

Emergency Preparedness for Government Records

Special Presentation for Texas Municipal Courts Education Center

Texas State Library and Archives Commission
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Agenda

- Records management overview
- Records emergencies in Texas
- Legal obligations
- Essential records – how to identify, protect, and ensure access
- Records emergency planning and response – how to prepare for, respond to, and recover from a records emergency

Records Management Overview

- Municipal court records are included in city retention schedule
- City Records Management Officer (RMO) is responsible for maintaining retention schedule
- Court records are in Local Schedule LC
- Financial, personnel, or administrative records of a justice or municipal court are in Local Schedule GR
- Emergency preparedness is part of your city's overall records management program

Photo: Associated Press

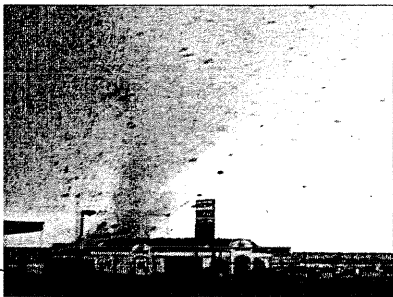
Tornadoes



March 2000 (Fort Worth)

Photo: Associated Press

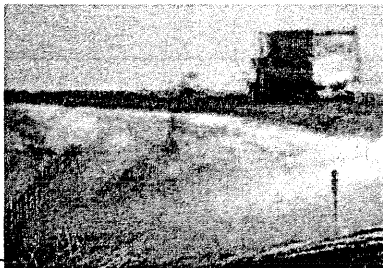
Tornadoes



May 27, 1997 (Cedar Park)

Photo: Associated Press/
Tony Gutierrez

Wildfires



December 26, 2005 - April 1, 2006 (Northeastern Panhandle)

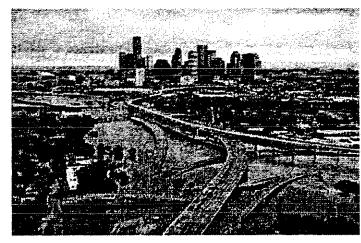
Floods

Photo: Texas State Library and Archives Commission / Steve Drake



Severe storms, flooding across 29 counties, 2002 (Bexar County)

Tropical Storms



Tropical Storm Allison, June 2001 (Houston)

Tropical Storms



Tropical Storm Allison, June 2001 (Houston)

Hurricanes

Photo: Mark Wilson/Getty Images North America



Hurricane Ike, 2008 (Galveston)

Courthouse Fires

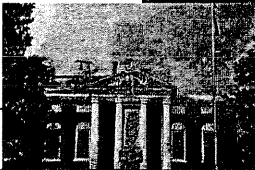
Photo: Texas Historical Commission



Newton County, TX (2000)

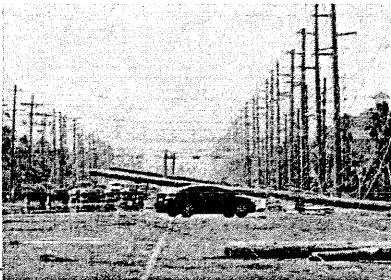


Madison, IN (2009)



Lancaster County, SC (2008)

Power Outages



Hurricane Dolly, July 2008 (South Padre Island)

>> Security Threat <<


- **Hackers:**
 - University of Texas at Arlington – prescription records and Social Security Numbers of 27,000 individuals potentially exposed to unauthorized source
 - Houston teenager hacked into protected computers of federal agencies (White House, U.S. Army), a community college, and large telecommunications firms – estimated \$1.5 million in damages
- **Computer Virus:**
 - Texas Tech Health Sciences Center
 - Virus slipped past anti-virus software
 - Website down for 24 hours

The Basics

- Information is an asset
- Emergencies are not the same for everyone
- Active records management is crucial
- Routine disposition

Emergencies

- **Natural emergencies**
 - Hurricanes
 - Floods
- **Technological emergencies**
 - Building or equipment failures
 - Electrical malfunctions
- **Civil emergencies**
 - Arson
 - Vandalism
 - Terrorism



Legal Obligations

Local Government Records Act



- Local governments' duties:
 - Essential records program
 - Local Government Code, Chapter 203.021(5)
 - Emergency management program
 - Government Code, Chapter 418 (Texas Disaster Act of 1975)

COOP

COOP = Continuity of Operations

The 11 elements of a viable COOP capability:

- *Essential functions*
- *Essential records*
- Orders of succession
- Delegations of authority
- Alternate facilities
- Interoperable communications
- Human capital
- Tests, training, and exercises
- Devolution
- Reconstitution
- Written COOP Plan

