2.1 | Training and Support/training information pertinent to information technology that legislative staff uses | Chief Information Officer | W:\Data\LEG\ITO | C/D |

V. Financial and Accounting

| FIN (Financial and accounting) | | | | |
|--|---|----------------------------|----------|-------------|
| Materials related to the financial cycle of the Legislative Branch from budget development through fiscal management to audit and closure. | | | | |
| | Record | Responsible Position | Location | End of life |
| 5.1 | Budget Development and Authorization | | | |
| 5.1.1 | Correspondence/memos relating to the budget and the financial issues of the branch | Financial Services Manager | 154 | 2/3/D |
| 5.1.1.1 | Budget Office/documentation and correspondence from the Budget Office | Financial Services Manager | 154 | 2/3/D |
| 5.1.2 | Council Budget/documentation regarding the Legislative Council budget | Financial Services Manager | 154 | 2/3/D |
| 5.1.3 | Feed Bill Budget/documentation for the feed bill budget, which is the budget for the session | Financial Services Manager | 154 | 2/3/D |
| 5.1.4 | Fiscal Note Work Paper/documentation and notes for preparing fiscal notes as needed for bills | Financial Services Manager | 154 | C/4/D |
| 5.2 | State Accounting Systems Reports /reports from the State Accounting System relating to the branch | Financial Services Manager | 154 | |
| 5.2.1 | Division (LSD/LFD/LAD) | Financial Services Manager | 154 | 2/3/D |
| 5.3 | Office Financial Administration | | | |
| 5.3.1 | Salaries/documentation regarding salaries for branch employees and market surveys | Human Resource Manager | 154 | 2/2/D |
| 5.3.2 | Billing Support Documentation (invoices)/documentation such as receipts and purchase orders to support bills that the branch pays | Financial Services Manager | 154 | 5/D |
| 5.3.3 | Daily Cash Receipts/receipts for cash received during the business day | Financial Services Manager | 154 | 2/3/D |

VI. Information and Reference

| INF (Information and reference) | | | | |
|---|--|----------------------|---|-------------|
| Materials related to the Office of Legislative Information Services of the Legislative Services Division in support of the Legislative Branch. These are collections of materials retained specifically for the purpose of reference to provide information in response to information requests or to provide records of information so provided. | | | | |
| | Record | Responsible Position | Location | End of life |
| 6.1 | Reference Center | | | |
| 6.1.1 | Books/books that are used as references. The end of life depends on the volume as some | Operations Manager | Room 10 – Reference Center and Room 5 (vault) | C |

| | | | | |
|-------|--|-------------------------------------|---|--------|
| | have historical value while others become outdated quickly. | | | |
| 6.1.2 | Interim Committee Final Reports/Reports prepared by legislative staff | Operation Manager/Research Director | <ol style="list-style-type: none"> 1. 10 – Reference Center 2. https://leg.mt.gov/publications/state-agency-reports/ 3. Posted to Interim Committee web pages 4. Submitted to State Library for cataloging. | P |
| 6.1.3 | Budget Analysis and Fiscal reports | Lead Fiscal Analyst | Legislative Branch webpage https://leg.mt.gov/lfd/publications/ | P |
| 6.1.4 | Serials/magazines, journals, and periodicals to which the branch subscribes | Operation Manager | 10 - Reference Center | Varies |
| 6.1.5 | Annual Reports from State Agencies/Statutorily required reports from state agencies to the Legislature | Operation Manager | https://leg.mt.gov/publications/state-agency-reports/ | P |
| 6.1.6 | MCA, Session Laws, House, and Senate Journals | Publications Coordinator | 10 – Reference Center | P |
| 6.2 | Memorandum File /official memos from the Legislative Branch | | | |
| 6.2.1 | Initiative Review/legal review of proposed initiatives | Committee Secretary | Rm 136 | P |
| 6.2.2 | Memoranda/white papers, and memos written by research staff and attorneys | Researcher/Attorney | Interim committee file, H:\Drive, | P |
| 6.2.3 | Legal Opinions issued outside of Interim Committee responsibilities | Attorney recipient of request | LSD: Document Management, Information Request, or personal H:\drive LAD: LADV or electronic archive | P |
| 6.3 | Rule Review – Overview, Policy, Historical /Individual committees retain specific materials | Chief Legal Counsel | Room 123 | C/P |
| 6.4 | Information Requests | | | |
| 6.4.1 | Requestor File/Response Doc | Recipient of Request | 10 – RC, info request system http://test.leg2.mt.gov/InfoRequest/scripts/login.asp | 4/P |

| | | | | |
|-------|--|-----------------------------------|---|-------|
| 6.4.2 | Staff experts/subject area expertise of staff | Recipient of Request | Online W:\Data\LEG\COMMON\Intranet\content\gen_info\Staff-Subject-Expertise.pdf | C |
| 6.5 | Document Request System /staff interim committee reports, memos, and information requests prepared by legislative staff | | Online http://leg.mt.gov/css/Web%20Reports/rptweb.asp | P |
| 6.6 | Public Records Requests /Freedom of Information Act Requests | | | |
| 6.6.1 | LSD | Executive Director | 112, Outlook, S:\Secure\Public Info Request | 4/D |
| 6.6.2 | LAD | Legislative Auditor/Legal Counsel | 160 Stored electronically | 4/D |
| 6.6.3 | LFD | Legislative Fiscal Analyst | 116, Outlook, Stored Electronically | 4/D |
| 6.7 | Service Desk Tickets | Chief Information Officer | 4/Help Desk System http://helpdesk.legmt.gov:8080/ehelpdesk/login.glm | C/2/D |

VII. Interstate Cooperation

| ISO (Interstate cooperation) | | | | |
|---|---|----------------------|----------|-------------|
| Files related to organizations, committees, or activities of an interstate or international character for which the branch has administrative responsibility. | | | | |
| | Record | Responsible Position | Location | End of life |
| 7.1 | Membership and appointments Legislative Council and leadership appointments to various boards and committees of legislators and legislative staff | Executive Director | 112 | C/D |
| 7.2 | Council of State Government – Western Legislative Academy | Executive Director | 112 | C/2/D |

