

MDH POLICY

<https://health.maryland.gov/Pages/mdhpolices.aspx>

OFFICE OF THE SECRETARY - CENTRAL SERVICES DIVISION

POLICY 01.05.06
EFFECTIVE DATE: FEBRUARY 8, 2018

MDH RECORDS MANAGEMENT POLICY

I. EXECUTIVE SUMMARY

The Maryland Department of Health (MDH) shall have a program for the continual, economical, efficient and secure management of the records of the Department. This policy defines record and non-record material, medical records, record schedules, accessibility, and other applicable terminology.

This policy recognizes the authority of Annotated Code of Maryland, the Code of Maryland Agency Regulations (COMAR), and directives of the Maryland State Archives and Department of General Services in determining the management of the Department's records. Federal laws and regulations that affect the Department's records are also cited, including the Health Insurance Portability and Accountability Act. Relevant guidelines, forms, websites, and other resources are also referenced.

The Enterprise Chief Information Officer is designated by the Secretary to be the MDH Records Officer. The Records Officer shall appoint a Records Officer Designee for Headquarters; in addition, the Director of each MDH Facility and the Health Officer at each Local Health Department (LHD) shall each appoint a Records Coordinator for their respective location. Records management support staff shall be assigned by management, as needed, with a minimum of one Records Coordinator per facility, LHD, Administration, or program and one Records Manager per functional unit to ensure that all of the Department's records are actively managed by personnel familiar with them. Names and phone numbers of unit Records Managers are to be provided to the respective Records Coordinators. The roles and responsibilities of the Records Officer, Records Officer Designee, Coordinators and Managers at both headquarters and non-headquarters units are defined on Page 4, Section B, Definitions.

The MDH Records Officer, Records Officer Designee and Coordinators will ensure that all records are maintained, stored, and disposed of in accordance with applicable laws, regulations, guidelines, and this policy. The Records Coordinators shall be aware of confidentiality and security needs and the Department's Public Information Act (PIA) process and procedures. The control and release of personal, confidential, proprietary or restricted information must comply with COMAR standards, and State and Federal laws. Records personnel shall keep informed of the requirements of the Health Insurance Portability and Accountability Act (HIPAA), and the Office of Information Technology (OIT) data policies to ensure the proper handling records/ information under their control.

Maryland Department of Health
OFFICE OF REGULATION AND POLICY COORDINATION (ORPC)
201 West Preston Street - Room 512 - Baltimore Maryland 21201-2301
Phone 410 767-6499 FAX 410 767-6483

II. BACKGROUND

A State Records Management Program has been in effect for over fifty years, as authorized by State Government Article, §10-609, Annotated Code of Maryland (<http://mgaleg.maryland.gov/webmga/frmStatutesText.aspx?article=gsg§ion=10-609&ext=html&session=2015RS&tab=subject5>). This program is to provide for the continual, economical, and efficient management of the records of the Agency. A properly executed Records Management Program can offer protection for the Agency's records, reduce operating cost, reduce the amount of records storage space required in the office, reduce the number of file cabinets required to house these records, provide the means to dispose of records no longer required by the Agency, and provide a system of control and accountability.

The Maryland Public Information Act (PIA) requires State agencies to make their records available to the public unless specifically excluded from this requirement (<http://www.oag.state.md.us/Opengov/pia.htm>).

Personal records, research data, and other restricted information may require special controls for release or accessibility in order to comply with the PIA, MDH policies, and other directives. The confidentiality and privacy of medical records and personal health care information must be protected and secured in accordance with relevant policies. The MDH Records Officer, Records Officer Designee, Records Coordinators, and designated records custodians shall be trained to respond to public information (PIA) requests.

MDH employees also need to be aware of records management criteria set by other MDH units including, but not limited to the Office of the Secretary, the Office of Information Technology (OIT), the Office of the Inspector General, the Fiscal Services Administration, and the Office of Human Resources.

Earlier versions of this policy were identified as DHMH 7920, DHMH 02.03.07, DHMH 02.10.02 dated May 16, 2002, and DHMH 01.05.06 dated May 5, 2015 which is hereby superseded. This version: 1) Changes the control of Records Management Program from the Deputy Secretary of Operations to the Enterprise Chief Information Officer; 2) Establishes that there is a Records Officer Designee; 3) Updates links and corrects department name; and 4) Makes other minor, routine changes.

