

CyberSeminar transcript

Session: Basic Records Management Training

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Matt Staden: Welcome to the second edition of records management training. This is our basic records management course 101 with a little slight ORD twist to it. Today we are going to discuss VA record structure, definition of what a record is, identify basic categories of records, determine significant differences among records, non-records material, and personal papers, records management areas of concern, and key position responsibilities, and then we are going to talk a little bit about file plan and record inventories.

The Veterans Administration Records Management Program is set up like a three legged stool. As you see at the top, the platform of the stool is Sam Nichols, the VHA Records Officer and below that is various VACO program offices and those are your HR, acquisitions, and your major program office OIT, and those folks, not the various VHA program offices. Below there, you see the VBA records officer, Dwayne Jones, myself is VHA, and the NCA's, Michele Power. Below ours, we have various program offices and then the VA medical centers out in the field and then CBOCs in the Vet Centers.

What is a record? If you read this definition and I will save you from the pain of me reading it, but if you read it to yourself you will see that records can contain papers, maps, photographs, anything digital regardless of media, anything that exercises, or the government uses to conduct business. Business with the public means that we are using public funds to execute our mission as the Veteran's Health Administration which is the taking care of Veterans. So that is what is meant by that statement, the transaction of public business. This definition comes from 44 U.S.C. 3301 and, quite frankly, it has been around since the 1950s and it has not kept up very well with the electronic age so please don't hold that against me. That would be the National Archives and Records Administration.

Here we have the cycle of a record and if you look at the number one station of the cycle is the creation or receiving. Receiving would be receiving a record from another entity, maybe VBA, maybe DoD, or maybe, in our case, [unintelligible 2:53] receiving a document from a doctor out in town, for you may be receiving some information on your research project from another location like a university, college, another researcher. Then you take this data and information, or knowledge, that your record provides. You use it, manipulate it, in a good sense, and come up with conclusions and discussion points and you create a whole record file and create an actual end result, entity so to speak. Then we can take that record and we can file it in house, store it, retain it, or destroy it. So what we mean by retain or destroy, RCS (Record Control Schedule 10-1) has over 3000 different record schedules. ORD schedules are all in chapter 8, the majority of your primary program record. We will talk about program records and administrative records here in a moment. The records have a fixed determined amount of time as to how long we keep them as determined by the ARC of the United States. Then if the record is a permanent record, and permanent means for the life of the republic, means forever

and ever. Declaration of Independence, Bill of Rights, things of that nature, granted that our research is important but it does not reach to the level of preservation for the life of the Republic of the United States of America. That's basically your cycle of a record in a nutshell and it just goes around and shows you each category.

Okay. This is where we start dividing up into two major types of records. You have, on the right, administrative records. Administrative records are those records that every agency in the federal government has. For example, your personnel files, civilian personnel record. Everybody has civilian personnel records. Everybody has contract records. Everybody has training records and these cases of where agencies all have the same types of records, the National Archives and Records Administration ahead of the schedule went out and created a record schedule called GRS, or General Records Schedules. Now, there are some options. So let's say that NARA comes out with a General Records Schedule that goes completely against what we need. The program office has 90 days after that GRS comes out to come to me and say this General Record Schedule does not meet the requirements and, for example, the best example I can give, unfortunately, is the military where the National Archives came out and said aircraft maintenance records will be maintained for something like six or seven years where the Department of Defense says no, we need to maintain maintenance records for the life of the aircraft because the amount of abuse we give our aircrafts and the amount of G's we pull and things like that when we fly. So you may be able to say the same thing but you'd have to voice that opinion or that issue to your program office and the program office will call me and then we will start working on a record schedule. Now, NARA says 90 days. The reality is that if you come up with it later, after the 90 days, I've never had NARA push back on it if we have a legitimate need to change that schedule. Then we can go back to NARA and say we want an exception to GRS, exceptions can be longer but not normally lesser. So if the schedule says that you must keep them for three years and we come back and say you know what, we don't want to we only want to keep them for one year or six months, more than likely the National Archives are going to say no. If we come back and say we have a greater, longer need for that record we just have to provide them the justification of why we are doing it and they will grant us an exception and then we will go ahead and go through the process of creating a record schedule. The general record schedule, you will find those record schedules mostly chapters 1 through 5 and RCS 10-1, the Record Control Schedule. Those apply to all agencies so you can, for example, in your space have contract files and they will come under a general record schedule, not a record schedule in chapter 8. Now there are some things in chapter 8 that may supersede a general record schedule because that's the way we wrote it but you have to keep it in mind that when we're dealing with the actual work product at your facility it may come under chapter 8 but when we are dealing with the general records, it may come under other chapters as well so you have two basically power records within your own organization, or grouping of records.

The program records are those records that only relate to Veteran's Health Administration or the VA and those records schedules that we, as an organization, have sent to the National Archives, the National Archives have taken those record categories or those record schedules and they have ran it through their staffing after we staffed it internally through Office of

General Counsel and a number of internal organizations at VA and VHA, NARA (National Archive Record Administration) then runs it through their own internal staffing process and then it goes out to the federal register for public comments. Sometimes, with the research records, some of the universities will comment, sometimes they will ask just for a copy of the record schedule. It is on the federal register for 30 days. If, during that time at day 20, they request a copy of the schedule, the 30 days start all over again. Sometimes that will hold it up for a total of, I believe, it's not more than 90 days.

