



STATE OF MICHIGAN

RECORDS MANAGEMENT MANUAL FOR LOCAL GOVERNMENTS

Records Management Services



7/27/2021

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Laws:

- M.C.L. 15.231-15.232 (Freedom of Information Act, Definitions)
- M.C.L. 18.1284-1292 (Management and Budget Act, Records Management)
- M.C.L. 399.809-812 (Michigan History Center Act)
- M.C.L. 750.491 (Penal Code, Public Records)

Note: The Michigan Complied Laws are available online at <http://www.legislature.mi.gov/>.

Introduction

Public records are the property of the people of the State of Michigan. As a result, Michigan government agencies are responsible for ensuring that the public records they create and receive while conducting public business are retained and destroyed in accordance with Michigan law. Records Management Services is responsible for assisting local government agencies with addressing records management and preservation issues.

While there are various laws that require Michigan government agencies to employ sound records management practices, agencies often find that good records management is good business. Almost every business process employs records, and agencies need to ensure that these records are managed in an effective and an efficient manner. Good records management can save agencies time and space (resources that are frequently in short supply for most offices).

Records Management Services can help local government agencies:

- Create records retention and disposal schedules for local government offices.
- Analyze the need for microfilm, microfiche, digital imaging systems and other records storage media.
- Follow regulations for reproducing public records.
- Determine the best method of records disposal.
- Learn about emerging records management issues associated with computer technology.
- Establish proper storage space for local government records.

Local governments seeking assistance with their records management and preservation concerns may contact:

Records Management Services

Department of Technology, Management and Budget

3400 N. Grand River Ave.

Lansing, Michigan 48909

(517) 335-9132 (phone)

recordscenter@michigan.gov

<https://www.michigan.gov/recordsmanagement/>

Public Records

The Michigan Freedom of Information Act (FOIA) (Public Act 442 of 1976, as amended), defines public records as recorded information “prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function, from the time it is created.”

Two laws provide that local government records belong to the people of Michigan.

A. Section 491 of the Michigan Penal Code (MCL 750.491) declares that all official books, papers, and records created by (or received in) any office or agency of the political subdivisions of the state of Michigan are considered public property, belonging to the people of the state.

B. Section 5 of the Michigan History Center Act (MCL 399.811) provides that all records required to be kept by local public officers in the discharge of their duties, records required to be filed in local public offices, and records which represent memorials of transactions of local public officers, are considered to be property of this state.

Section 491 of the Penal Code (MCL 750.491) declares the improper disposal of local government records to be a crime. This law states as follows: “Any person who shall willfully carry away, mutilate or destroy any of such books, papers, records or any part of the same, and any person who shall retain and continue to hold the possession of any books, papers, or records, or parts thereof, belonging to the aforesaid offices and shall refuse to deliver up such books, papers, records, or parts thereof to the proper officer having charge of the office to which such books, papers, or records belong, upon demand being made by such officer, or, in cases of a defunct office, the Michigan historical commission, shall be guilty of a misdemeanor, punishable by imprisonment in the state prison not more than 2 years or by a fine of not more than \$1,000.00.”

Retention and Disposal Schedules

Michigan law requires that all records be listed on an approved Retention and Disposal Schedule that identifies how long the records must be kept, when they may be destroyed, and when certain records can be sent to the Archives of Michigan for permanent preservation. All Retention and Disposal Schedules must be formally approved by the Records Management Services (DTMB), the Archives of Michigan (DNR) and the State Administrative Board. Retention periods listed on approved Retention and Disposal Schedules have the force of law. There are two types of schedules that local government agencies may use:

- **General Schedules:** cover records that are common to a particular type of local government agency, such as a county clerk or a school district. General schedules may not address every single record that a particular agency may have in its possession. General schedules do not mandate that any of the records listed on the schedule be created. However, if they are created in the normal course of business, the schedule establishes a minimum retention period for them.
- **Agency-Specific Schedules:** cover records that are unique to a particular local government agency. Agency-specific schedules always override general schedules if a record is covered on both. Agency-specific schedules only address the records of the agency named on the schedule, and may not be used by another agency. The retention periods are absolute minimums and maximums.

