

Minutes
Board of Trustees Meeting
October 12, 2023

ATTENDANCE

Trustees:

Sissy Crowther, Chair
Ali Afonja
Viola Baskerville
Eleanor Brown
Elizabeth Copeland
Tack Richardson
Absent: Elsie Delva

Other Attendees:

Ellen Shepherd, Virginia United Land Trusts Vault
Natasha Skelton, The Conservation Fund
Rich Mahevich, Office of the Attorney General
Wes Morgan, Office of the Attorney General
Kim Biassioli, Piedmont Environmental Council

Staff:

Brett Glymph, Executive Director
Nathan Burrell, Director of Community Conservation
and Government Relations
Bobbie Cabibbo, Executive Assistant
Leslie Grayson, Deputy Director
Martha Little, Deputy Director
Estie Thomas, Sr. Conservation Manager
Dave Morton, GIS/IT Director
Emily White, Grants Program Manager

The Chair brought the meeting to order at 11:00 a.m.

APPROVAL OF THE ORDER OF BUSINESS

Motion made by Viola Baskerville to approve the Order of Business with no changes; motion seconded by Elizabeth Copeland and passed unanimously.

PUBLIC COMMENTS

No public comments were offered.

APPROVAL OF MINUTES

Motion made by Elizabeth to approve the minutes of the Finance Audit and Compliance Committee Meeting; motion seconded Ali Afonja and passed unanimously.

Motion made by Elizabeth to approve the minutes of the Board of Trustees meeting of June 1, 2023; motion seconded by Viola and passed unanimously.

DIRECTOR'S REPORT

Brett covered the following topics:

- Sissy Crowther has been reappointed as Chair of the VOF Board of Trustees for a two-year term.
- In response to the IRS Notice 2023-30, 44 "Safe Harbor" amendments were recorded for existing VOF easements.
- Working closely with the Department of Conservation and Recreation, and in response to legislation, the VOF property Hayfields was transferred to DCR which is then scheduled to become a state park. VOF has retained an open space easement on the property.
- The Lambert parcel has been sold with an updated and enhanced open space easement amendment.
- Martha Little is serving on a Department of Environmental Quality (DEQ) committee that was formed in

response to HB 206 which requires developers of “solar farms” to mitigate long-term impacts to the prime agricultural land and forestland of more than 50 acres.

- VA has a new state park, Sweet Run State Park which is the first state park in Loudoun County
- Brett also acknowledged Estie Thomas and Leslie Grayson having 23- and 36-year tenures at VOF.

Brett turned the discussion over to Matha who explained in more detail the DEQ regulatory concept of easements as in-kind mitigation of the long-term impacts to the land which solar farms create. She related that the committee is using VOF as a subject matter expert and utilizing VOF’s policies and model deed of easement to help guide and form their regulations.

DCR REQUEST

Motion made by Eleanor Brown to accept the resolution as presented; motion seconded by Tack Richardson and passed unanimously. (ATTACHMENT A)

PIPELINE MITIGATION FUND APPROPRIATION

Motion made by Tack approving the placement of the funding from both pipeline mitigation events, explained in the meeting materials, into the TERRA fund and marked as unrestricted; motion seconded by Viola and passed unanimously.

OWNED LANDS

Leslie narrated the report and fielded questions about the Owned Lands Report.

RESOLUTION TO SET DATES FOR CY2024 MEETINGS

Motion made by Elizabeth to approve the resolution for CY2024 Meetings acknowledging that some dates may need to be flexible; motion seconded by Viola and passed unanimously. (ATTACHMENT B)

RECORDS POLICY

Motion made by Tack to approve the resolution adopting the Records Policy; motion seconded by Viola and passed unanimously. (ATTACHMENT C)

LAND CONSERVATION PRESENTATION

Brett narrated a presentation – which is available on request and on file with the permanent record of this meeting.

LAND CONSERVATION PROJECTS

Martha, Leslie and Estie Thomas presented the land conservation projects.

Motion made by Viola to approve projects on the following chart, as presented in the meeting materials and the recommended funding levels as listed below; motion seconded by Elizabeth and passed unanimously.