III. POLICY STATEMENTS

A. AUTHORITY

1. In accordance with Health General Article, §2-102(b)(2), Annotated Code of Maryland, "The Secretary is responsible for the operation of the Department and shall establish guidelines and procedures to promote the orderly and efficient administration of the Department. The Secretary may establish, reorganize, or abolish areas of responsibility in the Department as necessary to fulfill the duties assigned to the Secretary." The MDH Records Management Program has been established for the orderly and efficient administration of the Department's records and also to ensure compliance with other Federal and State directives or requirements. <http://mgaleg.maryland.gov/webmga/frmStatutesText.aspx?article=ghg§ion=2-102&ext=html&session=2015RS&tab=subject5>

2. MDH is a State agency, and as such, all of the record materials of the Department, its programs, facilities, boards, commissions, and local health departments are "public records" (or "records of public officials") which makes them subject to State rules on Maryland's public records. Note that despite the fact that all MDH records are "public records", the Department has responsibility to safeguard and maintain integrity, privacy, confidentiality, and security of certain records as required by, but not limited to, the following:

- a. Maryland's Public Information Act
<http://www.oag.state.md.us/Opengov/pia.htm>
- b. Records Program
<http://mgaleg.maryland.gov/webmga/fmStatutesText.aspx?article=gsg§ion=10-608&ext=html&session=2015RS&tab=subject5c>
- c. Executive Order on Internal Audits
<http://www.dsd.state.md.us/comar/comarhtml/01/01.01.1994.06.htm>
- d. Annual Report of Personal Records
http://mgaleg.maryland.gov/2015rs/statute_google/ggp/4-501.pdf
- e. Records Retention and Disposition Schedules— COMAR 14.18.02
http://www.dsd.state.md.us/comar/SubtitleSearch.aspx?search=14.18.02.*
- f. Criminal Law Article, §8-606, Annotated Code of Maryland, Unauthorized Records Handling
<http://mgaleg.maryland.gov/webmga/fmStatutesText.aspx?article=gcr§ion=8-606&ext=html&session=2015RS&tab=subject5>

3. In compliance with State Government Article, §§10-608—10-619, Annotated Code of Maryland, the Department shall have a Records Management Program to provide for the continual, economical and efficient management of the record and non-record material of MDH. This Program shall include appropriate measures to ensure public accessibility to appropriate records while also maintaining the integrity, confidentiality, and security of all materials.
<http://mgaleg.maryland.gov/webmga/fmStatutesText.aspx?article=gsg§ion=10-608&ext=html&session=2015RS&tab=subject5c>.

4. In accordance with the State Government Article, §9-1015 and Health General Article, §§4-201—4-217, Annotated Code of Maryland, MDH shall maintain a program for management of the vital records of the State.

5. Federal mandates that affect MDH records management are also in place including but not limited to the Family and Medical Leave Act (FMLA), the Occupational Safety and Health Act (OSHA), the Maryland Occupational Safety and Health (MOSH), and the Health Insurance Portability and Accountability Act (HIPAA). Maintaining privacy and protection of individuals' including personal and health care information, is a key component of HIPAA. Records management staff shall receive appropriate training to ensure compliance with HIPAA.

6. Additional authority for MDH records management is derived from DGS Records Management Division directives, Governor's Executive Orders, COMAR, and other MDH policies and guidelines,

B. DEFINITIONS.

The vocabulary of "records management" needs to be closely monitored because confusion, mistakes, and even disasters have resulted from misinterpretation of words due to the context in which they are used. To some people, the word "records" may evoke images of 45 rpm vinyl disks or 78 LP's in contrast to paper documents, but there are also much more subtle, contextual interpretations that may cause problems. For example, sometimes, the word "record" may be used to mean a piece of paper or microfilm, and another time, it refers to the information contained on these materials. In one context, "copy" can mean an imitation or duplicate of a record which can be discarded when no longer needed, while in another context, a "copy of a birth certificate", for instance, may be treated as an official document, afforded special handling, restricted access, and even shredding for disposal. The following definitions are useful and appropriate in the context of the MDH Records Management Program, but they may not be adequate for the context and needs of HIPAA, PIA, COMAR, or other programs that are referenced in this policy, particularly with regard to copies and non-record materials.

