

# ***HOW TO CREATE A VITAL RECORDS PROTECTION PLAN***



***New York State Unified Court System  
Division of Court Operations  
Office of Records Management***



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# **HOW TO CREATE A VITAL RECORDS PROTECTION PLAN**

## **PURPOSE OF A VITAL RECORDS PROTECTION PLAN**

The purpose of a Vital Records Protection Plan is to identify and protect those essential records that are needed by the Unified Court System in order to continue normal operations before, during, and after emergencies. By realizing the importance of these records for continuing your court's or office functions and arranging for the protection of these records, you will be able to save valuable time and resources after a disaster or emergency. This will enable you to concentrate on restoring operations rather than spending time and money trying to restore information necessary to continue operations.

Common types of emergencies/disasters include: floods, computer viruses, wind storms (cyclones, northeasters, etc.), fires, electrical power shortages/loss, earthquakes, hurricanes, tornadoes, etc.

## **AN EFFECTIVE "VITAL RECORDS PROTECTION PLAN" WILL RESULT IN:**

- **Minimizing the disruption of normal court/office operations after an emergency**
- **Minimizing the economic impact of the disruption**
- **Providing a quick and smooth restoration of court/office services**
- **Providing a court/office compliance with legal and regulatory requirements of the Unified Court System**
- **Reducing and/or eliminating the time and cost of labor needed for searching an entire file system in order to recoup the vital records after an emergency**

## **WHAT ARE “VITAL RECORDS”**

**Vital Records are any recorded information, regardless of format (for example: paper, microfilm, diskette, magnetic tape, optical disk, etc.) that must be protected in the event of an emergency because of the severe consequences to a court or office and the Unified Court System as a whole if the record were to be lost or destroyed. In other words, VITAL RECORDS ARE THOSE RECORDS THAT ARE CRITICAL TO THE OPERATION AND MISSION OF THE UNIFIED COURT SYSTEM**

### **VITAL RECORDS ARE THOSE RECORDS THAT:**

- are essential for protecting the legal and fiscal obligations of the Unified Court System and persons effected by the Unified Court System’s activities.
- document the absolute minimum information that is needed by a court/office to proceed after a disaster. These records are usually approximately 3% to 5% of the total records
- are irreplaceable. The information they contain cannot be obtained from any other source, either inside or outside a Unified Court System court or office
- would result in both unnecessary cost and consumption of time to recreate, if they were lost or destroyed
- can be active (currently used) or inactive (in storage).
- may include some historical records but not all historical records. Although historical records are often retained permanently, they may not necessarily be Vital. Historic records should be considered Vital only if after a disaster they would be necessary to continue operations
- may contain value which last for only a limited period of time, an example is yesterday’s bank balances. After an updated balance sheet is produced, yesterday’s bank balance may have no value

## **PROCEDURES FOR ESTABLISHING A VITAL RECORDS PROTECTION PLAN:**

1. ***Select An individual*** in your court or office who will have the authority to carry out all elements of an efficient Vital Records Protection Plan. This individual should be the same person responsible for the other records management functions in your court or office.
2. ***Organize a committee*** with members from your court or office that will be responsible for identifying the vital records. Make sure that each member of the committee learns about the Vital Records Protection Plan, becomes a participant in the process, and does a careful selection of records.
3. ***Identify and/or select the specific records*** that will be deemed vital records using related UCS' Records Retention & Disposition Schedules (if your office has a Schedule) or Records Inventory. (See ***section: STEPS FOR IDENTIFYING VITAL RECORDS, page 7.***)
4. It is recommended that every court/office ***write a detailed Reconstruction Procedure and Vital Records Schedule.*** The Procedure and Schedule should be written understandably and easily enough for someone to be able to immediately begin the reconstruction process. (See ***section: METHODS FOR PROTECTING VITAL RECORDS, page 9, and SPECIFICATIONS FOR CREATING A VITAL RECORDS SCHEDULE, page 16.***)
5. The ***Vital Records Schedule and Reconstruction Procedures*** should then be: published and made part of your court's/office's ***Records Procedures Manual.*** This Manual should be copied, distributed to users, include your related UCS' Records Retention & Disposition Schedules and Records Disaster Prevention & Recovery Plan. Make sure one copy of the Manual is kept at a remote location in the event of an emergency and notify participants of the Vital Records Protection Plan before hand of where this remote location will be.

