



Virginia Outdoors Foundation Policy

A.500.1 Records Management Policy

Revised: MM/DD/YYYY

Document Change Management

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Statement of Intent

This policy establishes the general responsibilities for management, retention, and disposition of the Virginia Outdoors Foundation (VOF) records as mandated by the Virginia Public Records Act (VPRA), Code of Virginia § 42.1-76–§ 42.1-91. This policy applies to all employees (including part-time and per diem) and authorized agents of VOF and its affiliates.

VOF recognizes that the maintenance of consistent, complete, secure, and authentic records is essential to the achievement of its conservation mission. VOF is committed to effectively managing its records, regardless of media type, by adhering to best practices and following a systematic and logical plan. The successful implementation and ongoing effectiveness of this policy is dependent on the cooperation of each organizational unit to ensure that permanent records are preserved, and nonpermanent records are destroyed in a timely and orderly manner.

Policy Objectives:

- Comply with the Virginia Public Records Act (VPRA), Code of Virginia § 42.1-76–§ 42.1-91, which governs the creation, maintenance, and disposition of public records.
- Develop and implement procedures, guidelines, systems, and business practices that facilitate the creation, backup, preservation, filing, storage, and disposal of records of all formats.
- Protect essential and historical information about VOF.

Scope of the Records Management Program

The scope of the records management program encompasses the life-cycle management of all VOF records by providing the tools, resources, and education needed to implement records management best practices, to ensure that VOF records and other information are readily available to all authorized users, are managed effectively throughout their lifecycle, and are retained, used, and disposed of in compliance with all regulatory, legal, financial, and business requirements.

Benefits of Records Management

The records management policy will aid in VOF’s ability to enforce and defend our conservation easements in perpetuity and is dependent on our ability to produce reliable and valuable records and ensure efficiency for the citizens of the Commonwealth of Virginia.

Compliance with this policy will facilitate effective decision-making, enhance operational efficiency, and reduce legal and financial risks.



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Responsibilities Under the Virginia Public Records Act (VPRA)

Records Management Program

VOF will implement a sound records management program in accordance with the VPRA § 42.1-76 et seq. An effective records management program will implement Library of Virginia–approved records retention and disposition schedules, document destruction of scheduled records, train employees, and create and disseminate records management procedures.

The value of a record, as well as how it is managed, is determined by its **content**, not its format.

Designated Records Officer

VOF will designate at least one records officer to oversee VOF’s records management program in accordance with the VPRA § 42.1-85. The designated records officer will serve as a liaison to the Library of Virginia (LVA). VOF will identify the person or persons who will serve as records officer by submitting the Records Officer Designation and Responsibilities Form (*RM-25*) to the LVA.

Delivery of Records to Successor

In the event that VOF ceases to exist and there is no successor, all records shall be transferred to the Library of Virginia per the Code of Virginia § 42.1-88.

Roles and Responsibilities

Agency Head

The head of VOF or his/her designee is responsible to act as an executive sponsor for the program, ensure adequate resources are allocated, and to monitor compliance with records management policies.

VOF Records Manager

The VOF Records Manager is responsible for the development, implementation, and ongoing coordination of the records management program to meet regulatory requirements.

Responsibilities of the Records Manager include:

- Assignment of the Designated Records Officer with the LVA.
- Developing procedures to implement VOF’s records management program.
- Providing training in records management procedures and practices.
- Implementing systems to meet program requirements for completeness, legibility, reproducibility, retrievability, distribution, control, security, storage, and disposition of records.
- Advising staff members on where to access and interpret approved retention schedules.
- Coordinating and/or assisting staff in the surveying of records.
- Ensuring that essential, archival, and permanent records are identified, properly maintained, protected, and accessible for the length of time cited in an applicable retention schedule.
- Overseeing record destruction.

VOF Staff

All VOF Staff are responsible for adhering to this Policy and all related records management procedures.



Records Retention and Disposition Schedules

Retention schedules are approved sets of clearly identified, related records series that dictate the length of time a series must be kept and its required disposition. Records retention and disposition schedules are created, approved, and maintained by the LVA. All VOF records must be managed in accordance with the most current records retention and disposition schedules.

