
RECORDS RETENTION

**2016 New York State Magistrates Association Conference
Lake Placid, New York**



Geof Huth

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With a quarter of a century of experience in the field, Geof Huth is an authority on the best practices in records management in government. He serves as the Chief Records Officer of the New York State Unified Court System, where he oversees the management of the records of the court system, including those records of the more than 2,000 courts in the state. He is also the Chief Law Librarian for the Unified Court System, responsible for ensuring that the courts have the legal information they need to conduct their work. He previously served for almost twenty-four (24) years in various capacities at the New York State Archives, ending his career there as the Director of Government Records Services. He speaks frequently around the country and the state on records management and archives.

David Otis Fuller, Jr.

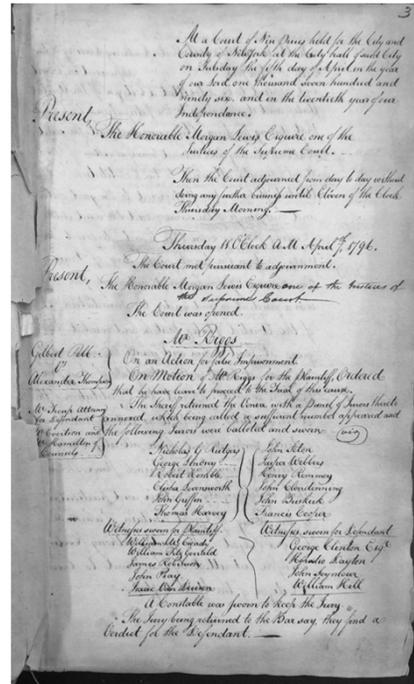
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- 1984 - General practice with emphasis on litigation, probate, real estate and media law
- 1974 - 1984 Reader's Digest
Deputy General Counsel – domestic and international litigation and corporate practice including libel, privacy and copyright law
- 1973 – 1974 Pan American World Airways
Corporate Attorney – domestic and international litigation and corporate practice
- 1972 – 1973 Supreme Court, New York County
Law Secretary to Justice
- 1966 - 1972 District Attorney, New York County
Assistant District Attorney – litigation at all state and federal court levels
- 1964 - 1965 Amberg, Law & Fallon, Grand Rapids, Michigan
Associate – litigation and corporate practice
- EDUCATION:** Harvard Law School, J.D. 1964
Editor, [Harvard Journal on Legislation](#)
- Wheaton College, B.A. 1961, cum laude
Political Science
- PROFESSIONAL:** Admitted in New York and Michigan, Supreme Court of the United States. Member of American, New York State, New York City, Westchester and Eastchester bar associations, NYS Magistrates Association (President 2006-7, “Magistrate of the Year” 2007) and Westchester County Magistrates Association (Pres. 1993-4), Federal Bar Council, Hon. William C. Conner Inn of Court.
- MISCELLANEOUS:** Village Justice, Tuckahoe; former Arbitrator, American Arbitration Association; former Adjunct Assistant Professor, Bronx Community College; contributor to law journals; lecturer at ABA, New York Bar, PLL, NYS Magistrates and other law seminars; certificate in French (La Sorbonne); Major, New York Guard, 2001-7; Member, Special Commission on the Future of the New York State Courts, 2007-8. Member, Eastchester Rotary Club; Director, Gramatan Village.

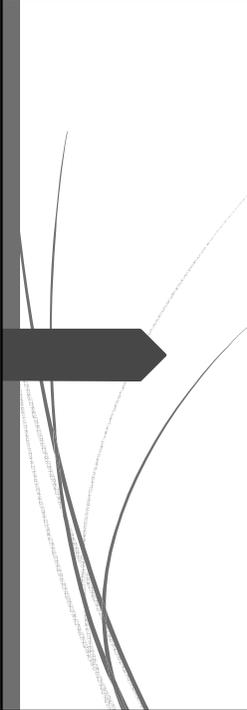
Records Retention

Geof Huth, Chief Records Officer
 New York State Unified Court System
 NYS Magistrates' Association
 Lake Placid, NY, 26 September 2016