6. **The Records Procedures Manual should be used as a tool by communicating the importance of the Vital Records Protection Plan and as a reference guide for records management personnel. Parts of the Manual should be used for training and orientating all new personnel about the place they will be working a court or office. The Manual should include the objectives of the Vital Records Protection Plan, names of person(s) authorized to access the Vital Records, environmental standards and operating procedures of the Plan, equipment specifications and operating procedures, explanations and forms used for processing and identifying vital records and information.**
  
7. **The Vital Records Protection Plan should be tested to verify that the appropriate records are being stored or protected and to see if the reconstruction procedures are easy to implement. Testing should be done by a team of people from different offices who are given a day to reconstruct the records of the court or office and to begin operations. The testing can be done in concurrence with a Disaster Recovery Test.**

**QUESTIONS TO BE ASKED WHILE TESTING:**

- **Are the vital records available?**
- **Is the information needed current?**
- **Is retrieval quick and easy?**
- **Are reproduction facilities available, if needed by your Plan?**
- **Are the vital records protected from hazards?**
- **Do the selected reconstruction procedures of your Plan work?**
- **Are there other reconstruction procedures that may be better than the ones selected by your Plan?**
- **Are the court/office functions restored correctly?**

The answers you obtain from these questions will help you in determining whether your Vital Records Protection Plan is effective in achieving its' goals or whether it needs further modifications.

8. **The *Vital Records Protection Plan should be updated at least once a year and reviewed for practicality and effectiveness without inflicting severe financial burdens.* New records may have been created after your initial Plan was developed and these new records should be evaluated to see if they belong in your Plan. Any updates should be documented and placed in a Records Procedures Manual and redistributed to users.**

## **STEPS FOR IDENTIFYING “VITAL RECORDS”:**

1. **Assign a value to each record using your court’s/office’s Records Retention & Disposition Schedule or, if your office does not have a Schedule, your office’s Records Inventory.** *(Note: All of the New York State Unified Court System Courts have a Records Retention & Disposition Schedule for court records.)* Use descriptive values such as: essential, important, and non-essential.

a) **Essential Records:**

these are the records that are needed within 24 hours after an emergency to continue operations of a court or office. These records, if destroyed after an emergency, would be difficult, time consuming and costly to reconstruct and replace by other sources. These records should be deemed your vital records. Note: these records are usually 3 to 5% of the total records. Examples of vital records are: case files that are to be heard before the bench and judgment books, etc. (For a definition of “Vital Records”, see *section: WHAT ARE VITAL RECORDS*, page 3.)

b) **Important Records:**

these are the records that have significant value for administrative functions but are not essential within 24 hours after an emergency to continue operations of a court or office. These records are often replaceable and the time and cost of reproducing and accessing should be minimal because they are often available at other locations or sources. Examples are OCA Telephone Directories and OCA Travel Reimbursement Rates Table, etc.

c) **Non-Essential Records:**

these are records that have little or no value to your court/office. These records consist of general reference material that are often collected for administrative functions or general information. These records were not developed by employees of the Unified Court System. Examples are: train/airline schedules, hotel addresses file, business travel hotel rates, office equipment information, supplies vendor catalogs, telephone books, driving directions to a court, maps, etc.

2. **After the essential records are identified, they should be deemed the Vital Records and they should be listed in a “Vital Records Schedule”. (To create this Schedule, see section: VITAL RECORDS SCHEDULES, page 17.)**
  
3. **Discuss with members of your Vital Records Protection Plan Committee the factors that determined the Vital Records designation.**  
Document the discussion of the Committee.

**QUESTIONS TO BE ASKED AT THE DISCUSSION:**

- Why do we consider these particular records as Vital?
  
- What are types of medium (paper, microfilm, electronic, etc.) the current Vital Records are being stored on?
  
- What are the methods of protection do we want to use?  
*(For additional information, see section on METHODS OF PROTECTING VITAL RECORDS, page 9.)*
  
- If we want to duplicate the Vital Records, what types of media do we want to use for their protection?
  
- What is the volume of our Vital Records that would need protection?
  
- If rotation and replacement is selected as a method of protection, then what is the frequency by which the Vital Record is to be rotated or replaced (daily, weekly, monthly, quarterly, yearly, bi-annually, etc.)
  
- What are the most affordable methods of protection that could be used without creating a financial burden?

