

Documentation and Record Retention



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WHY WORRY ABOUT RECORDS MANAGEMENT?

Why Worry about Records Management?

Carrot Approach

- Productivity
- Support the organization's activities
- Accessibility
- Transparency
- Continuity
- Protection
- Consistency
- Legacy

Why Worry about Records Management?

Stick approach

- Statutory Requirements
 - IRS, FLSA
- Regulatory Requirements
 - HHS
- Contractual Obligations
- Litigation failures

Why Worry about Records Management?

Other Benefits

- Knowledge sharing
- Decreased cost
- Aid organizational decision making
- Document organizational programs

Why Worry about Records Management?

Reducing Cost

- Productivity
- Managing Active Records
- Managing Inactive Records
- Retention Decisions
- Storage & Labor
- Information Requests
- Discovery in Litigation

WHAT IS RECORDS MANAGEMENT?

What is Records Management?

What is a record?

- Physical – paper, faxes, micro fiche, micro film, photos, drawings
- Electronic information
 - Shared drives, file shares
 - Web servers
 - Backups
 - E-mail
 - Endpoints outside the organization
 - Social networking – Facebook, Twitter, LinkedIn
- Device independent
 - Mobile devices
 - Wireless networks
 - Personal Storage devices – home computers, USB devices, tablets, MP3 players, ...

What is Records Management?

Examples Include:

Corporate Documents

- Articles of incorporation
- Bylaws
- Minutes of meetings

Accounting Records

- Bank statements
- A/R & A/P subsidiary ledgers
- Fixed asset ledger
- Payroll ledger
- General ledger and journals
- Financial statements & audit reports

Personnel Records

- Applications
- Employment contracts
- Expense reports
- Time sheets

Tax Records

- Tax returns & supporting docs
- IRS notices
- Legal correspondence
- IRS Letter of Determination
- IRS Exempt Application Form 1023

What is Records Management?

Examples Include: (cont.)

Grant Documents

- Application, agreement, & mods
- Financial & narrative grant reports
- Cash draw records

Other

- Litigation related records (contracts, letters, emails, etc.)
- Real estate records
- Insurance policies

What is Records Management?

It's all about the record

- Who created the record?
- Where is it stored?
- Who has access?
- Who has control (custodian)?
- How long should we keep it?
- When should it be destroyed?

What is Records Management?

Records Management according to GARP (Generally Accepted Recordkeeping Principles)

- Accountability
- Transparency
- Integrity
- Private
- Compliance
- Availability
- Retention
- Disposition

What is Records Management?

Simple to complex solutions

- Organization of shared drives
- Replacing e-mail as an archival solution
- Integrated document management solutions
- No “right” answer
- Most organizations can benefit from even a simple solution

What is Records Management?

Develop a Filing System – Paper or Electronic:

- Assess filing needs
 - Available space
 - Budgeted costs
 - Types of files
 - On-site and off-site storage
- Classify files
 - Alphabetical, numerical
 - By subject
 - By color
- Update records and files timely

What is Records Management?

Challenges to Electronic Storage:

- Duplicate copies stored on network and individual drives.
- Hard copies with handwritten notes not transferred to electronic copy.
- Electronic records must be backed up. Many times individual drives are not part of the network backup system.
- Develop a consistent system to name files.
- Use passwords so files are “read only” and cannot be overwritten or deleted by mistake.
- Maintain a log with the file path of all electronic documents.

Assign one person the responsibility of addressing these issues – follow-up to ensure they are meeting the requirements

What is Records Management?

File Check-Out System

- Secure confidential documents and restrict access
 - Personnel records
 - Legal files
 - Medical records (also must follow HIPPA)
 - Bank loan and collateral files
- Fire-proof safe for some documents
- Sign-out sheet with honor system
- Files used infrequently can be stored off-site, which can be less expensive

What is Records Management?

- Backup accounting records and other data
- Backup files daily
- Store the backup files off-site weekly:
 - Offsite electronic storage (software vendor site, or the “Cloud”)
 - CD-ROM or DVD
 - USB data fob (memory stick)
 - External hard drive
- Keep a backup of all accounting files at the end of each fiscal year
- Restore the backup periodically to test it

What is Records Management?

Establish policies and procedures for destroying documents

Documents with sensitive information require secure storage and destruction:

- Date of birth
- Social security number
- Drivers license or state ID card number
- Names, addresses, or phone numbers
- Debit and credit card numbers
- Passwords, account numbers, access codes
- Personal medical information
- Consumer credit reports

What is Records Management?

Procedures for destroying paper documents include:

- Burning, shredding, pulping, pulverizing
- Shred them in-house using a shredder
- Contract with a certified shredding company to have them destroyed off premises
- Some documents may require verification from multiple individuals certifying the destruction by signing a form

What is Records Management?

Procedures for destroying electronic documents:

- Easier said than done
- It is very difficult to completely destroy an electronic document
- They are “deleted” from the hard drive, but in reality can be retrieved by a qualified computer forensic specialist
- Recent study showed 80% of hard drives sold on the internet still had recoverable data

What is Records Management?

