June 23, 2017

To: Emily Matasar, Government Accountability Attorney, Office of Governor Kate Brown

From: Katy Coba, Chief Operating Officer and Director

Re: **Statewide Roadmap for the Future of Public Records –Strategies and Recommended Actions**

The Department of Administrative Services (DAS) and Executive Branch agencies fully support the Governor's priority to increase transparency, accountability, and vision for excellence in State Government. As you know, DAS, in coordination with your office, established the Public Records Requests and Management Project (Project) designed to address the issues, mandates and deliverables identified in the Secretary of State's Statewide Performance Audit of state agencies' responses to public records requests (Audit) and Executive Order No. 16-06 on Public Records (2016) (EO).

The project steering team – comprised of sponsors from DAS and the Governor's Office as well as representatives from twelve executive branch agencies – commenced deliberations in March 2016 exploring issues impacting state agencies' ability to both manage public records and respond to requests for access to public records.

The project steering team convened workgroups to collaboratively develop specific deliverables, integrating input from subject matter experts and additional state agencies, specifically selected based on known complexities arising from unique, agency-specific constraints (e.g. potential compliance barriers based on use-restrictions for certain funding-streams).

The project steering team and workgroups helped achieve the following outcomes:

- Statewide public records management policy, developed and adopted by DAS in June 2016, leading to 100% Executive Branch compliance with ORS 192.018 in November 2016.
- Request for Information (RFI) (or market survey) regarding electronic records management and document management products, issued in December 2016.
- Statewide Standardized Fee-Structure, established as a statewide policy adopted by DAS in February 2017.

Research and data gathered throughout the project surfaced additional complexities related to public records management and access that need to be addressed in order to move forward. The identified issues were incorporated in the recommended actions found in the attached roadmap document, which is the final deliverable of the project. This roadmap represents a statewide strategic framework to effectively guide the state's approach to achieving the Governor's vision

and high-level goals for the enterprise. The multi-year approach is incremental, yet comprehensive, consisting of key strategies and recommended actions necessary to successfully:

- Examine and address the outstanding findings identified in the Secretary of State (SOS) audit report No. 2015-27 (State Agencies Respond Well to Routine Public Records Requests, but Struggle with Complex Requests and Emerging Technologies);
- Implement the outstanding recommendations and directives outlined in the Executive Order (E.O. 16-06 (2016)); and
- Advance the development and adoption of an integrated enterprise records management program that provides timely and cost effective access to public records consistently across state agencies.

Although the attached roadmap provides a solid framework for addressing systemic issues and aligning state agencies' policies, business practices and tools, we recognize the breadth and depth of work that remains to move these recommendations from concept into practice. We await your review and direction with regard to next steps for this work. Please let me know if you have any questions or concerns.

Roadmap for the Future of Public Records Management in Oregon

Working toward a long-term vision with near-term strategies.

Department of Administrative Services

June 22, 2017

Background and Context – *The current-state of records management in Oregon*

In 2015 the Secretary of State's Audits Division conducted a statewide performance audit of state agencies' responses to public records requests, specifically examining issues related to cost, timeliness and internal practices and procedures. The results of that audit were released in a report entitled, "*State Agencies Respond Well to Routine Public Records Requests, but Struggle with Complex Requests and Emerging Technologies.*" Based on the findings and recommendations in the audit report, Governor Brown issued Executive Order (EO) No. 16-06 on Public Records, in January of 2016, directing the Department of Administrative Services (DAS) to work with the Governor's office to "fully implement the audit recommendations."

As a result of the EO, in March of 2016, the Governor's Office and DAS established the Public Records Requests and Management Project (Project), a co-sponsored enterprise priority project, is overseen by the Project steering team, the Governor's Office, the Enterprise Leadership Team (ELT) and DAS. The Project is designed to increase public access and state government transparency by implementing the audit recommendations and EO directives to resolve issues stemming from disparate systems and fragmented policies and practices that are utilized across state agencies to manage public records and respond to public records requests. Under the Project, DAS and the Governor's office committed to developing a roadmap for the future of public records management in the state of Oregon that advances Governor Brown's vision for transparency and excellence in state government.