Formats of records. Formats can be obviously in paper, electronic records, and electronic falls under things like Word documents, PowerPoint presentations, access data bases, Excel spreadsheets, and a number of other things like TIF, GIF, and other types of flat file records, HTMLs, and those kinds of things. Punch cards, every once in a while somebody will find punch cards. Usually unless we can find a program related to those punch cards that's pretty much a moot point and those end up getting destroyed. Cardiographic records or drawings and records of that type and, again, architectural records or those records like your building drawings and things like that. Audiovisual records, let's say you recorded some of your information and you have a recording, which is a tape, and then maybe you might have a transcription, there is input data and various schedules that can apply to both of those as well. Microform and microfiche, some of our very, very older records are on microform and microfiche and most of us that have those records know where the two readers are in the whole facility and know where those records are and pretty well keep track of them.

Three categories and other group of categories of records are called temporary, permanent, and unscheduled. I eluded to permanent records, or those records that are maintained for the life of the republic, and four examples that come to mind are some of our registries, the Gulf War registry, the Agent Orange registry, the radiation registry, and we have a number of other registries. Some of those are permanent records and every three years I take a snapshot in time of those registries and we transfer those records electronically to the National Archives. We do those in three year and two year kind of snap shots in time because, otherwise, NARA would have to have a live set of those registries running 24/7 in their facility because most people are going through those registries and adding people every day.

Temporary records are any record that is not a permanent record. Temporary records can range from as little as six months or no longer needed. You'll see a number of those in the RCS 10-1 to long term temporary records such as a health record which is 75 years after last episode of care. Some of the temporary records have, what you call, contingency schedules and those contingency schedules may say six years after an event, or when no longer needed. So it can be six years or when no longer needed after that six year point. Then after six years, you kind of have to read the schedule to see exactly what it says and some of those contingencies are, for example, the healthcare record, 75 years after last episode of care. So somebody has to track, usually through VISTA, when was 75 years after last episode of care. So, what they do for that particular record, they take those records and group them - when they meet three years without any kind of input into that health record they go into an inactive status. They maintain them at the facility for the first three years of inactive status and then the next 72 years they go

in an inactive status through either a federal record center or the VA vault in the OSHA Missouri.

Unscheduled records. So let's say today you find a record that you've looked everywhere, you cannot find the schedule part. You have called Lucinda. She cannot find a schedule. Lucinda has called Matt. He cannot find a schedule. Matt has talked to the records counsel. They cannot find a schedule and then I talk to my appraiser ARC and visit NARA, Dave Webber, and he cannot find a schedule. Congratulations! You've found a brand new, unique record that never existed. So, at that point, we have to go in the process which I kind of talked about earlier to create a record schedule. What does that mean to you? That means while that record schedule is being created, staffed, come up with, run through various processes, that record becomes unscheduled and you're not able to destroy it. So, basically, that record defaults to a permanent record until that schedule is approved by the ARC of the United States and National Archives. So that means basically that you cannot destroy that record for that allotted time. That process can take anywhere from as short as six months to as long as, I got one now going through its fourth year. We had some problems with the federal registry and a number of organizations, law offices are fighting us on the schedule for sleep study videos. They want to keep sleeping study videos for 75 years after last episode of care. We have figured out, after a year, tenant is going to cost us about 1.5 to 2 million a year to upgrade those videos so that we can keep opening up those videos for 75 years in case somebody asks to see them. Remember any record you maintain, you have to be able to open it, use it, and view it. So if you have an electronic record and you use WordStar, which is an old word document that some of you may remember from probably early 80s. If you used WordStar and left it on WordStar and nobody has WordStar, it's probably not going to be opened on that 5-1/4" floppy that you still have, let alone finding a 5-1/4" floppy reader.

Non-records. Non-records are such as personal papers. Personal papers, I'll go into a little more detail. Extra copies, library, museum materials, stock publications, blank forms. A blank form is not a record until somebody puts something into the blanks and creates a record. Those blank forms a lot of times go into a case file such as the health record would be considered a case file. Your research file would be considered a case file so every form in your research does not have his own schedule. That would not be helpful because if you had to go through and pull out a form and destroy that form separately from the case file, one, you wouldn't know what your case file, the full content of it, because you'd be in and out destroying records and, two, you kind of scheduled that as a complete case file. That is an example. Documents received provide information but not connected through transaction of government business, routing slips, tickler files.

Now we're going to quickly discuss leaving federal service and some of the things that we have to look at when we leave federal service and that is when you do a turn over file for some of the people that the next person is going to come along, you're going to want to create a turnover file. Certain emails that you have may be permanent to your program you're working, you may want to print out some of those. Any kind of social media publication that has something to do with your project, electronic message, text message, I usually ask people not

to text message information that is really pertinent to the case, the record, signed stuff that you would text message back and forth would be things like, I'd like to meet you and discuss X, Y, Z with you, which would be a transitory record, a 180 day record. Internal/external advisory board meetings, committee and counsel meetings in which you participate in. You probably need to copy some of the minutes and information from that turnover to the next individual and any kind of reports that you gave that could have gone to Congress and gone on to testimony to Congress, to the President, speeches and things like that.

When you leave government service, you probably should go through your short term emails. Some of the ones that say let's go out and eat lunch, the one from a spouse pick up a carton of milk on the way home, or Johnny or Sara have a soccer game on the way home, those kinds of things, and then you have like your personal emails, areas of concern. These are some of the areas of concern at the VA. One of the areas is personal emails. We don't want you to be using your personal email accounts to do government business and if you see recently we have had a couple of messages go out on the personal accounts and those messages went out originally in 2015 by the CIO office and then here recently, OGC sent out. Now we do understand that there are times, like if one of the people in the group from Boston, and Boston are famous for having northeaster snows and getting socked in, and let's say, for example, you forgot to bring your laptop home and somebody needs to get you a document that you have to review quickly from here at the program office in Washington DC. If that happens, what you have is 20 days to get that back into your government account. So what I most strongly suggest if people have to do that, they put their email address or government email address along with that.