VIII. Legislation Drafting and Review

| LEG (Legislation – drafting, and review) | | | | |
|---|---|--------------------------------|---|-------|
| Materials related to the bill drafting and bill processing services of the branch are conducted by the Legislative Services Division. | | | | |
| Record | Responsible Position | Location | End of life | |
| 8.1 | Forms and Procedures | | | |
| 8.1.1 | Blank Bill Draft Request Forms/blue form that is completed by or for a legislator to request a bill draft | Code Commissioner | 123 Bill Draft Management System – (contact Service Desk for access) https://leg.mt.gov/information-legislators/drafting-bills/ | C/D |
| 8.1.2 | Signatures (H/S members) | Document Processing Supervisor | 154 | C/2/D |
| 8.2 | Bill Drafting Seminar Outlines /training sessions for legislative staff and other state agency personnel regarding bill drafting | Code Commissioner | 123/Online https://leg.mt.gov/information-legislators/drafting-bills/ | C/2/P |
| 8.3 | Bill Drafting and Processing | Code Commissioner | 123/ https://leg.mt.gov/information-legislators/drafting-bills/ | C/4/P |
| 8.3.1 | Request Records/formerly actual logbooks for bill draft requests which are now online. | Code Commissioner | http://laws.leg.mt.gov/legprd/LAW0217W\$BAIV.return_all_bills?P_SESS=20171 For the specific session, use that session year to link to the item. | C/P |
| 8.3.2 | Draft Request Archive (Junque) Pre-session intro. Authorization attached/documentation and checklists for bill drafts, including the correspondence. | Bill Drafters | 10/Vault/ 2019 paper files in the vault *electronic files will be kept permanently in the Bill Draft Management System | 2/4/P |
| 8.3.3 | Governor’s Amendments and Vetoes/documentation | Code Commissioner | 123/ *electronic files will be kept permanently in the Bill Draft Management System | C/P |

| | | | | |
|-------|--|-------------------|--|-----|
| | from the Governor's office on bills that have been amended or vetoed. | | | |
| 8.3.4 | Bill Drafting Manual/biennial publication that provides guidelines for bill drafting, such as language suggestions and formatting. | Code Commissioner | 123/ https://leg.mt.gov/information-legislators/drafting-bills/ | C/P |
| 8.4 | Ballot Issue Review (initiatives) | | | |
| 8.4.1 | Ballot Issue Correspondence/ letters received and sent regarding ballot issues and legal review of initiatives. | Code Commissioner | 136/ Outlook, Document Request | 2/P |

IX. Montana Code Annotated Codification and Annotation

| MCA (Montana Code Annotated – codification and annotation) | | | | |
|---|---|--------------------------|------------------------------------|-------------|
| Files used by the Code Commissioner and staff to document activities related to the preparation of MCA documents for publication. Preparation is distinguished from the printing and distribution functions. Activities are conducted by the Legislative Services Division. | | | | |
| | Record | Responsible Position | Location | End of life |
| 9.1 | Procedures (includes surveys) | Code Commissioner | 123 | C/D |
| 9.2 | Periodic Reports | Code Commissioner | 123 | C/P |
| 9.2.1 | Code Commissioner Correspondence | Code Commissioner | 123 | C/P |
| 9.3 | Codification | | | |
| 9.3.1 | Printouts (proofs, corrections, etc.) | Publications Coordinator | 10B | 6 mo./D |
| 9.3.2 | Session Law Proofs | Publications Coordinator | 10B | 6 mo./D |
| 9.3.3 | Electronic file of final MCA | Publications Coordinator | W:\Data\LEG\desktop publishing\MCA | C/P |
| 9.4 | Ancillary Publications /Session laws, History and Final Status, Legislative Review and MCA Compilations specifically made for State Agencies | Publications Coordinator | 10B | 6 mo./D |
| 9.5 | Annotations | | | |

| | | | | |
|-------|--------------------------------------|--------------------------|---|---------|
| 9.5.1 | Case Notes | Code Commissioner | 123/ "C:\Program Files (x86)\Montana Legislative Service\NFO\MCA2017SS.nfo" | C4/P |
| 9.5.2 | Cross References | Code Commissioner | 123/ "C:\Program Files (x86)\Montana Legislative Service\NFO\MCA2017SS.nfo" | C/4/P |
| 9.5.3 | Printouts | Publications Coordinator | 10B | 6 mo./D |
| 9.5.4 | Electronic file of final Annotations | Publications Coordinator | W:\Data\LEG\desktop publishing\MCA | C/P |
| 9.6 | Publisher Correspondence | | | |
| 9.6.1 | West | Publications Coordinator | 10B | C/5/D |
| 9.6.2 | State Reporter Publishing Co. | Publications Coordinator | 10B | C/5/D |
| 9.6.3 | Lexis - Nexis | Publications Coordinator | 10B | C/5/D |
| 9.7 | Index | Code Commissioner | 123 | C/D |

X. Personnel

| PER (Personnel) | | | | |
|--|---|--|-------------|--------------------------|
| Materials related to the recruiting, training, pay, and administration of personnel for the Legislative Branch. Broad office policies on personnel may properly belong in administration, but material specifically related to individuals or individual details of personnel administration belong in this classification. All personnel paperwork should be in the Financial Human Resources Office (FHRO) of the Legislative Services Division. | | | | |
| Record | Responsible Position | Location | End of life | |
| 10.1 | Hiring Process /materials relating to the hiring and recruitment of personnel, including vacancy announcements, interview process, and paperwork for hiring staff and legislators. | Human Resource Manager | 154 | C/D |
| 10.2 | Employment Applications/Inquiries /Applications completed by persons seeking employment with the branch | Human Resource Manager | 154 | C/2/D |
| 10.3 | Personnel Records /files on current and past staff and legislators | | | |
| 10.3.1 | Time Sheets for Session/Temp Staff/Short Term/paper records of hours worked by employees | Human Resource Specialist | 154 | C/D |
| 10.3.2 | LAD personnel files for current employees with project skill reviews, offer letters, corrective action plans, Lottery forms, etc. | Deputies/Legislative Auditor - Human Resource Specialist | 160/154 | C/10 after termination/D |
| 10.3.3 | Personnel Records/current and former legislators | Human Resource Specialist | 154 | C/10 after termination/D |

