



February 2010
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2008-9 ARMA International
Newsletter of the Year Award Recipient



For the Record
Newsletter of the Oregon Chapter

ARMA INTERNATIONAL—The Information Management Professionals

Presentation and Tour of Clackamas County Records Management

Date: Tuesday – February 9, 2010

Time: 3:00 – 4:30 p.m.

Location: Clackamas County Elections Office
1710 Red Soils Court, Suite 100
Oregon City, OR 97045

Cost is \$10 per ARMA member and \$15 for non-members.

Program Description:

Presentation by Karen Green, CRM, Manager of Clackamas County Records Management, at the County Elections Office, followed by a tour of the Clackamas County Records Center.

Speaker Bio: Karen Green is the Records and Information Manager at Clackamas County and is a CRM. Karen has been with Clackamas County for the past six years, where she oversees the County's records center, archives, and document capture operations.

Map on Page 3

DIRECTIONS: 1-205 to Exit 10. South on Highway 213 for 3 miles. Turn right on Beaver Creek Road, proceed approximately 1 mile. Turn left on Red Soils Court. The Records Center is located across the parking lot from Elections. After the presentation at the Elections Office, attendees can tour the Records Center.

Oregon ARMA
P. O. Box 40004
Portland, OR 97240-0004

www.oregonarma.org

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From the Square Office

Cheryl Dorman, Chapter President

Are you ever asked the question, “What exactly is Records Management?” Really, it’s something we all have a part in, whether we like it or not and whether it’s related to home or business. If you think about it, life is one big record starting with a Birth Certificate and ending with a Death Certificate with many types of records in between.



All companies need a RIM program. Without organization of records, a company cannot efficiently compete, comply with regulations and/or recover from a disaster. So what is a Record? A Record can be many things. Here are some examples:

- Paper: letter, memo, contract, invoice, marketing materials
- Electronic: text message, email, online blog
- Databases
- Website content, information on flash drives and PDA’s

If anything happens and your company becomes involved in a lawsuit, all these and more may be identified as discoverable.

So besides the reason listed above, why is keeping up with records management so important? Records are information assets and hold value for your company. Managing your records effectively and efficiently ensures that the information needed can be retrieved in a timely manner, is authentic and accurate. To do this, it is best to set up a RIM program, which will include the following:

- Creating and following a set of policies and best practices and using them throughout the company. Remember to be consistent. The same rules apply to everyone.
- Identify who is responsible for managing the records.
- Identify vital records and establish a guideline on how to maintain your business after a disaster.

All employees use records and information daily. This means that everyone is responsible for managing records. Educate your employees. Keep them apprised of new and updated business practices. Educate yourself. Stay informed on what’s new in the technology world. Remember to check out www.arma.org often for updates to what’s happening in the world of Records Management. That’s where I got this information!

If you want to see real world examples of Records Management, sign up for our February chapter meeting. We’ll be having a presentation by Karen Green, CRM, followed by a tour of the Clackamas County Records Center. We’ll see you there!

Chapter Mission Statement

Provide Records and Information Management education and opportunities, and promote professional development within ARMA and the business community.



MEMBERS ONLY

Your exclusive pass to RIM resources and membership benefits

Kimberlee Akimoto, Director of Membership

Hello Oregon ARMA members!

Welcome Geoff Chew and Karen Nielson our newest chapter members!

Welcome also Elly Bracamontes and Cydney Hill – though they may have become *official* Oregon ARMA chapter members only recently, they are no strangers to our organization! In fact, Elly was a featured speaker at our March 2009 chapter program – something we hope she will repeat in our 2010 program year.

