

## **State Records Laws:**

### **Local Government**

Local Government Code, Section 201.003

The Local Government Records Act - The law says: Local Governments must take steps to protect records

- It requires that elected officials and governing bodies facilitate (1) identification and (2) protection of essential government records

Government Code, Section 441.183

Local Governing bodies are required to facilitate the identification and protection of essential local government records.

Local Government Code §203.002 Elected Officials

Local Government Code § 203.003 Commissioners Court

Local Government Code §203.021 other local govt offices

Vital Record defined by state law for Local Governments:

Any local government record necessary to the resumption or continuation of government operations in an emergency or disaster, to the recreation of the legal and financial status of the government, or to the protection and fulfillment of obligations to the people of the state.

### **State Agencies**

Vital Record defined by state law for State Agencies:

Any state record necessary to

- A. The resumption or continuation of state agency operations in an emergency or disaster;
- B. The legal and financial status of the agency; or
- C. The protection and fulfillment of obligations to the people of the state.

Government Code, Section 441.180

State Agencies shall identify and take adequate steps to protect confidential and **vital state records.**

## Definitions

- **Air Drying** - – Process of stabilizing damp records by placing them in a cool, dry area and applying a maximum air flow to them.
- **Business Continuity** – An organization’s ability to continue to operate in the event of a disaster or disruption.
- **Disaster**- A disaster is a sudden event or misfortune whose timing is unexpected and whose consequences are destructive. It creates an inability to provide critical business functions.
- **Disaster Recovery Plan**- Guideline of consistent actions to be taken before, during and after a disaster to ensure resumption of operations and minimize the economic impact. A practical program of preventive steps and action responses to potential and actual disasters. It serves as a guideline of consistent actions to be taken before, during and after a disaster.
- **Freeze Drying** – Process of stabilizing water-soaked documents by freezing them to prevent further damage from water in its liquid state.
- **Risk Analysis and Assessment** - The analysis identifies the probable consequences or risks associated with the organization's vulnerabilities and provides the basis for establishing a cost-effective security program that eliminates or minimizes the effects of risks.
- **Vital/Essential Records** -Records in any media necessary to the resumption or continuation of operations after a disaster. Records required in the recreation of the legal and financial status of the government and the protection and fulfillment of obligations to the people of the state.
- **Vacuum Freeze Drying** – Process of stabilizing water-soaked documents by freezing them to prevent further damage from water in its liquid state and subsequently drying them under high vacuum with the controlled application of heat.
- **Vacuum Thermal Drying** – Treatment of water-soaked documents by drying under high vacuum and high temperature to prevent further damage.

**Risk Analysis and Assessment**

**Key Elements**

- a. Impact or effect on your organization.
- b. Probability of encountering that impact within a specified period of time.

**Methods**

**Annual Loss Expectancy (ALE)**

The ALE is determined by multiplying the frequency of occurrence by the expected dollar loss per occurrence. For instance, a catastrophic fire in a data center occurs .05 times per year (once every 20 years) and potentially results in a \$10,000,000 loss. The ALE is \$50,000 (.05 x \$10,000,000.) If a keypunch error occurs 78,000 times per year and is estimated to cost \$.50 per error, the ALE is \$39,000 or (78,000 x \$.50).

**Risk Index**

In theory, the higher the index, the greater the probability of the loss occurring. Estimate the probability of a loss occurring on a scale of 1-7. Then estimate the effect by the same scale. Multiply those numbers to come up with a risk index.

**Determine The Risk Index**

**Probability X Effect = Risk Index**

<b><u>Probability</u></b>	<b><u>Effect</u></b>
7 - once or more/yr.	7 - 95%-100% of all records
6 - once every 5 yrs.	6 - 75% to 94% “
5 - once every 10 yrs.	5 - 60% to 74% “
4 - once every 50 yrs.	4 - 40% to 59% “
3 - once every 100 yrs.	3 - 25% to 39% “
2 - once in 100 yrs.	2 - 5% to 24% “
1 - has not occurred	1 - 0% to 4% “

Major Risk = 40 or higher

Serious Risk = 30 to 39

<b>Prevention Measures for Water/Flood Damage</b>
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**Survey the workplace to identify potential water problems.**

**Communicate the observations.**

**Develop rules and procedures.**

Avoid basement storage areas.

Avoid records storage in or below areas through which service pipes pass.

Have service pipes checked regularly and have pressure alarms installed to indicate trouble.

