

Do I Have to Get Rid of That?

Understanding Why “Destruct” is an Important Part of the Records Management Process

Being a “Sunshine State”, Wisconsin has a long tradition of providing the public access to state government records. Public records are a cornerstone of an open, representative government, and the presumption is that these records belong to the citizens of the state and are accessible with certain exceptions. Records management ensures that records of historical, fiscal and legal value are identified and preserved for the citizens of Wisconsin and that other records are managed appropriately throughout their entire lifecycle up to the point of destruction or transfer to the UW Archives as determined by an appropriate records schedule.

Laws and policies guiding records management at the University of Wisconsin

The university’s teaching, research, and outreach mission and its successful implementation of the Wisconsin Idea depend upon the effective and efficient management of information assets and resources. Wisconsin Statutes [Section 19.31](#), *Wisconsin Public Records Law* and [Section 16.61](#) – *Records of State Offices*, both define public records. While these definitions are purposefully broad, the first describes the process by which people can access public records and the second provides the framework for the management of those records. Records management at the University of Wisconsin is further governed by the University of Wisconsin Board of Regents under [Policy 3-2, University of Wisconsin System Public Records Management](#).

So, what does that mean for me?

Regent Policy 3-2 specifically states that: *“It is the responsibility of all UW System supervisors and employees to manage public records in compliance with state and federal legal requirements as well as with this policy.”* In short, everyone is responsible for managing their records regardless of format. In terms of electronic records, the policy further states that: *“Particular care shall be taken to ensure that electronic records are preserved in such a way that permits them to be retrieved in the future or destroyed when proper to do so. UW institutions should be aware of and maintain compliance with Chapter Adm 12, Wis. Admin. Code.”*

How do I do that?

There are many tools and guidance documents available to help you manage your records, but one of the key ways is through the use of records schedules which describe how long a particular type of record needs to be held and what happens to that record at the end of its lifecycle which is typically to destroy it or transfer it to the UW Archives. There are a few rare exceptions where a department may hold records permanently, but these are carefully reviewed and approved by the Public Records Board. Here at the university, this most often occurs in the research realm, particularly with longitudinal studies, where the research builds on itself and on past data. Although there are hundreds of records schedules throughout the university, it is important to understand that most people will only use a very small subset of these schedules for the records that they manage. While some records may have a very

short lifecycle of a few weeks or months, others have lifecycles that will last decades prior to disposition. It is this variance that makes it critical for you to understand what records you have and how long you need to hold them...especially over long periods of time when several generations of staff members will inherit records of the past and need to pass them on to future generations.

Sounds complicated...Wouldn't it be better just to keep everything?

Actually, "No". Aside from not meeting university policy or state statutes, appropriately destructing paper and electronic records according to records schedules is much more efficient and benefits departments and the university in several ways:

- Supports discovery and public records requests: Records needed for discovery purposes or public records requests are often under a timeline. Appropriate destruction of records according to records' schedules helps expedite the process by minimizing the number of records and locations that need to be searched in order to fulfill them.
- Minimizes litigation risk: Holding records past their disposition date can be costly for the university in an audit or legal action. If records that should have been destroyed remain available and an audit or court action is commenced, they are subject to subpoena and discovery. This includes records that are squirreled away to personal drives or moved to other places on the network. In the case of audits, if an exception is discovered, penalties can be assessed as far back as records are available.

Disposing of records in the normal course of business in accordance with approved retention schedules and procedures demonstrates consistency in records and information management practices. Courts accept the "defensible deletion" of records in instances in which the organization can demonstrate that a comprehensive records management program exists, and the disposition is carried out on a systematic and routine basis.

- Safeguards information: Many university departments manage data that is [classified as Restricted or Sensitive](#). As stewards of that data, we have obligations to manage that data appropriately and to destruct those records according to their records schedule in order to safeguard that information from misuse or theft as well as minimize any risk to individuals or the university should that information be disclosed.
- Reduces operating costs: Retaining records longer than necessary fills up physical and electronic storage space making it difficult to access and retrieve items that are needed.
- Supports better decision making and improves productivity: Deleting obsolete records can make current records more easily available, allows you to access the data you need faster and make informed decisions more quickly.