Note: Agencies must immediately cease the destruction of all relevant records (even if destruction is authorized by an approved Retention and Disposal Schedule) if they receive a FOIA request, if they believe that an investigation or litigation is imminent, or if they are notified that an investigation or litigation has commenced. If relevant records exist in electronic formats (such as email, digital images, word processed documents, databases, backup tapes, etc.), the agency may need to notify its information technology staff. Failure to cease the destruction of relevant records could result in penalties.

RECORDS AND RECORDS SERIES

Retention and Disposal Schedules are generally used to identify retention requirements for records series, but they may also be used to identify specific records.

A “*records series*” is a logical grouping of related records normally filed together to support a specific business process. Whereas, a “*record*” is an individual piece of recorded information. For example, the January 2003 minutes of the meeting of the Michigan History Commission is an individual record. However, all of the minutes of all meetings held by the Michigan History Commission, organized chronologically with meeting notices, agendas and supporting documentation, constitute a records series.

GENERAL RETENTION SCHEDULES

The general retention schedules that are approved for use by local governments are published online at https://www.michigan.gov/dtmb/0,5552,7-358-82548_21738_31548-56101--,00.html.

AGENCY-SPECIFIC SCHEDULES

Local governments must create and submit agency-specific schedules to cover any records that are not listed on a general schedule. If the local government needs a different retention period than the one listed on a general schedule, they can submit a specific schedule for approval. The specific schedule will override the general schedule. Below are the instructions for creating specific schedules.

1. Conduct an inventory of all records or records series (both paper and electronic) that are created or maintained by the agency.
 - A. It helps to select a room or cubicle, and then survey each drawer of each file cabinet or shelving unit to determine its contents.
 - B. While conducting the inventory, it would be a good idea to ensure that all drawers, shelves, file folders, boxes, etc. are properly labeled.
 - C. Identify any databases, spreadsheets, etc. that are used to support business processes or to help access paper files (such as indexes).
2. Create a list of the record series identified as a result of the inventory, and include brief description of the function and content of each series.¹ Try to answer the following questions:
 - A. Why is the record series created?
 - B. Does a law mandate the creation of the records series? If so, which law?
 - C. How is the records series created?
 - D. How are the records organized? (alphabetically, chronologically, etc.)
 - E. What format(s) does the records series exist in? (paper, photographs, maps, drawings, microfilm, digital images, e-mail, database, etc.)
 - F. What information can be found on a particular record? (names, dates, social security numbers, addresses, etc.)
 - G. Does the record series contain confidential information?
 - H. When did the agency first start to create/receive this record series? Is the record series still created?
 - I. Do other agencies maintain the same exact records series? If so, who? Why?
3. Establish retention periods for each records series based upon the following:
 - A. Statutorily required retention period, if any
 - B. Statute of limitation requirements

¹ Records series descriptions are essential for helping people identify and locate the records in their office.

- C. Audit requirements
 - D. Administrative need
 - E. Potential historical value
4. Fill out the [Record Inventory form](#) with the proposed record series. See [instructions and example](#).
 5. Fill out the [Local Government Contact Information form](#). Send both the completed *Record Inventory* and *Local Government Contact Information* forms to DTMB Records Management Services via email at recordscenter@michigan.gov for review.
 6. When the draft is ready for approval, DTMB Records Management Services will use the State of Michigan eSignature tool to send the schedule to the agency representative for signing. The agency contact person will be notified when the schedule is approved.
 7. Distribute the newly approved schedule to affected employees, and establish a routine for disposing the records according to the provisions of the schedule.

DEFINITIONS OF RETENTION CODES

The **retention codes** that appear on some records Retention and Disposal Schedules are used to establish how long records are retained by the creating agency before they are destroyed (or transferred to the Archives of Michigan for permanent retention). In addition to the retention code, a period of time, years and/or months, can be used in the calculation. Years are expressed as whole numbers, and months are expressed as fractions. For example, the fraction "0/6" would represent 6 months. The retention code plus the period of time results in a mathematical formula for calculating a destruction date.