1. **"Accessibility"** means the availability of public records or information for viewing or copying by the public, without unnecessary cost or delay, in accordance with established procedures. When records are restricted due to privacy or security concerns, accessibility is limited to designated individuals. The accessibility of records must be balanced against the privacy, and right if individuals security of information entrusted to the Department, so that the rights of the individuals are protected in both instances.
2. **"Non-records materials"** means items created, copied, downloaded, or acquired for reference, exhibition, distribution, or back up, including manuals, pamphlets, newspapers and informational letters; copies of documents used as working, reading, 'tickler' and suspense files; speech notes, reminders, shorthand notes, notebooks which have been transcribed; other temporary materials used to control internal work-in-progress including meeting reminders, calendars, e-mail, voice-mail or telephone messages of a non-policy nature; reference materials (dictionaries, telephone directories, etc.), stocks of publications or other reproduced information.
3. **"Records", "Record materials", or "Public records"** means any paper, correspondence, form, photograph, recording, microfilm, magnetic tape, diskette, compact disk (CD), digital video disc (DVD) file, table, chart, map, drawing, database, or other documents (including e-mail), regardless of physical form or characteristics, that has been made or received by a unit of MDH in connection with the transaction of official business, and that needs to be preserved for informational value or as evidence of a transaction.
4. **Records Management Staff.**
 - a. **"MDH Records Officer"** means the individual who has overall responsibility for the MDH Records Program and works with the MDH Records Officer Designee to assure compliance with laws,

regulations and policies governing records management throughout the Department.

- b. **"MDH Records Officer Designee"** means the individual who represents the MDH Records Officer and works with the Records Coordinators to assure compliance with laws, regulations and policies governing records management throughout the Department.
 - c. **"Records Coordinators"** mean the individuals at facilities and LHDs who are responsible for implementing and managing the MDH Records Program at their locations. Coordinators review the records transmittal forms prepared by the unit Records Managers to assure that they are correct before submitting them to the Records Officer Designee for processing. The Coordinators will also maintain the Records Program files for their Administration, Facility or LHD.
 - d. **"Records Managers"** mean the individuals who maintain each unit's files in accordance with the schedules, pack records into standard cartons for storage when no longer needed in office, and prepare appropriate forms and other documentation as needed. When required, Records Managers will perform records surveys, inventories, or other evaluations to assure compliance with mandates.
 - e. **"Records Custodians"** mean the employees designated by Program Directors to be responsible for controlling particular records series or electronic record systems, including public access (PIA requests), changes and updates, storage and disposal, security, etc. See MDH 02.01.06 Information Assurance Policy for additional information on custodians. <https://health.maryland.gov/Pages/mdhpolices.aspx>.
5. **"Records schedule"** means the Records Retention and Disposal Schedule (DGS Form 550-1) (https://health.maryland.gov/Pages/sf_RMf.aspx) which is an official document listing and describing the records series of a program or office, and also providing authorization for destruction of those records that are not essential to operations upon attaining a stated time period; or, in the case of archival materials, identifying those records deemed to be of permanent value or deserving permanent retention. The preferred organizational level to prepare MDH schedules is Program or Administration, Board, or Executive Office. The MDH Facilities and the Local Health Departments will have General Schedules prepared for their records, but individual locations may require supplemental schedules for unique records series.
6. **"Transmittal"** means the Records Transmittal and Receipt (DGS Form 550-5) (https://health.maryland.gov/Pages/sf_RMf.aspx) which is an official document used as a notification for the records center, as a shipping document, receipt, and warehouse locator. Only records listed on an authorized Records Schedule may be placed into Records Center storage. Transmittals may also be used to transfer permanent records to the archives at Annapolis but they must be entered on separate forms from records destined for storage.

