


# PROPOSED

 <b>Lake County Policy</b>	<b><i>Records Management Policy</i></b>
	<b>Approved by the County Board on: Month DD, YYYY</b>

## 1. Purpose and Intent

- 1.1 The purpose of this policy is to ensure that Lake County records are created, maintained, stored, and disposed of in a consistent, efficient, and legally compliant manner in accordance with the Illinois Local Records Act (50 ILCS ACT 205).
- 1.2 The intent is to provide records management guidance and identify departmental duties.

## 2. Background

- 2.1 The Local Records Act (50 ILCS 205/2) (“Act”) declares that a program for the efficient and economical management of local records will promote economy and efficiency in the day-by-day recordkeeping activities of local governments and will facilitate and expedite governmental operations.
- 2.2 All county agencies are subject to the Act. The Records Management Section of the Illinois State Archives is responsible for assisting state and local government agencies with the disposal of records. In Illinois, no public record may be disposed of without the approval of the Illinois State Records Commission (“Commission”).
- 2.3 An official public record may include all records maintained in County and applicable County contractor offices, storage areas, offsite storage, electronic systems, and electronic storage devices. These include all books, papers, digitally created or digitized electronic material, maps, photographs, databases, or other official documentary materials, or a combination of any of the aforementioned, regardless of physical form or characteristics, made, produced, executed, or received in connection with the transaction of public business, or any other record as defined in the Act.

## 3. Scope

- 3.1 This policy applies to all County records subject to the Local Records Act maintained both onsite and offsite. If a record is subject to a specific state or federal law or regulation that conflicts with this policy, then the provisions of those laws or regulations shall prevail.
- 3.2 The policy applies to all original records, regardless of medium, data and/or information that may be stored on purchased, leased, or rented electronic storage equipment and devices.
- 3.3 This policy applies to all departments under the authority of the County Administrator and is strongly recommended for all agencies, commissions, and elected offices within Lake County government.
  - 3.3.1 If a state or federal statute grants an independent entity of Lake County (elected official, independent commission, 19th Circuit Court, Health Department, etc.)

separate legal authority to establish its own records management policies, the senior official must notify the County Administrator in writing, provide the applicable statutory reference, and submit the policy that will govern the maintenance and disposal of records.

- 3.3.2 Without formal notification and/or a policy, it is assumed that each agency, commission, and elected office will adhere to the County Administration Records Management Program Directive.

#### **4. Authority**

- 4.1 The Local Records Act (50 ILCS 205/2) requires that no public records may be destroyed without the approval of the Commission.
- 4.2 The County Administrator is authorized to develop and issue directives and procedures for the effective implementation and enforcement of this policy.

#### **5. Policy**

##### 5.1 Departments

- 5.1.1 Each Department shall retain County records in compliance with the legal requirement to store records.
- 5.1.2 To provide orderly disposal of obsolete County records, all departments shall develop and submit to the State of Illinois a records retention schedule, also known as an Application for Authority to Dispose of Local Records (“Schedule/Application”).
- 5.1.3 All departments shall follow all applicable laws, including the Illinois Local Records Act, in determining the types of records to be stored as well as the length of time they should be retained.
- 5.1.4 Departments are to review their official onsite and offsite public records periodically, no less than annually, including those stored with County contractors, and dispose of them in adherence to the applicable schedules.
- 5.1.5 If a department identifies a document that may qualify as an official record, but it is not found on the state approved application, they should reach out to the state archivist to amend their application, as necessary.
- 5.1.6 Each department shall coordinate with the Enterprise Information Technology (EIT) Department for the destruction of their electronic records.

##### 5.2 Employees

- 5.2.1 All onsite and offsite records made or received by or under authority of or in custody, control, or possession of county personnel in the course of their public duties are the property of the county and shall not be mutilated, destroyed, transferred, removed or otherwise damaged or disposed of, in whole or in part, except as provided by law.

##### 5.3 Disposal of Records

- 5.3.1 Each department shall properly dispose of inactive physical and electronic records in accordance with their approved Schedule/Application.

- 5.3.1.1 If a department identifies a record as eligible for destruction, then it must be destroyed unless there is a legal or audit hold, or it has administrative or historical value.
- 5.3.2 No record shall be destroyed or otherwise disposed of, by any unit of the county, unless done so in accordance with their approved Schedule/Application and an approved Records Disposal Certificate.
  - 5.3.2.1 A record which has been requested by the public through a Freedom of Information Act request shall not be destroyed until after the request is granted or 60 days after the request is denied.
  - 5.3.2.2 No record subject to litigation or audit shall be destroyed until the litigation or audit has been resolved.
- 5.3.3 Disposal may only occur on or after the disposal date provided by the Commission, after they have reviewed and approved a submitted Records Disposal Certificate.
- 5.4 Policy Review and Update.
  - 5.4.1 The County Administrator shall review this policy annually and recommend modifications as needed.
  - 5.4.2 Any modifications to this policy will be provided to the Lake County Board for approval via the Financial and Administrative Committee.

**6. Severability**

- 6.1 If any section or provision of this policy should be held invalid by operation of law, none of the remainder shall be affected.

**7. Non-Discrimination**

- 7.1 Lake County prohibits the discriminatory application, implementation, or enforcement of any provision of this policy on the basis of race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, gender identity, housing status, or any other protected category established by law, statute, or ordinance.

**8. References**

- 8.1 Local Records Disposal Certificate: A Local Records Disposal Certificate must be filed with and approved by the Local Records Commission before any records may be destroyed.  
<https://www.ilsos.gov/departments/archives/records-management/lrmdisp.html>
- 8.2 Application for Authority to Dispose of Local Records (“Schedule/Application”): Please see the State and Local Government Records Management page on the Illinois Secretary of State's website.

Policy History			
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