ACT = Active

An active code is usually assigned to records that are case or project related. The records are retained "until the case or project is closed." This code can also be applied to records where a subjective decision is needed to determine when the records become inactive, as with a subject file. The record is retained "until it is determined to be inactive." The retention period is applied when the ACT condition has been met. For instance, a case file might be retained until the case is closed (ACT) plus five years.

CR = Creation

A creation code is assigned to records when a definitive retention period can be assigned. The retention period is usually based on a calendar year and where there are no conditions that must be met. For instance, correspondence has a two-year retention period. The retention period begins from the date the correspondence is created or received.

EXP = Expiration

An expiration code is typically assigned to contracts, grants or other types of agreements that must be retained until an expiration date or other legal condition has been met. For instance, contracts may be held until contract expiration (EXP) plus six years.

FY = Fiscal Year

A fiscal year code is similar to a CR code. The code is assigned to records when a definitive retention period can be assigned, however the retention is based on a fiscal year rather than a calendar year. This retention code is usually assigned to accounting records and their supporting documentation.

SUP = Superseded

A superseded code is typically assigned to records that are updated or revised at various times during the records lifetime. Examples would include policies or procedures. As a policy is updated and the old version is replaced or superseded, only the current version is needed.

EVT = Event

Event codes are assigned to records when a retention period is based on a future action or condition. We use this code when we know that a future action or condition will be met, but we don't know exactly when it will happen. For instance, deeds are retained to document the ownership of land by the State of Michigan. If and when the State of Michigan divests itself of that land, a retention period can be applied to the records. The records will be retained until the State of Michigan sells the land (EVT).

DISP = Immediate Disposal

Immediate Disposal is a retention code that is used when an agency requires an authorization to destroy obsolete records upon the approval of their records Retention and Disposal Schedule. Once the schedule is approved the agency has the legal authority to destroy the obsolete records.

PERM = Permanent

These records are not authorized for destruction at any point in time, and will be retained in the custody of the creating agency.

Disposition of Public Records

Retention and Disposal Schedules indicate when and how a public record may be disposed of. There are two types of record disposition: destruction, or transfer to the Archives of Michigan for permanent preservation.

CONFIDENTIAL RECORDS DESTRUCTION

Some public records contain sensitive or confidential information. These records should not be placed in a regular trash or recycle bin when they are eligible to be destroyed. It is important that government agencies ensure that these records be destroyed in a manner that prevents the inappropriate release of the information.

The State of Michigan administers a master contract with a vendor that complies with the state's requirements for confidential destruction of records. The State of Michigan's contract requirements are:

- **Paper:** 1mm x 5mm particle size (can be accomplished with pulverization or grinding, and all material is recycled)
- **Film and computer disks:** 1/35 inch particle size (can be accomplished with grinding)

The rates and terms for this contract apply to state government agencies only, but local governments may contact this vendor for a price quote and information. The contracted vendor is Rapid Shred. For information about this contract, please contact: Scott Dennis at 616-735-2900.

SUSPENDING DESTRUCTION

Agencies and their employees must immediately cease the destruction of all relevant records (even if destruction is authorized by an approved Retention and Disposal Schedule) if they receive a FOIA request, if they believe that an investigation, audit or litigation is likely to happen; or if they are notified that an investigation, audit or litigation has started. If relevant records exist in electronic formats (such as email, digital images, word processed documents, databases, etc.), the agency must notify their information technology staff for assistance. Failure to cease the destruction of relevant records could result in penalties. If you do not know if you have relevant records, discuss the issue with your supervisor.

TRANSFERRING RECORDS TO THE ARCHIVES OF MICHIGAN

Local governments that want to transfer records to the Archives of Michigan need to complete the "Direct Records Transmittal" form (MH-85). Be sure to include a complete description of the records, the inclusive dates for the records, and the record series number from the Retention and Disposal Schedule on the form.

The MH-85 form may be obtained by contacting the Archives of Michigan at 517-335-2576 or by visiting the Archives' website <http://www.michigan.gov/archivesofmi>. The completed form must be approved by the Archives of Michigan before the records are shipped. To arrange approval of the transfer, please send or fax the completed form to

the Archives (address and fax number are on the form). The Archives of Michigan will contact you within 30 days of receiving the form to arrange shipment of the records. Please maintain the order of your filing system when you pack records for transfer to the Archives. Only pack the records in boxes with the dimensions 15" x 12" x 9.75", because other boxes will not fit on the shelves.