C. THE MDH RECORDS MANAGEMENT PROGRAM

1. In compliance with State Government Article, §10-610, the Department shall have a Records Management Program to provide for the continual, economical and efficient management of the record and non-record material of MDH. See <http://mgaleg.maryland.gov/webmga/fmStatutesText.aspx?article=gsg§ion=10-610&ext=html&session=2015RS&tab=subject5>. This Program shall include appropriate measures to ensure both public accessibility and protection/confidentiality of designated materials.
2. "Each program shall prepare, for its own use, a Records Retention and Disposal Schedule (DGS Form 550-1) listing all of the program's record series." COMAR 14.18.02 requires that all MDH records series to be listed on records schedules <http://www.msa.md.gov/msa/intromsa/pdf/regsreport2.pdf>
3. Deputy Secretariats or Administrations that oversee MDH Facilities and Local Health Departments (LHDs) shall prepare and maintain General Schedules specifically for their collective use, to include all of the records or record series at each location. Any request for changes to the record schedule must be sent to the Deputy Secretariat or Administration that oversee that particular facility or LHD.

D. ASSIGNMENTS AND DUTIES

1. Enterprise Chief Information Officer is designated by the Secretary as the MDH Records Officer.
2. MDH Records Officer shall appoint a Records Officer Designee for MDH Headquarters. Headquarters shall include programs in outlying areas as designated by management.
3. The Director of each MDH Facility and the Health Officer at each Local Health Department shall also appoint a person with authority and who is a member of management to be their Records Coordinator. The names and phone numbers of Records Coordinators are to be provided to the MDH Records Officer at Headquarters.
4. The Director of each Administration or Program assigned to MDH Headquarters shall appoint a person to be the Records Coordinator for the respective program, and shall submit the name of the Records Coordinator to the MDH Records Officer Designee.
5. Supervisors of each program unit at MDH shall assign the duties of Records Manager to a responsible administrative or clerical employee of that unit who is familiar with the unit's records. Names and phone numbers of Records Managers are to be provided to the Records Coordinator.
6. Records Coordinators will provide assistance and advice to each unit's Records Managers and will act as liaison to the MDH Records Officer Designee.

7. The Records Coordinator of each program will be trained to respond to requests for records under the Maryland Public Information Act (PIA).

8. Records Coordinators will keep the Records Officer Designee apprised of any records management issues, including schedule deficiencies, changes in program requirements, non-listed records series, storage or transfer problems, and records security needs which may occur at their location.

9. The MDH Records Officer Designee will provide guidance, instruction, or records management training to headquarters Records Coordinators and Managers.

E. RESPONSIBILITIES

1. The Records Officer Designee shall maintain a permanent file of all authorized Retention Schedules (https://health.maryland.gov/Pages/sf_RMf.aspx) that currently and

previously applied to the MDH (<https://health.maryland.gov/Pages/Record-Retention.aspx>). Support files, including indexes, databases and spreadsheets of the schedules, transmittals, receipts, and disposal certificates are to be maintained for overall management of the Department's records.

2. The transfer of records to the State Records Center in Jessup or to the State Archives in Annapolis shall be responsibility of the facility or LHD Records Coordinators or the MDH Records Officer Designee for all headquarters units. Copies of all documentation will be provided to the MDH Records Officer Designee at headquarters. All records transactions for headquarters units including processing of schedules, transmittals, and certificates will be reviewed and/or forwarded through the MDH Records Officer Designee.

3. The MDH Records Officer Designee will maintain logs of all activity with both the State Records Center and Maryland State Archives. A suspense file will be maintained for all submitted transmittals and proposed schedules, and the Records Officer Designee will periodically follow up on suspense documents that may be past due.

4. Prior to sending records to the State Records Center or Maryland State Archives, the Records Officer Designee will assure the following requirements are met:

- a. All listed records are covered by an authorized schedule;
- b. Records recommended for storage are not eligible for immediate disposal or disposal within 1 year of transfer;
- c. Records are economically packed in approved, correctly assembled Records Center cartons, which are clearly and correctly labeled to identify the source agency, type of records, and batch information;
- d. The transmittal form has been reviewed, corrected and/or returned to the agency for correction in order to avoid difficulty processing upon arrival at the State Records Center or State Archives;