March 2016-Present 2017 – *The Public Records Requests and Management Project*

Steering Team Accomplishments

DELIVERABLES	OUTCOME AREA ADDRESSED (Audit Finding, Audit Recommendation, Executive Order Mandate, Project Charter Deliverable)
Model Policy and 100% Statutory Compliance 1. Engaged with agencies to develop a statewide model policy, which was adopted by DAS as a statewide policy June 30, 2016; 2. Used DAS statewide policy as the driver for statewide statutory compliance with ORS 192.018; 3. Achieved 100% Executive Branch compliance with ORS 192.018, October 1, 2016.	✓ **Audit Recommendation – 3** To improve responses to public records requests, and based on the guidance to be provided by the Department of Administrative Services, state agencies should: • Create policies and procedures to clearly address communications technologies; • Implement a records management program or process that fits the needs of each agency. ✓ **Executive Order Mandate – 2** Develop and promote model public records management policies, approved by the state archivist, for use by executive-branch agencies. 90-day deadline for all statewide compliance.

DELIVERABLES	OUTCOME AREA ADDRESSED (Audit Finding, Audit Recommendation, Executive Order Mandate, Project Charter Deliverable)
Statewide Standardized Fee-Structure, Communications Protocols and Evaluation Process 4. Engaged with state agencies to develop statewide standardized fee-structure, which was adopted by DAS as a statewide policy February 15, 2017; 5. Established statewide standard charging practices, rates for employee labor and standard fees for materials used to fulfill a public records request; 6. Incorporated communications protocols for agency staff communications with requesters regarding fees and charging practices. 7. Collaborated with state agencies and the Department of Justice to develop statewide standard criteria and process for evaluating requests for fee-waivers or reductions; 8. *DAS' formal rule-making process and statewide OAR expected in the Fall of 2017.*	✓ **Audit Finding – 4** Fees charged for the costs of materials and staff time (as well as charging practices generally) vary widely among state agencies. • Consider creating statewide standard rates for copying and identifying rates to charge for labor (staff-time) working on public records requests. ✓ **Audit Recommendation – 2** To address the variation in fees charged by state agencies, the Department of Administrative Services should consider: • Creating statewide standard rates for copying; and • Identifying rates to charge for labor (staff-time) working on public records requests. ✓ **Executive Order Mandate – 5** Develop uniform statewide standards and guidelines on agency fee structures or charging policies. ✓ **Project Charter Deliverable – 1** Enterprise-wide standards and approach to responding to public records requests that are timely, fair and reasonable with the goal of increasing accessibility and fostering a positive perception of state government transparency.

FINAL DELIVERABLE	OUTCOME AREA ADDRESSED (Audit Finding, Audit Recommendation, Executive Order Mandate, Project Charter Deliverable)
Roadmap for the Future of Records Management in State Government *Working toward a long-term vision with near-term strategies* 9. Engaged the project steering team, project sub-workgroups and records management subject matter experts to develop this roadmap document and recommended actions.	✓ **Project Charter Deliverable – 3** Roadmap for the future regarding public records retention, including potential changes to retention schedules and software solutions identified throughout the project.

ABOUT THIS DOCUMENT

This Roadmap document represents the statewide strategic framework to effectively guide the state's approach to achieving the Governor's vision and high-level goals. The multi-year approach is incremental, yet comprehensive, consisting of key strategies and recommended actions we collectively agree are necessary and reasonable to successfully:

- Examine and address the findings identified in the Secretary of State (SOS) audit report No. 2015-27 (State Agencies Respond Well to Routine Public Records Requests, but Struggle with Complex Requests and Emerging Technologies);
- Implement the recommendations and directives outlined in the audit and executive order; and
- Advance the development and adoption of a fully-integrated enterprise records management program allowing consistent, timely and cost effective access to public records across Executive Branch agencies.

ENTERPRISE VISION

State government acts as one entity with regard to the management of information and public records as well as providing access to records in response to public records requests. Public trust in state government is restored by improved accuracy, efficiency, transparency, and accountability achieved through implementation of an effective, integrated, enterprise-wide records management program.

KEY STRATEGIES

What must be accomplished over the next three-years to move toward realizing the promise and potential of Governor Brown's vision for accountability in state government?

