TESTIMONY OF

GREGORY S. HUNTER, PH.D., CA, CRM

PALMER SCHOOL OF LIBRARY AND INFORMATION SCIENCE

LONG ISLAND UNIVERSITY

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HOUSE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

ON

"FEDERAL ELECTRONIC RECORDS MANAGEMENT: A STATUS REPORT"

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Chairman Clay, Ranking Member McHenry, and Members of the Subcommittee, I am Gregory Hunter, a Professor in the Palmer School of Library and Information Science, Long Island University. Thank you for giving me the opportunity to appear before you to discuss the status of federal electronic records management.

I have over 30 years experience in the profession and am both a Certified Records Manager and a Certified Archivist. At Long Island University, I am a full-time faculty member, Director of the Certificate Program in Archives and Records Management, and Director of the Ph.D. Program in Information Studies. Before joining Long Island University in 1990, I was Manager of Corporate Records at ITT Corporation World Headquarters and Director of Archival Programs for the United Negro College Fund, Inc. In addition to my teaching and other university responsibilities, I have served as a consultant to governments at all levels, multinational corporations, and major not-for-profit institutions.

There have been several reports in recent years about the state of federal electronic records management, including testimony by and reports from the Government Accountability Office to this Subcommittee.[1] These reports have outlined the challenges federal agencies face, especially with the management of e-mail. The reports also detailed the challenges faced by the National Archives and Records Administration in ensuring the consistent implementation of records

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[1] "Federal Records: National Archives and Selected Agencies Need to Strengthen E-Mail Management," June 2008. "Federal Records: Agencies Face Challenges in Managing E-Mail," April 23, 2008. "Electronic Records: Management and Preservation Pose Challenges," July 8, 2003. "Information Management: Challenges in Managing and Preserving Electronic Records," June 2002.

management policies and procedures across the federal government. Rather than repeat these challenges today, I believe I can best assist the Subcommittee in its deliberations by discussing a number of best practices from the private sector which I believe can be applied with success to the federal environment.

Therefore, I will discuss the following seven areas:

1. Definition of a record
2. Status of records management
3. Managerial accountability
4. Role of records liaisons
5. Simplification of processes
6. Strategic partnerships
7. Assuring compliance

1. Definition of a Record

The GAO reports I mentioned previously have one theme in common. Agencies are spending a great deal of time, effort, and money trying to separate "records" from "non-records" in the digital environment. This especially is the case with e-mail systems and Web sites.

The reason for this agency effort is simple: "records" must be managed in a way that complies with federal law, while "non-records" bear no such burden. Non-records (such as multiple copies of publications and drafts and working papers) are outside the purview of NARA.

It was relatively easy to separate records from non-records in a paper environment. This is not the case with digital records. In fact, discovery rules call for the production of "electronically stored information" – status as a record is not a factor in discovery.

When I work with private sector organizations, I discourage creating a category of "non-record." Rather, I recommend defining *all* evidence of activity, even the drafts and working papers, as "records." Some of these records, of course, will have very short retention periods – but none of the records are outside the purview of the records management program.

Carol Choksky discusses this in greater depth in her book, *Domesticating Information*[2]. She takes particular exception to the common practice with document management systems of "declaring" something to be a record and only managing it from that point forward. Much business activity is documented by items not yet officially declared as records.

Therefore I ask the committee to "start at the very beginning," as they say in the *Sound of Music,* by not assuming that the federal definitions of "record" and "non-record," legacies from the 1950s, still are adequate or desirable. This is a case where I believe that private sector definitions are worthy of examination.

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[2] Carol E.B. Choksy, *Domesticating Information: Managing Documents Inside the Organization* (Lanham, MD: Scarecrow Press, 2006)

2. Status of Records Management

If people have difficulty understanding what we mean by a "record," it should come as no surprise that they do not value "records management."

An anonymous records manager is quoted as saying: "Records management is like elevator maintenance. It's not noticed until it's gone or something goes wrong."[3] This view is probably more common than we would like to admit.

So how do we raise the status of records management in the federal government? How do we increase familiarity with and commitment to records management policies and procedures?

The private sector faces the same issue. One approach involves "leadership alignment," cultivating senior executives to serve as advocates for records management. There is no substitute for a visible and committed executive champion.