- e. A batch identification number has been assigned to each transmittal form, and an advance copy of each form has been submitted under cover letter to the State Records Center or State Archives, requesting a transfer date and permission to transfer records to the center;
 - f. Permission has been granted by the State Records Center or State Archives for the transfer of the subject batch of records on that date.
5. After processing and upon return of the completed DGS FORMS 550-5, Records Transmittal and Receipt from the State Records Center, or other form of receipt from the State Archives, the Records Officer Designee will compare documents with the suspense copies of the documents that were submitted, to ensure the accountability of all records. A copy of each receipt will be returned to the appropriate Records Coordinator/Manager who will also perform reconciliation against the original submittals, updating information as required. Missing boxes, if any, will be researched and accounted for, and any other data changes, such as revised disposal dates, will be noted. Suspense copies of Transmittal Forms may then be destroyed.
6. Each Records Coordinator/Manager shall ensure that, prior to in-house disposal of any record material, one copy of the Certificate of Records Disposal (DGS Form 550-2) (https://health.maryland.gov/Pages/sf_RMf.aspx) without the date of disposal filled in is submitted to the Records Officer Designee who will verify that the disposal of the records is authorized by a Records Retention and Disposal Schedule (DGS 550-1). Once verification has been made the MDH Records Officer Designee shall give Records Coordinator/Manager permission to dispose of records. Once the records have been disposed of, the Records Coordinator/Manager shall submit the approved Certificate of Record Disposal with the date of disposal filled in to the Records Officer Designee.
7. The Records Officer Designee shall ensure that completed DGS FORM 550-2, Certificate of Records Disposal, is inputted into the Maryland State Archives Disposal Certificate website (<http://disposal.mdsa.net/Pages/Login.aspx>). The original maintained by the Records Coordinators, is filed as a component of the "audit trail" for the unit's records, documenting which records have been destroyed.
8. The MDH Records Officer Designee, with cooperation from Records Coordinators and Managers, will provide an annual MDH Records Program Report to the Records Officer that will include a summary of annual records transactions (storage, transfer, disposal, retrieval, etc.), records program needs (security, equipment, space), records program compliance by units, Public Information Act requests, training accomplishments, survey results, and other appropriate information. Unit Directors that have an assigned record schedule will be required to complete an Annual Review of Record Retention Schedules Letter prior to the end of every Fiscal Year and submit signed letter to MDH Records Officer Designee.
(http://health.maryland.gov/docs/Annual%20Review%20of%20Record%20Retention%20Schedule%20Letter_1.doc)

9. Each program's Records Coordinator will be responsible for maintaining their entire program's records management files including copies of all applicable Schedules, Records Inventory Forms, Records Transmittals and Receipts Forms for records in storage, Certificates of Records Disposal, and other documentation. The Coordinator will act as liaison between the Records Managers and Records Officer Designee, forwarding copies of all transaction documents, and keeping a copy for the Program files.

10. Non-headquarters Records Coordinators, with assistance from unit Records Managers shall be responsible for the management of all MDH records at that location, including the following:

- a. Maintaining all records management documentation including Schedules, Transmittals, and Certificates of Records Disposal;
- b. Maintaining and protecting all records,
- c. Responding to PIA requests for information,
- d. Transferring records to storage to conserve office file space,
- e. Disposal of records in accordance with schedule retention criteria.

11. The Records Coordinator at each non-headquarters unit will keep the MDH Records Officer Designee apprised of any records management issue at the facility or LHD including schedule deficiencies, records storage problems, non-listed records series, changes in program requirements, etc.

12. The Records Coordinator at each non-headquarters unit shall provide assistance and guidance to the Records Managers in the performance of their duties, and shall act as liaison to the MDH Records Officer Designee at headquarters.

13. The Records Coordinator at each non-headquarters unit shall ensure that, prior to in-house disposal of any record material, one copy of the Certificate of Records Disposal (DGS Form 550-2) (https://health.maryland.gov/Pages/sf_RMf.aspx) without the date of disposal filled in is submitted to the Records Officer Designee who will verify that the disposal of the records is authorized by a Records Retention and Disposal Schedule (DGS 550-1).

Once verification has been made the MDH Records Officer Designee shall give Records Coordinator permission to dispose of records. Once the records have been disposed of, the Records Coordinator shall submit the approved Certificate of Record Disposal with the date of disposal filled in to the Records Officer Designee.

14. When organizational changes occur within the Department, new or revised schedules are to be prepared by the Coordinators of the reorganized units and drafts submitted to the Records Officer Designee within one month of the effective date of organization change. The draft revision must reflect any relocation of record materials, ownership of records in storage, and the current retention needs and practices of the affected unit. The revision may be as simple as changing the name on the Schedule or may require a new inventory, assessment, and rewriting. Unit Records Managers must work through their Coordinator, who is responsible for developing and submitting the new schedule.

