

Chapter 631 - RECORDS MANAGEMENT AND ARCHIVES PROGRAM

Sec. 631.01. - Program established.

There is hereby created a Records Management and Archives program for Westchester County established under the aegis of the Chief Information Officer who shall act as the Records Management Officer for County records.

(Act No. 1-1988, § 1; amended by Act No. 188-1991, § 1; L.L. No. 3-1998, § 1)

Sec. 631.11. - Definitions.

1. *Active records* means those records in current use which must be retained in the generating office because frequent reference is necessary in the conduct of day-to-day operations.
2. *Appraisal* means the process of determining the value and thus the disposition of records based upon their administrative, legal, fiscal, informational, historical or archival value.
3. *Archives* means:
 - a. A program of records having historical, administrative, fiscal, legal, informational, cultural or other important value and deemed worthy of permanent retention and preservation;
 - b. The actual records themselves; or
 - c. An establishment maintained primarily for the storage, processing, security and servicing of such records.
4. *County record* means any book, paper, drawing, plan, picture, sketch, rendering, photograph, map, form, machine-readable information, microfilm or any other documentary material, regardless of physical form or characteristics, belonging to the County of Westchester, and created or received by any department in pursuance of law or in connection with the transaction of governmental business, and preserved by that department or its legitimate successor, or deemed appropriate for preservation, as evidence of the duties, organization, functions, policies, decisions, procedures or operations of such department, or because of the information value of the data contained therein.
5. *Disposition* means the removal, transfer or disposal in accordance with this Act, of records no longer necessary for the conduct of business by a department.
6. *Inactive records* means those records which are seldom referred to, but which must be retained, temporarily or permanently, because of legal, fiscal, administrative or archival value.
7. *Records Center* means an establishment maintained primarily for the storage, processing, security and servicing of records which must be retained temporarily according to records retention schedules but which need not be retained in office equipment or space.

8. *Records management* means that area of general administrative management concerned with achieving economy and efficiency in the creation, use and maintenance and disposition of records.
9. *Replevin* means the recovery, by the County, by legal or other action, of records it considers its property.
10. *Retention period* means the period of time for which a record must be retained according to an approved retention schedule.
11. *Retention schedule* means an itemized list of the office and storage retention periods established by the State Education Department for the records of the County and its departments.
12. *Servicing* means making information in records available to any County agency for official use or to the public.

(Act No. 1-1988, § 2; amended by Act No. 188-1991, § 1)

Sec. 631.21. - Duties of Chief Information Officer.

1. The program shall include a County Records Center under the supervision of the Chief Information Officer. The Chief Information Officer shall perform the following functions:
 - a. Establish a process for the transfer of inactive records to the Records Center, for the retention of records of continuing value, and for the prompt and orderly disposal of records no longer possessing sufficient administrative, legal, fiscal or historical value to warrant their further retention. Retention schedules mandated by state or federal law will govern all records transferred to the Center, except those that are assigned longer retention periods by the originating office, the County Executive, the Board of Legislators, the County Attorney, the County Finance Officer or the Chief Information Officer.
 - b. Administer a Records Center for the management, storage, care, retrieval and disposition of such records as shall be transferred to it by any department in accordance with an approved retention schedule, or accepted, with prior approval, by the Chief Information Officer.
 - c. Carry out at the proper time actions such as microfilming, transfers and destruction which are required by the records retention schedules.
 - d. Develop and publish standards of classifying, indexing and filing records.
 - e. Organize and operate a central microforms service.
2. The program shall include a County Archives under the supervision of the Chief Information Officer. The Chief Information Officer shall perform the following functions:
 - a. Advise and assist County Departments in reviewing and selecting material to be transferred to County Archives for preservation.
 - b.

Continually survey and examine public records to determine the most suitable methods to be used for the creating, maintaining, storing and servicing of archival materials.