If a new series of records is created, and no applicable series is found on an existing retention schedule, then VOF's designated records officer must contact VOF's assigned records analyst at the LVA so that the records may be scheduled (*RM-19*).

Disposition of Public Records

There are two options for public records disposition: permanent retention or destruction at a designated time. VOF will use the Library of Virginia-approved records retention and disposition schedules to determine whether a series is permanent or when it shall be destroyed.

Permanent Records

A public record is considered permanent when it has been determined to have "continuing and enduring value useful to the citizens of the Commonwealth and necessary to the administrative functions of public agencies in the conduct of services and activities mandated by law." (*Code of Virginia § 42.1-77*)

Permanent records held by VOF are identified on a Library of Virginia-approved records retention and disposition schedule as having sufficient informational value to be permanently maintained. The retention schedules will identify whether a record must be maintained by VOF or may be offered to the Archives at the LVA. Permanent records of VOF cannot be given away, sold, or loaned to any outside person, organization, or business entity.

VOF staff in possession of permanent records that may be offered to the LVA must contact the VOF designated records officer when the records are no longer active. The records officer will contact the LVA to begin the transfer process.

Non-permanent Records

All VOF records that have not been deemed permanent must eventually be destroyed. The records retention and disposition schedules identify when a set of records has reached the end of its usefulness. The retention schedule also states whether records must be destroyed in a certain manner. Retention schedules constitute a legal timeline for the destruction of records from which VOF must not deviate unless involved in current litigation, investigation, or audit. (*See Preservation Holds section of this policy.*)

Destruction of Public Records

All records destruction performed by VOF must be done in accordance with written procedures and documented on a Certificate of Records Destruction (*RM-3 Form*). The RM-3 Form is required when destroying public records, in all formats, that are deemed copies of record. The RM-3 Form must be submitted to the LVA.



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VOF records must be destroyed in the manner identified by the appropriate series on a general or specific records retention and disposition schedule. All VOF records must be destroyed once the applicable retention period has expired. No records may be maintained past the end of their stated retention unless involved in current litigation, investigation, or audit. (*Code of Virginia § 42.1-86.1*).

VOF records shall not be destroyed because of lack of space or funding for storage.

Non-confidential Destruction

Acceptable methods of destruction for non-confidential VOF records include trash, recycling, or deletion of electronic records. Destruction must be done in a timely manner, construed by the LVA to be one (1) year from retention expiration.

Confidential Destruction

Acceptable methods of destruction for confidential VOF records include overwriting, electronic shredding or incineration, degaussing magnetic media, or physical destruction of electronic storage media. Destruction of confidential records containing personally identifying information must be done within six (6) months of retention expiration. (*Code of Virginia § 42.1-86.1*)

Non-record Destruction

The destruction of non-record material, confidential or otherwise, will not be reported to the LVA. If necessary, the destruction of non-records can be recorded by VOF for internal purposes.

Storage, Retrieval, and Disaster Recovery

Storage

All VOF records shall be maintained in such a way they are accurate, identifiable, and accessible for the entirety of their assigned retention period.

All Electronic records shall be:

- Maintained in a secure environment with security of the system and the records it holds.
 - Records containing confidential information shall be identified and access limited.
 - A log of activities on the system the record is maintained, which shows at a minimum who accessed it, and the actions taken.
- Associated and linked with appropriate metadata, following all VOF Metadata Standards and named in accordance with VOF's File Naming Conventions.
 - Stored on media that are regularly assessed and refreshed.
- Electronic files are saved in formats that comply with VOF's File Format Guidelines.
 - Data is converted to new usable file types as old ones become obsolete.
 - Data is audited and assessed annually. If there is evidence of file corruption, data shall be migrated to new media.
 - Metadata is maintained during transfers and migrations.