If the benefits are not a strong enough argument, then consider the legacy you or your department would leave behind if you kept everything rather than manage it appropriately. Chances are good that it will be ignored as “something they did in the past” and continue to take up space and staff time or someone will eventually decide they need to clear it all out, potentially losing records have not yet met their retention according to records schedules or should be transferred and preserved at the UW archives . Be considerate of those who come after you and don't be “THAT” department or person.

How about digital? Storage is cheap!

Aside from the reasons mentioned above about good records management practices, lets pause here a moment to talk specifically about electronic records. Maintaining an electronic public record that is accessible, accurate, authentic, reliable, legible, and readable throughout its record life cycle is not an easy task. Given how quickly technology changes, what will it take to keep a record “alive” for 5 years, or 15 years or 50 years? Yes, it's true that storage costs are going down, but that is only a small piece of the cost of maintaining electronic records over time. Some of the most significant issues that can add to those costs for the university are:

- Staff costs to manage records: Electronic records require ongoing attention and care to remain accessible, useable, and authentic over time. IT staff costs to manage and protect the systems the records are stored on will go up as the number of records goes up. Departmental staff costs will also go up to ensure records are managed correctly and do not get lost in masses of other data. This is very much a team effort that requires coordination and communication from both sides.
- Staff costs to search records: While technology can aid in searching for a specific record, as the number of records goes up, the time to perform a search for a specific record also goes up. Be aware that different systems have different limits in the number of sites, folders or documents they can search at one time. Keeping records beyond their designated disposition time needlessly increases the number of documents that are searched and can significantly reduce a search's success rate.
- Technology Obsolescence: There is no permanent electronic storage media. Hard drives, servers, magnetic tape, or any other storage formats need to be tested and replaced on a regular schedule (roughly every 5-7 years). Once the hardware is replaced, the content has to be migrated from the old system to the new system which is another staff cost. In the case where records are kept beyond their stated disposition, additional costs will be incurred by the university through the purchase of unnecessary hardware to store records and staff time to migrate records that should have been deleted or transferred to the Archives.
- Format Obsolescence: Formats change over time and as they change, records need to be migrated to newer formats in order to remain accessible. Appropriately managing records over time helps to ensure that migration time and subsequent costs are only spent on active, relevant records.

- And “Yes”, there are storage costs: Keep in mind that all electronic records will have the original and a backup as a minimum if managed correctly. If records are not deleted according to their records schedule, this will be duplicated across the backup as well which will minimize if not eliminate any cost savings over time. Appropriately destructing records is a far more effective way to minimize storage costs rather than waiting for the price to drop. For records stored with cloud services, the university costs also go up as we take up more space on their servers.

But what if we might need it some day?

Yes, you might, but probably not. While keeping things “just in case” may relieve some anxiety about not having some item in the future, it is **not** a valid record management practice. Let’s start here by embracing the fact that we tend to be hoarders and getting rid of things is hard for most of us. This is particularly true of electronic records that don’t clutter our offices and where a 10 kb file looks exactly the same as a 10 GB file.

Records schedules are developed specifically to help you manage the creation, retention, and disposition of the university’s public records and to ensure the university fulfills its state and federal legal requirements for managing public records. In creating a record schedule, the disposition of public records is guided by state and federal laws and university policies as well as by the content of the record and the business processes that use it. Hence, the variety in the length of time specific types of records are kept.

If you find that you are holding items beyond a specified schedule’s disposition because you still frequently reference and use them, it may be that a schedule should be re-evaluated to ensure that the university can appropriately conduct its business. However, if you periodically use only a few records out of thousands that you are holding onto “just in case”, it probably doesn’t meet the balance test of increasing university costs and risk over time by continuing to maintain them. Having to tell someone that you deleted a record according to its record schedule **is** a valid records management practice and demonstrates responsible stewardship of university information.

Is there ever a time when I shouldn’t destruct my records?

Yes! Records schedules are suspended when records are under a public records request, lawsuit or audit. Once those actions are complete, the records resume their normal lifecycle under their records schedule.

Need Help? Contact:

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