KEY STRATEGY – 1	KEY STRATEGY – 2	KEY STRATEGY – 3
Promote an enterprise-wide understanding of the volume, scope, and complexity of existing records and explore opportunities to drive alignment and coordination across state agencies.	*Seek solutions that increase access and accuracy, and improve response time thus increasing overall productivity for agencies in meeting their missions.*	*Generate improvement through implementation of technology tools and cloud-computing solutions.*
PURPOSE **To ensure public records related policies and business practices are consistent across state agencies and keep pace with the expanding use of electronic communications tools and technology.**	**PURPOSE** **To increase accountability and review progress toward identified goals using data-analytics and established performance metrics.**	**PURPOSE** **To support and encourage continuous improvement, streamline business processes and align systems for increased efficiency and effectiveness.**

RECOMMENDED ACTIONS		RECOMMENDED ACTIONS		RECOMMENDED ACTIONS	
1.1	Develop a statewide records-type inventory.	**2.1**	Develop Statewide PRR website (portal).	**3.1**	Require agencies to adopt and implement tool(s)/solution(s) that capture and archive public records generated by the use of social media, text-messaging, instant-messaging and other applicable emergent technology.
1.2	Establish a statewide process for record-type classification and standardized criteria to evaluate record-retention recommendations.	**2.2**	Collaborate with agencies to develop a statewide system for tracking public records that includes collection, management and reporting of data related to public records requests, built-in automated workflows and adequate safeguards to protect confidential and otherwise sensitive information from unintended release/disclosure.	**3.2**	Explore implementation of a central identity (domain) for all State of Oregon employee email accounts.
1.3	Examine current records retention requirements, explore opportunities to simplify or align based on role, position- or record-type and submit recommendations for State Archivist consideration and approval.	**2.3**	Proactively publish frequently requested records.	**3.3**	Foster information-sharing, collaboration and decrease volume of records stored on network drive.
1.4	Work with State Archives to unify records management programs across state agencies so that all records regardless of format or location are covered under one set of statewide policies.	**2.4**	Draft well-defined PRR performance metrics in addition to strong internal controls to monitor effectiveness and efficiency of records management practices.	**3.4**	Consider ways in which the adoption and use of technology solutions can be aligned and encouraged.
1.5	Develop and deploy an effective and comprehensive employee training program and agency technical assistance program.				

KEY STRATEGY – 1	Promote an enterprise-wide understanding of the volume, scope, and complexity of existing records and explore opportunities to drive alignment and coordination across state agencies.

PURPOSE
To ensure public records related policies and business practices are consistent across state agencies and keep pace with the expanding use of electronic communications tools and technology.

	RECOMMENDED ACTIONS	PROJECTED DELIVERABLES	OUTCOME AREA(S) TO BE ADDRESSED
1.1	**Develop a statewide records-type inventory.**	• Develop a strategy for establishing a statewide record-type inventory that encompasses records and information-data in all formats, including electronically-stored information (ESI) such as unstructured data in files, email, SharePoint, data generated by enterprise applications, social media and collaboration tools, as well as paper-based information. • Review current legal, compliance and business requirements for inventoried systems and record-types. • Address inconsistencies among state agencies' systems. • Update inventory to reflect changes in requirements and/or correct discrepancies.	**Audit Recommendation – 1** To bring more consistency to agency responses to public records requests, the Department of Administrative Services should provide statewide guidance and training on procedures for: • Handling non-routine and complex public records requests, including communicating with requesters regarding fees and timelines; • The use and retention of electronic communications, including text- and instant-messaging as they relate to public records law. **Project Charter Deliverable – 5** Better understanding of public records request processes for state employees, the public and the media by setting the standard for reasonable responses to public records requests.
1.2	**Establish a statewide process for record-type classification and standardized criteria to evaluate record-retention recommendations.**	• Establish decision-making criteria for classifying information assets and retention that can be applied to all records regardless of the record content or custodian agency using the inventory documentation of legal, regulatory and business requirements, current industry standards and emerging best practices. • Analyze existing systems against applicable standards for records management practices.	**Audit Recommendation – 3** To improve responses to public records requests, and based on the guidance to be provided by the Department of Administrative Services, state agencies should: • Adopt tools to help manage records retention and public records requests.
1.3	**Examine current records retention requirements, explore opportunities to simplify or align based on role, position- or record-type to make retention schedules EDRMS ready. Develop and submit recommendations for State Archivist consideration and approval.**	• Work with agency representatives to assess current records retention schedules to identify opportunities for improvement as well as barriers preventing effective records management and make recommendations to reduce or remove. • Consider and incorporate emerging best practices related to records management and nationally recognized industry trends as much as possible. • Strive to improve clarity, streamline and/or simplify (minimize customization and complexities, but retain	**Audit Recommendation – 3** To improve responses to public records requests, and based on the guidance to be provided by the Department of Administrative Services, state agencies should: • Adopt tools to help manage records retention and public records requests. **Project Charter Deliverable – 2** Records management program with built-in flexibility to account for the unique business needs of state agencies and built-in accountability measures to ensure consistent and effective responsiveness.