Here is the membership update for February 2010:

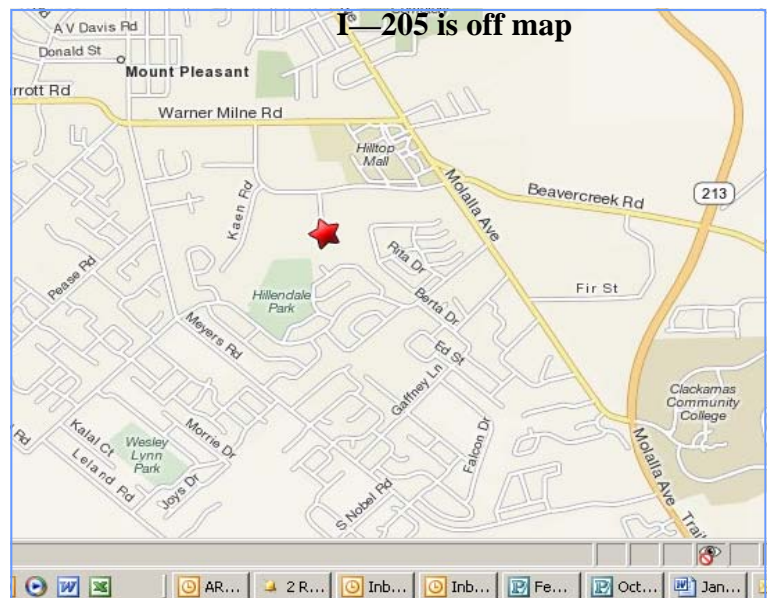
The following Oregon ARMA members are celebrating their anniversaries in February:

Alan Smith	3 years
Lori Hughes	2 years
Lisa Martinez	1 year
Jeff Coe	1 year

Congratulations to all of you!

DIRECTIONS TO CLACKAMAS COUNTY ELECTIONS OFFICE AND RECORDS MANAGEMENT:

1-205 to Exit 10. South on Highway 213 for 3 miles. Turn right on Beaver Creek Road, proceed approximately 1 mile. Turn left on Red Soils Court. The Records Center is located across the parking lot from Elections. After the presentation at the Elections Office, attendees can tour the Records Center.



Newsletter Editor—Jane McGarvin

Cheryl Dorman, Chapter President

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Check It Out

Karen Green, CRM
Director of Education



The Oregon ARMA Chapter Lending Library inventory may be accessed through:
<http://www.oregonarma.org/library.php>

New Books Available from ARMA Oregon Chapter Library

- 7 Steps for Legal Holds of ESI and Other Documents, Isaza and Jablonski
- Business Continuity Strategies: Protecting Against Unplanned Disasters, 3rd Edition, Myers
- Digital Document Management, Saffady
- The Digital Records Conversion Process: Program Planning, Requirements, Procedures, ARMA International
- Electronic Records Retention: New Strategies for Data Life Cycle Management, Stephens and Wallace
- Guidelines for Outsourcing Electronic Records Storage and Disposition, ARMA International
- Leading and Managing Archives and Records Programs, Dearstyne
- Managing Electronic Records, 4th Edition, Saffady
- Records and Information Management: Fundamentals of Professional Practice, Saffady
- Records Management, 8th Edition, Read and Ginn
- Records Management: Making the Transition from Paper to Electronic, Stephens
- Understanding Data and Information Systems for Recordkeeping, Bantin

More information is available at: <http://www.oregonarma.org/library.php>

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Effective September 1, 2008, the advertising rates for 9 issues are as follows:

Full Page	\$315
Half Page.....	\$255
Third Page.....	\$230
Quarter Page.....	\$215
One Month Ad, Any Size.....	\$55