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All Physical VOF records shall be:

- Stored in a secure and environmentally controlled location with consistent temperatures and humidity levels. Ideal conditions are a temperature maintained in the 65–70° range and humidity maintained at 40% +/- 5%.
- Protected from fire by the installation of smoke detectors, water sprinklers, and fire extinguishers.
- Free of vermin and insects.
- Far from water pipes.

If physical records are of a confidential nature, they shall be stored in a secure area that is locked and has controlled access for select staff only. Strict procedures shall be in place for retrieval, use, and re-filing of confidential records.

Disaster Recovery

VOF will develop, maintain, and follow a Records Emergency Action Plan (*REAP*) that clearly communicates the procedures for records recovery in the event of a natural disaster, fire, or other catastrophic event affecting VOF.

Legal Matters, Audits, and Investigations

Preservation Holds

Any VOF record that is relevant to pending or anticipated action, i.e., litigation, legal hold, claim, audit, investigation, or enforcement action, shall be temporarily exempt from scheduled destruction and placed under legal hold status until final resolution of the matter.

VOF employees who become aware that an action, investigation, or legal proceeding has commenced or is anticipated against VOF, must promptly notify senior management staff, as well as VOF's Records manager, so all records with potential relevance can be retained as necessary and regular destruction procedures shall be suspended temporarily. After the matter is closed, records shall be maintained according to appropriate records series retention and disposition.

Records Systems Audit

Regular audits shall be conducted to ensure records systems are complying with this policy. Audits can be conducted by independent staff or VOF's records manager and findings shall be reviewed, and corrective action taken.

Records Training

All VOF staff shall be trained in this policy and relevant procedures during new employee orientation. Training shall be documented and included in the staff's personnel files. Re-training will occur every three years. Training shall be available on an ongoing basis, with reference documents and individual assistance available as needed.



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Data Privacy

All records created and maintained by VOF that contain *personal* or *confidential* information, as defined in the Code of Virginia, must be kept in accordance with the Government Data Collection and Dissemination Practices Act, Code of Virginia § 2.2-3800 et seq. (See *Storage section for information on the storage of and access to confidential records*).

Policy Review

VOF will annually review the records procedures to ensure compliance and to ensure that the policy and procedures continue to serve the best interests of VOF. An update to the records policy will occur every three years or more frequently as needed based on recordkeeping procedures as land trust practice, law, and technology evolve.

Definitions

Public Records

Public records are those that document the transaction of business by VOF. The format in which the information is presented, as well as the medium on which the information is contained, have no bearing on the determination of whether the record is a public record. (*Code of Virginia § 42.1-77*)

Non-records (aka Convenience Copies)

Public records shall not include materials made or acquired and kept solely for reference or exhibition purposes, copies of records kept only for convenience or reference, and stocks of publications. These are considered “non-records.” (*Code of Virginia § 42.1-77*)

Copy of Record

The “copy of record” shall be construed to mean the “official” copy of a particular public record, with no regard as to whether it is an original, copy, or reformatted version. All work units within VOF shall work with the designated records officer to establish in writing the ownership of and responsibility for copies of record.

Confidential Records

Public records that are restricted from disclosure by statute, court order, or legally adopted rules and regulations are considered confidential. VOF records that are deemed confidential are still considered to be public records even though they are not publicly available. VOF records management procedures will contain references to all applicable regulations and statutes affecting VOF records.



RESOLUTION

**VIRGINIA OUTDOORS FOUNDATION (VOF) BOARD OF TRUSTEES
RESOLUTION TO ADOPT RECORDS POLICY**

WHEREAS, VOF’s Records Manager has completed a policy for Records Management; the Senior Management Team has reviewed and approved.; and

WHEREAS, VOF relies on our Records Management Policy to oversee all of our conservation projects and various administrative and other record schedules; and

WHEREAS, the Records Manager works with an assigned analyst at the Library of Virginia; and now, therefore be it

RESOLVED, by the Virginia Outdoors Foundation Board of Trustees this 12th day of October 2023, That the Record Management Policy shall be adopted;

ADOPTED by a vote of ____ in favor and ____ against.

ATTEST: Brett Christina Glymph, Executive Director