| | | | | |
|--------|--|----------------------------|---|--------------------------|
| 10.3.4 | Personnel records/ current employees | Human Resource Specialist | 154 | C/10 after termination/D |
| 10.4 | Personnel Financial Records /documentation regarding pay and benefits for staff and legislators | Human Resource Specialist | 154 | C/P |
| 10.5 | Benefits Plans | | http://benefits.mt.gov/ | |
| 10.5.1 | Workers' Compensation/records for workers comp premiums paid and claims | Human Resource Specialist | 154 | C/D |
| 10.5.2 | Unemployment Insurance/ records for unemployment premiums paid and claims | Human Resource Specialist | 154 | C/D |
| 10.5.3 | EEO/Equal Employment Opportunity documentation | Human Resource Manager | 154 | C/D |
| 10.5.4 | Family & Medical Leave Act/forms and documentation for staff on medical leave | Human Resource Manager | 154 | C/D |
| 10.6 | Training and Continuing Education – Office Programs | LAD Training Administrator | LAD | C/50/D |
| 10.7 | Orientation Checklist /form to ensure that all proper hiring information is obtained from legislators | Human Resource Specialist | 154 | C/D |
| 10.8 | Classification and pay plan /documentation for branch pay plans and position classification | Human Resource Manager | 154 | C/4/D |
| 10.8.1 | Job Descriptions/position descriptions for legislative staff outlining duties and expectations of the position | Human Resource Manager | 154 | C |
| 10.8.2 | Performance Appraisal/completed performance appraisals for Legislative Services and Fiscal Divisions staff | Human Resource Manager | 154 | 5/D |
| 10.8.3 | Performance Appraisal/completed performance appraisals for Legislative Audit Division staff | Training Administrator | 160/Halogen | 5/D |
| 10.9 | Sexual Harassment | Human Resource Manager | 154 | P |

XI. Publications

| PUBS (Publications) – Legislative Printing and Distribution | | | | |
|---|--|----------------------|------------------------------------|-------|
| These files relate to the printing and distribution of publications for which the branch has responsibility. Documents are organized in files related to specific editions of each publication. | | | | |
| Record | Responsible Position | Location | End of life | |
| 11.1 | Montana Code Annotated Statute Text (file by year)/text of the Montana Code as codified by staff attorneys and made printer ready | Code Commissioner | 123 | 2/2/P |
| 11.1. a | Electronic version of Montana Code Annotated Statute Text | Publications Officer | W:\Data\LEG\desktop publishing\MCA | C/P |
| 11.1.1 | General Correspondence/inquiries for printing the codes | Code Commissioner | 123 | 2/2/P |

| | | | | |
|----------|--|--------------------------|--|-------|
| 11.1.2 | Contractor Solicitation and Response (bids)/bids and solicitation for bids from publishers | Code Commissioner | 123 | 2/2/P |
| 11.2 | Montana Code Annotated Annotations (file by year) | Code Commissioner | 123 | 2/2/P |
| 11.2.1 | Electronic version of Montana Code Annotated Annotations | Publications Officer | W:\Data\LEG\desktop publishing\MCA | C/P |
| 11.2.2 | Correspondence/with publishers and purchasers of the annotations | Code Commissioner | 123 | 2/2/P |
| 11.2.2.1 | General | Code Commissioner | 123 | 2/2/P |
| 11.2.2.2 | Contractor | Code Commissioner | 123 | 2/2/P |
| 11.2.3 | Contractor Solicitation and Response (bids) | Code Commissioner | 123 | 2/2/P |
| 11.3 | History and Final Status/Session Law | | | 2/2/P |
| 11.3.1 | Correspondence/with publishers and purchasers of the annotations | Code Commissioner | 123 | 2/2/P |
| 11.3.1.1 | General | Code Commissioner | 123 | 2/2/P |
| 11.3.1.2 | Contractor | Code Commissioner | 123 | 2/2/P |
| 11.3.1.3 | Suggestions | Code Commissioner | 123 | 2/2/P |
| 11.3.2 | Contractor Solicitation and Response (bids) | Code Commissioner | 123 | 2/2/P |
| 11.4 | Legislative Audit Reports | Digital Content Editor | LADV/Online/Webpage | P |
| 11.5 | The Gavel /Newsletter containing information about interim activities | OLIS | 4/ https://leg.mt.gov/ | P |
| 11.6 | Telephone Directory /listing of staff phone numbers | Business Manager | 154/ https://directory.mt.gov/govt/state-dir/agency/leg | C |
| 11.7 | Legislator's Handbook /Guide with pertinent information for legislators and about the legislative process | Executive Director | Vault | P |
| 11.8 | Copper Books /booklets that contain photos and brief biographies of the Legislators | Publications Coordinator | 10A and Vault | P |

XII. Purchasing

| PUR (Purchasing) | | | | |
|---|--|-------------------------------|----------|-------------|
| Records relating to the requisition, pricing, and purchasing of items for the Legislative Branch. After purchase records are included in EQP or other appropriate files. Pre-purchase documents are either working files held by proposers, budget files, or other functional files. Coordinated through the Legislative Services Division. | | | | |
| | Record | Responsible Position | Location | End of life |
| 12.1 | Purchase Orders / document and first official offer issued by a buyer to a seller, indicating types, quantities, and agreed prices for products or services | Financial Services Supervisor | 154 | 2/3/D |
| 12.2 | Policy and Procedures /requirement of purchasing items for the branch | Financial Services Supervisor | 154 | C/D |
| 12.3 | Agency Purchasing Authority /documentation providing permissions for purchasing items | Financial Services Supervisor | 154 | C/3/D |