The other type of thing that we have a problem or issue with is storage, records storage and records storage needs to meet, especially inactive record storage, the National Archives Records Administration requirements of 36 CFR 1228 and it's really quite a horrendous, tough level to meet. Things include fire suppression systems, areas which have no more than 25,000 cubic feet storage. Most of us do not have 25,000 cubic feet of storage but we do have these small little areas throughout our facility that have some records storage in them. These smaller areas are sometimes manned by humans or have offices close to it and sometimes do not. I did an inspection of a facility, a VA Medical Center, where some of the research records were stored in the parking garage which had access to outside weather and was not heated and did not have humidity and had several pipes running through with potable water and then they went and took it a next step further and took the boxes and wrapped them in bags and the bags were the same bags we use for like a DB sharps container bag that said on it HAZMAT. So I'm standing there in their space, looking at a bag with a box of records that have the words HAZMAT on it. At this point, I'm thinking oh-oh we have more than one problem here. We have a HAZMAT bag with records in it and if the average individual walked into that room, they would not know that these were just regular file records in boxes and instead of using a black garbage bag somebody used a HAZMAT bag. So my hint to you is not to use HAZMAT bags to double wrap your boxes to protect them but to keep them in areas that have HVAC, heating and air conditioning systems and within those areas as well. If they're unmanned areas, I would put something on the back of the door and, on that door, I would place on there when you checked it and I would try to check those record areas that are not manned and you're storing

records at least once a week. That way, if something were to happen to the records inside that space, that you would know fairly quickly within a week, and you would be able to mitigate the damage to those records in that space. We have had a lot of issues with people storing records in buildings within the campus of the medical center that are no longer occupied by people that are some of the older buildings on campus that are now being used to store beds, extra furniture, and things like that and people put their records in it and what happens when the roof has a leak, and within that space it gets 20 to 30 gallons of water. The space does not have heating or air conditioning and then four and five weeks later it's growing multi-color mold from the box of the records and then the next thing we know is we are spending a hundred thousand dollars to recover those records.

The other thing is on the protection of electronic records and Share Files and SharePoint. Most facilities don't have a naming convention and do not go through and get rid of duplicates. For example, if you are going to use or place your research records in Share Files, within your Share Drive, which is not my first preference, but since we don't have an electronic records archive, it is only one of the few preferences we have. I would most strongly suggest that you use the same naming convention for all of the records files and you use a naming convention that makes sense to everybody and you document that naming convention before you put it into or build out the file set. So you can either do that by investigator, by department and then by investigator. You could use the four digits in chapter 8 that covers your file records and use those in order to map those out.

Okay we kind of talked a little bit about personal emails. We have thrown in several fact sheets to you. There's a fact sheet on record storage which I just kind of covered and that fact sheet is about four or five pages long that breaks up the records type into the six record types and you can take a look at those and those will tell you exactly on each record type how to store those records.

Lucinda: That attachment is included.

Matt Staden: Then we also have one on the personal emails. Lucinda, did we put 2015 memo, or just the latest memo?

Lucinda: I think they are both there.

Matt Staden: I think we have the April 2015 memo from the VA CIO. We also have the 2018 memo from Office of General Counsel and there is also a fact sheet created by the VHA Management Records Counsel as well in there. The records storage that I kind of eluded to before divided into inactive records, which should be off site in most cases, inactive records onsite, active records offsite storage, active records low usage onsite storage, and active records high usage onsite storage. For you to get an idea, the active records high usage onsite storage is like your old central records department for your health records. Transitory records, those are records usually for a short period of time. Those are the records that have meetings

and things like that and those are usually 180 days in nature anyhow. Again, there is a fact sheet provided for you.

I want to talk a little bit on file plan and record, here's the storage slide that we talked about earlier, the six categories. Now this is the file plan and record inventory. Each office in a VA medical center should have a file plan and record inventory. These are the records within your space. These include not only your records for ORD, but the records for your administrative records, things like correspondence, things like contract files, your travel claims and travel documents as well. The file plan of record inventory is a living document. It will change. You do not have to, for example, put each category or each individual research project in. You just put in research files for that category, there's a blank there for how many cubic feet. If you had one location file or one through six of all your research files for fiscal year 2018, you'd load all those in. Then you have official formal review must be conducted annually and these documents are inspection items by the VA IG, Privacy and Compliance Assessment Team which comes around every three years. Your records manager and your records liaison, also on the facility self-assessment must put these out for review as well. Again, here's the SharePoint and share drive documents. The VA, does not, again, have an electronic management archives for unstructured data and unstructured data is Excel spreadsheets, PowerPoint, and Word documents. By default, the Share drive and SharePoint have become a storage area for electronic records. There is a need to reduce duplication of records. For example, this PowerPoint here that we're probably sharing with you right now has probably been downloaded by everybody in the organization and will probably show up in a half dozen to, actually, at the first meeting we had 160 people show up so there will be 160 copies of this throughout the VHA and where you could go to the site that we talked about earlier and find all of these documents on that site for us to use in one location. We are advocating PowerPoint libraries at most facilities. So let's say you have a number of PowerPoints in your work center, my suggestion is that your ORD and your local facility put all the PowerPoints in one location. That gives you a long term library and, you know, you're probably not covering the topic for the first time and you can pull that topic like records management and look at some of the older stuff and see where we started out as and then take half of my slides and then half of your slides that will work for your area and mix them together and do your training in-house. So feel free to steal any of my slides, I'm telling you, if you want. Plagiarism is one sign that you like me and so knock yourself out.

The record control schedule 10-1, we kind of talked about throughout this training and all VA record schedules are maintained in this record control schedule. If any of you have used the old 2011 schedule, there was a mixture of Roman numerals and Arabic numbering and it was really confusing because there was no sorting of record schedules, they were kind of dropped here and there and wherever. Unfortunately, for example, you'd have x-ray records and the next one would be canteen records and then mental health and then you had MRIs. That didn't seem to make any kind of sense. So we broke the records into eight individual chapters. ORD and ORO have their own chapter and that is Chapter 8. I put everything of yours in one location so that way you wouldn't have to go through the whole manual, all over the place, looking for your records. Again, the other administrative type records are mostly in chapters 1 through 5.