Executive champions, however, only go so far. Records management increases in status when it helps people do their jobs better. This is far from a quick fix. Records managers must focus on external "customer" needs – with a customer being anyone that we serve – rather than internal records management processes.

In effect, records management must become a customer service profession. We must begin by understanding our customer's business processes and the ways that records management principles can help them do their jobs better.

Though I may not want records management equated with elevator *maintenance*, the elevator itself may be an appropriate metaphor. Records management is a means to an end. It gets us from one place to another. We must never let it become a bureaucratic end in itself.

3. Managerial Accountability

Ultimately, records management increases in status when it meets the needs of front-line managers in an organization.

In the private sector, I always stress that records management is a "line" rather than a "staff" responsibility. No government or other organization can afford to hire enough staff people to "do" records management for everyone else.

Front-line managers are responsible for records in the same way that they are responsible for other organization assets. Records management policies and procedures are designed to help front-line managers discharge their primary responsibilities – as noted above, this is the business case for the "value" of records management. Records management policies and procedures

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[3] For example, see: www.doa.state.wi.us/docview.asp?docid=6549&locid=0

should not be seen as a burden; rather, they should be seen as a tool to save money and increase efficiency.

Best practices in this area involve tying records management into the structures of managerial accountability. This can be done in a number of ways:

- Include records management activities in position descriptions
- Require records management goals in annual plans
- Assess performance against goals during annual personnel reviews

The point is that departmental managers, not lower level employees, need to be evaluated for their commitment to and implementation of records management policies and procedures. Making the evaluation part of the annual performance review is the best way to institutionalize this practice.

4. Role of Records Liaisons

One of the most visible examples of front-line management support – or its lack – is the choice of a department or unit "records liaison." It is common in the private and public sectors to decentralize records management through a network of records liaisons. The choice of and support for these individuals is crucial to the success of a records management program.

I have known many excellent records liaisons, dedicated staff members who have the full support of their department heads. I have known others, however, who were the wrong person, in the wrong job, at the wrong time. How do we encourage the former and discourage the latter?

Everything I have discussed to this point certainly will help: visible evidence of executive support; clear definitions, policies and procedures; and the commitment of the liaison's immediate supervisor.

The key, however, is to formalize the role of records liaison in the human resources structure. The records liaison is essential for the success of front-line records management. The liaison's responsibilities should be included in the employee's position description, and the annual performance review should include an assessment of the employee's achievement of records management as well as other goals. In this way records liaisons who take their responsibilities seriously are acknowledged for their contribution to the success of the program.

5. Simplification of Processes

As noted above, successful records management programs need to focus more on customer business needs and less on bureaucratic processes. To use Peter Drucker's terms, we need to be "effective" rather than just "efficient."[4] This is even more important with digital records.

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[4] Peter F. Drucker, *The Effective Executive* (New York: Harper, 1967)

The previously-mentioned GAO reports comment on the volume and complexity of digital records. One might think that records management processes need to be more complex to manage these complex records.

I would like to argue just the opposite. If we keep the same-old processes, we will never be able to manage the volume and complexity of digital records. Organizations, including the federal government, must use the challenge of digital records to simplify radically existing records management processes.

There have been some promising steps, such as the use of "big bucket" or "flexible" schedules and the implementation of "media-neutral" schedules. Nevertheless, government processes remain much more complex than their private-sector counterparts.

Mark Greene and Dennis Meissner have written that archivists need "more product" and "less process."[5] I believe this also is the case with records management, especially in the government context.

In particular, I think we need to take a hard look at our approach to information "systems." We must simplify the way we inventory and schedule the records in these systems. We do not have the resources to analyze all information systems in the same time-consuming way. NARA staff and federal agencies must work together to develop effective strategies that consume fewer staff resources.

6. Strategic Partnerships

One way to be effective is to work with the right people. The most successful private-sector records management programs are based upon strong partnerships. Records Management seldom has the clout to succeed alone.

The General Counsel or Legal Department is one of the key strategic partners. From developing records retention schedules to complying with discovery requests, Legal and Records Management must have a close relationship.

Since September 11, 2001, Business Continuity Planning is another logical partner. This especially is the case with digital records. A records inventory, conducted to develop records retention schedules, also can identify "vital records" – those necessary to continue operations after a disaster. The Council of State Archivists is involved in a model partnership with the Federal Emergency Management Agency.[6] This and other partnerships should be encouraged.