To properly seal the box:

1. Fold the back flap first, then fold the side flaps, and fold the front flap on top.
2. Place the tape across the front flap to seal the box.
3. The top and sides of the box should not bulge.

Managing Electronic Records

Public records are created in a variety of formats, and increasingly they are created using computers. Common computer formats include word processed documents, electronic mail (email), digital images, databases, spreadsheets, etc. These electronic records are dependent upon specific computer technology (hardware and software) to remain accessible. Government agencies that create electronic records are responsible for ensuring that these records remain accessible for their entire retention period, even if the original technology becomes obsolete. However, this can be a significant challenge that requires careful planning, because the average lifespan of most computer technology is less than 10 years.

Government agencies cannot ignore their responsibility to keep electronic records accessible and usable. Agencies will need to migrate their electronic records to new technology on a regular basis, until the record's retention period expires. Failing to migrate electronic records can be problematic, because new generations of technology are not always compatible with those they are replacing. Unfortunately, migration of electronic records can be very time-consuming and expensive; and for long-term electronic records, it may need to be repeated many, many times.

There are two types of electronic records that appear to cause agencies the most concern, email and digital images. Guidelines about these two topics are available online at <http://www.michigan.gov/recordsmanagement/>.

Proper Storage of Records

Information can be recorded on a variety of storage media including paper, photographs, audio/visual media, microfilm, magnetic tape cartridges, optical disks, etc. All of these recording media are unstable and are capable of losing the information stored on them. Recording media require specific environmental conditions if they contain information that needs to be retained for a significant length of time. Proper storage conditions are especially important for records with permanent or archival value. Extreme environmental conditions including heat, cold and dampness will destroy records very quickly. As a result, the facility used to store valuable records should be designed to provide an environment that will promote the preservation of the media and the information therein. Some agencies have created in-house storage vaults for their valuable records, others have selected outside facilities for their storage needs. Regardless of where valuable records are stored, proper environmental conditions are essential if the records are to be preserved.

The following environmental conditions should be addressed when selecting or designing a storage facility for records:

1. **Size:** Can the facility hold the volume of records to be stored, as well as future accumulations?
2. **Location:** Where is the facility in relationship to the people who need to access the records? How easy is it to retrieve records from the storage facility?
3. **Security:** How is access granted to the records? What locks or security devices protect the records? Who has access to the storage area?
4. **Fire Prevention and Suppression System:** What fire alarms exist? Is the fire equipment inspected annually? Is there an emergency plan; are emergency exits clearly marked and accessible? Is there a water sprinkler or chemical suppression system? Are pipes that contain running water located in a place where they could leak on the records? Are class A/B/C fire extinguishers in place?
5. **Temperature and Humidity Controls:** If the records need to be maintained in ideal environmental conditions, what system is in place to create and monitor the environment?
6. **Pests:** Has the facility had trouble with bugs and rodents? What precautions are in place to prevent infestation; how is infestation treated; are new shipments screened for pests?

RECOMMENDED ENVIRONMENTAL CONTROLS FOR PERMANENT RECORDS

The control of temperature and relative humidity is often cited as the initial step in the environmental protection of records with permanent or archival value. The following environmental and storage conditions are recommended for records that need to be retained for long periods of time:

Storage Media	Temperature	Relative Humidity	Storage Containers
Paper (preferably acid-free paper), bound or unbound records	68° F	55%	Baked enamel steel shelves or cabinets. Acid-free boxes, envelopes, folders, etc.
Magnetic recording media, including audio/video tapes, and computer tapes	65° F	35-45%	Shelve vertically, in dust-proof containers
Microforms, including film, fiche, aperture cards, etc. (master negatives only)	68° F	45-55%	Shelve vertically. Boxes/reels should be stored in non-ferrous metal or inert plastic.
Photographs (black and white, color)	68° F	35-40%	Individually store in acid-free, seamless envelopes.
Negatives (safety-based film)	68° F	45-55%	Individually store in acid-free, seamless envelopes. (Do not store negatives with prints)
Slides	68° F	45-55%	Store vertically, in an inert plastic container or carousel.
Optical disks	65-75° F	30-50%	Store each optical storage disk in a protective cartridge and shelve vertically.
Combined media	68-72° F	45-49%	Store each media type separately.