All copy must be submitted in either .tif or .pdf format by the 10th of the month to Newsletter Director Jane McGarvin.
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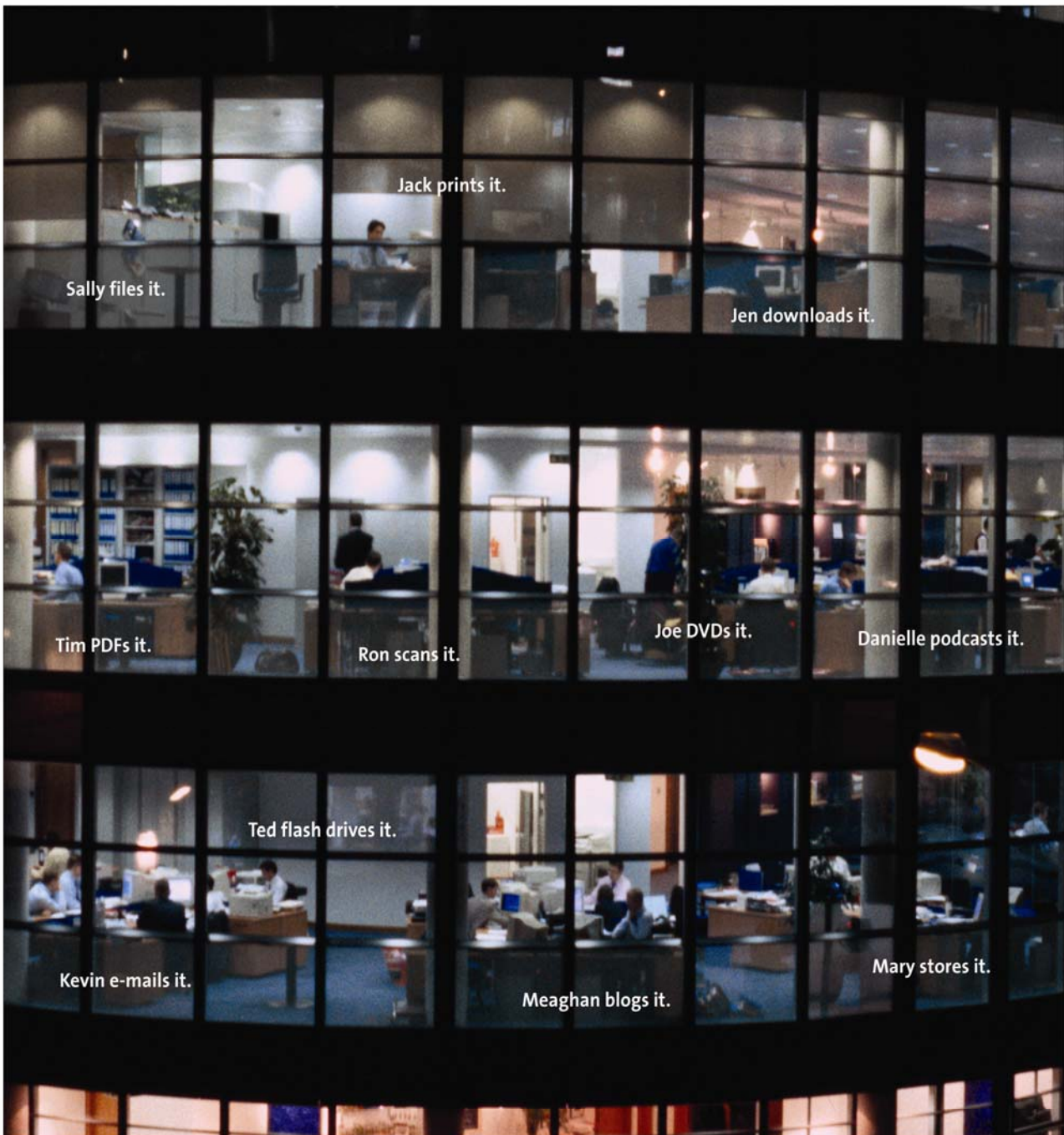
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COMMUNITY SERVICE—NOW ACCEPTING DONATIONS

CHERYL DORMAN, PRESIDENT

Since our first meeting in September, we have collected 180 pounds of food to donate to the Oregon Food Bank (OFB) along with \$30 in cash. We can do better. We are continuing our efforts to support the community through the Oregon Food Bank by giving donations at our chapter meetings. The OFB collects food as well as cash, so unleash your generous spirit and help others. We have four more chapter meetings to surpass the 200 pound mark from last year.

Here's a sample list of what the OFB can accept.

Nutritious, shelf-stable, packaged food:

Canned vegetables, fruits and meats

Flour

Oats

Soup

Macaroni and cheese

Nonfat dry milk

Pasta

Nuts

Cooking oils

Protein:

Dry beans

Peanut butter

Canned Meat

Healthy breakfast foods:

Cereal

Pancake mix

Nonfat dry milk

Breakfast bars

Please contact Cheryl Dorman at crd@inicigroup.com or 503.972.2623 if you have any questions about donations.