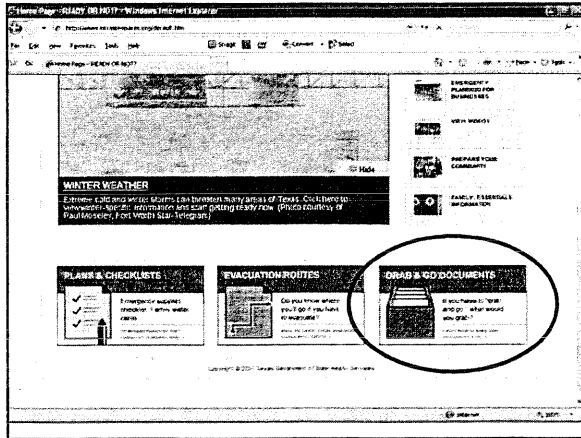


Emergency Management Plan Assistance/Training

- Texas Division of Emergency Management (TDEM)
 - Training and assistance to local governments & state agencies in emergency planning

<http://www.txdps.state.tx.us/dem/index.htm>

Essential Records

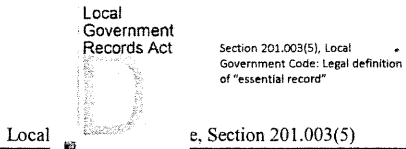


Essential Records

- Definition
- How to identify
- How to protect
- How to ensure access in the event of an emergency

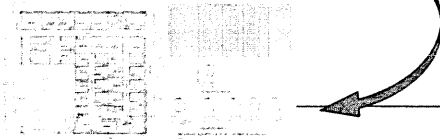
What are Essential Records?

- Records that are needed to:
 - Resume or continue operations
 - Re-create legal and financial status
 - Protect and fulfill obligations to the people of the state



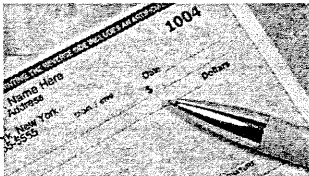
Resume or Continue Agency Operations

- Examples
 - Delegations of authority
 - Rules, policies, and procedures
 - Prison, jail, and parole records
 - Maps and building plans (as-built plans)
 - Emergency or COOP plan



Re-create Legal and Financial Status

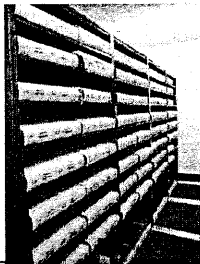
- Examples
 - Contracts and leases
 - Accounts receivable/ payable
 - Insurance records
 - Payroll



Fulfill Obligations to the People of the State

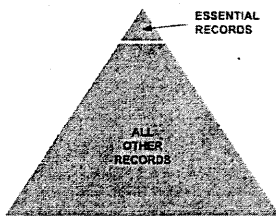
• Examples

- Deeds, mortgages, land records
- Birth and marriage records
- Active court proceedings
- Voting records



Birth records, Brownsville City Hall storage vault

How To Identify Essential Records



- Need to differentiate essential records from other records
- Less than 5% of all government records are essential

How To Identify Your Essential Records

• Factors to consider:

1. Your Court's essential functions
2. Your Court's records
3. Your stakeholders
4. Relevant statutes, regulations, and standards

1. Essential Functions

- During an emergency, essential functions:
 - Provide vital services
 - Exercise civil authority
 - Maintain safety and well-being of the general population
 - Sustain the jurisdiction's industrial economic base
- Must continue under all circumstances

Determining Essential Functions

- Analyze your court's business functions:
 - What business functions must you continue to perform?
 - Which of these functions are performed only by your court?
 - Is there no alternative method of carrying out these functions?
- All remaining functions are your essential functions

Duties Common to All Texas Municipal Judges

- Preside over jury and non-jury trials
- Make evidentiary rulings during trial and pretrial hearings
- Issue process (subpoenas, summonses, *capias*, *capias pro fines*, and attachments)
- Grant continuances
- Keep and maintain a docket
- Rule on motions for new trials
- Prepare or assist in the reporting of traffic convictions to the Texas Department of Public Safety



Source: The Municipal Judges' Book (published by the Texas Municipal Courts Education Center and Texas Municipal Courts Association), 2010, p. 1-30

Discussion



- What are the essential functions of a municipal court?
 - What business functions must you continue to perform?
 - Which of these functions are performed only by your court?
 - Is there no alternative method of carrying out these functions?

2. Your Court's Records

- Importance of a good records management program
- Records inventories
- Records retention schedules

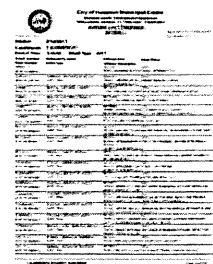
3. Stakeholders

- Know your stakeholders
 - Who depends on you?
 - Who provides mission-critical support?
- Interview stakeholders
 - What if you didn't have access to that information for 24 hours?
 - How long could you operate without these records?

