
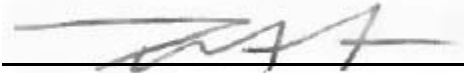


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CHAPTER 1: ADMINISTRATION, ORGANIZATION AND MANAGEMENT		
 STATE of MAINE DEPARTMENT of CORRECTIONS Approved by Commissioner: 		PROFESSIONAL STANDARDS: See Section VIII
EFFECTIVE DATE: December 14, 2020	LATEST REVISION:	CHECK ONLY IF APA []

I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403 and 5 M.R.S.A. Section 95-C.

II. APPLICABILITY

Entire Maine Department of Corrections

III. POLICY

The Department shall adhere to state statutes and rules established by the Office of the Secretary of State regarding records management. This policy sets forth procedures to manage the retention and disposal of Department records and is intended to ensure that the Department meets state requirements, properly manages the use of electronic and physical storage space, and disposes of outdated records.

IV. DEFINITIONS

1. Assistant Records Officers – employees designated to assist Records Officers in records management.
2. Card Holders – staff designated by a Records Officer to pack boxes of records for sending to the State Records Center and retrieve records from the State Records Center which they would have specific knowledge of and need for. (Transmittals still need to be signed by a Records Officer or Assistant Records Officer).
3. Disposition - the action taken on a record at the end of a retention period and refers to the disposal of a record, whether by physical destruction or transfer to the State of Maine Records Center.
4. Electronic record – a record whose content is not readable unless retrieved using an electronic device such as a computer or an audio or video player. An electronic record can be in a structured database or an individual file. Electronic records have the same retention periods as paper and other tangible records.

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5. General Records Schedules – schedules for records that are common to most agencies in state government, e.g., email.
6. Inactive records - records that are no longer referred to in the conduct of current business. Typically, it is when the normal business process has concluded or a “trigger event” such as the close of a Legislative session; termination of an employee; discharge of a facility resident from custody or a community corrections client from supervision; or settlement of litigation occurs.
7. Record – all books, papers, photographs, maps, or other documents (paper or electronic), regardless of physical form or characteristics, made or received in connection with the transaction of the Department’s business, which are maintained because they serve as evidence of the functions, policies, decisions, procedures, operations, and other activities of the Department or because of informational value contained therein. Department records include, but are not limited to, facility resident or community corrections client records, intelligence and investigative records, evidentiary records, treatment program records, health care records, transfer records, incident reports, grievances, victim records, FOAA requests and responses, project reports, personnel files, minutes of meetings, etc.
8. Records management - the function of administrative management and business operations concerned with the creation, protection, retention, retrieval, and preservation of records and recorded information required for the continuance of operations.
9. Records Officers – employees who represent the Department in records management matters and function as liaisons with the State Records Center and State Archives.
10. Retention - the determination of how long to keep records once they have served the immediate business/administrative needs of the Department and become inactive.
11. Retention schedule - describes the records of the Department, establishes the length of time the records must be maintained and serves as the legal authorization for the disposition of records covered by the schedule. Records retention schedules apply to all paper, electronic, and media formats.
12. State Archives – the state facility which maintains records used for historical preservation and public research and accepts the legal custody of the record. Confidential records are not to be deemed as "Archival." According to State statute, all records transferred to the Maine State Archives are available for public examination after seventy-five (75) years. If the Department needs to retain confidential records permanently, the record shall be kept within the Department or the confidential information shall be redacted.
13. State Records Center - provides off-site storage where the Department retains legal custody until the time the records meet their retention period, at which time the records are destroyed.

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V. CONTENTS

- Procedure A: Records Management, General
- Procedure B: Responsibilities of Staff, Student Interns, and Volunteers
- Procedure C: Responsibilities of Department Records Officers, Records Officer Assistants, and Card Holders

VI. ATTACHMENTS

None

VII. PROCEDURES

Procedure A: Records Management, General

1. The Commissioner, or designee, shall:
 - a. establish and maintain an efficient and continuous records management program that addresses the complete cycle of records management, including creation, records maintenance and use, and records disposition;
 - b. ensure there is a records retention schedule for all records in the Department’s custody;
 - c. ensure existing schedules are updated at least every three (3) years; and
 - d. notify the State Records Center of any changes in Records Officers or Assistant Records Officers designations.
2. Department records shall be maintained per the Department Records Retention Schedule and the General Records Retention Schedule, as applicable.
3. Approved retention schedules are located on the Office of the Secretary of State, [State Agency Schedules](#), and in the Department’s online document management system.
4. Department records are the property of the Department and not of the staff, volunteers, or student interns who create them or to whom they are entrusted.
5. All records pertaining to ongoing or pending audits shall not be destroyed, damaged, or altered, even if the records retention date has expired, until the audit has been completed and reviewed.
6. All records pertaining to ongoing or pending lawsuits (including matters for which there is a “litigation hold” or a lawsuit is otherwise reasonably anticipated) shall not be destroyed, damaged, or altered, even if the records retention date has expired, until the matter has been resolved and only with the approval of the Department’s legal representative in the Attorney General’s Office.
7. Records are to be deleted/destroyed with methods that do not permit recovery, reconstruction, or future use of sensitive information.