Chapter 6 is medical records. Chapter 7 is ancillary services; x-rays, and labs, things of that nature. Currently, we are looking at a new record schedule for lab. It's going to include about 60 items so it's going to be a quite long record schedule.

Now we are getting into ORD record schedule for the VA field. So 8300 in the manual is all the records within the field being used by ORD. So that means when you look at 8000, 8100, 8200 those records mostly go to Lucinda to manage up here at the headquarters level and various other areas. It does not creep down into the facility level. So you start out 8300 and, as you can see, this is the header for this section that describes your records for the field facility research programs. We go into some of the 8300 Documentation of Requirement of Activities. 8300.2 Research Accreditation. Now these schedules were staffed and looked at by everybody up here at ORD Headquarters. Matt didn't come up with these record schedules because really, quite honestly, Matt is not that bright. Matt doesn't know enough about ORD to come up with these schedules in the first place. My job, really to be honest with you, when we do a record schedule with rare exception to the stuff I have done in my medical career, most things I have to bring in the Program Office SME, experts, Subject Matter Experts. The Subject Matter Experts go out to the field and contact people in the field and talk to them about their records schedules. What do your records look like? Then they go up, unfortunately the poor guys in Washington DC probably get hit up the most because they're local at the VA Medical Center and their records are looked at and reviewed sometimes as well and sometimes information goes out to the field.

8300.3 Research Publications. 8300.4 Veterinarian Medical Unit Files. As you notice, on that veterinarian files, there's destroy three years after cutoff. The cutoff is at the end of the fiscal year after the action occurs. So if the action last occurred in November 2017, that means at the end of the fiscal year, November 2018, the last of the fiscal year would be 2019 when we hit October 1, that's when that cutoff is going to be three years after that date. Hopefully that made sense. The DAA number there, that is the NARA job number. That is, if you wanted to refer to that schedule from the National Archives through them, that would be DAA record group 15, all VA record groups are 15, that was created in 2015, and that was the fourth request to NARA made by the VA in 2015. I had at least four schedules at NARA at that time. This particular schedule had over somewhere in the neighborhood of 36 items, I believe, or 40 something items. I would have to look at the manual. But, this is item 0030. If you look above, the one above it, that's 0029, and the next one is 0031, and then so on. You can get a feel for how this is laid out in the manual. One of the prime mover and shakers in this record schedule was Dr. Cuccherini and she created an informational sheet of how to apply this schedule and that informational sheet is also in your handouts. Now, I am going to bring up something that we had talked about earlier through the questions and one of those came about the destruction, go back one here, of the research investigation files. Now there is a notation in the manual that you will see and Dr. Cuccherini's flow sheet about FDA records, Food and Drug Administration records. Now, when we initially wrote this, and I hate to admit this publicly, but it was kind of missed and Dr. Cuccherini quickly went back and captured that and since the last training we had, this issue has come up and what we are finding is, it's become difficult to identify the records that have FDA, I'm going to call them, equities in them. That's a term I'm

willing to use is equities for this. What I would like people to do, and we are still talking about this, but in the meantime, what I think, would be a good idea if you're writing in ARCUS, working out this schedule to send to the National Archives, or you're doing it old fashion SF-135, paper document, which will cost us \$75.00 extra dollars by the way, if you don't use the electronic website. Put in the remarks section that these records have FDA equities. If you really want to, you can even put the name of the drug in there for all I care. That comment section is made just for that, for comments to give us some more enlightenment of what's in that record, or what's in that session. By doing that, it's going to catch somebody's eye when that 13000 form comes out. It's called NA 13001 and when those records reach six years old, the National Archives, or the Federal Records, Center is going to send me the 13001. I, in turn, send it to the records manager of the facility. If the records manager is doing their job correctly, they reach out to the records liaison to say do we have any freezes on these records? Is there any FOIA requests on these records and in the case of an ORD record, is there any FDA equities in these records that we need to know about. So, if the FDA, and somebody smarter than me is going to have to explain when the FDA is done with the record but you all know when that is, and let's say when you get to the six year point the FDA is still going to be working that record for another two or three more years and you know that, you can go back to NARA and there is a blank in that 13001 and you check no and ask to wait for three more years. What NARA does, every three years they will retread that record request for destruction back to the facility again. So it will keep coming up every three years, and it's put on there, FDA Holdings, hold for another three years, we will re-review it at that time. Now, please don't use this as an excuse to maintain a research investigation file for some indefinite amount of time. If we start looking at these and we see one that has been maintained and held for 20 years, we're going to really think that there's something wrong. What happens if you do that, you enroll what is called Safe Harbor. Safe Harbor is a legal term. Safe Harbor says we destroy records on this schedule, based on our CS10, as approved by the ARC of the United States which gives us legal authority to destroy a record. If you destroy a record before the date, in which you are allowed to destroy it, then we have to put out a report to the National Archives explaining what happened, why that record was destroyed. Maybe it was destroyed because a sewer line burst in the space it was in and the record was so badly contaminated there was no way to recover it. I recently had records in Puerto Rico that the waterway changed directions due to the hurricane and put six feet of water in that particular area where the records were stored and so now we have 25 file cabinets of paper pulp which we cannot recover. Okay? No matter what I do, we cannot recover that. Now let's say, for example, there is a room that just got exposed to mold and there is a possibility those can be recovered. We do have companies we work with and those companies will come out and do an evaluation, make a determination to determine what the cost is to recover those records. If, for example, those records were contract files and, you know, six years after last payment, and they were on year number five, we may, as an organization, decide not to spend \$150,000 to recover records that we will maintain for one more year and then destroy. That is something that myself, the records manager, the records liaison, the facility director those are decisions made as a group at a very high level to determine a cost benefit analysis of recovering those records.

