

Call for a Council Records Preservation Act in Orange Beach

900 words

Rauf Bolden, Orange Beach

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The policy process is never a tightly managed affair. Creating a Council Records Act must be comprehensive, preserving all memos, letters, texts, emails, photos, videos and executive sessions that the Council touches for the historical archive and legacy preservation. Establishing the archive record is vital, letting descendants see how their ancestors wielded power, letting historians write about the achievements of our beach community, letting the documents speak about the government and the governed.

Think about how many details have been lost because we do not have the legislative machinery in place to record history, preserving the historical archive during The Great Recession of 2008, The Deep Water Horizon Oil Spill of 2010, the School-Split Referendum of 2014, the Lodging-Tax Increase of 2017, or the Short-Term Rental Ban of 2018, documenting all those events when hard decisions were made is our canvas, adding emails and texts gives color and substance to the public-facing chronicle.

Legislation for records preservation must have teeth, codifying public ownership of all Council records, placing the responsibility for the custody and management of incumbent Council records with the Council, requiring that the Council take all practical steps to file personal records separately from Council records, establishing that Council records automatically transfer into the legal custody of the Archivist/City Clerk as soon as the Council Member leaves office. The hard part is writing a policy by which the public may obtain access to these records; specifically, the legislation shall allow for public access to Council records through a Public Records Request.

Connectivity by fiber-optic to the archiving server is the first step of the plan, probably requiring network development, building the connection to the city's hub. Using a virtual server, hosted on the Internet, continuously providing hardware, software and data backups accessed from anywhere on the planet is defensible. This type of web-based service is very common, particularly easy to setup, usually coming with a free trial. It is a secure way to preserve historical records, providing read-only permissions for the public from the administrative portal. The public can request permission by writing to the Archivist/City Clerk, being granted for specific documents for a specific time period, like checking out a library book.

Council members and appointed commissioners using their personal phones for government email, texts and recordings is reckless, possibly creating an unwanted legal dilemma. We must change Council's culture about their government emails and texts. They are not their personal property. Surrendering those emails and texts when they leave office shall be a legislative requirement. We should learn from the book of Hillary Clinton, needing one phone for government and one phone for personal use.

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The National Archives and Records Administration (NARA) details guidance for records preservation on the Federal level, “The Freedom of Information Act, or FOIA, generally provides any person with the statutory right, enforceable in court, to obtain access to Government information. This right to access is limited when such information is protected from disclosure by one of FOIA's nine statutory exemptions,” according to their web site (<https://www.foia.gov/faq.html>). These Federal guidelines are easily amended to fit municipal code if the Council is willing to initiate mandatory-records preservation.

I have heard elected and appointed officials say, “These are my emails and texts,” acknowledging government emails and texts are stored on their personal devices. One must assume they are using the governmental address of .gov innocently for their personal business, being a more prestigious point-of-contact than @nomail.com.

The scope of Council’s data-retention policy shall be broad by definition, including all the contacts, emails, texts, photos and videos on personal devices, including phones, tablets, and computers. Data must be copied and logged into the digital archive for preservation.

Council Members and Planning Commissioners at the City of Gulf Shores use non-governmental email addresses like Gmail, Hotmail or their business accounts, avoiding the .gov extension, minimizing legal entanglements, sending and receiving .gov messages on their personal devices, creating health rather than treating disease.

The goal of records preservation is not to inconvenience elected officials and their appointed commissioners, but to preserve the canvas while the paint is fresh, recording the Internet Age as it unfolds.

During the Dark Ages (pre-1400s) manuscripts and classical knowledge resided with the monks. When Greek merchants migrated to Venice from Constantinople (1500s), fleeing the reign of Suleiman the Magnificent, bringing their knowledge and artifacts with them, allowed people to see antiquities, books and art that had been lost, sparking the Renaissance.

So it is with our time. The Internet provides a renaissance of knowledge in an unprecedented way, freeing intellectual data from the confines of universities, bringing its power to the fingertips of all who seek it. Documenting government during this new renaissance is not only a great opportunity; it is easy to do.

Orange Beach has a museum, adding a digital archive section with remote access should be simple. Politically allocating funds and writing policies for historical preservation is a problematic illusion.

ENDS.