Guidelines on Retention Scheduling Public Records

Stored on Social Media Platforms

Introduction

These guidelines include suggested action steps for creating retention/disposition policies for public records created and stored via social media services like Facebook, Twitter, LinkedIn, YouTube, wikis and other Internet-based platforms. Social media services involve various forms of content, including text, images, audio and video recordings. Usually, private firms provide and manage the platforms used to deliver social media services. This factor, combined with the dynamic, rich and complex make-up of the records involved, makes retention scheduling of social media a challenge. Nonetheless, public agencies can begin to deal with the retention scheduling challenge by executing the recommended action steps.

Applicability of Public Records Law

The foundation for this document is the legal imperative expressed in the State's public records law (N.J.S.A. 47:3 et seq.). That is, irrespective of medium, all records that are generated and received during governmental operations in New Jersey are public records and subject to the State's records management and archival requirements. Records generated and received via social media services and stored on social media platforms are therefore subject to the State's public records law.

Audience

Generally, these guidelines are designed for professionals who work in records and information management capacities and who have some familiarity with the State's records management program as described in the State Records Manual. However, generalist managers and administrative support staff may also find the guidelines useful.

Note on Scope

This document covers retention scheduling only[5]. It does not cover the more encompassing topic of social media policies and procedures. The New Jersey Records Manual contains an outline on how the State's Department of the Treasury approached the development of an encompassing social media policy/procedural regime. Readers interested in developing similar regimes for their agencies may find the outline helpful.

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[5] The approaches to retention scheduling, storage and disposition of social media discussed in this document are largely based on guidelines and standards published by the National Archives and Records Administration (Best Practices for the Capture of Social Media Records) and the New South Wales Archives and Records agency (Strategies for Managing Social Media Records). Be aware that some of the technical references in these publications may be dated or can become so quickly. However, the core concepts about value assessments and content capture, storage and retention/disposition are likely to be valid for the foreseeable future. Finally, The Sedona Conference provides invaluable information on this topic. It guided this document's commentary on the legal context of social media use/management (*Primer on Social Media, Second Edition*. (2018). The Sedona Conference: Phoenix, AZ.)

Key Contacts

The contact for the records management topics covered below is the New Jersey Division of Revenue and Enterprise Services' Records Management Services Unit (RMS): 609-777-1020 or 609-292-8711. Guidance on preservation of permanent and historical records can be obtained from the State Archives: 609-633-8304 or 609-292-6260.

Action Steps
1. Inventory Social Media

   Start the retention scheduling process by inventorying and documenting all the services and platforms employed by the agency – for example, accounts/sites using Facebook, Twitter, Tumblr, YouTube, Snapchat, Instagram, etc. Describe the content that resides on each platform and the organizational functions that each one addresses – for instance, dissemination of program-related information, constituent service channel, ideation and communal program development, etc.

2. Conduct a Value Assessment(s)

   Based on the descriptions and functional purposes of the social media platforms, assign values to the content (records) they contain. Following are value dimensions that could be assigned to records stored on social media platforms. The value dimensions are tied to a simple range: low (records with little or no lasting retention value); medium (records with some short-term – less than 10 years, retention value); and high (records with greater than 10 years retention value).

   Note that records may bridge or overlap the value dimensions. For example, a particular social media site may contain content that has both informational and planning and decision support/knowledge management values. If this occurs and the overlapping dimensions have different (higher/lower) values with respect to retention and disposition, the recommended policy decision would be to assign the higher value to the content.

   Value dimensions a and b below are likely to be the two most common dimensions that agencies encounter.

   a. Informational **(retention value – low)**. Social media platforms can be used for broadcasting and one-way (organization to stakeholder) communications on routine matters. Content generated for such purposes would likely not have any lasting value, and therefore be classified as routine/non-sensitive in nature. Usually, the original, official broadcast messages are kept in separate storage areas (paper files, file shares, collaboration sites and/or agencies records/content management systems).

   b. General Information Exchange **(retention value - low to medium)**. Social media can augment informational postings by opening channels for two-way constituent service and communications. For instance, social media may serve as conduits for constituent commentary and information sharing (posts and tags) regarding information broadcast by the agency. Content produced in this category can include exchanges such as general feedback, question/answer streams, ratings, voting, likes/dislikes, etc. Such content may

also have secondary uses such as operational research on the effectiveness and efficiency of communications campaigns.

c. Transactional **(retention value - low to medium)**. Social media can be parts of an agency's business processes and service delivery models. While perhaps not a significant use case at this juncture of social media's technical and operational evolution, one could envision potential applications here – for example, delivery of digital content such as reports and other public documents and work order entry and tracking.