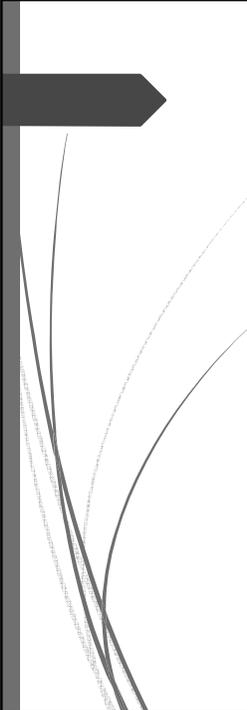
Office of Records Management (ORM)

- ▶ Develop records retention schedules
- ▶ Sign off on destruction of all records of the Court System
- ▶ Provide guidelines for the preservation and use of all records
- ▶ Provide training and advice on how to manage records
- ▶ Help you manage, protect, and provide access to records



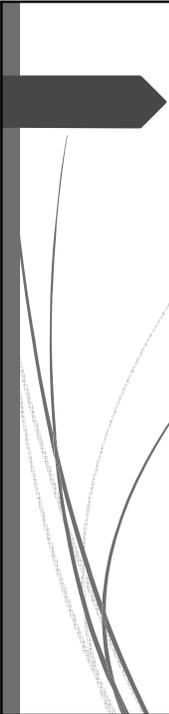
Records Retention

Keeping records for only as long as needed



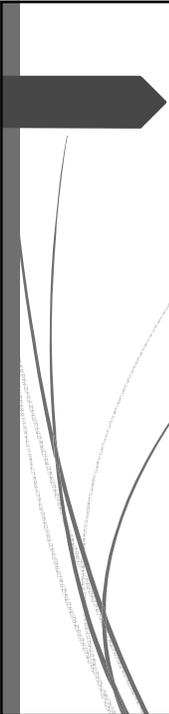
What a Retention Schedule Does

- Lists minimum records retention periods



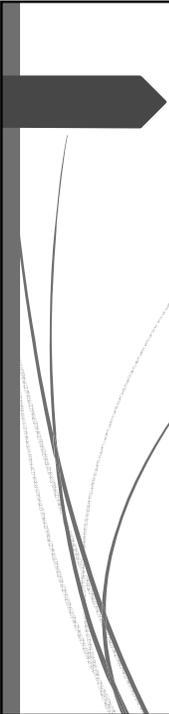
Purpose of Retention Schedules

- Ensure records are kept as long as required
 - Identify permanent records
- Identify when to discard records no longer needed
- Help improve records retrieval
- Help save money and space
- Make your overall work life easier



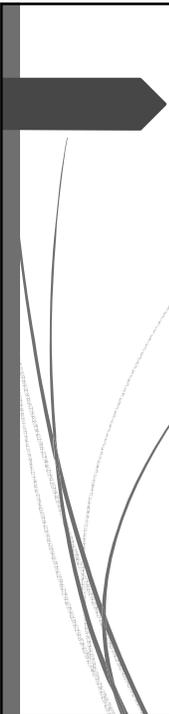
What Retention Schedules Don't Do

- Does not mandate destruction
- Does not address all records issues, such as
 - How to destroy records
 - What records are confidential
 - Destruction of non-records
- Does not explain how to store and maintain records
- Does not require the use of certain formats (paper vs digital)



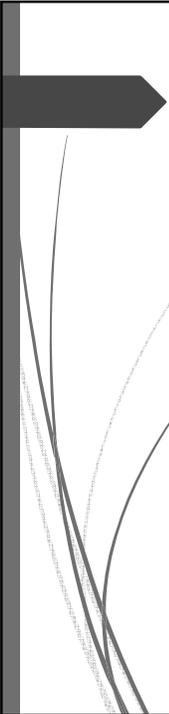
How Retention Schedules Work

- ▶ Cover the record copy (primarily)
 - ▶ But still need permission to destroy non-records
- ▶ Cover only records that exist, even if no longer created
- ▶ Cover records regardless of format (usually)
- ▶ May require the use of more than one schedule:
 - ▶ 1. Civil Records
 - ▶ 2. Criminal Records
 - ▶ 3. Administrative Records