		flexibility to meet agency business needs and applicable legal and regulatory requirements. • Prepare recommendations for the simplification and/or revision of record retention schedules, policies and administrative rules. • Implement a well-designed and well executed records retention policy.	**Project Charter Deliverable – 5** Better understanding of public records request processes for state employees, the public and the media by setting the standard for reasonable responses to public records requests.
1.4	**Work with State Archives to unify records management programs across state agencies so that all records regardless of format or location are covered under one set of statewide policies.**	• Identify opportunities and barriers to interoperability among systems and explore possible options/tools for collecting, analyzing and integrating both structured and unstructured data across state agencies. • Implement an overall records management program for all state agency paper and electronic records that includes requirements related to email and unstructured data. • Ensure that paper-based public records are captured, whenever and wherever possible, at first-touch point and then integrated to end-to-end business processes.	**Audit Finding – 5** Agencies lack comprehensive policies addressing use of email, emergent technology (text- and instant-messaging), web communications tool (social media) and/or use of private accounts. • Adopt written policies to clearly address employee use of personal devices and/or accounts and public records generated by agency use of web communications tools. **Audit Recommendation – 3** To improve responses to public records requests, and based on the guidance to be provided by the Department of Administrative Services, state agencies should: • Adopt tools to help manage records retention and public records requests. **Project Charter Deliverable – 2** Records management program with built-in flexibility to account for the unique business needs of state agencies and built-in accountability measures to ensure consistent and effective responsiveness.
1.5	**Develop a coordinated and comprehensive employee training program and agency technical assistance program on the location of specific records and technology being used to respond to public records requests.**	• Clearly define employee roles and responsibilities related to managing and providing access to public records and how retention requirements intersect with day-to-day work. • Continuously educate and provide outreach for employees to support and encourage day-to-day operational compliance while fostering the long-term commitment needed to implement a statewide approach to PRR related work. • Promote synergies between training/education and business operations as they relate to public records functions. • Incorporate new and emerging technology and electronic records management requirements.	**Audit Finding – 1** Agencies often retain public records longer than required affecting their ability to efficiently locate and disclose records in response to a public records request. • Specific training on the issue of public records retention may help state employees better manage records and can reduce the overall volume of public records/information statewide. **Audit Recommendation – 3** To improve responses to public records requests, and based on the guidance to be provided by the Department of Administrative Services, state agencies should: • Create policies and procedures to clearly address communications technologies; • Implement a records management program or process that fits the needs of each agency.

		Executive Order Mandate – 5
		Streamline management processes, administrative rules and statewide policy guidance regarding internal processes procedures for records retention and management.
		Project Charter Deliverable – 4
		Statewide employee education and training on roles and responsibilities related to public records including record types created by emerging technology.

	KEY STRATEGY – 2	*Seek solutions that increase access, accuracy, and improve response time thus increasing overall productivity for agencies in meeting their missions.*

PURPOSE
To increase accountability, review progress toward identified goals using data-analytics and established performance metrics.