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Procedure B: Responsibilities of Staff, Student Interns, and Volunteers

1. All Department staff, student interns, and volunteers are responsible for, but not limited to:
 - a. having a knowledge of guidelines for maintaining records, records retention, retention schedules, who the relevant Records Officer is, and where to go for further information;
 - b. complying with the [State of Maine Policy on Preservation of State Government Records](#);
 - c. annually signing the web-based Records Management (State Archives) Preservation of State Government Records Acknowledgement form;
 - d. retaining any records that he or she produces, gathers, obtains, or maintains as required by the records retention schedules;
 - e. managing any records (including email) for which they are responsible;
 - f. maintaining records so information can be found when needed and the Department can remain compliant with the Maine Freedom of Access Act; and
 - g. properly filing records in a manner that allows them to be stored and efficiently retrieved when necessary.

2. Administrators, managers, and supervisors are responsible for, but not limited to:
 - a. collecting only information necessary to perform functions within his or her area of responsibility and identifying the records needed to establish a full and accurate account of the functions coming within his or her area of responsibility;
 - b. protecting records against misuse, misplacement, damage, destruction, or theft;
 - c. if applicable, developing a retention schedule for records that are within his or her area of responsibility based on the administrative and/or legal requirements of the records using the forms required by the Secretary of State's Office and available on the [State Records Management website](#), and reviewing and revising the schedule as necessary;
 - d. if applicable, submitting the retention schedule to the appropriate Records Officer for review and filing with the State Records Center; and
 - e. ensuring that the disposition of records under their control is in accordance with the Department's records retention schedule.

3. Contractors (persons who provide services by agreement with or under contract to the Department), student interns, and volunteers shall not dispose of Department records.

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Procedure C: Responsibilities of Department Records Officers, Records Officer Assistants, and Card Holders

1. The Commissioner, facility Chief Administrative Officers, Regional Correctional Administrators, or their designees, shall designate, as needed:
 - a. Records Officers for records of a facility, division, unit, office, or a particular program, service, etc. that has its own distinct purpose; and
 - b. Assistant Records Officers to assist a Records Officer, as needed.
2. Records Officers shall designate Card Holders, as needed.
3. Responsibilities of the above designated staff are depicted in the below chart.

AGENCY RECORDS MANAGEMENT ROLES AND RESPONSIBILITIES	Records Officer	Assistant Records Officer	Card Holder
Assigned Records Center Access Card	X	X	X
Access to agency records at Records Center	X	X	X
Basic knowledge of agency records and schedules			X
Complete knowledge of agency records and schedules		X	
Thorough knowledge of agency functions, the records created to fulfill those functions and the schedules which define the retention and disposition of the records	X		
Pack office records for Archives/Records Center	X	X	X
Coordinate transfers of inactive and archival records in specific offices/bureaus or other outlying geographic locations to the State Records Center and Archives		X	
Coordinate transfer of inactive and archival agency records to the State Records Center and Archives (where applicable); supervision of RO Assistant transfers	X		
Act as liaison between the Records Center/State Archives and the agency	X		
Act as liaison between the Records Officer and districts, regions, or other separate functioning entities within the agency		X	
Authority to appoint card holders	X		
Authority to direct other agency employees concerning the management of records in their custody	X		
Implement and maintain the agency records management program	X		
Assist the RO with implementing and maintaining the agency records management program		X	
Conduct agency inventories	X		
Assist with Inventory of Agency Records and Schedules		X	
Create internal guidelines for maintaining and using agency records (such as File Plans)	X		
Conduct regular reviews of existing agency records schedules	X		
Prepare and submit draft agency schedules	X		
Assist in the preparation of draft agency records retention schedules		X	
Review and sign records disposition authorizations	X		
Assist with reviewing disposition authorizations		X	
Identify areas of need and arrange for staff training	X		
Maintain files of records retention schedules, disposition authorizations, and records transfers	X		

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VIII. PROFESSIONAL STANDARDS

None

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