Records Management Training. We have a number of locations for Records Management Training and TMS has a course and, if you look on your screen, it's 3873736. It's Records Management for Records Officers and Liaisons. A lot of this stuff I went over today is in there and it's in a lot higher detail. The course takes an hour to an hour and a half. There's no real reason why anybody couldn't go through that course and take it. There's a lot of helpful information in there. This information will be available and the PowerPoint will be available to you. If you need training at the local level, your Facility Records Manager is available to you to do training. Tell them I said so. They'll call me back later and yell at me probably but that's okay. I have broad shoulders and that's why I get paid the big bucks. Here's my phone number and my email and Jennifer Gary is my associate.

One of the other things that I want to cover on the records storage which I forgot to cover, is that when I first arrived here in 2013, there was an issue about record storage and who pays for it. We took that issue all the way up to OGC and OGC came back and said that the facilities have to support ORD local storage requirements so the facility if you have to send your long term records to a federal record center, they are supposed to pay for that. What you cannot do, is you cannot force them into you picking out where you want them to go and you want them to go to the Iron Mountain and pay twice as much money as a federal records center, you can't do that. You have to kind of use what they say. Just give you an idea please do not store your records in PODS and putting them out on a loading dock. I've had people do that before and that's not a place to store your records. But with the POD issue said, I have had people store records in PODS inside places that had HVAC control and it was inside the facility but they were using the PODS so they could lock them up and basically treat those as independent storage area while a particular area was being remodeled or something like that so it was done for a temporary procedure. Today, I was a little out of sorts. I hate to tell you this. There was a glitch I thought in the slide presentation, the order, and so it probably wasn't my best job of giving this class. If you have any questions, please send me the questions. I do have a few already and they are handing me the questions now.

One of the questions was in response to working with the university and whose records that the site records, or the ORD records, were. The ORD records actually belong to the federal government which means they are VHA's records, or the VA's, but one of the problems was misunderstanding when we deal with universities and outside organizations for the VA is a lot of times we do go through the effort and trouble of creating an MOU. An MOU is to just specifically talk about records management and how the records will be managed. When you do that MOU, your facility records officer or records manager from the facility level, should be involved in that. Another area we find that occasionally is missed is the Business Associate Agreement. This is for the Privacy Business Associate Agreement doesn't get done or doesn't get done properly. To tell you how important this is, we even have a Business Associate Agreement with the VA Record Center and Vault with ourselves and The National Archives. What we have found is when all the parties in question know all the procedures and policies and the plan is on what to do with the records, it is much more clearer and easier to make a determination and manage those records with a lot less hurt feelings, a lot less questions, and a lot less threats at the end because, what usually ends up happening at the end, we tell them

that by federal law belong to us, and if we have to, we will get a court involved and then the university gets mad at us and then the university says, fine here are your records but don't come ever talk to us again. That does nobody any good. That then ruins a relationship between us and them. Again, please don't push that envelope that far.

Another issue we have had, is we have had people extend the life of a record schedule without any reason. They just say, okay the director, or the IRB chair, and the R&D chair decided that we want to grant permission to exceed the disposition schedule. Unfortunately, they do not have the authority to do that unless in such circumstances like the FDA issue and that type of thing. I know this is painful subject because I had the same problem with the Navy Research and Development as well. These sometimes are people's lifetime works. They don't want to throw them away, but once the schedule has been written and the schedule says at a certain point those records have to be disposed of and part of the issue was that ORD says at a certain point, research gets old and stale, it no longer has the viability it did 15, 10 years ago and so those records should be destroyed. Again, we have already talked about the universities and affiliates.

Do you have any other questions. Does anybody have any questions so far? You want to queue me the questions so I can babble incoherently some more.

Heidi: Sure. I'm just going to start at the top and work my way down. I have several studies that have been initially completed, however, the protocol is still open because the data is still being analyzed. They may stay open for some time. Our local storage is full and I'm looking for longer term storage or transferring documents to electronic. Does NARA offer those services?

Matt Staden: Well, they used to and the problem is they don't anymore. Well, let me rephrase that. Yes, NARA will do those services. The question is that it is first come, first serve. It depends on the scope and size and how many records you want them to scan and it's going to depend on the cost of the scanning and if you have the money to do that. There are other commercial viable people out there who will do the scanning and place them electronically and give them back to you. The issue is you need to probably look at your records holdings and look at those records that are inactive and make sure the inactive records have been transferred to a longer term storage area. The other thing I want you to do is sit down with your facility records manager and see what's available for storage in house because technically a record or a study that has not been completed, the investigation is still receiving information, is an open study. If you have to keep pulling records from a location like a federal records center and sending them back, pulling them out, sending them back, every time you do that there will be a charge for pulling the sessions in and out. We like to keep the active case files in house available to the investigators and that type of thing. The inactive case files are those that you can send off to a Federal Records Center somewhere or, if you find out from your records officer, some of the facilities do have contracts with Iron Mountain locally and it's a NARA approved facility, you might be able to store there as well. I need you to bring in your records manager from the facility and then you bring them in along with me on an email and we can talk about it and we will probably bring Dave Hyers because, Dave Hyers, is my individual who works with NARA and

the individual IAA Agreements your facility should have and their agency agreement with NARA already, you just probably don't know it but, you know, those can be worked out, some of those relationships. Next question.

Heidi: If data are moved into a data repository, are the records supporting the original creation of the data set retained until the end of the data repository or at the end of the original study? For example, the signed informed consent documents may or must be retained as long as the data are [unintelligible 53:31].