d. Operational/Management Control **(retention value - low to medium)**. This form of content relates to various internal (intra-agency) activities such as employee feedback/suggestions, information exchange/knowledge building, policy/procedure dissemination, publication of performance levels, etc. This type of content can correspond with and complement management control by carrying messages and commentary about program outcomes, operational controls and organizational service levels. Management control-related content is likely to have some enduring value beyond its immediate uses, principally as input for the next category, planning and decision support/knowledge management.

e. Planning and Decision Support/Knowledge Management **(retention value - medium to high)**. Here, content aids executives and specialized staff (technologists, public information officers, legal advisors, budget analysts, etc.) who develop plans and rules that guide the actions of the entire organization from a long term or strategic perspective. In this context, social media can contain valuable information including intra-agency and external discussions and information on a wide range of topics including: economic trends; policy research; constituent sentiment; legal issue; evolving products/technologies that impact agency operations; prevailing political trends; and changes in societal perspectives. Social media also may support collaborative efforts aimed at idea development and product or service innovations via feedback from individual citizens, organizational actors and various other stakeholders.

f. Legal/Compliance **(retention value – high)**. This is an encompassing category which, *depending on the agency's mission*, may envelope all the prior categories. It relates to the management of content, in all forms, for adherence to statutory and regulatory record-keeping requirements. Agencies that employ social media platforms in tightly regulated contexts should be aware that legal, contractual and rules-based requirements may attach to the contents generated by and stored on the platforms. Agencies may be compelled to produce this social media content in discovery processes associated with litigation, audits and internal investigations.

g. Historical **(retention value - high)**. This dimension is likely to grow in importance as time progresses, especially in governmental contexts. Historical content holds long-term or permanent research value. It serves to preserve our intellectual heritage and to document important social, political, economic and cultural developments, and thus has

enduring relevance. Over time, some portion of the social media content space will document significant events, developments and/or trends in aspect of human development, and/or record time- and context-bound perceptions and attitudes about significant human endeavors. This may be especially true in relation to the current COVID-19 pandemic.

3. Assign Retention and Disposition Policies to Social Media Records

Based on the value assessments conducted in Action Step 2, assign retention and disposition polices to all social media records that the agency generates and stores. This may be done by creating new agency-specific records retention schedule items (record series) or using existing records series.

For information on how to create new agency specific record series, consult the State Records Manual, pages 10 – 13. Note that RMS can assist in establishing on-going authorizations for disposition, which will enable agencies to dispose of low value content routinely for renewable time periods (6 months or year) without having to submit requests for individual disposition actions. Contact RMS for assistance in setting up on-going disposition authorizations.

Following are suggestions for use of existing general record series and disposition policies that align with the value dimensions discussed in Action Step 2.

Record's Value	Examples Existing Record Series	Disposition
Informational (Low)	*News Releases (copies);* **official (original) versions maintained on the agency's internal systems permanently**** **If the social media site contains the official versions, treat as Historical (see last row)	Periodic review/destroy (copies)
General Information Exchange (Low-Medium)	For low value*, Correspondence – Internal* For medium value*:* *Electronic Administrative Resource Files* *OR* *Administrative Subject File*	Periodic review/destroy Retain until no longer needed for Administrative purposes/destroy 3 Years

Transactional (Low-Medium)	For low value, *Correspondence – Internal* For medium value*:* *Electronic Administrative Resource Files* *OR* *Administrative Subject File*	Periodic review/destroy Retain until no longer needed for Administrative purposes/destroy 3 Years
Operational/Management Control (Low to Medium)	For low value, *Correspondence – Internal* For medium value*:* *Electronic Administrative Resource Files* *OR* *Administrative Subject File*	Periodic review/destroy Retain until no longer needed for Administrative purposes/destroy 3 Years
Planning and Decision Support/Knowledge Management (High)	*Correspondence – Policy*	25 years with archival review (use of data migration and long-term repositories indicated; see next Action Step)
Legal/Compliance (High)	*Correspondence – Policy*	25 years with archival review (use of data migration and long-term repositories indicated; see next Action Step)
Historical (High)	Permanent	Permanent with archival review (use of data migration and long-term repositories indicated; see next Action Step)

4. Choose Modes of Storage for Social Media Records

It is most common for agencies to use third party social media services and platforms that are publicly facing and that use a variety of electronic storage formats that can evolve rapidly. Also, third party service providers may offer varying levels of quality and storage capacities that could change over time. This can make the underlying storage technologies and service levels for the agency's social media program uncertain and unstable. In this connection, consider the following storage options.

a. **Implement an *archiving* tool that allows for the scheduled extraction and migration of social media content to an agency-owned or controlled trusted digital repository.** This is the preferred approach. A trusted digital repository enables the agency to store digital records, including social media records, in formats that assure access, use and analysis of the records for the entire length of their retention periods. [6] This functionality is critical for long-term and permanent records. **However, for ease of administration, agencies may wish to include short-term records in these repositories as well.**