F. ALTERNATIVES TO PAPER FILES

1. The Records Officer Designee shall periodically review the paper record accumulation and storage procedures to ascertain if a need exists for the use of an alternative to paper records (e.g. micrographics, imaging systems, etc.) and if this alternative is economically and programmatically feasible.

2. The MDH Records Officer Designee shall request assistance in specific assessments from various media specialists at DGS, DBM, or OIT in order to determine if alternatives to paper records are advantageous. The assessments shall emphasize the cost factor between the different systems and the practicality of the alternative method(s) over paper records. Consideration will be given to the rate of obsolescence and the cost of migrating to subsequent formats or stages of development for alternative media or technologies. (For example, transfer of film to videotape might not be an acceptable long-term storage solution, whereas, disc storage might be approved as a preferable alternative).

3. Non-paper media, including audio/video devices (cameras/recorders), electronic drives (PDA's/hard drives), copier hard drives, and storage devices such as chips, diskettes, CDs, DVDs, film and tape must be assessed for content before disposal. Non-record material or records series eligible for disposal under an approved schedule shall be erased or made unreadable by crushing, shredding, incinerating, or otherwise removing or destroying the data. Information transferred to a new device shall be verified to be accessible before destruction of the old device. See OIT Protocols on Data Remanence and Disposal of Computers (<https://health.maryland.gov/Pages/protocal.aspx>). No records, regardless of content, age, or media format are to be destroyed unless and until they first meet the retention criteria of an approved records schedule. Therefore, any records not currently on a schedule must be put on a schedule that is to be submitted to the State Archivist for approval.

4. Scanning paper records is a highly encouraged procedure to reduce the paper records held by units. To maximize the use of scanning records, record schedules for non-permanent records must mention the use of scanning and the destruction or transfer of paper records to the State Records Center/Archives. **Permanent paper records, even if scanned, may not be destroyed, and both the paper and scanned records are considered a permanent record.** Non-permanent records have to be kept according to the record schedule. If a non-permanent record schedule does not mention scanning and destruction of paper document in connection to the scanning then the record must be kept according to the record schedule, even if the record is scanned.

5. In order for scanning to be considered as an acceptable substitution for paper records, the minimum criteria is:

- A gray scale scan (can be color) at a minimum 300 dpi (dots per inch),
- That the scanned document shall have a unique identifier that is consistent with the way paper records are currently filed in order to

- reference the scan to the original document (ex. Name of client / date of incident, or a pre-established identifying number, etc...).
- That the scanned file must be saved as a common format (.jpg or .tif).
 - That all images are a complete and accurate reproduction of the original.
 - That the scan has to be stored using non-removable media storage (ex. a computer or a server) at the base location.
 - That the scanned documents be verified by the units supervisor/designee that was not involved in the scanning process to ensure legibility and that a common format is used with 99.5% accuracy. If 200 or less records are scanned, all scanned records must be verified. Verification for greater than 200 records scanned is that 10% of the records or at a minimum 200 records, whichever is greater must be verified.
 - That an exact copy of the scanning along with a catalog of scanned files is sent to the MDH Records via MDH's document retention cloud provider. Records can be transmitted to the repository in various formats including secured FTP, scanned via email, or uploaded directly within the cloud provider's web-based interface.
 - For permanent record materials, the Agency shall submit a copy of all images to Maryland State Archives for permanent retention.
6. If the Agency hires a Contractor to perform the scanning, these additional requirements apply:
- The Contractor shall not in any way alter the records while they are in its possession.
 - The Agency retains ownership of any work product, and the contractor shall not use the original records or the resulting digital images for any purpose.
 - The Contractor shall be responsible for the security and safekeeping of all records while they are in its possession.
7. For destruction of paper document refer to please refer to section III paragraph E 6 and 7.