Matt Staden: Yeah. I do not see how you can separate the informed consent documents from the actual data. Lucinda, if you have any issues to throw in with me, but this has come up as well as things like photographs and videos. In order to photograph somebody or video somebody, normally you get consents and things like that and if those consents are not with the thing that you are supposed to consent to, so if you took a photograph, for example, to make this principle simple, I think a photograph of a group of people and I get consents signed by all of them and I then file the consent one place and the photograph someplace else and unless you have some finding aide that links those two items together, you will never know, you won't have the consents together so, at some point, the picture becomes irrelevant. I would think the consent forms should be with the actual document. When we say the life of the study or the investigation if, for some reason, that investigation is linked with another investigation and you still have those, I think those kinds of things could be looked at as a case file but I think you need to document while you are holding that investigation longer and it's related to this other investigation and have a finding aide that links them both together in order to keep them. Does that make sense? Lucinda? She's shaking her head, scrunching an eyeball. How about the next question.

Heidi: Sure. The next question. Do the records have to go through the control office to be destroyed or can they be done by the individual for records that have not been sent off station for hold.

Matt Staden: Okay, if the record has not been taken off site, the Records Liaison is going to destroy records onboard. That Records Liaison needs to get with the facilities record manager. The facilities records manager is required to complete a VA form 7468 Intent to Destroy. That would be our equivalent to NARA's NA 13000.1. On that form, there are several blanks that have to be filled out. One is what the title of the record is. What the four digit plus the decimal number of the record. What is the destruction date of the record. Who owns the record and then, there's a sign off there, I believe, by the records liaison and the records manager for the facility and then the signature of the person destroyed the records themselves. The records manager must maintain that document, I believe six or seven years under a general records schedule, seven years. There is a general records schedule found in chapter 1 and that's then able to prove that we've gone through our process and destroy those records. If you destroy those records on your own and don't tell the records manager, two things will happen; one, the file plan is going to be wrong. Because the file plan says we have that record and there is a master file plan being held by the facility records manager as well. Not only do you have a file

plan, but you have to give your file plan to the facility record manager and the facility record manager maintains the master and that's who the inspector comes first to look at is the facility records manager balances their file plan and then comes to your office and then looks at your file plan compared to their file plan, looks at the destruction records in order to destroy those records. That's it. Lucinda, next question.

Heidi: Okay. Next question. Would you advise researches to use a standard naming convention that includes the anticipated destruction date and the data set name when labeling data sets that are being retained for six years under 8300.6?

Matt Staden: Wow! That's a mouthful. This is my fault. Because I should have never have brought this up without a plan. What we've been trying to get OI&T to do, is give us a standard naming convention. So far I have not had any luck. I am not sure, did I give you the file plan and record, not file plan, but a fact sheet for naming conventions and things like that? I will get Lucinda a fact sheet for naming conventions. What I have looked at is several things; one is like, at my level, if you're VA Central Office, we would start with the four digit code. So I would be 10P2C and then you could start with the sub-directory to that records management and then you could put the four digit number plus the decimal number of the record. Then you can add the name of the record, common name, then you can add the destruction date, the year, the fiscal year, date the record should be destroyed. The key though is to come up with this as a group in advance, write out what you think that you need and, keep in mind, if you can search on the dates or look at the dates in the system and search on them, you might be able to find out, for example, instead of putting the beginning date, put the end date for destruction and then you can pull all 2021 and then you would be able to collect them all and know roughly those are all the records that need to be destroyed. What you need to do, is come up with a set naming convention for the whole organization as a group and then stick to it and then have somebody be the naming convention file czar and have that individual every time somebody drops a new record in those files check it for naming convention to make sure it fits the parameters. Or you can have that individual who is about to create that file and go to that individual and say here is the naming convention I want to use, can you sign this off for me. Then they sign it off and do it that way. You want it to be repeatable. You want it to be able to be understood by everybody in the group and, like I said, I got a fact sheet for cleaning up file share drives and I will provide that to Lucinda and I think I put in there some naming convention. The facility records manager I have also talked to them in the past as well and so that should not come as a surprise to you. I would strongly suggest that you gather them up. The other thing is, your ISO, you may want to bring them on board on this issue as well. You may want to make this a group issue with the ISO, the records manager, the records liaison, and some of your more savvy IT people. Just be consistent, that's the big thing.

Heidi: Okay. Thank you. The next question here. Which of the data sets used in a research project that does not gather data directly from subjects should be retained? The final analytic data set? Raw data pulled from CDW or other existing data sources?

Matt Staden: This is, I'm going to defer this to you guys because here is the reality. The case file, whatever is the case file, is what we have put in for the schedule needs to be captured. I did not go into detail on what was part of that case file. Somebody within the ORD organization should say a case file for this looks like X, Y, and Z. This is what they should look like. I can just tell you a case file should be kept for six years after completion. You guys, as an organization, are going to have to determine, do you want to keep the sausage making with the case file for the six years? I don't do research, but I would think that the sausage making may be important because how you set up your protocols and things like that would be under the sausage making and that type of thing. So, I'm going to have to defer to somebody, the higher authority, and that may be a question that may have to be kind of thought about within the organization internally to make a determination of what consists of a case file or an investigative case file folder. I didn't help you much did I Lucinda? I gave you more work. Or somebody in your organization more work. What would be the next question?

Heidi: Next question. For signed consent, can they be scanned and the hard copy disposed of properly?