- c. Establish and maintain an adequate repository for the proper storage, conservation, processing and servicing of archival records.
- d. Promulgate rules governing public access to and use of records in the archives, subject to the approval of the County Records Commission.
- e. Develop a confidentiality policy for archival records designated confidential, providing such policy does not conflict with any federal or state statutes.
- f. Provide information services to other County offices.
- g. Collect archival materials which are nongovernmental records but which have associational value to the County government and that meet the following criteria: records which are not official County of Westchester records but which, by virtue of their inclusion with official records may not be removed without violating archival principles; said records may include personal papers created in the private sector on behalf of, or in association with the County government and/or County projects. Such collecting shall be subject to archive space, staff and cost limitations, and to the potential endangerment of such materials if they are not collected by the County Archives. Gifts of nongovernmental records may be accepted, in the discretion of the Chief Information Officer, on an initial, interim basis to prevent destruction by the donor, provided however, that the Chief Information Officer shall submit to the Records Commission for its approval or disapproval, at the next regularly scheduled meeting, a determination of whether the nongovernmental records so acquired meet the criteria set forth herein. Nongovernmental records which do not meet the criteria for preservation in the County Archives, may be retained on a temporary basis to prevent their destruction but, shall not constitute official archive documents, and shall be transferred to an appropriate repository within a reasonable period of time. All nongovernmental records acquired by the County, whether by gift, devise or otherwise shall be deemed the sole and unencumbered property of the County and may be destroyed or otherwise disposed of in such manner as the Records Commission shall, in its discretion, determine to be appropriate.
- h. Seek to ensure that the historical significance of records is incorporated into the State Retention Schedules and develop a procedure whereby historically important records are to be identified at the point of generation.

(Act No. 1-1988, § 3; amended by Act No. 18-1991, § 1; L.L. No. 3-1998, § 1)

Sec. 631.31. - Disposition of records.

1. The disposition date, as determined by the State Retention Schedule, of all records transferred to the County Records Center must be clearly indicated on the transfer lists which accompany the records.
2. The Chief Information Officer shall initiate action to dispose of records within six months after their retention period has ended.
3. No record shall be destroyed or otherwise disposed of until approval has been obtained, in writing, in advance of disposition, from the proper State of New York authorities and from the following:
 - a. The head of the department holding the records, who shall certify that the records are no longer necessary to the administration of the department.
 - b. The Chief Information Officer, who shall certify that the records have no further historical value.

(Act No. 1-1988, § 4; amended by Act No. 188-1991, § 1; L.L. No. 3-1998, § 1)

Sec. 631.41. - Ownership of County records.

All County records, as defined in section 631-11 of this chapter, are hereby declared to be property of the County of Westchester. No County official or employee has, by virtue of his or her position, any personal or property right to such records even though he or she has created, composed, written, drawn, developed, compiled or received them. The unauthorized destruction, removal from files or use of such records is prohibited.

(Act No. 1-1988, § 5; amended by Act No. 188-1991, § 1)

Sec. 631.51. - Custody.

1. A County department is the legal custodian of its records and shall retain custody of records deposited in the County Records Center. Records transferred to or acquired by the County Archives shall be under the custody and control of the County Archives rather than the department which created or held them immediately prior to being transferred to the County Records Center.
2. Records shall be transferred to the County Archives upon the recommendation of the Chief Information Officer, with the approval of the head of the department which has custody of the records and the approval of the County Records Commission.
3. Records may be permanently removed from the County Archives at the request of the Chief Information Officer or the head of the department which had custody of the records immediately prior to the transfer of those records to the County Archives, subject to the approval of the

County Records Commission.

(Act No. 1-1988, § 6; amended by Act No. 188-1991, § 1; L.L. No. 3-1998, § 1)

Sec. 631.61. - Replevin.

The County Legal Department may take steps to recover County Government Records which have been alienated from proper custody, and may, when necessary, institute actions of replevin.

(Act No. 1-1988, § 7; amended by Act No. 188-1991, § 1)

Sec. 631.71. - County Records Commission.