4. Relevant Statutes, Regulations and Standards

- Statutes and ordinances that apply to your municipality
- Regulations issued by state and local governments
 - What functions may be delayed, and which must continue under any circumstances?
 - Ask the agencies the court reports to:
 - Office of Court Administration
 - Department of Public Safety
 - Comptroller of Public Accounts
 - Others?
- Standards from federal agencies and national organizations

Discussion



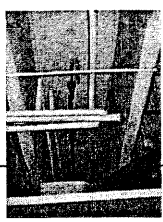
- What records support the municipal court's essential functions?
- Some records created by municipal courts...
 - Judge's docket
 - Call dockets - also called "docket sheets" or "appearance dockets"
 - Case papers for traffic offenses or ordinance violations
 - Case papers for examining trials
 - Case papers for administrative hearings
 - Reports submitted to state agencies - OCA, DPS, Comptroller
 - Juror information and reply forms
 - Contact information for court staff - other contact info?
 - Records of fees due and collected

How To Protect Essential Records

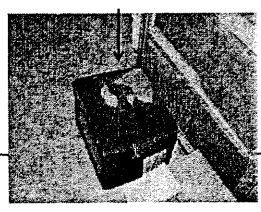
- Identify and evaluate hazards and risks
- Determine and evaluate preparedness and mitigation strategies

Identify and Evaluate Hazards and Risks

- Hazard
- Risk
- Risk management
- Risk assessment



Pipes over filing cabinets = HAZARD...



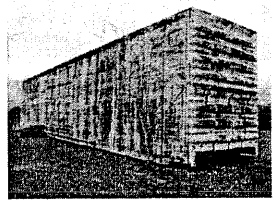
... Wet records = RISK

Techniques

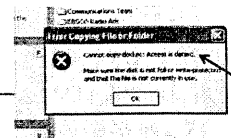
- Expert interviews
- Brainstorming – “What if?”
- Site survey

Site Survey

- Environmental
- Physical
- Personnel
- Information security
- Preparedness



Above: Boxcar storage: environmental and physical risks



Left: Restricted access areas on the computer network improve information security

Risk Analysis

1. Establish rating system
2. Rate your risks
3. Evaluate your findings

1. Establish Rating System

- Probability rating
- Impact rating

RISK ANALYSIS RATING SYSTEM				
Impact of Risk	High	Catastrophic impact; devastating loss The event has little chance of occurring.	Catastrophic impact; devastating loss Similar events have occurred in the past.	Catastrophic impact; devastating loss The event is expected to occur.
	Medium	Serious/critical impact; significant loss The event has little chance of occurring.	Serious/critical impact; significant loss Similar events have occurred in the past.	Serious/critical impact; significant loss The event is expected to occur.
	Low	Minor/marginal impact; some loss The event has little chance of occurring.	Minor/marginal impact; some loss Similar events have occurred in the past.	Minor/marginal impact; some loss The event is expected to occur.
		Low	Medium	High
		Probability of Risk		

2. Rate Your Risks

- Rate each risk identified
- Examples
 - Debris blocking access to cabinets
 - Mold and mildew
 - Fire damage

IDENTIFIED RISK	PROBABILITY	IMPACT
1. Water pipe leak in records storage area	High	High
2. Theft of records due to unsecure vault door	Low	High
4. Temperature and humidity—unstable environment	Medium	Medium

3. Evaluate Your Findings

- Determine your threshold for action

=Action

RISK ANALYSIS RATING SYSTEM			
Impact of Risk	High	Catastrophic impact, devastating loss The event has little chance of occurring	Catastrophic impact, devastating loss Similar events have occurred in the past The event is expected to occur
	Medium	Serious/critical impact, significant loss The event has little chance of occurring	Serious/critical impact, significant loss Similar events have occurred in the past The event is expected to occur
	Low	Minor/marginal impact, some loss The event has little chance of occurring	Minor/marginal impact, some loss Similar events have occurred in the past The event is expected to occur
		Low	Medium
		Probability of Risk	
			High

Activity 1

Identify and Evaluate Risks

Preparedness and Mitigation Measures

- On-site protection
- Evacuation
- Tape backup
- Data replication
- Mirroring
- Dispersal

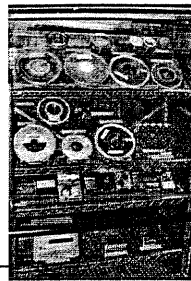


Image: "The History of Tape Storage" <http://filec.kr/p/4HYNgX>

Activity 2

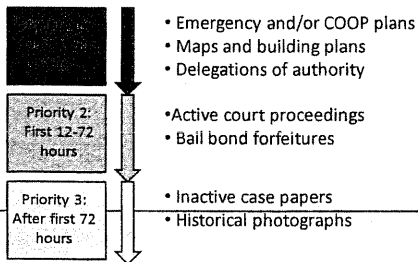
Determine Protection Strategies and Measures

How To Ensure Access to Essential Records

- Prioritize access
- Develop procedures

Prioritize Access

- Based on the type of essential record:





Records Emergency Action Plan (REAP)

- Outlines the information and actions needed to respond to and recover from a records emergency
- Purpose is to prevent the following:
 - Loss of records and information
 - Costly salvage of records and information
 - Delay in restoring critical business functions



What is a REAP?