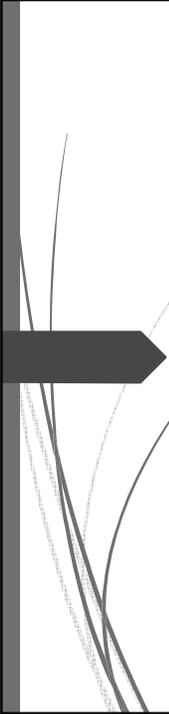
Retention Rules

- ▶ Follow this process:
 - ▶ Identify the retention in the appropriate retention schedule
 - ▶ Fill out and submit to ORM a Records Disposition Request Form
 - ▶ *Digitized paper records*: Fill & submit Certification for Electronic Records
 - ▶ Once you have permission from ORM, carry out destruction
 - ▶ Ask ORM if you need help or clarification
- ▶ Always ask ORM for permission to destroy records
 - ▶ Even if you have made digital copies of the paper records
 - ▶ Even if the records are electronic
 - ▶ Even if the retention is listed as "Destroy immediately"



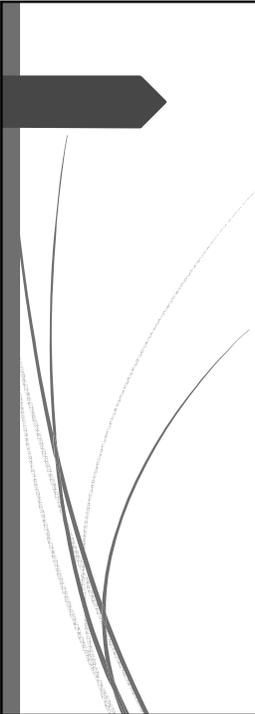
Retention and Digitized Records

- Digital images can replace the paper if
 - Accurately represent all paper pages
 - Stored in compliance with ORM Policy #9
 - Request for disposition includes certification of compliance
- Must complete destruction requests to destroy the paper
 - http://www.nycourts.gov/admin/recordsmanagement/too_forms.shtml
 - Complete a Records Disposition Request Form
 - Complete an Electronic Records Compliance Certification
 - Covers only digital records in Division of Technology's Tier 1 storage
- Don't use this process when data entering from paper



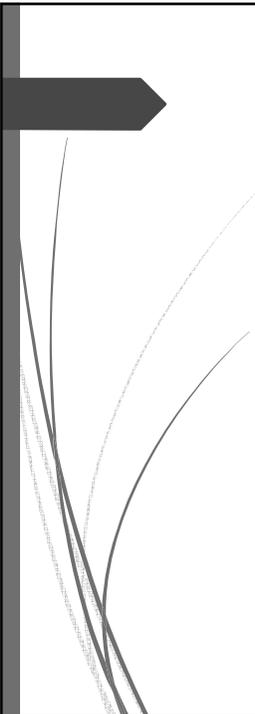
Records Destruction

Destroying records at the right time in the right way



Managing Destruction

- Destruction is Good
 - Destruction clears the deck, makes space
 - Destruction saves time and money
 - Destruction makes using records easier
- Carrying out Destruction
 - Don't destroy records early
 - Destroy on a schedule
 - Don't wait until you're overwhelmed



Methods of Destruction I

- For Public Records
 - Use any means you want
 - Recycling is encouraged but not required
 - Move records securely to destruction location



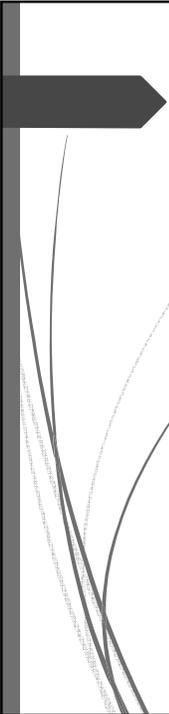
Methods of Destruction II

- For Sealed or Confidential Records (See Policy 5)
 - Destroy in a way that destroys all information
 - Ensure that no unauthorized access is possible
 - Court personnel must witness the destruction
 - Vendor must provide a certificate of destruction
 - Possible means of destruction:
 - Shredding
 - Burning
 - Pulverization
 - Recycling



Destruction of Digital Records

- Delete network-based records
- Eventually, they will be no more
- Don't simply discard old computers
 - Those may be filled with sensitive information
- Destroy records on computers and removable media by
 - Degaussing
 - Physical destruction (including shredding of media)
 - Incineration (for digital media)



Finding Our Office

- Via email
 - records@nycourts.gov (for records management questions)
 - disporeq@nycourts.gov (for submission of disposal requests)
 - ghuth@nycourts.gov (my personal email)

- Via the Web
 - <http://www.nycourts.gov/admin/recordsmanagement/index.shtml>

- Via phone
 - 212-428-2875 (general number)
 - 212-428-2877 (my desk phone)