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[5] See "More Product, Less Process: Pragmatically Revamping Traditional Processing Approaches to Deal with Late 20th-Century Collections," available at http://ahc.uwyo.edu/documents/faculty/greene/papers/Greene-Meissner.pdf

[6] The project is called "Intergovernmental Preparedness for Essential Records (IPER). See http://statearchivists.org/iper/index.htm

Information Technology (IT) is a third strategic partner. It is virtually impossible to manage digital records without the cooperation of IT. What I have found, however, is that the partnership works both ways. A records management program enables IT to destroy records in the regular course of business with minimal second-guessing after the fact.

I know that at the highest levels, NARA is actively pursuing these and other partnerships. In keeping with records management as a line responsibility, however, the partnerships must be pushed downward within federal agencies. I recommend the preparation of business cases and other document from the perspective of the strategic partner, not the records management professional.

7. Assuring Compliance

Last but certainly not least, how will we assure compliance with records management policies and procedures? This is an area where NARA has been criticized in the past by GAO and others inside and outside of government.

In September 2009, NARA issued a mandatory records management self-assessment to 242 Federal Cabinet Level Agencies and their components, and independent agencies.[7] I am encouraged by NARA's attempt to establish a baseline for assessment of records management in federal agencies. However, the data must be used with caution.

In particular, the agency staff conducting the self-assessment reflect the concerns I've raised previously in this testimony:

- Some agency staff understand and value records management, while others are less knowledgeable
- Executive support and managerial commitment vary greatly
- Strategic partnerships may or may not be in place

The inconsistent responses by agencies highlight these differences and limit the usefulness of the self-assessment results.

But NARA should not abandon agency self-assessment. Rather, the assessments will become even more useful as agency records management programs develop and mature.

Self-assessment, however, will never be enough. NARA must institute a regular and thorough program of monitoring compliance. While NARA can do this on its own, I would like to suggest a best practice from the private sector.

Successful records management programs are establishing strategic partnerships with internal auditors. This reinforces the point that records management is a line responsibility similar to other line responsibilities. Internal auditors monitor compliance with personnel, fiscal, and other organization policies. They do this by conducting scheduled and unscheduled reviews and

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[7] National Archives and Records Administration, "Records Management Self-Assessment 2009: An Assessment of Records Management Programs in the Federal Government."

reporting their findings to senior executives. Records management compliance should be monitored in the same way.

One model for cooperation with internal audit is offered by the Indiana University Archives, which explored administration of electronic records with funding from the National Historical Publications and Records Commission.[8] The Indiana University Archives assisted Internal Audit with the review of high-risk departments and activities. As with the best partnerships, both Internal Audit and Records Management realized benefits from the cooperation.

Extending this to the Federal level, I prefer that NARA not be the entity conducting compliance reviews. I recommend that NARA partner with entities that conduct regular reviews of compliance with personnel, fiscal, information technology, and other policies. I believe this is the best way to reinforce the line responsibility for records management as well as being the most efficient use of NARA's resources.

Conclusion

New technologies have a way of bringing issues to the surface. I started this testimony by referring to previous reports. I recently was re-reading an '06 report on the effect of new information technologies on federal agency recordkeeping practices. As one would expect, agency managers and executives were concerned about efficiency and changes to their business processes. Legal counsel was concerned about authenticity of documents and admissibility in evidence.

These concerns are not surprising. What is surprising is that the report was from 1906 rather than 2006. One hundred years ago, the Keep Commission was investigating the shift to a new technology – carbon paper – from the older technology of letterpress books.[9] While technology is different today, the issues for federal agencies sound all too familiar.

I would like to thank the Subcommittee for giving me the opportunity to testify on this important issue. I believe that an ongoing public-private dialog and exchange of best practices is one of the best ways to improve the management of records in institutions of all types. I would be happy to answer any questions you may have.

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[8] See Philip Bantin, "Strategies for Developing Partnerships in Electronic Records," at http://www.libraries.iub.edu/index.php?pageId=3313

[9] This is discussed in JoAnne Yates, *Control Through Communication: The Rise of System in American Management* (Baltimore: Johns Hopkins University Press, 1989), 48-49.