Thank you in advance for your help as we reach out to the communities around us.



200,000

Estimated number of people who eat meals from an emergency food box in an average month

JANUARY MEETING RECAP
Lessons Learned: Nike vs. City of Beaverton
presented by Bill Kirby, Beaverton City Attorney

Tim Hunt, CRM
 Immediate Past President



December 17, 2004

Dear City of Beaverton,

This firm represents Nike, Inc. and is in the process of reviewing Beaverton's actions concerning its annexation efforts as they relate to the Nike property.

It is likely, from the information I now have, that litigation will be filed against the City...

Excerpt from Letter, December 17, 2004

Thus began a two year odyssey for City of Beaverton attorney Bill Kirby, who, at the January 13 Oregon ARMA chapter meeting, graciously shared some lessons learned in the well publicized and fascinating (for records geeks) lawsuit in which public records law, personal privacy and electronic discovery were key elements.

This first letter put the City on notice to preserve any information, including "any and all electronically stored information of all types and not just e-mails". A follow-up letter a week later, labeled as a public records request, specified six areas of concern and included wording that stated home computers should also be searched for responsive records.



*Bill Kirby, City of Beaverton Attorney
 Speaking at January 12 Oregon ARMA
 Chapter Meeting*

Beaverton responded by turning over what they considered to be appropriate records, but refused to search any home computers. Nike suspected that Beaverton elected officials were trying to skirt public meeting laws by holding discussions of City business via their personal computers. Nike filed a motion under ORS 192.490 calling for the search of elected officials' home computers. Over the objections of Beaverton, Washington County Circuit Judge Gayle Nachtigal, who was presiding over the case, sided with Nike and ordered a forensic search of four individual's home computers (two of whom were not elected officials). Armed with a list of thirteen keywords, Beaverton produced 30,000 pages of home computer records. Nothing relevant was found and Nike had to pick up the tab for the search.

The searching of City PCs and servers was being conducted by City information technology staff and was calculated to be costing approximately \$25 per megabyte to produce.

(continued on next page)

In the midst of the lawsuit, the central issue at stake – the City’s annexation plans for the Nike property – was more or less made moot by the state legislature granting Nike a 35-year exemption from annexation. But the litigation marched on – some say it became a personal jousting match between Nike Chairman Phil Knight and Beaverton Mayor Robert Drake.

As summer 2005 turned to fall, the City continued to produce what it said were relevant records. Nike accused the City of concealing records and the City responded by turning over two hard drives: one with 16,000 e-mails based on 13 keywords originally requested and another with 162,000 e-mails and attachments based on a second 19 keyword list. No effort was made on the City’s part to cull out records that were obviously irrelevant, such as traffic citations or arts commission reports. They essentially dumped a haystack at Nike’s feet and challenged them to find the needle. Neither Nike nor the judge was amused. Nike refused to accept the hard drives, saying it was the City’s job, not theirs, to cull irrelevant documents. Ironically, the so-called “smoking gun” – a 19-page draft annexation plan that showed city planners considered forced annexation of Nike in 2002 – was in that collection and would eventually surface months later.

In December 2005, a fed-up Judge Nachtigal appointed Kroll OnTrack to take over the electronic discovery tasks (triggered, in part, by an accidentally erased mayoral hard drive). With Kroll on board, the final search protocol was agreed upon: 16 keywords on electronic media belonging to 13 records custodians (but later increased to 21 and 16, respectively). From a possible 33 terabytes of City data, Kroll determined that 5.3TB needed to be searched.

In the end, 53,000 (238,000 pages) records were considered relevant and reviewed, with 5,600 (18,500 pages) records partially or fully withheld based on attorney-client privilege. Total production: 47,400 records (219,500 pages).

Finally, in January 2007, the case ended with Beaverton being held in contempt for the way it handled the overall public records request and it was forced to pay Nike \$175,000 in legal fees. Overall, the entire episode was estimated to cost the City between \$800,000 to \$1 million.

Mr. Kirby offered many lessons learned, but the ones that were most prominent in my mind were:

- Meet early with opposing counsel to try to narrow the scope of the discovery request – don’t try to fight it out in court.
- Hire experts on electronic discovery if you do not have that expertise in-house.
- Implement sound records management policies, tools and training.