The trusted digital repository can be an agency owned computer storage facility and/or a Cloud-based platform, either of which meets or exceeds the requirements listed in the RMS Cloud storage guidelines (State Records Manual, page 145). [7] For long-term or permanent storage requirements, the repository should use file formats that are compatible with long-term/permanent storage.[8] Once records are **successfully migrated** to the trusted digital repository, the agency may delete the migrated content from the site.

b. If the agency's social media site(s) contain records with medium to long-term value (for purposes of this guideline, retention for 2 to 10 years), and the procurement of an archiving tool is not possible, migrate the content periodically to a trusted digital repository via importation of tested back-ups or through the use of data export/ import applications. Otherwise, copy (cut and paste) content to the repository. This *snippet* approach is not a best practice but may be used if there are no other options available to the agency.

c. If it is not possible to procure an archiving tool, **and the agency's records need to be retained for short time frames (for purposes of these guidelines, no more than 2**

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[6] The Research Library Group/Online Computer Library Center (RLG/OCLC) provides a formal, encompassing definition of trusted digital repository in its publication entitled Trusted Digital Repositories: Attributes and Responsibilities. As noted in the narrative, while trusted digital repositories focus on long-term and permanent storage, for purposes of this guideline, short-term records may also be included for ease of administration.

[7] The Cloud storage guidelines are relevant to this discussion because many of the requirements listed for Cloud platforms center on capabilities that go to the ability of *any* repository to address long-term records storage and access. The RLG/OCLC publication cited in the previous footnote also provides valuable information on these and other key characteristics, as does the OCLC's publication entitled Trustworthy Repositories Audit & Certification: Criteria and Checklist.
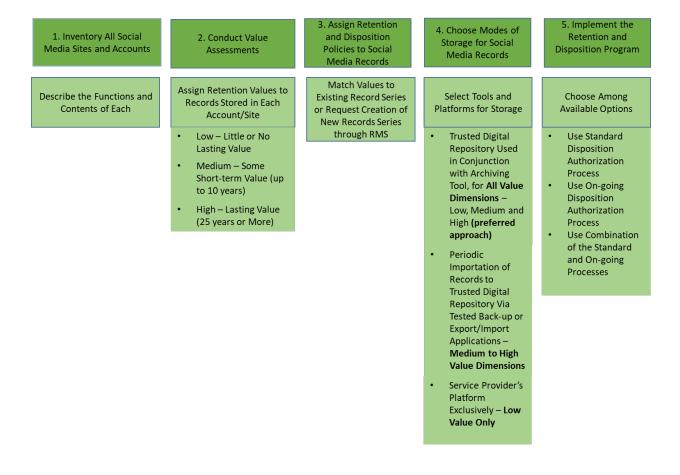
[8] The National Archives' guidelines on file formats for transfer of permanent records and metadata for transferred files may prove helpful in determining file format and meta data requirements for trusted digital repositories.

years), consider relying on the platform used by the social media service provider exclusively. Ensure that the provider has back-up/recovery tools in place to guard against data loss, or that there are data import/export applications that can be used to make accessible copies of the records. Be sure to test the back-up/recovery tools and export/import applications to ensure that lost or damaged content can be restored.

5. Implement the Retention and Disposition Program

   Choose to conduct the program by:
   a. The standard disposition authorization process (State Records Manual, pages 10 – 13)
   b. The on-going disposition authorization process (contact RMS for assistance in setting up an on-going authorization)
   c. A combination of the processes for different sites

SUMMARY OF ACTION STEPS

1. Inventory All Social Media Sites and Accounts	2. Conduct Value Assessments	3. Assign Retention and Disposition Policies to Social Media Records	4. Choose Modes of Storage for Social Media Records	5. Implement the Retention and Disposition Program
Describe the Functions and Contents of Each	Assign Retention Values to Records Stored in Each Account/Site	Match Values to Existing Record Series or Request Creation of New Records Series through RMS	Select Tools and Platforms for Storage	Choose Among Available Options
	• Low – Little or No Lasting Value • Medium – Some Short-term Value (up to 10 years) • High – Lasting Value (25 years or More)		• Trusted Digital Repository Used in Conjunction with Archiving Tool, for **All Value Dimensions** – Low, Medium and High **(preferred approach)** • Periodic Importation of Records to Trusted Digital Repository Via Tested Back-up or Export/Import Applications – **Medium to High Value Dimensions** • Service Provider's Platform Exclusively – **Low Value Only**	• Use Standard Disposition Authorization Process • Use On-going Disposition Authorization Process • Use Combination of the Standard and On-going Processes