The most important environmental consideration is to protect against daily fluctuations in temperature and relative humidity. The above noted conditions should not vary more than 2-3% during any 24-hour period.

Depositing Public Records with Alternative Institutions

Local government agencies cannot relinquish legal custody of their public records. It is illegal to sell the official copy of a public record. However, under certain conditions, a local government agency may deposit (transfer physical custody of) its historical public records with an alternative institution that is willing to store and provide access to the records.

DEPOSITORY AGREEMENTS

While a local government agency cannot transfer legal custody of public records to another institution or individual, there may be circumstances upon which it is necessary or desirable to transfer physical custody of historical records. The local government agency should sign and execute a "Depository Agreement" with the alternative institution (such as a university, library, or historical society) that specifies the terms of the depository arrangement. (See the model Depository Agreement form.) The agreement should at a minimum specify the following conditions:

1. The deposited records remain public property, and the local government agency may recall the records at any time. If the agency becomes defunct, the Archives of Michigan may recall the records to the state level.
2. The alternative institution shall retain physical and intellectual control of the deposited records at all times. Under no circumstances shall the deposited records be loaned, sold, or otherwise removed from the physical custody of the alternative institution, unless to be returned to the local government agency.
3. The alternative institution shall not destroy or weed a deposited record. If the alternative institution decides that storage of the records is no longer part of its mission, then the deposited records shall be returned to the local government agency for the remainder of their approved retention period, or longer.
4. The alternative institution shall care for the deposited records by providing storage facilities capable of preserving the records at least as well as the local government agency. The Depository Agreement should include a physical description of the storage facilities, and the temperature and humidity controls that are used.
5. The alternative institution shall provide security arrangements to prevent the destruction, rearrangement, loss, or theft of the deposited records in both the storage and the reference areas. The Depository Agreement should specify the security arrangements that are in place, such as alarms, locks, cameras and reference procedures.
6. The alternative institution shall not co-mingle the deposited records with other records in its holdings, and it shall maintain the deposited records in their original order.

7. The alternative institution shall make the deposited records available for public research and copying during normal business hours. The Depository Agreement should specify what the normal business hours are. Access to the deposited records continues to be governed by the provisions of the Michigan Freedom of Information Act when they are in the physical custody of the alternative institution. The alternative institution is responsible for complying with these access provisions.

8. Records that have been declared by law to be confidential must be maintained on a limited access basis. The specific terms of access will be governed by the applicable confidentiality statute. Deposited records remain restricted unless the applicable law is amended or repealed. The local government agency remains responsible for ensuring that confidential records are only accessed by authorized individuals. The local government agency is responsible for notifying the alternative institution in writing at the time of transfer, which deposited records contain confidential information, and the terms for providing access to these records.

9. The alternative institution should provide the local government agency and the Archives of Michigan with an annual report containing research statistics, including the number of requests received via on-site visit, letter, phone, email and fax; the average response time for off-site researchers; and special events, tours, exhibits, research projects, etc. that the deposited records were used for.

10. The local government agency should send a copy of all Depository Agreements to the Archives of Michigan at least 30 days before they are signed. Public records should not be transferred to an alternative institution before an agreement is signed. Furthermore, the local government agency should send an inventory of all records that are deposited with the alternative institution to the Archives of Michigan within 30 days of the transfer.

11. Local government agencies that deposited their public records with an alternative institution without negotiating and signing a Depository Agreement should attempt to remedy the situation by doing so. Within 30 days of signing the agreement, the alternative institution should provide the local government agency and the Archives of Michigan with an inventory of the deposited records that are covered by the agreement.