Thirty-one Oregon ARMA members and guests, including Beaverton City Councilor Cathy Stanton, were in attendance.



Members of the audience intently listening to Mr. Kirby’s presentation at the January 12 Oregon ARMA Chapter Meeting



Message from the Great Northwest Region

“If not for the courage of the fearless crew, the Minnow would be lost...”

Records managers don't always think of themselves as courageous. But in order to do our jobs well, we often have to be just that. We are the gatekeepers, the guardians of our companies' records. So what would you do if your boss told you to do something with your records that you know is unwise, if not wrong or possibly, illegal? We all need our jobs and in this economy, it's not a good time to make waves. What do you do?

You educate them! But don't wait for the situation to happen. Start before a situation arises. The next time you attend a meeting, a webinar, or a conference, send your boss a note to let them know that you “just heard a great presentation on (fill in the blank). I learned a lot about it.” Offer to share what you learned. You will gain credibility. Then if someone asks you to do something that you know is unwise, you can explain why that idea is not the best course of action. It's not always easy, but if not for your courage, your records could be lost.

(continued on next page)

The advertisement features a photograph of a man and a woman in business attire looking at a laptop. The man is on the left, wearing glasses, and the woman is on the right. The background is a light green color with a faint pattern of papers. The text 'LESS MORE' is positioned above the word 'PAPERWORK', which is written in large, bold, white letters. The overall theme is about reducing paper and increasing digital efficiency.

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Some of you may have noticed that ARMA is now charging for its webinars. The reasons for this are simple. First, as with most businesses, revenues are down. ARMA's two major revenue streams are the International Conference and dues. Attendance at this year's conference in Orlando was down a bit from normal. Memberships are also down slightly due to many members losing financial support from their employers if not losing their jobs altogether. So there are shortfalls in both revenue streams. Adding to that, ARMA is developing some new training courses for the membership and, like most everything, the costs to do that are up. Rather than raise our dues any further, the decision was made to begin charging for the webinars.

Save the date!! Coming up is the Great Northwest Region Conference, April 15-16 in Bellevue. Be sure to mark your calendars! The Bellevue/Eastside, Greater Seattle, and Puget Sound Chapters are working hard along with the Region Team on making this a great event! Watch your mailboxes and inboxes for more information.

Voting for the ARMA International Board of Directors has just closed. I hope that you all participated in the process. Very soon, our chapters will begin the nomination process for our respective Boards of Directors for next year. I urge you to start thinking about running for a position in your chapter. It isn't always easy being at the helm, but it is a great growth experience, both personally and professionally. If serving on a board is too much, get involved in a chapter committee or volunteer for a one-time task. There are many ways in which you can help!

Whether you are a 'passenger' or 'crew' on board your ship, have courage. If not for your courage and volunteerism, our chapters, our association, our profession could be lost.

Marc

Marc J. Simpson, Manager
Great Northwest Region
ARMA International

UPCOMING OREGON ARMA MEETINGS

Board Meetings	Chapter Meetings	Topic
February 8	February 9	
March 8	March 9	It's a Zoo Out There, by Jennifer Winkler, Region Coordinator, with special visit from Marc Simpson, Region Manager, for Region Update
April 12	April 13	Follow up to Email Quick Wins, and Implementation Success Story
May 10	May 11	Iron Mountain sponsored lunch, Optional Facility Tour, New Officer Installation, Recognition of Outgoing Officers

*Programs are subject to change

“Ask the CRM”

Bob Dalton, CRM

QUESTION:

How do you develop a retention schedule?

Answer: Part II

I was asked this question by a department manager who was considering the development of a records management program for his department.

In a previous article in the January 2010 issue of ‘For the Record,’ I stated that the inventory is a crucial step in the development of an effective records management program and will be the primary document used in establishing the records retention schedule within the organization.

The inventory process is also an excellent way to identify possible work process changes and identify records or reports that may no longer be required within the organization. This is where a flow chart may be useful to determine who sends or receives the documents. When I am working with a client, I will ask the following questions:

“What function does your position perform within the organization?”