XIII. Session Services

| Session Services | | | | |
|---|---|------------------------------|--|-------------|
| Files related to the activities of offices/functions operated by the Legislative Services Division just before and during legislative sessions. Some of the file series listed here are analogous to files identified in the location plans under office locations. They are organized this way to facilitate their transfer in whole to those who operate the session service. Other files will be maintained in the main office according to the referendum schedule. | | | | |
| | Record | Responsible Position | Location | End of life |
| 13.1 | Legislative Information Desk /Legislator messages received by the Information Desk during the session. | Information Desk Manager | W:\DEVAPPS\PhoneMessages U:\LegWebMessage | Permanent |
| 13.2 | Legislative Printing | | | |
| 13.2.1 | Printing/printing of bills for interested parties | Bill Distribution Supervisor | 74 | 2/2/Ar |
| 13.2.2 | Data Distribution/documentation of individuals and organizations that request session related materials such as bills | Bill Distribution Supervisor | 74/ W:\DEVAPPS\PubMgmt | 2/2/Ar |

| | | | | |
|--------|--|------------------------------|---|---------|
| 13.2.3 | Proceedings/Daily journals | Bill Distribution Supervisor | 74 Leg.mt.gov | 2/2/Ar |
| 13.3 | Canvass of Votes | Executive Director | 10 | 4/D |
| 13.3.1 | Legislator Resignation/Appointments Etc. | Human Resource Specialist | 154 (Legislator Personnel Files) | 2/50/Ar |
| 13.4 | Housing Assistance (Master Forms) | LSD Administrative Assistant | 110 | C/D |
| 13.5 | Pre-session Activity | | | |
| 13.5.1 | Legislator Orientation | Operations Manager | 10 RC/ W:\Data\LEG\COMMON\Intranet\content\default.htm | C/4/Ar |
| 13.5.2 | Letters to Freshman/Veteran Legislators | Operations Manager | 4 | 2/Ar |
| 13.5.3 | Addresses of Legislators | Human Resources Specialist | 154 | C |
| 13.5.4 | Committee Staffing | Human Resource Manager | 154 | 2/Ar |
| 13.5.6 | Session Staff Job Applications | Human Resources Manager | 154 | C |

XIV. Legislator E-mail

| Legislator E-mail | | | | |
|--|-------------------|----------------------|-------------------------------------|-------------------------------|
| Electronic messages are received and sent by legislators pertaining to their official capacity as state legislators. | | | | |
| | Record | Responsible Position | Location | End of Life |
| 14.1 | Legislator E-mail | Legislator | State or the personal email account | 5 years after the end of term |

Appendix H – Legislative Branch Public Records Request Policy and Fee Schedule

LEGISLATIVE BRANCH PUBLIC RECORDS REQUEST POLICY AND FEE SCHEDULE

I. Purpose

The purpose of this policy is to ensure consistent responses to all public records requests; consistent fees are charged, and confidential information is protected.

This policy does not override a right to privacy or matters of individual or public safety provided by the Montana Constitution, statutes, and rules addressing confidentiality, or other rulings addressing privacy and safety protections.

This policy is intended to comply with Title 2, chapter 6, parts 10 and 11, and is adopted by the Legislative Council as the Legislative Branch Records Committee and as part of the Public Records Management policy.

II. Scope

This policy is in accordance with the Legislative Branch Administrative Manual for the Legislative Services Division, Legislative Fiscal and Audit Divisions, and may provide guidance to the House of Representatives and the Senate.

Contact your director, supervisor, or legal counsel if you have questions.

III. Processing Public Records Requests

The Branch shall provide access to and/or copying of unprotected records.

All public records requests made must be sent to the Director's Office for review. (Some requests may be referred to as a "Freedom of Information Request (FOIA)" or "Right-to-Know Request" and this policy is intended to fulfill those requests.) Legislator E-mail records requests must be directed to the Executive Director of the Legislative Services Division for delegation to the appropriate staffer. Public Records Requests for records specific to the Legislative Audit Committee or Division must be sent to the Legislative Auditor. Public Records Requests for records specific to the Legislative Finance Committee or Fiscal Division must be sent to the Legislative Fiscal Analyst.

All requests must be in writing and the requestor must provide a physical address. Email requests are allowed. Names of individuals requesting public records are public information.

Many public records requests require legal review. The nature of the request and the volume of work will be factored in deciding whether to charge legal fees.

If a requester places a limit on the amount of costs that they are willing to pay and if the costs are projected to exceed the estimated cost, the requestor must be asked if they want the work to continue and may be asked to pay the estimated cost before work continues.

IV. Provisions specific to Legislator E-Mail requests

A. The Executive Director, Legislative Auditor, or Legislative Fiscal Analyst, or designee will review the request and if necessary, contact the requestor for clarification or greater specificity.

B. The Executive Director will inform legislator(s) and determine whether the requested emails are on a legmt.gov account or a private account.

C. If the requested emails are on a private account the Executive Director will forward the request to the legislator and the legislator will be responsible for fulfilling the request pursuant to 2-6-1006, MCA. The legislator may seek legal advice from the Legislative Services Division legal services office.

D. If the requested emails are on a legmt.gov email account, the executive director will work with legislative services staff to fulfill the request according to 2-6-1006, MCA.

E. The legal services office will review emails as necessary prior to delivering the email to the requestor. A copy of all materials supplied to the requestor will be sent to the legislator.

V. Protection of Records

The Branch shall maintain the integrity of original records. If requested records might be altered, stolen, or are irreplaceable, Branch staff must supervise (no fee associated) the examination and copying of the records by the requestor.

VI. Protection of Privacy and Safety

The Branch will make its records available for inspection or copying of unprotected records. It is the policy of the Legislative Branch that certain documents and records relating to individual privacy are protected from public scrutiny by the Montana Constitution and all other records are subject to the right-to-know provisions. Records and materials constitutionally protected from disclosure are not available to the public ([2-6-1003](#), MCA). This is information for which an individual privacy interest clearly exceeds the merits of public disclosure, including legitimate trade secrets ([30-14-402\(4\)](#), MCA), and matters related to individual or public safety.

As considered necessary, legal counsel may inquire as to whether a person whose information is involved in the request waives their right to privacy. If a person whose information is involved in the request does not waive their right to privacy, legal counsel may be asked to redact any personal information. It is reasonable to ask a general reason for the redaction of a part of a document. Legal counsel may add a disclaimer to the release of information.