SAMPLE
PUBLIC RECORDS DEPOSITORY AGREEMENT

Date [insert date the agreement is approved]

Between:

[REDACTED]

And:

[REDACTED]

It is agreed that the public records listed on the attached Inventory ([REDACTED]) are deposited with the institution listed above, subject to the following terms:

1. The deposited records remain public property, and the local government unit may recall the records at any time. If the local government unit becomes defunct, the Archives of Michigan may recall the records to the state level.
2. The Alternative Institution shall retain physical and intellectual control of the deposited records at all times. Under no circumstances shall the deposited records be loaned, sold, or otherwise removed from the physical custody of the alternative institution, unless to be returned to the local government unit.
3. The Alternative Institution shall not destroy or weed a deposited record. If the alternative institution decides that storage of the records is no longer part of its mission, then the deposited records shall be returned to the local government unit for the remainder of their approved retention period.
4. The Alternative Institution shall care for the deposited records by providing storage facilities capable of preserving the records at least as well as the local government unit. [REDACTED]
5. The Alternative Institution shall provide security arrangements to prevent the destruction, rearrangement, loss, or theft of the deposited records in both the storage and the reference areas. The records shall be stored in a room separate from the research area. [REDACTED]
6. The Alternative Institution shall not co-mingle the deposited records with other records in its holdings, and it shall maintain the deposited records in their original order.
7. The Alternative Institution shall make the deposited records available for public research and copying during normal business hours. [REDACTED]

Access to the deposited records continues to be governed by the provisions of the Michigan Freedom of Information Act ([MCL 15.231-15.246](#)) when they are in the physical custody of the alternative institution. The Alternative Institution is responsible for complying with these access provisions.

8. Records that have been declared by law to be confidential must be maintained on a limited access basis. The specific terms of access will be governed by the applicable confidentiality statute. Deposited records remain restricted unless the applicable law is amended or repealed. The local government unit remains responsible for ensuring that legally confidential records are accessed only by authorized individuals.
9. This depository agreement must be reviewed and renewed annually in writing.

REMINDER: NO RECORDS CAN BE TRANSFERRED UNTIL BOTH THE LOCAL GOVERNMENT UNIT AND THE ALTERNATIVE DEPOSITORY INSTITUTION HAVE SIGNED THIS AGREEMENT. A COPY OF THE SIGNED AGREEMENT SHALL BE FILED WITH THE ARCHIVES OF MICHIGAN.

[Institution Representative Signature and Title]

[Local Government Unit Representative Signature and Title]

Regional Depository System

The Archives of Michigan entered into several agreements with archival repositories around Michigan to store/deposit local government records that were transferred to the custody of the Archives for permanent preservation. These agreements outline the responsibilities of the both the Archives and the designated depository regarding the records. The records remain the property of the State of Michigan, and the depository is responsible for providing storage and reference services so that researchers may have access to the records. The goal is to allow these records to be maintained in a location geographically close to the community of origin, while providing secure, environmentally controlled environments where the records can be preserved for the future.

Listed below are the Regional Depositories and the geographic areas that are served by each depository. Local government agencies should contact the Archives of Michigan with questions about transferring their records, rather than the regional depository. Furthermore, researchers interested in accessing local government records should contact the Reference Services of the Archives at 517-335-2576 or archives@michigan.gov to locate those records.

Depository	Region
Michigan Technological University Archives and Copper Country Historical Collections (Houghton, MI)	Counties: Baraga, Gogebic, Houghton, Iron, Keweenaw, Ontonagon
Central U. P. and Northern Michigan University Archives (Marquette, MI)	Counties: Alger, Delta, Dickinson, Marquette, Menominee, Schoolcraft
Clark Historical Library, Central Michigan University (Mt. Pleasant, MI)	Counties: Claire, Gladwin, Gratiot, Isabella, Midland
Western Michigan University Archives and Regional History Collections (Kalamazoo, MI)	Counties: Allegan, Barry, Berrien, Branch, Calhoun, Cass, Kalamazoo, Kent, Muskegon, Ottawa, St. Joseph, Van Buren
Kresge Library, Oakland University (Rochester, MI)	County: Oakland
Burton Historical Collections, Detroit Public Library (Detroit, MI)	City: Detroit