Matt Staden: From a legal standpoint, I don't see why not but what I would do though is I would make it a policy across the board in your organization because the last thing you want to do is have one group not scanning consent forms and the other half the group scanning consent forms and then you have no way of having a consistent work product at the end of the day. You want to ensure that your consent forms are part of your case file and I guess it would go to the bigger question, is your case file in paper, or is your case file electronic? If your case file is both, paper and electronic, some place in that paper case file you're going to have to have a finding aide in there that says that the electronic case file is kept in this share drive, in this folder number, in this location by this functional name. So that somebody can relate those consent forms back to the original case file. The problem with spreading out a case file into two or three different types of formats and medias, is that running it all back together and I understand that there is a possibility that you could have video something, there's a possibility you could have recorded something and that becomes problematic at that point. I think the big thing is that you put it together in your policy so you create an SOP on how to create a casefile and you follow that SOP. At least as far as the records management standpoint goes. Next question?

Heidi: What is the name of the form that the facilities records manager is supposed to complete to destroy record?

Matt Staden: Yeah! An easy one. VA form 7468. It's like a half sheet of paper.

Heidi: That was easy. Okay. Next question. FYI, a research data repository is used to manage reuse of research data for subsequent IRB approved studies and may exist for many years after the original study has closed. So are the original consent forms, and any other records related to the authority to use the data, for the original study?

Matt Staden: I don't know the answer to that. That's more of a policy question. If you find out that you guys think that the schedule is not enough than what needs to be done is you'd have to go back to the program office and tell them that that schedule needs to be changed to a different number. Again, this, I think, is more of a process question and I don't manage your processes. Again, you know, you want the consent forms to remain with the actual studies they go to. Can one consent form be used for one study and then another study? I don't know how it would because when I used to suture patients and I sutured you last year and I have to suture you this year, I still had to have separate consent forms for doing the surgery, or suturing you. I could not pull an old consent form. Maybe I'm misunderstanding that question.

Soundia: This is Soundia and I'm not going to give an answer to the question but just going to give you some context, I think, to what the person is asking. Essentially when we form a research repository, that individual has agreed to allow their specimens or data to go into that repository and, therefore, then to continue to exist to be used for future study. I would think that that repository and the set up and establishment of the repository would have certain SOPs in terms of what information needs to accompany the data, what criteria they need to have. Do they need to have a copy of the consent form when that information is put into the data repository? So, in that sense, that original consent form could continue to exist and it would be almost transferred or copied for the specimen, or the data and, therefore, then start, let's just call it like a new right, start the process again associated with the next study.

Matt Staden: So you basically got my DNA strain and you keep reusing my DNA strain. There's a story about that right now in Baltimore but we won't go there.

Soundia: Right. If that helps for whoever asked the question, let us know if you have a follow up question to that, you know, we can find out more information for you. But that's my take on it.

Matt Staden: Anymore questions?

Heidi: Okay, next question. A similar question was asked but not exactly what I needed. Research study taking place over multiple VA sites, sites are closed out with IRB but parent protocol is still open for analysis. Should date of destruction be six years after date of site close out, or six years after parent protocol is closed?

Matt Staden: That, again, is not going to be a records management question because the records management is when the case is closed. That is again back to a process question that you, as an organization, have to come up with. If you, as an organization, comes up and says you have all these sites that are doing the same data and X site is the senior site for that, they are the lead, I would think that they would then tell everybody when to shut down their data when it's all over with and the counter starts from that date. That's where my thinking would take me to. Hmm but, again, you know, if the organization ORD says each site is handled independently, then that's what it is. It's handled independently so I'm not really sure the answer to that question. You have to remember I'm a records manager not a researcher. I

facilitate the records management process so hopefully that was done before they sent me to secure and what they want the schedule to say that was done here at headquarters before I got it, those questions were asked.

Heidi: That is actually all of the questions that we have received. I'm not sure if you guys have any final remarks that you would like to make before we close things out today?

Soundia: We have some questions from last time that since we have a few minutes, if you want us to go over those. Would that be okay?

Heidi: We have time for that. That sounds great. Do you have those there?

Soundia: These were asked on the 16th that weren't asked today.

Matt Staden: Okay. The first question is how they complete a standard form 4768 for electronic records that will be updated? Okay. If you have an electronic record that needs to be destroyed, you still fill out 7468. There is a directive called a sanitization of electronic records. It's an ISO type form. I don't have the number here but I have it in a binder in my office. The ISO usually punches a big hole, it's like somebody took a 38 caliber pistol and blew a hole through the middle of the CD or a hard drive, they drill a hole through it so it can't be used again. Under format has put electronic record and naturally real differences under the format electronic record and destruction process, there are also huge shredders out there that can take out a disc, CD in a heartbeat. Some people have used that in the past too.

This question is if you keep records onsite, secured storage, would you recommend keeping them behind two locked doors? I would talk to your privacy people. Health records it used to be the requirement to have two door lock redundancy. When I ran a records department in Okinawa, Japan, that's what we had but that's due to a privacy issue so what I would do is ask the privacy people. Another option too, is to put a sheet of paper on the back of that door and then anytime anybody opens that space, they have to record their name, date, and time they opened the space so that you know who has been in and out of the space. That also provides you some oversight if the space fills up full water, you know, when's the last date that somebody checked it and that it was fine. I believe that's how I answered that last time as well.

Our office research hasn't received any disposition, okay, this location has not received any destruction notifications to the VA medical center from the National Archives Records Administration Federal Records Center in their local area and they were wondering if this is normal. Over the last two years we have gone through three account reps for NARA. The 13000.1s have not been coming like they should have been years previously. The last 12 months we have gotten a vast improvement over the account reps and we've been getting them on pretty frequent basis. Now, remember, those come in three year cycles so if they did not do anything or send anything out, or if they did send something out, and let's say it got lost in the facilities mailing system, it went to the records manager officer but there was no records manager, it had come to my predecessor and nobody took action on it and for those various

reasons, then it's going to come up again three years later on a three year cycle. If you know the accession number and you think those records should be up for destruction there is no reason why you cannot go to the NARA website and ask to see if that record is eligible for destruction. I would ask you, though, to bring in your facility records manager and work with them to do that, but you may find that for some reason even they have forgotten it or, sometimes the standard form 135 wasn't marked correctly and NARA doesn't have a destruction sheet and it's kind of sitting there in limbo forever so that sometimes becomes a problem.