VII. Covered Charges and Actual Costs

A. The Branch shall charge the requestor for filing public records requests ([2-6-1006](#) and [2-6-1008](#), MCA). These charges include but are not limited to, copying electronic or paper records; custom computer programming; research and analysis; and legal fees. If services are required of the State Information Technology Services Division (SITSD), the requester may be asked to contact SITSD directly.

B. As specified in 2-6-1006 (4) and (5), MCA, the Branch "...is not required to alter or customize public information to provide it in a form specified to meet the needs of the requesting person....the costs of the customization may be included in the fees charged by the agency."

C. The Branch shall recover expenses based on the actual cost of filling the public records request.

D. [Attachment A](#) contains the fee schedule for public records requests. (Based on the Department of Administration's fee schedule adopted 12/17/17).

VIII. Tracking and Recording Time and Expenses

Employees shall record and report all time and expenses associated with public records requests to the Director's Office.

IX. Cross-Reference Guide

The following references contain provisions related to this policy; however, other laws, rules, or policies may apply.

- A. [Title 2, Chapter 6, part 10, MCA](#), Public Records General Provisions.
- B. [30-14-402\(4\)](#), MCA - Definition of "trade secret".
- C. Constitution of Montana, Article II, [Sections 9](#) and [10](#).
- D. Legislative Branch Administrative Manual, Chapter 22.

Attachment A

Fee Schedule Photocopying Charges

| | |
|--|---|
| Per page | \$0.35. (Staff time spent on copying is included in the per-page charge.) |
| Records recalled from offsite storage | Actual cost |
| Staff time to prepare materials for copying | \$17.83 per hour ¹ |
| If the request is for an extraordinarily large volume of printed material, the Department may have copies made by Print and Mail Services. | Actual cost |

Electronic Media Copies

| | |
|---|---|
| Staff time for copying electronic files | \$17.83 per hour after first half hour ¹ |
| Electronic media | Actual cost |
| Mainframe and mid-tier processing charges, including processing time, transmission time, and report writing charges | Actual cost |

Legal Review

| | |
|--|---|
| Legal review and/or redaction of information | \$66.26 per hour after first half hour ² |
|--|---|

Other Rates

| | |
|--|---|
| Custom computer programming by non- SITSD employee | \$31.95 per hour after first half hour ³ |
| Research and/or analysis whether involving paper or electronic records | \$30.38 per hour after first half hour ⁴ |
| E-mail export | \$127.78/hour |
| Other State Information Technology Services Division services | At a cost per rate schedule. See http://sitsdservicecatalog.mt.gov/Services |

¹Based on mid-point 2016 salary survey for Band 3 Administrative Assistant

²Based on the mid-point 2016 salary survey for Band 8 Attorney

³Based on mid-point 2016 salary survey for Band 6 Computer Programmer

⁴Based on the mid-point 2016 salary survey for Band 6 Management Analyst

Attachment B - Sample Public Records Request Form

Public Records Request

REQUESTING PARTY INFORMATION

Request Date: _____

Request received by: _____

| | | |
|------------|-----------|---------------|
| First Name | Last Name | Business Name |
|------------|-----------|---------------|

| | | | |
|-----------------|------|-------|-----|
| Mailing address | City | State | Zip |
|-----------------|------|-------|-----|

| | | |
|------------------|------|-------|
| Physical address | City | State |
|------------------|------|-------|

| | | |
|---------|---------|-------|
| Phone 1 | Phone 2 | Email |
|---------|---------|-------|

Preferred method of contact in the event of questions: Email Phone Standard Mail

Preferred method to receive records:

Email USB Drive (additional charges may apply) Standard Mail

REQUESTED RECORD INFORMATION

| |
|----------------------------------|
| Date range of requested records: |
| Name(s) on requested records: |
| Type(s) of records requested: |

Please specifically describe what you are looking for and any applicable search terms:

Signature of requesting party

Date

Please read the attached policy prior to submitting this request.

Appendix I – Preservation Plan for Digital Audio and Video Recordings of Legislative Sessions

Montana Legislative Services Division, Preservation Plan for Digital Audio and Video Recordings of Legislative Sessions Current practice and Future Planning 2019

Introduction:

This document provides information and background needed to create a long-term preservation plan for Montana Legislative digital audio and video recordings. Montana Legislative Services Division (LSD) has been digitizing analog recordings and producing digital audio and video recordings of legislative sessions since 2003. The purpose of this document is to outline recommendations for preserving these digital audio and visual records and providing long-term access to them. This writing is based on current archival standards for preserving digital audio/video materials.

Format: Preservation of digital audio requires careful selection of file format.

Current practice:

- Our current and continuing recommended file format for digital audio preservation is BWF (Broadcast Wave Format). The International Association of Sound and Audiovisual Archives (IASA) recommend BWF as a suitable archival format because it has “wide compatibility and support, and its embedded metadata capability.”¹ It is a proprietary format created by Microsoft but is universal enough to be considered a preservation format. It is also uncompressed and offers high-quality audio sound. Other formats are all acceptable for archival preservation (see <https://www.archives.gov/records-mgmt/policy/transfer-guidance-tables.html#digitalvideo>) but our research and past usage of BWF result in selecting this format for continued use.

Storage: Choosing the right strategy for digital file and media storage is critical to the preservation and future access of electronic records.

Digital files:

Current practices:

- OCLC recordings: Keep recordings currently housed on OCLC’s Digital Archive (see <https://www.oclc.org/en/policies/security.html> for certifications) on that service. OCLC is a well-established and stable organization that is trusted by libraries and archives around the world. They helped to establish certification standards for trusted digital repositories (see <https://www.crl.edu/archiving-preservation/digital-archives/metrics-assessing-and-certifying/trac>). Future migration of these files to state storage is possible, but it is believed at this time that the cost of

¹ Ibid.

retrieval/transfer, editing requirements, time of staff labor, and the risk of error during transfer or ingest make that action currently ill-advised.

- Files currently house on media and future digitized audio files: Preservation functions will be conducted via Archivemata and stored on dedicated storage space within SITSD’s Isilon services². See below for microservices provided by Archivemata that will allow for meeting best practices for metadata, security, and retaining authenticity while providing automation of much of the current workflow.