	RECOMMENDED ACTIONS	PROJECTED DELIVERABLES	OUTCOME AREA(S) TO BE ADDRESSED
2.1	**Develop a Statewide Public Records Request (PRR) website (portal).**	• Work with state agencies to design a public-facing system to serve as the central location for requesting, receiving, viewing, tracking and fulfilling PRRs that incorporates the ability to, at a minimum: 1. Perform a Boolean search and other, more robust, searching of the text and document metadata; and 2. Allow sorting and/or filtering results by various criteria such as date, custodian-agency, program area, subject and key-word; 3. Produce performance tracking reports that can be sorted by multiple criteria, such as, document-type(s) requested, volume of requests processed, timeliness of responses, status of current requests, exemptions applied etc.; and 4. Incorporates a public-facing, feedback loop for public records requesters to report their satisfaction and to identify opportunities for improvements. • Examine and incorporate applicable legal and regulatory requirements of agency-specific records and ensure appropriate safeguards are in place to prevent disclosure of confidential information and sensitive or otherwise protected records.	**Audit Recommendation – 3** To improve responses to public records requests, and based on the guidance to be provided by the Department of Administrative Services, state agencies should: • Adopt tools to help manage records retention and public records requests. **Executive Order Mandate – 2** Standardize processes and procedures regarding responses to PRRs. **Project Charter Deliverable – 1** Enterprise-wide standards and approach to responding to public records requests that are timely, fair and reasonable with the goal of increasing accessibility and fostering a positive perception of state government transparency.
2.2	**Collaborate with agencies to develop a statewide system for tracking public records that includes collection, management and reporting of data related to public records requests, automated workflows and adequate safeguards to protect confidential and otherwise sensitive information from unintended release/disclosure.**	Work with state agencies to develop PRR tracking system that includes: • Automated reporting. • Monitoring to check performance and effectiveness of changes to policies/processes and inform the process of developing /identifying solutions to address deficiencies. • Identify and avoid bottlenecks wherever possible. • Identify frequently requested records and consider options for proactive publication or increased accessibility.	**Audit Finding – 3** Tracking tools and protocols related to public records requests are inconsistent across state agencies. • Implementation of available tools and technology may be beneficial to agencies in tracking the public records requests they receive and how they respond to those requests. **Audit Recommendation – 3** To improve responses to public records requests, and based on the guidance to be provided by the Department of Administrative Services, state agencies should:

			• Create and keep a tracking mechanism, such as a log, to maintain documentation related to each request and measure performance against established goals. **Executive Order Mandate – 3** Develop standard protocols for tracking public records requests and documentation related to each request.
2.3	**Proactively publish frequently requested records.**	• Use web-portal tracking to collect data regarding the volume and frequency of requests sorted by record-type to identify frequently requested records for proactive publication. • Consider options for where and how to publish records and identify opportunities to increase effective dissemination of information. • Consider options to automate the publication process.	**Audit Finding – 2** Agencies lack standard timelines for responding to public records requests leading to a lack of predictability and inconsistent response-times. • Proactive communication with requesters and publication of specific public records would eliminate issues related to transparency. **Audit Recommendation – 3** To improve responses to public records requests, and based on the guidance to be provided by the Department of Administrative Services, state agencies should: • Identify frequently requested information and explore and consider options for proactively making the information available.
2.4	**Draft and adopt, well-defined, public records request (PRR) response performance metrics in addition to strong internal controls to monitor effectiveness and efficiency of records management practices.**	• Establish performance metrics related to processing and responsiveness. • Use data to analyze performance and report on performance metrics. • Identify standard data-set required to effectively measure and track progress being made and the impact of policy-decisions/business process changes on the state's overall responsiveness.	**Audit Finding – 2** Agencies lack standard timelines for responding to public records requests leading to a lack of predictability and inconsistent response-times. • Agencies should adopt policies to govern the timeliness for disclosing a public record and better monitor their performance to ensure agency compliance and identify areas for improvement **Audit Recommendation – 3** To improve responses to public records requests, and based on the guidance to be provided by the Department of Administrative Services, state agencies should: • Create goals for turnaround time that fits agencies' processes based on past experiences with responding to requests. **Project Charter Deliverable – 1** Enterprise-wide standards and approach to responding to public records requests that are timely, fair and reasonable with the goal of increasing accessibility and fostering a positive perception of state government transparency.

	KEY STRATEGY – 3	Generate improvement through implementation of technology tools and cloud-computing solutions.