Project Description	Applicant	Holder and Type of Real Estate Interest	Funding Approved	Locality	Protected Acres
Abrams Creek Trail Trailhead and Parking	Frederick County Parks & Recreation	Frederick County Deed of Dedication	\$206,688	Frederick County	.54
Site Purchase to Build McCoy Boat Landing	Giles County	Giles County Deed of Dedication	\$20,000	Giles County	.4
Maurice Turner Recreation Area	Town of Boones Mill	Boones Mill Town Deed of Dedication	\$50,327.92	Franklin County	5

Land Conservation projects cont'd

Project Description	Applicant	Holder and Type of Real Estate Interest	Funding Approved	Locality	Protected Acres
Hazel Run Conservation Area	Town of Clifton Forge	Clifton Forge Deed of Dedication	\$140,000	Alleghany County	33.4
Mount Crawford Town Park Creation	Town of Mount Crawford	Mount Crawford Deed of Dedication	\$303,000	Rockingham County	6
Roundtop Revocable Trust Agreement	Roy L, Robert B or Robert S. Fauber, Trustees	VOF Conservation Easement	N/A	Rockbridge County	113.121
Patawomeck Tribe Riverland	Patawomeck Indian Tribe of Virginia	VOF Conservation Easement	\$100,000	Stafford County	14.24
Callahan Family Farm	East West Creek Farms, LLC	VOF Conservation Easement	N/A	Mecklenburg County	720.48
On Rte. 522	John Sheldon and Marguerite J. Clark	VOF Conservation Easement	N/A	Orange County	43.622
Angola Farm	Robert Taylor, Amy Montgomery & Robert Alan Scott	VOF Conservation Easement	\$275,000	Cumberland County	279.2
Farm on Little River	Joseph R. Smith	VOF Conservation Easement	N/A	Lousia County	108.643
Chickahominy Indian Tribe – Land Repatriation	Chickahominy Indian Tribe	VOF Conservation Easement	\$300,000	New Kent County	200
Stoney Run Park Nature Trails	City of Newport News	VOF Conservation Easement	\$363,750	City of Newport News	26.33
Farm and Forest on Blackwater Swamp	Prayer of Jabez, LLC	VOF Conservation Easement	N/A	Prince George County	215.7004 +/-
Farm and Forest on Blackwater Swamp	Sherry D. Heath Living Trust	VOF Conservation Easement	N/A	Prince George County	226 +/-
Farm and Forest on Dicks Branch	Beverly L. Heath Jr. and James Norman Smith	VOF Conservation Easement	N/A	Prince George County	99.2
On Nottoway River	William M. Turner	VOF Conservation Easement	N/A	Southampton County	279.8
On Nottoway River	J and J Peanut Company	VOF Conservation Easement	N/A	Southampton County	159.52 +/-
On Nottoway River	J and J Peanut Company II	VOF Conservation Easement	N/A	Southampton County	140 +/-
Andrews Home Farm	William Lee and Jo Ellen Andrews	VOF Conservation Easement	\$200,000	Essex County	328.577
Farm on Dragon Run	Henry Leon Smith	VOF Conservation Easement	Cost Only	King and Queen County	149.4
Farm on Mattaponi River	Jessica Broaddus	VOF Conservation Easement	N/A	Caroline County	171
Farm at Central Point	Jessica Broaddus	VOF Conservation Easement	N/A	Caroline County	272.566

GET OUTDOORS GRANT FUND

Emily White gave an overview of the projects in the meeting materials. Motion made by Viola to approve the projects listed on the chart below, as presented in the meeting materials and the VOF staff recommended funding amounts; motion seconded by Eliabeth and passed unanimously.

Tack recommended additional outreach to the northern Virginia area.

Get Outdoors Grant Fund Projects			
Project Description	Applicant	Funding approved	Locality
Alleghany Highlands YMCA All Access Trail	Alleghany Highlands YMCA	\$15,000	Alleghany County
Community Gear Library Lending Program	Community Gear Library	\$15,000	City of Harrisonburg
Flat Ridge Community Center Hoops and Loop	Flat Ridge Community Center	\$25,000	Grayson County
Outdoor Fitness Station – Burrell Brooks Park, Front Royal	Front Royal Environmental Sustainability Advisory Committee (ESAC)	\$23,594.50	Warren County
MHC YMCA Bike Barn Inventory Replacement	Henry County	\$25,000	City of Martinsville
Humble Hikes Getaways	The Humbe Hustle Co.	\$16,000	City of Roanoke
CTTAM Community Grows Garden	Come to the Altar Ministry, Inc.	\$22,500	Campbell County
AATA Farm Project (accessible Trails to All)	Bluebird Gap Farm	\$14,000	City of Hampton
CIT-ED Nature Trail	Chickahominy Indian Tribe – Eastern Division	\$20,000	New Kent County
Expanding Nature-Based Enrichment for Students	The Mariners’ Museum and Park	\$20,000	City of Newport News

NEW BUSINESS

No new business was discussed.