The screenshot shows the Archivemata Dashboard interface. At the top, there is a navigation bar with the Archivemata logo and several menu items: Transfer, Ingest, Archival storage, Preservation planning, Access, Administration, and admin. Below the navigation bar, there is a form for initiating a transfer. The form includes a dropdown menu for 'Type' (set to 'Standard'), a text input for 'Transfer name', a text input for 'Accession no.', a dropdown menu for the source path (set to '/home/artefactual/archivemata-'), a 'Browse' button, and a green 'Start transfer' button.

Below the form, there is a table showing the progress of a transfer. The table has three main columns: 'Transfer', 'UUID', and 'Transfer start time'. The transfer is identified as 'MultiSIP' with a UUID of 'a7851af2-9033-4efc-97c5-d4b8d6330ef1' and a start time of '2014-02-06 11:41'. The table lists various microservices and jobs, all of which are marked as 'Completed successfully'.

| Transfer | UUID | Transfer start time |
|--|--------------------------------------|---------------------|
| MultiSIP | a7851af2-9033-4efc-97c5-d4b8d6330ef1 | 2014-02-06 11:41 |
| ▶ Micro-service: Create SIP from Transfer | | |
| ▶ Micro-service: Complete transfer | | |
| ▼ Micro-service: Characterize and extract metadata | | |
| Job: Check for specialized processing | Completed successfully | |
| Job: Set file permissions | Completed successfully | |
| Job: Load labels from metadata/file_labels.csv | Completed successfully | |
| Job: Characterize and extract metadata | Completed successfully | |
| ▼ Micro-service: Extract packages | | |
| Job: Extract contents from compressed archives | Completed successfully | |
| ▼ Micro-service: Identify file format | | |
| Job: Identify file format | Completed successfully | |
| Job: Determine which files to identify | Completed successfully | |
| Job: Select file format identification command | Completed successfully | |
| Job: Move to select file ID tool | Completed successfully | |
| ▶ Micro-service: Clean up names | | |
| ▶ Micro-service: Scan for viruses | | |
| ▶ Micro-service: Quarantine | | |
| ▶ Micro-service: Generate METS.xml document | | |
| ▶ Micro-service: Verify transfer checksums | | |

Physical media:

Current practice:

- We will retain the cassette tapes for 1997-2005 in the archival facility per current best practice but will periodically review to determine if they are needed/wanted in the future. Current recordings placed on

² Isilon is a scale out network-attached storage platform offered by Dell EMC for high-volume storage, backup and archiving of unstructured data. It provides a cluster-based storage array that is scalable. This option would include the development of a portal (via VERA) for LSD submission of files to MHS. MHS would quarantine the file and conduct virus checks then run the files through Archivemata to create AIP files (normalized recordings, checksum, metadata, METS.xml wrapper). Finalized files would be transferred to Isilon, mirrored to Miles City and locked via WORM.

media following in-house digitization will be retained until quality checks show all digital preservation actions are successfully completed, and quality testing completed. Media will then be scrubbed for reuse.

Digitization (files currently housed on cassette tapes, 1997-2003, and portions of 2005):

When working to upgrade our digitization computer we found the new operating system could not sync with the Graff. After some research, we found a workaround that will allow us to use the Graff for the next few years. With the next upgrade we will need a new system, so are looking at an alternative. A good option might be Tascam 424, a multi-track recorder with outputs. As always, we continue with real-time transfers via Tascam player/recorder and Sony Sound Forge.

Workflow

- Two disparate files with unique file names are created for side A and side B of the tape and housed in a temporary folder
- Files are opened in Sony Sound Forge where they are spliced together as a single file and adjustments made as needed
- If tapes were recorded in double time, they are digitized in real-time using the Tascam player/recorder
- Playback speed is adjusted in Sony Sound Forge
- Broadcast metadata is added to the file
- Files are reviewed for error
- Verified files are renamed and saved onto Drobo in .wav format
- Temporary working files are deleted
- Files will be processed through Archivematica (see image below for a listing of microservices)
- Files and corresponding metadata (packages) will be moved to an Isilon storage server in the future

Digital Video Preservation:

Format: Preservation of digital video requires careful selection of file format.

- **Format, Digitization:** Our current file format for digital video digitization is AVI (Audio Video Interleaved Format). It is a format introduced by Microsoft in 1992 and is old enough, established enough, and widely used enough to be considered a preservation format. AVI is natively uncompressed, but due to the size of uncompressed files, we utilize the lossy DV codec on these files. The choice of this codec was based on past NARA guidelines for repositories where uncompressed files were impractical (<https://www.archives.gov/records-mgmt/initiatives/dav-faq.html>). These recommendations have been superseded (<https://www.archives.gov/records-mgmt/policy/transfer-guidance->

[tables.html#digitalvideo](#)) and all acceptable file formats, including AVI, are uncompressed. We are working toward that goal but currently find we still find the need for smaller files. The application of the codec is open for review in the future.