There's a question about the inspection checklist. Where do we find the inspection checklist? Your facility records manager has access to a SharePoint site for records managers and, on that SharePoint site, is the checklist for records inspection along with privacy, FOIA, Release of Information Offices. This is part of the privacy assessment review, inspection, and that's where the checklist resides. The records manager should be more than happy to give it to you and provide you some kind of assistance and give you an idea what you're looking for and how to improve your chances of passing that inspection. I will tell you right now one of the first places they go to, PCA goes to research because research is just, not that you guys are a problem area, but there's a lot of working parts, a lot of privacy, a lot of various things that have to work in unison for it to go correctly and it's a little bit harder in most places to store records than some place like logistics who does nothing but contracts and they are really good at doing one thing and they know six years after the last payment of the last contract they can destroy that record. It's pretty straight forward. The more complicated it gets; the more documentation with the consent forms, the documentation with the privacy issues, all of these various things, the storage of them that where the average person, you know you don't want to leave your casefiles out in the hallway unlocked in file cabinets, of course, we all know we don't do that but those are the kinds of things that privacy looks for and those protect it from people just looking in them. Believe me, when I was with the Navy, I was doing things like when certain former Navy personnel did things bad, there were people looking, trying to get into their service records and we would have to freeze their service records so nobody could get into them. So if you wanted to look in there and say what kind of person was this person and it's just people's curiosity. You try not to leave \$20.00 on your desk because what you'll do, you're going to be tempting honest people to become dishonest. Please don't do that. So please don't leave records in a hallway because there are just people who are so curious and no matter what you do they're going to have a look anyhow.

What do you do with, patents or patients, patents, especially older ones? I don't know if we ever answered that one very well last time. Okay. I've just been given the answer. This is a really good one. I asked the question, I will ask the question again, what do we do with patents, especially older ones? How do we know when they are resolved, have frozen ours because we don't know the status. The answer came out to be see section 8050.2 of the RCS-10-1 under patent case files.

Alright, I love it when they give me the question and the answer.

Where can I find reference to the fact sheets? Go ahead, you can speak up.

Lucinda: They're at the same link where you find the slides. The handouts are there as well.

Matt Staden: Everybody I want to thank you for coming to this training. I know, at times, it sounded a little disjointed and for that, I apologize. If you have any other questions, please start with your facility records manager and then Lucinda and then it will eventually get to me. I really like to answer questions at the lowest possible level, otherwise, I get 160 facilities coming to me directly and I barely have enough time to do what I have to do in any given day but it's not that after your facility records manager can't figure it out and Lucinda will call me and if she can't figure it out, she will tell you that I will have no problem whatsoever getting a group going on a telephone call and ironing out the issue and then we will probably call this lessons learned or make a notation. There is nothing in, I do not own RCS 10-1 so tightly that if you find a grammatical error in it please, by all means, email us. I've got a person on the team that reviews those kinds of things and tracks those so we can straighten it out on the next generation of the manual. The other issue is the RCS 10-1, I know it takes anywhere from six to 18 months to 24 months to get a schedule through but it is a living document, so to speak. If we find that a particular record schedule is not working for us then go through the program office and then the program office will say okay when I've gotten calls of issues from four or five people with the same issue, I may need to go out with an inquiry and find out if this is an across the board issue, do we have to extend the disposition schedule and then we go to NARA and say hey look, schedule X, Y, and Z we thought initially was good for this number of years, we are going to kick the can down the road a number of years. I will tell you when I was with the Navy, the Navy did not want to give the reactor drawings of the submarines to NARA which is a permanent record so they added an additional 100 years to the schedule to keep those records away from NARA because Navy nuclear power did not trust NARA to keep secrets. So we'll just leave it at that. Hopefully, nobody is here from NAF C08 listening to this. The worst part was, NARA said okay. They were okay with it because I don't think they wanted to be responsible for those nuclear power records any more than the Navy wanted them to be responsible for them. Again, you know, we wrote that schedule to meet the needs of the field. If they are not meeting the needs, then you go through the process through the program office. We have the program office vet all this because if I just have one facility call me and I say okay, that's going to change it based off facility X, Y, Z as soon as I change it, I change it for all 160 plus facilities. You cannot have one record schedule for one facility and a different one for another. It's basically agency wide so that's why we have this painful process. Okay. It's not so painful because you and I get along okay. Anyhow, that's all I have. Thank you very much. My point of contact information is there. Lucinda has probably published hers a million times.

Heidi: Wonderful. Thank you so much. To the audience, as I said earlier, we did record today's session and as soon as we have that approved and ready to go we will be sending out that link to everyone who did register for today's call. Lucinda, do you have any final remarks that you want to make before we close it out here?

Lucinda: No. I think we're done. Thank you very much.

Soundia: Sorry, this is Soundia, I just want to thank you guys, thank you Lucinda. Thank you Matt for coming and doing these two presentations. We will post the recording of this presentation probably within a week on the PRIDE website and when that information is posted we will let everyone know. Heidi, correct me if I'm wrong, I think we have another Cyberseminar scheduled for Tuesday, February 20, is that the correct date?

Heidi: I believe so. Let me just look super quick. Yes on February 20 at 2:00 PM eastern.

Soundia: We have the topic in mind already but we will let everyone know in the next few days and send out the registration information for that by next week. We will be soliciting questions for that topic for that Cyberseminar. Thank you everybody. I really appreciate this. Thanks again Heidi.

[END OF AUDIO]