ADJOURNMENT

The meeting was adjourned at 12:35 p.m.

ATTACHMENT A

R-2023-06

**RESOLUTION
VIRGINIA OUTDOORS FOUNDATION (VOF)
BOARD OF TRUSTEES
RESOLUTION TO AUTHORIZE ACQUISITION OF PARCELS FOR STATE NATURAL
AREAS**

WHEREAS, the Virginia Department of Conservation and Recreation (DCR) has requested VOF assistance with the acquisition of parcels for creation of new State Natural Area Preserves, or addition to, an existing State Natural Area Preserve; and

WHEREAS, the funding for the parcels is available by virtue of Virginia Land Conservation Foundation FY23 awards for FY24 acquisitions and the landowners are willing to sell said parcels to DCR; and

WHEREAS, VOF is authorized to acquire real property on behalf of the Commonwealth for open space preservation pursuant to the purposes of § 10.1-1800; and

WHEREAS, DCR cannot complete acquisitions until the specific units are listed on the Item C-51 list for State Natural Area Preserves, approved by the General Assembly; and

WHEREAS, the opportunity to acquire the parcels is time sensitive and the funds are available; and

WHEREAS, staff recommends that VOF assist and facilitate the acquisition of the identified parcels for DCR and transfer said parcels to be incorporated into the State Natural Area Preserve system as soon as practical; now, therefore, be it

RESOLVED by the Virginia Outdoors Foundation Board of Trustees this 12th day of October, 2023, that the Trustees hereby authorize the acquisition of parcels as follows: 1.) Camp Branch Wetlands, Floyd County, for addition to the existing preserve, 2.) Brock's Gap, Rockingham County, for creation of a new preserve, and 3.) Ellett's Escarpment, Montgomery County, for creation of a new preserve, and the holding of said parcels until such time as they can be transferred to DCR and into the State Natural Area Preserve system; and,

FURTHER RESOLVED that the Executive Director is authorized to enter into a Memorandum of Agreement (MOA) with DCR regarding the acquisition, temporary management, and transfer of these parcels to DCR when authorized; and,

FURTHER RESOLVED that the Executive Director is authorized to execute all documents and take actions necessary on behalf of the Foundation to acquire the parcels in fee on behalf of the Commonwealth.

ADOPTED by a vote of 6 in favor and 0 against.

ATTEST: Brett Christina Glymph, Executive Director

**RESOLUTION****VIRGINIA OUTDOORS FOUNDATION (VOF) BOARD OF TRUSTEES
RESOLUTION TO SET VOF MEETING DATES FOR CALENDAR YEAR 2024**

WHEREAS, The Virginia Outdoors Foundation (VOF) Board of Trustees typically meets several times a year to consider easement proposals and matters of land conservation policy;

WHEREAS, as there may be compelling reasons to adjust the schedule which may be done at the discretion of the Chair in consultation with the trustees; now therefore be it

RESOLVED by the Virginia Outdoors Foundation Board of Trustees, this 12th day of October 2023, That the following dates are hereby adopted for VOF Board of Trustee meetings, in the calendar year 2024.

Meeting	Date
Board of Trustees	Thursday, March 21, 2024 TBD
Finance, Audit and Compliance Committee	Thursday, March 21, 2024 TBD
Board of Trustees	Thursday, June 12 & 13, 2024 Pulaski County and Blacksburg, VA
Board of Trustees	Thursday, October 10, 2024 Red Hill, Brookneal, VA

Adopted by a vote of 6 for and 0 against

ATTEST: Brett C. Glymph, Executive Director



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 6 in favor and 0 against.

ATTEST: Brett Christina Glymph, Executive Director



Virginia Outdoors Foundation Policy

A.500.1 Records Management Policy

Revised: MM/DD/YYYY

Document Change Management

Version Date	Version or Purpose of Change	Status
09/29/2023	Original issue	Draft

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.