## **METHODS FOR PROTECTING VITAL RECORDS :**

Vital Records can be protected at any point in their life cycle, (i.e creation, use, management, and destruction). Four common methods of protecting Vital Records are dispersal, duplication, on-site storage and off-site storage.

No matter what method is used, the retention period of Vital Records should always be in compliance with their Records Retention & Disposition Schedule. Therefore, all copies of a Vital Record should have been destroyed when they reach their retention period.

### **1) DISPERSAL METHOD:**

Vital Records protection can be achieved by two dispersal methods based on the premise that it is unlikely that the same records stored at different locations would be destroyed in the same disaster. In the dispersal method no copies are made of the Vital Records.

- (a) Routine distribution of vital information can be accomplished by sending records to multiple locations. For example: records can be sent to a district office, person or court.
- (b) Planned distribution of vital information can be accomplished by automatically sending the records that were created to a designated site or records center for their protection.

## **2) DUPLICATION METHOD:**

The duplication method is a scheduled reproduction of vital records or information specifically performed for their protection. Because of costs, time, and labor intensity, as a result of duplicating records, this method should be limited to only those records for which extra copies are not available or when it is impractical to make copies when the records were created.

The duplication of vital records or information does not always have to be a duplication of the *original media*: i.e. paper, microforms, or electronic format. Select the most economic and least complicated duplicating method for protecting vital records.

### **CONSIDERATIONS FOR SELECTING A DUPLICATION MEDIA:**

- **Microfilm will need special equipment: cabinets, readers, printers, etc.**
- **Computer disks and/or tapes will need special equipment: cabinets, computer hard drives, software, printers, telephone line or fax machine, etc.**
- **Remote sites will need available storage equipment for the duplication media.**
- **Remote sites must have the proper temperature, humidity, air, environmental monitoring equipment for the duplication media.**

### **3) ON-SITE STORAGE METHOD:**

Protection of Vital Records can be obtained by storing records in fire-resistant safes, containers, vaults, file cabinets and file rooms specially designed for the purpose of Vital Records storage. This protection equipment should be clearly labeled and a fire prevention plan should be developed that will clearly show special precautions to prevent fire from spreading into areas where protection equipment is situated.

#### **CONSIDERATIONS FOR SELECTING PROTECTION EQUIPMENT:**

- Two references for determining specific equipment ratings and standards are the American National Standards Institute (ANSI) and National Fire Protection Association (N.F.P.A.).
- Protection equipment is rated in terms of interior temperatures and humidity limits maintained from exposure to fire for varying lengths of time, expressed in hours. Read the rating labels from Underwriters Laboratories (U.L.) and the Safe Manufacturers National Association. The rating on the labels tells you that similar equipment has been specially tested to see if it can withstand various level of intense heat, sudden cooling and severe impact.
- For paper records, U.L. has established a temperature limit of 350°F before they begin to deteriorate.
- For magnetic tape, microfilm and other photographic records, U.L. has established a temperature limit of 150°F and relative humidity of 85% before they begin to deteriorate.
- Computer diskettes should be maintained in a temperature of no more than 125°F (or 51.5°C) with a relative humidity up to 80%.

Usually, on-site storage is adequate only as place of temporary storage for Vital Records.

### **QUESTIONS TO ASK BEFORE USING ON-SITE STORAGE:**

- **Does the area have proper heat, ventilation, and humidity levels?**
- **Does the area have a dry sprinkler system?**
- **Are there leaky pipes above records which could allow water to damage records?**
- **If the Vital Records are kept on magnetic tapes or discs, are there electromagnetic fields nearby which may effect the magnetic tapes or discs?**
- **Does the on-site storage area have a security system to stop unauthorized entry in the storage area?**
- **Is the on-site storage area and protection equipment protected from floods, fire, earthquakes, natural disasters, unauthorized entry and use?**
- **Is there sufficient air circulation and a filter system for maintaining a clean environment for storing records on site?**
- **If there is only one copy of the Vital Record, would it be safer to store it in an off-site storage facility as opposed to storing it in an on-site storage area?**
- **Is the Vital Record, after its' creation, referenced infrequently or never, therefore making it better to store these records in an off-site storage facility as opposed to storing in an on-site storage area?**

#### **4) OFF-SITE STORAGE METHOD:**

When original Vital Records are referenced infrequently or an alternate medium is justified (e.g., hard copy is substituted for microfilm) for active reference, the original vital records would be better protected when stored and safeguarded in an off-site facility.