- REAP is part of larger emergency plan (e.g., COOP)
- Portion of an emergency plan that addresses records



Components of the REAP

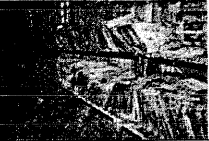

- | | |
|------------------------------------|---|
| • Introduction | • Supplies |
| • Policy statement | • Vendors and suppliers |
| • Responsibilities and authorities | • Facility information |
| • Communication plan | • Preparedness, response, and recovery procedures |
| • Locations of essential records | • Training, testing, and updating |
| • Records salvage priorities | |

How to Respond to a Records Emergency

- Assess the damage to records
- Determine response priorities
- Implement the response

Assess the Damage to Records

- Determine nature and severity of the damage
- Document volume and extent of damage
- Identify which records are affected

vs.

Determine Response Priorities

- Use the salvage priorities specified in your REAP
- Recover essential records and valuable records first
- Must also be concerned with all records at the damage site

Implement the Response

- First priority – personal health and safety
- Second priority – security and privacy

Implement the Response

- Initial action steps
 - Cover materials
 - Remove standing water
 - Stabilize temperature and humidity
 - Use fans to circulate air

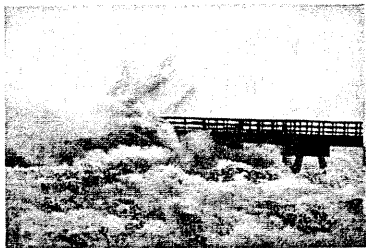


Image: Contaminated records, soaked by a burst pipe in a storage area, are wrapped in plastic while awaiting transfer to a recovery area.

How to Recover from a Records Emergency

- Water damage – most common
- Set up recovery area
- Common drying methods
- Records beyond salvage

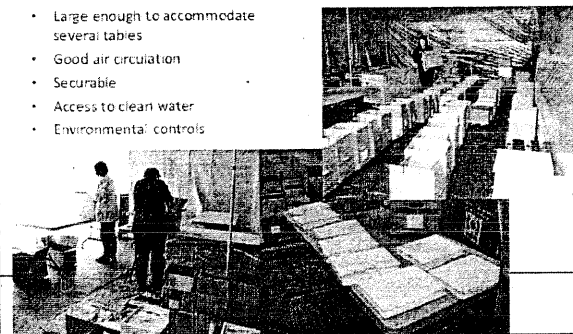
Field Guide to Emergency Response (video)



Duval, Chris, photographer. Waves hit Newarre Pier land during Hurricane Ivan's approach. Newarre Beach, Florida. September 15, 2004. State Library and Archives of Florida. 500 S. Broward St., Tallahassee, FL 32399-0250. Via Flickr Commons. URL: http://libetro.dcs.state.fl.us/uhb/in/lois/ins/iz/v/5/57/library=PHOTO&item_type=PHOTOGRAPH&searchdata1=PR75882

Set Up Recovery Area

- Large enough to accommodate several tables
- Good air circulation
- Securable
- Access to clean water
- Environmental controls



Common Drying Methods

- Air drying
- Vacuum freeze drying
- Vacuum thermal drying
- Thermal vacuum freeze drying
- Freeze drying



Records Beyond Salvage

- Identify destroyed records
- Document damage



Library fire (Plymouth Public Library, UK): papers destroyed by fire, August 20, 2008. Source: <http://flickr.com/photos/plymouthlibraries/2781744496/>

Summary and Review

- Legal obligations
- Essential records – how to identify, protect and ensure access
- Records emergency preparedness and response – how to prepare for, respond to, and recover from a records emergency

Back at the Office

- Start communication with records management and emergency management personnel
- Identify essential functions and essential records
- Start developing a Records Emergency Action Plan (REAP)

TSLAC Resources

- Email us
 - slrminfo@tsl.state.tx.us
- Call us
 - (512) 421-7200
- Website
 - <http://www.tsl.state.tx.us/slrn>
- Blog
 - <http://www.tsl.state.tx.us/slrn/blog>
- Discussion list
 - <http://lists.tsl.state.tx.us/mailman/listinfo/tx-rml>

Questions?