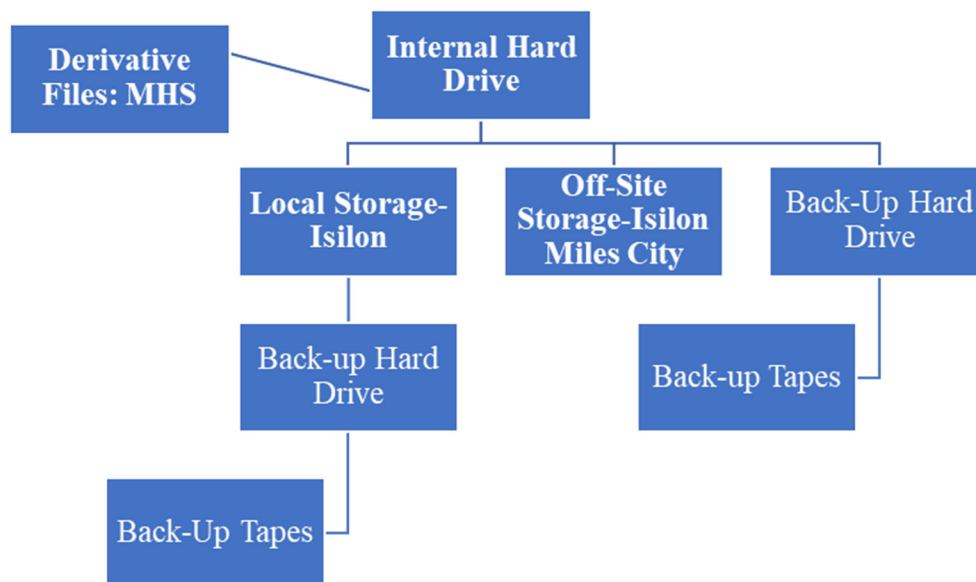
- **Format, Born-Digital:** Montana Office of Legislative Information Services is recording in HD (.mov) which is an accepted preservation format per NARA and OCLC guidelines. Recordings will be retained in that format for preservation. Files initially recorded at .mpeg will be normalized to .mov via Archivematica. MPEG 4 is listed as an “acceptable” preservation format for video so those would not be normalized.
- **Storage, Digitized Recordings:** Currently digitized video is being stored on external hard disk drives (HDDs) as an interim storage option. HDDs are relatively inexpensive and more stable than previously used DVDs. As with the digitized and digital audio files, our goals are to have these files moved to SITSD’s Isilon server for permanent storage once processed by Archivematica. For more information on the specs of an Isilon server see <https://www.dellemc.com/en-us/storage/isilon/index.htm#collapse>).
- **Storage, Physical media:**
 - Magnetic media, such as DV cassettes, are prone to degradation over time. They lose signal strength and can stretch on the stored reels, leading to a loss of data and/or an inability to access the content. With careful handling and proper storage in a climate-controlled area, they can be preserved for migration. At this time, we will retain the DV cassette tapes for 2003-2009 and DVDs for 2011-2015. The need to retain this physical media will be reviewed as best practices dictate.
 - DVDs have an expected shelf-life of 20-100 years. The life expectancy (LE) of optical discs depends on many factors, including type, quality of the disc, and the recording, handling, maintenance, and storage conditions. Current DVDs will be retained until transfer is complete to Isilon servers.

Workflow:

- DV tapes are placed in a DV tape deck connected to a PC.
- Adobe Premiere Pro is used to control the DV tape deck and capture the video in real-time and resulting digitized files are stored on a Drobo drive.
- Files from any date that is comprised of more than one tape are combined within Premiere Pro.
- Files are embedded with metadata using the Dublin Core Standard in Premiere Pro and Adobe Media Encoder.
- Files are saved to an external HDD.
- Checksum is run on external HDD once full for future fixity checks.

The above is our current workflow. As part of the shift to Archivemata, however, we are working to move to more direct digital acquisitions. That workflow would be:

- Files will be transferred by LSD to dedicated space in Isilon and quarantined to allow for virus check.
- Resulting files would be processed through Archivemata where microservices (shown in the audio section of this plan) will result in the creation of an AIP (Archival Information Package).
- AIP will be sent to Isilon server as permanent storage.
- A total of three copies will be made—the original AIP will be locked down via WORM as master, another copy kept as duplicate (for migration), and a third (also locked down AIP) will be kept in Miles city’s long term storage (see below for ideal array).
- An access copy (DIP) will be made available to patrons via in-house pc. Below is a schematic of the optimum practice for digital preservation storage.



With the implementation of Archivemata, storage of masters on an Isilon server, and a backup in the Miles City ITSD facility, we will be approaching this ideal system. During the transition process to this system, it makes the most sense to make the minimal investment in external HDDs to complete the transfer process. The external HDDs should be compatible with existing systems, and not require a large investment into the purchase and maintenance of hardware and software needed for any other proposed physical transfer medium.

Updating the Preservation Plan and Keeping Informed

This preservation plan is a draft document that is meant to be updated as situations change. Just as it is important to migrate data every few years, it is also important to update the preservation plan every few years to keep current. It is also important to keep informed about electronic records preservation. Montana Legislative Services is encouraged to continue their relationship with the Montana State Archives via the Electronic Records Archivist to implement preservation strategies and to get consultation on best practices for

digital archives preservation. They can also look to various resources within the field of Digital Archives Preservation and Electronic Records Management to keep up to date on current digital preservation best practices.³

I. Conclusion

This document delineates archival best practices for digital audio and video collections preservation, details current workflow, and ongoing preservation planning. It argues that preserving digital media of any kind requires migration, redundancy, security, and assurances of authenticity. Preservation also requires that the digital files are available in a format that will be readable and accessible by computer software and hardware over time. Without these elements, digital data may become inaccessible and vital information may be lost. Through careful consideration of the concerns raised and balancing the merits of the action options, this document is meant to guide the cooperative work of the Legislative Services Division and Montana Historical Society in their efforts to preserve these important records. Both institutions agree that the legislative session recordings should be preserved in perpetuity, not only in compliance with relevant statutes but because they document legislative intent and promote an open democratic society.

³ For informative websites on digital archives preservation see Appendix A.

Appendix H-1: Summary of Current Best Practices for Digital Audio and Video Preservation

Digital audio and video recordings, whether born-digital or digitized for preservation, face the same preservation and access problems as other electronic records. These include but are not limited to:

- **Media Obsolescence:** Software and hardware are constantly changing and being updated. One of the resulting risks is information may not be readable over time because software and/or hardware required to access the files become defunct and/or no longer widely available.
- **Media incompatibility:** There are thousands of software/hardware applications available and not all of them are compatible with each other. This can create problems since the information that is readable by one program may not be readable by another, which can lead to the loss of important information.
- **Media Failure:** Such failures can involve hardware, software, storage media, or any combination of the above.

Archivists have adopted strategies to address the issues of long-term preservation of electronic records:

- Migration of electronic records from an at-risk format, to a stable one ensures that information will not be lost as technologies change.
- Redundancy--creating multiple copies so that if one version is lost the information will still be available in another copy/format.
- Geographic distribution of copies ensures that if one version is lost or corrupted, another version can be retrieved.
- Emulation which combats the problem of software and hardware dependence by reproducing, on current computer systems, the behavior of the older system on which the document was created. In this process, a “virtual machine” can mimic an entire system or a single software application as needed.