PURPOSE
To support and encourage continuous improvement, streamline business processes and align systems for increased efficiency and effectiveness.

		RECOMMENDED ACTIONS	PROJECTED DELIVERABLES	OUTCOME AREA(S) TO BE ADDRESSED
3.1		**Require agencies to adopt and implement tool(s)/solution(s) that capture and archive public records generated by the use of social media, text-messaging, instant-messaging and other applicable emergent technology.**	• Identify and implement tool/solution(s) to capture and manage electronic public information and records generated by use of emergent technology (email, voicemail, video recordings, scanned documents, cloud based content, mobile content), and all the disparate points of entry from which content enters and exits within the state. • Work with OSCIO on vendor management and possible statewide contract/price-agreement, explore budget implications and develop an implementation timeline.	**Audit Recommendation – 1** To bring more consistency to agency responses to public records requests, the Department of Administrative Services should provide statewide guidance and training on procedures for: • The use and retention of electronic communications, including text- and instant-messaging as they relate to public records law; and • The use of personal devices and personal email accounts, as they relate to public records law. **Executive Order Mandate – 5** Streamline management processes, administrative rules and statewide policy guidance regarding internal processes procedures for records retention and management. **Project Charter Deliverable – 1** Enterprise-wide standards and approach to responding to public records requests that are timely, fair and reasonable with the goal of increasing accessibility and fostering a positive perception of state government transparency.
3.2		**Implement a central identity (domain) for all State of Oregon employee email accounts.**	• Develop an implementation plan for statewide migration to central domain (@oregon.gov) email. • Work to eliminate all duplicate email accounts, ensuring all employees have only one state-issued email account. • Develop plan for sun-setting alternate identities (e.g. @state.or.us). • Amend existing or adopt new statewide policies and/or administrative rules to reflect this new requirement.	**Audit Recommendation – 1** To bring more consistency to agency responses to public records requests, the Department of Administrative Services should provide statewide guidance and training on procedures for: • The use and retention of electronic communications, including text- and instant-messaging as they relate to public records law; and • The use of personal devices and personal email accounts, as they relate to public records law. **Audit Recommendation – 3** To improve responses to public records requests, and based on the guidance to be provided by the Department of Administrative Services, state agencies should: • Adopt tools to help manage records retention and public records requests.

			Executive Order Mandate – 5 Streamline management processes, administrative rules and statewide policy guidance regarding internal processes procedures for records retention and management.
3.3	**Foster information-sharing, collaboration and decrease volume of records stored on network drive.**	• Identify and implement simple, secure solutions that expand collaboration and information-sharing resulting in reduced content being saved to network drives.	**Audit Finding – 1** Agencies often retain public records longer than required affecting their ability to efficiently locate and disclose records in response to a public records request. • Implementation of available tools and technology may be immensely beneficial to agencies as they manage increasing amounts of public records created through the use of emergent technology. **Audit Recommendation – 3** To improve responses to public records requests, and based on the guidance to be provided by the Department of Administrative Services, state agencies should: • Adopt tools to help manage records retention and public records requests. **Executive Order Mandate – 5** Streamline management processes, administrative rules and statewide policy guidance regarding internal processes procedures for records retention and management.
3.4	**Consider ways in which the adoption and use of technology solutions can be aligned and encouraged.**	• Assess and improve policies and standards that help ensure emergent technology is accessed and used in reasonable and transparent ways. • Develop new DAS Statewide policies and administrative rules as needed to codify changes to records management practices and/or reflect new requirements. • Ensure consistent adoption of standards and policies for IT across all state agencies to encourage and support interoperability and information-exchange.	**Audit Finding – 1** Agencies often retain public records longer than required affecting their ability to efficiently locate and disclose records in response to a public records request. • Implementation of available tools and technology may be immensely beneficial to agencies as they manage increasing amounts of public records created through the use of emergent technology. **Audit Recommendation – 3** To improve responses to public records requests, and based on the guidance to be provided by the Department of Administrative Services, state agencies should: • Adopt tools to help manage records retention and public records requests. **Executive Order Mandate – 5** Streamline management processes, administrative rules and statewide policy guidance regarding internal processes procedures for records retention and management.