“What is your primary responsibility?”

“What records are you responsible for?”

Records Appraisal and Retention Schedule Development

Once you have the inventory completed, the next stage in the development of a retention schedule is the appraisal of the records listed on the inventory. Types of informational values may include:

- **Legal and regulatory value:** records required by federal, state, county statutes and regulations and form the basis for the retention period established for your records. Following the legal regulations demonstrates your compliance on maintaining your records.
- **Fiscal Value:** These are records that relate to the financial transactions of the organization and are required for audits and tax purposes.
- **Administrative/Operational Value:** These are normally records that do not have a legal, regulatory or fiscal value to the organization. They document activities within the organization and are created in the performance of the function. The record owner usually knows how long the records should be retained.
- **Historic Value:** If the organization has an official archives in-house the records maybe reviewed to see if they document the historic development of the organization. A question on the inventory form may be used to identify those records that may be considered archival.

Some organizations may also evaluate records that they considered as vital. These are records containing information that would be vital to business resumption in the event of a disaster. A question on the inventory form may be used to identify records that may be considered vital. You want to note that the record is vital on your retention schedule and may require additional protection by duplication.

Continued on next page

The records appraisal also includes the need to conduct some research into the legal and regulatory (which includes fiscal) retention requirements for the records within your collection.

Some resources for legal research are:

Software:

Information Housing Clearing House – Retention Manager 3 (<http://www.irch.com/index.htm>)

Zasio - Retention 7 (www.zasio.com)

Federal (<http://www.access.gpo.gov/nara/cfr/cfr-table-search.html#page1>)

Washington State – WAC (<http://apps.leg.wa.gov/wac/>) or RCW (<http://apps.leg.wa.gov/>)

Washington State Secretary of State: http://www.secstate.wa.gov/archives/gs_local.aspx*

ARMA HQ Bookstore: “*Sample Forms for Archival & Records Management Programs*”, ARMA & SAA, 2002 (<http://www.arma.org>)

Directory of State Archives and Records Management Programs www.statearchivists.org/states.htm#hi

Associations may have established a generic retention schedules

Users within the department may know of a legal requirement.

Once you have completed the legal research and developed the retention schedule you should have the schedule reviewed and approved by an approving authority within the organization to insure that the schedule meets the legal/operational needs. Some of the reviewers could be:

Legal

Auditor

Financial Manager

Tax

Department

Corporate Records Manager

Corporate Records Committee (major owners of the records)

Additional Resources

Resources that I have used in the past for assistance in creating retention schedules have been:

- Ricks, Swafford & Gow, “Information Resource Management: A Records Systems Approach”, 3rd Ed, 1992, South-Western Publishing Co.
- Read & Ginn, “Records Management”, 8th Ed., 2007, South-Western Publishing
- ARMA HQ Bookstore: “*Sample Forms for Archival & Records Management Programs*”, ARMA & SAA, 2002 (<http://www.arma.org>)

You may also want to check out other resources on retention schedule development that are available through the ARMA bookstore at www.arma.org.

Bob Dalton, CRM of Dalton Consulting

Note: My thanks to Barbara Werelius, Records Manager and Guru at Tacoma Public Utilities, and the Puget Sound Chapter of ARMA for her assistance in the development of this article. Other articles by Mr. Dalton can be reviewed and copied at his BLOG site: askthecrm.blogspot.com.

*Oregon Secretary of State Archives Division: <http://arcweb.sos.state.or.us>.

OREGON CHAPTER OF ARMA INTERNATIONAL

Meeting/Seminar Registration Form

**Clackamas County Records Management
Presentation and Tour**

Tuesday, February 9, 2010 - 3:00 to 4:30 p.m.

LOCATION:

**Clackamas County Elections Office
1710 Red Soils Court, Suite 100, Oregon City, OR**

**Pay either by check (make checks payable to OREGON ARMA) or
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Cost: \$10 for Members or \$15 for Non-Members

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Name: _____

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Name(s) of Guests(s) _____

REGISTRATION DEADLINE:

Reservations required by February 5, 2010

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OREGON PROGRAM LIAI- SON

Vacant