In planning the long-term preservation of digital audio and video, the strategies listed above can help assist in preventing the loss of information. Preservation of digital audio also requires careful selection of file format. File formats “encode information into a form which can only be processed and rendered comprehensible by very specific combinations of software and hardware.”⁴ File formats can become obsolete for five different reasons:

- Software upgrades fail to support legacy files.
- The format is superseded or becomes more complex.
- The format is not picked up by the industry and compatible software is never created.
- The format fails, stagnates, or is no longer compatible with the current environment.

⁴ Brown, Adrian. “Digital Preservation Guidance Note: 1”. 19 June 2003. The National Archives, p. 4.

- Software supporting the format falls out of the marketplace.⁵

Long-term preservation of digital audio and video state requires formats that are:

- Non-proprietary
- Uncompressed and/or Lossless
- Universal
- Stable
- Metadata supported

A proprietary format indicates that the format is only readable by one software application. Archivists recommend a non-proprietary (open) format, as it allows the format to be read by multiple software applications. If records are created via a popular enough proprietary software, they are often readable through open systems. However, the use of proprietary software, even if well supported now, may not be in 20 years and would require ongoing review and migration as needed.

Uncompressed formats are considered the archival standard because they are the most accurate digital representation of the digital asset. Uncompressed audio and video files have a high resolution, which allows for high-quality rendering of images and sound. Care should be taken in selecting file formats not only to ensure quality but to limit the number of future migrations. Because of the often-lossy compression used on even purportedly uncompressed video, successive decoding and re-encoding will generally result in degradation.

Universality has a purpose like that of non-proprietary formats. If an agency creates digital audio or video files that are not universal or readable by multiple software applications, they run the risk of not being able to access the information on the file because it is not recognized by available software.

File formats should be tested for stability to avoid corruption of information.

File formats should be supported metadata. Metadata is commonly defined as data about data. Metadata is important for providing information on content, creation, access rights, restrictions, preservation history, and rights management. Metadata can be collected in an Excel spreadsheet, a database, and/or can be included in the digital file format. Metadata can be hand-collected or automated.

Metadata is commonly defined as data about data. Metadata is important for providing information on content, creation, access rights, restrictions, preservation history, and rights management.⁶ Metadata can be collected in an Excel spreadsheet, a database, and/or can be included in the digital file format.

Without metadata, it is impossible to determine the authenticity of the record. The Society of American Archivists website defines authenticity as: “the quality of being genuine, not a counterfeit, and free from

⁵ Digital Preservation Tutorial. December 2007. Cornell University. March 2008 <<http://www.icpsr.umich.edu/dpm/dpm-eng/oldmedia/obsolescence1.html>>.

⁶ NISO Framework Advisory Group. (2007). [A Framework of Guidance for Building Good Digital Collections, 3rd edition](#), p. 57,

tampering, and is typically inferred from internal and external evidence, including its physical characteristics, structure, content, and context.”⁷ It is important to establish and maintain authenticity showing that no information has been lost over the life cycle of the digital file. One way to automatically track changes in the digital files is to perform checksums. A checksum detects accidental errors that may have been introduced during the transmission or storage of a digital file.⁸

Storage:

Digital formats on reusable media can deteriorate rapidly in a matter of years, not decades. Digital files that are stored on electronic storage units can be subject to hardware failure, bugs in software, and human errors at all levels. These errors can sometimes happen without detection or correction, otherwise known as ‘latent’ or ‘silent’ errors. Organizations should never assume that any component of a digital storage system is ‘safe’ or immune from failure and corruption. At a minimum, digital storage should be redundant and constantly upgraded to mitigate loss.

Organizations should have an ongoing and proactive preservation plan in place that consistently checks and updates digital storage units or they will run the risk of losing their digital collections. Part of the preservation planning should be the creation of a migration plan. A migration plan recognizes that technology will continue to change, and that the institution will take measures to keep up with technological advances whenever they arise.⁹

⁷ For more information see “Glossary of Archival and Records Terminology” SAA Website, <http://www2.archivists.org/glossary/terms/a/authenticity>, 2010.

⁸ “Checksums,” Wikipedia website, <http://en.wikipedia.org/wiki/Checksum>, July 8, 2010.

⁹ For additional resources see website links in Appendix B.

Appendix H-2: Resources

- **Montana Codes:** MCA 5-11-1101, Legislative Findings and Purpose. Title 22: Chapter 3 Part 2.

<http://data.opi.mt.gov/bills/mca/5/11/5-11-1101.htm>

- MCA 22-3-202, Archives Created, Title 22: Chapter 3 Part 2.

<http://data.opi.mt.gov/bills/mca/22/3/22-3-202.htm>

- MCA 5-11-203, Distribution of Session Laws, Title 22: Chapter 3 Part 2.

<http://data.opi.mt.gov/bills/mca/22/3/22-3-203.htm>

Library and Archival Resources for Digital Audio and Video Preservation Online:

- Digital Preservation Management Website:

<http://www.icpsr.umich.edu/dpm/dpm-eng/oldmedia/obsolescence1.html>

- Library of Congress: Sustainability of Digital Formats: Planning for the Library of Congress Collections: <https://www.loc.gov/preservation/digital/formats/fdd/descriptions.shtml>
- Media Matters: Audiovisual Preservation Resources: <http://www.media-matters.net/resources.html>
- Minnesota State Archives Audio and Video White Paper: <http://www.mnhs.org/preserve/records/legislativerecords/multimedia.htm>
- National Archives Electronic Records Archives: <https://www.archives.gov/research/electronic-records/info-for-archivists.html#pres>
- The UK National Archives: Brown, Adrian. "Digital Preservation Guidance Note: 1: Selecting File Formats for Long-term Preservation." 19. *The National Archives DPGN* Issue 2. August 2008. p. 1-10. http://www.nationalarchives.gov.uk/documents/selecting_file_formats.pdf
- University of Washington List of Links of Resources for Digital Audio Preservation:

<https://guides.lib.uw.edu/research/audiopreservation/UW>