

Issues and Solutions for Open Records

The logo for C. J. Enterprises, Inc. features a large, golden diamond shape with a circular emblem in the center. The text "C. J. Enterprises, Inc." is written in a golden, serif font across the diamond. The diamond is composed of two overlapping, slightly offset shapes, creating a 3D effect.

C. J. Enterprises, Inc.

Presenters:

Gregg M. Long JD, Certified Records Manager (CRM)

Ron Layton, Director, Records & Information Management

August 14, 2008



Issues and Concerns

Gregg M. Long JD, CRM

Certified Records Manager



Issues and Concerns

- What steps can you take to be prepared to comply with the new provisions of the Tennessee Public Records Act?
- Where can you find the exceptions to the Tennessee Public Records Act?
- How much will it cost to review and redact the confidential information in otherwise public records?
- Which is better – hard copy or electronic?
- What technologies are available to help?



Seven Days!

An Open Records Request has arrived on your desk

You now have seven days

**To Locate, Search, Review, Redact, and Produce
the requested records**

Heavy Burden – In litigation the Federal Rules of Civil Procedure (FRCP) would give you at least 30 days to accomplish what is roughly the same task

What steps can you take to be ready?



Be Ready!

Create an Open Records Request Procedure

- Standardize your process to speed requests
- Make creating this procedure a collaborative effort with all departments
- Educate your co-workers about the law and its requirements
- Make your Open Records Policy available to the public
- Watch the Office of Open Records Counsel website for new forms and tools



Be Ready!

Create a Data Retrieval Map

The map should contain the following:

- Where Records and Information are stored
- The format of the data. Hard Copy or Electronic, Structured or Unstructured
- Who will search and collect each type of record
- How long will the search and collect process take for each record type
- Who must review the records prior to release to the public



Be Ready!

Have Solutions Available

There are many tools that can assist with this process.

Archive Technologies

Search and Retrieval Tools

Redaction and Production



Know Your Exceptions

How Many Exceptions are there?

The most current list contains over 250 Exceptions

Which of these will apply to your data?



Cost to Review and Redact

Hypothetical Example:

- An Open Records request to produce email
- The search locates 900 emails (not actually a huge number)
- An average of 2 minutes per page to review and redact (not including attachments)
- Your attorney costs \$50 per hour (very conservative!)

**Your Total Cost just to
Review and Redact**

\$1,500.00



Electronic or Hard Copy?

How should you gather and produce your records for an open records request?

Hard Copy

Pro:

- *Cost can be assessed on the requestor for copying costs*
- *No inadvertent metadata will be revealed*

Con:

- *Searching hard copy takes more time*
- *Copying records takes more time*
- *Your copy cost are doubled to manually redact records*
- *Your copy costs are tripled if you need keep a copy of the records you are producing*



Electronic or Hard Copy?

How should you gather and produce your records for an open records request?

Electronic

Pro:

- *Searching of electronic records is faster and more accurate*
- *Electronic production minimizes the cost to the public*
- *Retaining multiple copies is easy*
- *Storage costs are minimized*
- *Saves time in the review and redaction process*

Con:

- *Conversion of hard copy to electronic is a one time cost*
- *Electronic storage, searching, and production requires specialized software and hardware to accomplish*



Solutions and Technology

Ron Layton, Director

Records & Information Management

C. J. Enterprises, Inc.



Solutions and Technology

- Records Management
- Document Management
- Document Conversion
- Email Archiving Solutions
- Automated Document Redaction
- Professional Services



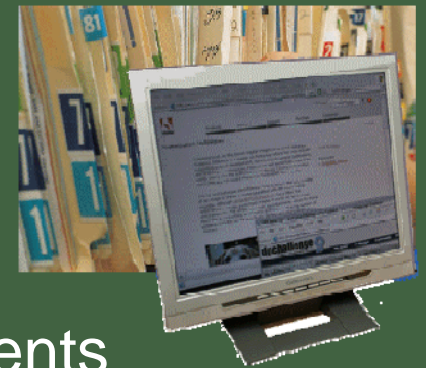
Records Management

- Records Management Program
 - Records Management vs. Record Keeping
- Records Inventory
 - Know what you have and where it is
- Retention Schedule
 - Know what to keep and for how long
- Policies and Procedures
 - Be sure to do what you say you are doing
- Staff Training
 - Everyone needs to know how to do their part



Document Management

- Record Management Systems
 - Track boxes of stored paper records
 - Track location and disposition
- Document Management Systems (EDMS)
 - Track individual documents or files
 - Paper, images, electronic documents
 - Multiple indexes to each document
 - Information about the documents
 - Automated retrieval of electronic documents
- Enterprise Content Management (ECM)
 - Includes emails, web pages, audio, video, etc.





Document Conversion

- Document Capture
 - Scanning
 - Format Conversion
- Indexing
- Abstracting
- Document Format
 - Resolution
 - tiff or pdf
- Advantages
 - Reduce storage space
 - Easier to retrieve
 - Easier to share





Special Applications

- Email Archiving Solutions
 - Archive email for compliance, legal readiness, and storage efficiency
 - Improve search and retrieval capabilities
- Automated Document Redaction
 - Search files for protected information
 - Streamline review process
 - Reduce legal costs



Professional Services

- Assessments and Reviews
- Develop Records Schedules
- Policy and Procedure Development
- Support Services
 - Scanning and Indexing
 - Data Entry
 - Information Security
 - Staff Augmentation





Technical Services

- Systems Review and Selection
- Implementation Support
- Software Solutions
- Document Conversion
- Web Services
 - Design
 - Maintenance
 - Web-Based Applications
- Shared Hosting Services
 - Websites and Email



Questions

www.CJE.com/OpenRecords

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Thank You

All of you for attending

and

***The Greater Chattanooga Chapter of ARMA
International***

and

***Elisha Hodge, Open Records Specialist
Tennessee Office of Open Records Counsel***

from

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