Locate all drains and have them inspected regularly.

Install floor alarms in areas susceptible to water leakage.

Regularly check the sprinkler systems.

Ensure that washroom facilities and work areas are safely separated from records storage areas.

Never let water run unattended.

Install shelving at least 2" away from inside walls to avoid damage from condensation, burst pipes or water running down walls from sprinkler systems.

Install bottom shelves at least 4" above the floor.

Inspect for roof leaks and repair any damage.

Do not store records directly on the top surface of shelf units.

Do not install carpeting in storage areas. If flooded, the carpet retains water and prevents drainage, hampering stabilization of the temperature and relative humidity.

## **Disaster Recovery Plan**

### **Objectives**

- a. Adequately addresses the safety and well being of the employees, customers, clients, and recovery workers, as well as the general public.
- b. Identifies and adequately protects the organization's vital records, to limit the extent of damage and prevent the escalation of a disaster.
- c. Reduces the risk of disasters caused by human error, deliberate destructiveness and building/equipment failure, as well as the adverse consequences of all disasters by mandating specific security, maintenance and training programs.
- d. Ensures the government's ability to effectively resume operations after a disaster and minimize the disaster's economic impact.
- e. Ensures the government's ability to rapidly reconstruct essential information and/or salvage damaged records by establishing disaster recovery procedures.

### **Disaster Recovery Plan Key Elements**

1. Policy, Goals, Objectives & Procedures
2. Activation of Authority
3. Organization
4. Information Distribution
5. Disaster Responses
6. Training
7. Review and Revision

## Resources

Texas Department of Public Safety – Texas Division of Emergency Management

<http://www.txdps.state.tx.us/dem/>

<http://www.txdps.state.tx.us/dem/pages/mission.htm>

U.S. National Archives and Records Administration – Disaster Response and Recovery

<http://www.archives.gov/preservation/disaster-response/>

U.S. National Archives and Records Administration - Disaster Preparedness Tool Kit

<http://www.archives.gov/rocky-mountain/records-mgmt/toolkits/disaster-planning.pdf>

U.S. National Archives and Records Administration - 36 CFR Part 1223 – Managing Vital Records

<http://www.archives.gov/about/regulations/part-1223.html>

U.S. National Archives and Records Administration - 36 CFR Part 1234 – Facility Standards for Records

<http://www.archives.gov/about/regulations/part-1234.html>

Appendix A to Part 1234 – Minimum Security Standards

<http://www.archives.gov/about/regulations/appendix-a.html>

Appendix B to Part 1234 – Alternative Certified Fire-safety Detection and Suppression Systems

<http://www.archives.gov/about/regulations/appendix-b.html>

The Library of Congress - Preservation

<http://lcweb.loc.gov/preserv/emerg/dry.html>

ARMA International – Emergency Management For Records Information Programs by Virginia A. Jones, CRM and Kris E. Keyes.

<http://www.arma.org/pdf/articles/EmergencyManagement.pdf>

ARMA International

<http://www.arma.org>

FEMA

<http://www.fema.gov/>

National Archives of Australia – Planning for Business Continuity and Disaster Recovery

<http://www.naa.gov.au/records-management/secure-and-store/business-continuity/index.aspx>

Disaster Recovery Journal

<http://www.drj.com>

American Library Association – Disaster Preparedness and Recovery

<http://www.ala.org/ala/issuesadvocacy/advocacy/federallegislation/govinfo/disasterpreparedness/index.cfm>

## Resources Continued

The Disaster Center

<http://www.disastercenter.com/displan.htm>

Disaster –Resource.com

<http://www.disaster-resource.com>

BMS/ CAT

<http://www.bmscat.com>

Document Reprocessors

<http://www.documentreprocessors.com>

Data Recovery and Computer Forensics

<http://www.ibas.com>

Note: 1. The above sites are subject to change without notice.  
2. Inclusion is based on an internet search and is not a recommendation.

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## Summary

**What do you need to protect?**

**What are you protecting them from?**

**What measures can you take now?**

**Do you have a Disaster Recovery Plan?**

Information = assets:

Protect vital, confidential, and historical information

Proactive Measures:

- identify assets,
- do risk assessments,
- site surveys,
- contact professionals,
- do risk analysis,
- probability & impact risk analysis

Create disaster recovery plan

If a disaster does strike, take planned response steps:

- damage assessment,
- salvage and recovery teams