G. PRIVACY, SECURITY, AND SAFE DISPOSAL OF RECORDS

1. The records of MDH are public records. The information of the Department shall be protected as required by law, maintained accurately, and be made available to the public as required by law. The rights of individuals to obtain public information and the rights of the individuals to keep their personal information private are both important but opposite sides of the accessibility/privacy issue. Maryland's Public Information Act (<http://www.oag.state.md.us/OpenGov/pia.htm>) provides for both of these rights by allowing only limited access by certain individuals to information that is personal or otherwise restricted by law. Employees who are custodians of MDH records, such as the Records Officer, Records Officer Designee and Coordinators, may have a need to access and provide information to the public as a result of a PIA request, and therefore, at the discretion of the Program Director, these individuals are to receive PIA training.

2. Records Managers and Coordinators who are responsible for preparing records for storage or disposal should be aware that unneeded non-record materials should not be discarded without first assuring that no information on the documents is personal or confidential. Even non-record copies of sensitive information must be shredded or destroyed before disposal, regardless of format or type of media.
3. Records management employees must also ensure that permanent records are preserved and transferred periodically, when no longer needed in office, to the State Archives. This also applies to documents that are scanned or microfilmed - the originals are still to go to the archives along with a copy of the new media, unless specifically refused by the Archives. Only after refusal may records designated on the schedule as permanent be redesignated as disposable and be destroyed.
4. While some programs may have their own shredders for convenience, MDH Headquarters paperwork is shredded under contract monitored by the Central Services Division. Any unit that has records which are eligible for disposal that requires in office shredding needs to contact the Records Officer Designee for instructions. Certificates of Records Disposal (https://health.maryland.gov/Pages/sf_RMf.aspx) needs to be completed leaving the date of disposal blank and submitted to the Records Officer Designee for review. Once reviewed and approved by the Records Officer Designee, records can be destroyed. After the records have been destroyed, the Records Coordinator will input the date of disposal and send the Records Officer Designee a copy of the Certificate of Records Disposal.
5. When preparing records for storage, boxes that contain personal or confidential information may not be stacked in hallways or aisles. Boxes are to be kept in locked rooms until they are picked up for transfer to the Records Center.
6. Records, which contain private, classified, or proprietary information must be protected both in office and in storage. The Information Resource Management Administration has prepared a policy for the protection and availability of information, including records. MDH employees are required to comply with MDH 02.01.06 (<https://health.maryland.gov/Pages/mdhpolices.aspx>) the Information Assurance Policy (IAP).

IV. REFERENCES

- Annotated Code of Maryland, State Government,

Custodian of Records

<http://mgaleg.maryland.gov/webmga/frmStatutesText.aspx?article=gsg§ion=10-610&ext=html&session=2015RS&tab=subject5>

Personal Records

http://mgaleg.maryland.gov/2015rs/statute_google/ggp/4-501.pdf

Records Inventory

<http://mgaleg.maryland.gov/webmga/frmStatutesText.aspx?article=gsg§ion=10-610&ext=html&session=2015RS&tab=subject5>

Records Management

<http://mgaleg.maryland.gov/webmga/frmStatutesText.aspx?article=gsg§ion=10-608&ext=html&session=2015RS&tab=subject5>

Public Records

<http://mgaleg.maryland.gov/webmga/frmStatutesText.aspx?article=gsg§ion=10-615&ext=html&session=2015RS&tab=subject5>

Non-record Material

<http://mgaleg.maryland.gov/webmga/frmStatutesText.aspx?article=gsg§ion=10-617&ext=html&session=2015RS&tab=subject5>

- Maryland Public Information Act, OAG, 2014
<http://www.oag.state.md.us/Opengov/Chapter2.pdf>
- COMAR (Code of Maryland Regulations)

COMAR 10.01.08 Procedures for Access to MDH Records

http://www.dsd.state.md.us/comar/SubtitleSearch.aspx?search=10.01.08.*

COMAR 14.18.02 Records Retention and Disposition Schedules, Code of Maryland Agency Regulation

http://www.dsd.state.md.us/comar/SubtitleSearch.aspx?search=14.18.02.*

COMAR 14.18.04 Electronic Records

http://www.dsd.state.md.us/comar/SubtitleSearch.aspx?search=14.18.04.*

- Records Management Manual, Department of General Services, rev. 1993
http://www.msa.md.gov/msa/intromsa/html/record_mgmt/pdf/rmd_handbook.pdf
- MDH POLICY 02.01.06, MDH Information Assurance Policy.
<https://health.maryland.gov/Pages/mdhpolicies.aspx>

APPROVED:


Robert R. Neall, Secretary

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