1. *Membership.* A County Records Commission is hereby created consisting of the following: the Chief Information Officer, who shall be the chair; the County Executive; the Chairperson of the Board of Legislators; the Budget Director; the Commissioner of Finance; the County Attorney; Chief Information Officer or his or her designee; the County Historian; the Executive Director of the Westchester County Historical Society; the Director of the Westchester County Community College Library. In addition, three citizen members shall be recommended by the Records Commission and shall be appointed with the concurrence of the Chief Information Officer, the County Executive and the Chairperson of the Board of Legislators. The Chief Information Officer may designate the heads of the Records Management Program and the Archives as members ex officio.
2. *Meetings.* The commission shall convene as called by the chairperson or by any five members thereof.
3. *Duties of the commission.* The commission shall have the following duties:
 - a. Oversee and monitor the development and implementation of archival and records management programs.
 - b. Review the performance of the archival and records management programs on an ongoing basis and propose changes and improvements.
 - c. Actively support the archival and records management program and promote it among all the departments and agencies of the local government and community.
 - d. Serve as a continuing advisory board to the County Executive and the Board of Legislators on matters pertaining to records in Westchester County including, but not limited to, such questions as future space requirements for records storage and alternate formatting of records.
4. *Terms of members.* The three citizen members to be appointed as provided in subsection (a) above shall each serve three-year terms. One of such appointees shall serve an initial one-year term, one shall be appointed to an initial two-year term and one shall be appointed to an initial

full three-year term. At the expiration of such initial term, and each term thereafter, each citizen member shall then be eligible to be reappointed to one additional three-year term. Said terms shall run from January of the year appointed until December 31, of the year said term is to expire.

5. *Voting.* Each member of the Records Commission shall be entitled to vote on matters presented to the Commission. For the purpose of this provision the term "member" shall exclude the ex officio members appointed pursuant to subsection 1. above. Members may select a designee for the purpose of voting, in their absence, by filing a written designation with the Commission setting forth the name and title of said designee. Written designations shall remain in effect until rescinded by the member or superseded by a subsequent designation made by the member and filed with the Commission. The designee of a member, shall be empowered to vote on those issues requiring voting, as if the member was present.

A majority vote of the members present at any meeting where a quorum has been established shall carry a motion, except that at least two of the following members or their designees must vote in favor of any proposed motion for that motion to carry; the Chief Information Officer, the County Executive or the Chairperson of the Board of Legislators.

(Act No. 1-1988, § 8; amended by Act No. 188-1991, § 1; L.L. No. 3-1998; L.L. No. 3-1998, § 1)

Sec. 631.81. - Records coordination.

Each department head shall designate one employee as Records Coordinator to provide liaison with the Chief Information Officer to assist in the implementation of the Records Management Program.

(Act No. 1-1988, § 9; amended by Ord. No. 188-1991, § 1; L.L. No. 3-1998, § 1)

Sec. 631.91. - Records of defunct agencies.

Custody and control of public records of departments, agencies or programs of the County which are or become defunct is hereby vested in the County Archives to the extent that custody to such records is not granted to a designated successor department, agency or program.

(Act No. 1-1988, § 10; amended by Ord. No. 188-1991, § 1)

Sec. 631.101. - Archives funds.

Il donations credited to the County Archives shall be accounted for in the Agency and Trust Group of the County. Expenditure of moneys credited to the County Archives shall be subject to the approval of the Chief Information Officer and the Budget Director.

(Act No. 1-1988, § 11; amended by Ord. No. 18-1991, § 1; L.L. No. 3-1998, § 1)

Sec. 631.111. - Micrographics standard.

1. The first generation microfilm medium used by the program shall meet the requirements of the American National Standards Institute for archival quality, density, resolution and definition. Microfilm media intended only for short-term use, as determined by the head of the department which created the records and the Chief Information Officer, is expected from the stated requirement. Each microfilm record shall be checked and certified to be a true and correct duplication of the original public record.
2. Recommendations for standards for other micrographic means of reproduction used by the County of Westchester shall be formulated by the County Records Commission whenever necessary and shall conform to professionally accepted archival standards where such standards exist.

(Act No. 1-1988, § 12; amended by Act No. 188-1991, § 1; L.L. No. 3-1998, § 1)