What to do:

- Hard drive shredding – melts all the particles within the drive, but makes the drive unusable
- Physical destruction – cutting, hammering, smashing
- Magnetic Degaussing – magnetically destroys the files

What is Records Management?

There are some standards

- GARP – Generally Accepted Recordkeeping Principles
 - Association of Records Managers and Administrators
- DIRCKS – Designing and Implementing Recordkeeping Systems
 - Australian Standard 4390-1996 Records Management
- ISO – International Organization on Standardization
 - 15489 Information and Documentation – Records Management

What is Records Management?

Identifying the organization's records

- Not every document or communication is a record
- Some non-traditional communication is a record

Making retention decisions

- Organization and mission dependent
- Risk culture/appetite
- Resource availability
 - Financial
 - Staff
- Not static

DEVELOPING RECORDS MANAGEMENT DISCIPLINE

Developing Records Management Discipline

Keys to success in becoming disciplined

- Decide to develop the discipline
- Involve your staff at all levels
- Communication
 - Importance to the organization
 - Commitment of the organization
 - Training

Developing Records Management Discipline

Business Process

- Organizational analysis
- Activity analysis
- Record keeping requirements
- Assess existing record keeping
- Strategy moving forward
- Design record keeping system
- Implementation
- Post implementation review and maintenance

Developing Records Management Discipline

Organizational Analysis

- Mission
- Social, administrative, regulatory, legal and business context
- What is appropriate and works somewhere else may or may not be either/neither/both for you
- Organizational objectives
- Organizational resources
- Preliminary analysis of current practices
 - Gap analysis

Developing Records Management Discipline

Activity Analysis

- Day-to-day activities and impact
 - Creation, capture, control, access, storage, segregation, disposition
- Begin to differentiate between transitory communications and records
- Consider current activities and anticipated initiatives
- Document activity risks and resulting considerations
- Begin consideration of records management implementation
 - Sponsor
 - Training
 - Quality assurance
 - Ongoing updating

Developing Records Management Discipline

Identify and document record keeping requirements

- Building on the organizational and activity analysis
- Identify the record keeping objectives for your organization
- Identify which objectives will be met
 - Requirements
 - Impact

Developing Records Management Discipline

Assess existing record keeping

- Review current records management policies and procedures
- Review existing training plan and materials
- Determine tools currently deployed to manage records
- Review existing audit plan and results
- Determine method and gather feedback from staff about existing plan

Developing Records Management Discipline

Strategy moving forward

- Analyze options to meet organization's records management
 - Consider strengths, weaknesses, opportunities, and threats
- Document strategies that will support the initiative
- Develop user-oriented implementation tactics
- Identify strategy for future records management initiative
- Establish a foundation for subsequent
 - Standards development
 - Compliance initiatives

Developing Records Management Discipline

Design record keeping system

- Finalization of records management objectives
- Develop and document the policies and supporting procedures
 - Identification, retention, access, and disposal
- Design systems and processes supporting the policy
- Design training plan and materials
- Develop an updated records management audit plan
- If applicable, consider third-party tools

Developing Records Management Discipline

Implementation

- Document the implementation plan, including key milestones
- Assign responsibility and authority for various aspects of implementation
- Execute the implementation plan
- Develop and document the maintenance procedures

Developing Records Management Discipline

Post implementation review and maintenance

- Measure actual performance against design criteria
- Evaluate gaps in design or implementation
- Corrective measures, if applicable
- Establish and document processes for ongoing
 - Review
 - Maintenance
 - Updating

HOW LONG DO WE KEEP...

How Long Do We Keep ...

Legal Reasons and Best Practices

- Statutory requirements
 - IRS, Federal Labor Standards Act (FLSA)
- Regulatory requirements
 - HHS and other federal agencies
- Contractual obligations
- Litigation failures (be aware of what you put in writing)

How Long Do We Keep ...

Each organization should develop and adopt its own record retention policy:

- Involve your staff at all levels
- Review current records management policies and procedures
- Develop and document the policies and supporting procedures
 - Identification, retention, access, and disposal
- Determine legal/statutory requirements
- Determine best practices for your organization
- Develop a filing system

How Long Do We Keep ...

Design a training plan and materials

- Remember to include volunteers

Tips to remember

- Develop a policy, adopt it, and follow it
- Keep only necessary records

How Long Do We Keep ...

Legacy Documents: (forever)

- Organizational documents
 - Institutional memory
 - Regulatory
 - Legal

How Long Do We Keep ...

Accounting Records: (7 years, forever)

- Generally 7 years for supporting documents
- Forever for others
- See the supplemental guidelines

How Long Do We Keep ...

Other documents: (depends)

- Consider the underlying issue/item
- What could go wrong?
- “Transaction” mindset
 - Employees – 7 years after termination
 - Programs – 3-7 years after termination
 - Contracts – 7 years after end

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