#### **BELOW ARE SOME OF THE ADVANTAGES FOR STORING VITAL RECORDS IN AN OFF-SITE FACILITY:**

- **Records are located in one location which should make it easier to retrieve records in an emergency.**
- **Many off-site facilities are designed to store Vital Records by providing the appropriate environmental controls for temperature, humidity and air filtration and other detection and monitoring devices.**
- **Many off-site facilities are staffed with individuals trained in records management and other professional storage skills.**
- **Many off-site facilities provide state of the art security devices for protecting records whereby access is rendered to only authorized individuals.**
- **An off-site facility can be selected purposely at a distance so that it would not be effected by a disaster that occurs at your court/office.**

**QUESTIONS TO ASK BEFORE USING AN OFF-SITE FACILITY :**

- **Does the facility meet the requirements listed in OCA's Records Management Guidelines #1 when using an Offsite Storage Facility for storing records?**
- **Does the facility provide an adequate retrieval system that will allow Vital Records to be quickly retrieved in the event of an emergency?**
- **Does the facility have a security system to stop unauthorized entry in the storage area?**
- **Does the facility provide restrictive access that will insure that the U.C.S. rules for protecting sealed and confidential materials will be maintained?**
- **Does the court/office maintain an up-to-date inventory of vital records being stored in the facility? (The inventory should include the years being stored and name of the record series.)**
- **Does the facility routinely review the inventory of Vital Records against the Records Retention and Disposition Schedule to see if records are eligible for destruction? (Records eligible for destruction under 22 NYCRR 104.1 should be destroyed in accordance to the Office of Court Administration disposition procedure.)**
- **Does the facility have the proper heat, ventilation, and humidity levels for the media being stored?**
- **Does the storage area have sufficient air circulation and a filter system for maintaining a clean environment?**
- **Does the facility meet local fire and building safety codes?**
- **Does the facility have leaky pipes that can damage the Vital Records?**
- **What kind of fire detection and suppression system does the facility have?**

- **If storing magnetic tapes or discs, are there any electromagnetic fields nearby which may effect magnetic tapes or discs?**
- **If storing electronic records, does the off-site facility comply with the requirements listed in the U.C.S.' Records Management Guideline for Electronic Records?**
- **Does the facility provide a clean, dry, vermin free environment with temperature controls for storing the Vital Records?**
- **Does the facility have a Plan to control rodents and insects?**
- **Is the storage area and its' records protection equipment protected from floods, fire, earthquakes, natural disasters, unauthorized entry and use?**
- **Is the facility equipped with auxiliary power to maintain the proper humidity and temperature and security equipment in the event of a power outage?**
- **Does the facility have a Disaster Prevention and Recovery Plan to protect and restore the Vital Records?**
- **Who is responsible for the costs of protecting and restoring the Vital Records in case a disaster were to strike the facility?**
- **Should the need arise, does the facility have duplication equipment and/or facsimile machine for your Vital Records?**
- **If the Vital Record is referenced frequently, would it be better to store these records on-site as opposed to storing them off-site?**
- **Does the contract with off-site storage facility contain any obligations of the users (court/office personnel) and/or facility?**

## **SPECIFICATIONS FOR CREATING A “VITAL RECORDS SCHEDULE”:**

1. **Match the item number, title and description of the Vital Record to the record title and description listed in your court’s/office’s Records Retention & Disposition Schedule\*. Or, if your office does not have a Schedule, then use your office’s Records Inventory.**
2. **List the original medium of the Vital Record, (e.g.: paper, microfilm, optical, diskette, tape, etc.).**
3. **If a duplication method is to be used, list the medium that was selected for duplicating the Vital Record.**
4. **If the Vital Records are to be stored off site, list the name(s) of the secondary site(s) that will be used for storage. Some Vital Records are duplicated and dispersed to secondary sites as part of a normal course of business, then the secondary sites should be listed on the Vital Records Schedule.**
5. **List the Vital Records’ “frequency of protection” (this is the period that records will need to be rotated or replaced), whether it be: daily, weekly, monthly, quarterly, annually, etc.**
6. **List whether the Vital Record is to be accumulated (collected) for protection or replaced by a new updated Vital Record.**
7. **List all special instructions or procedures. These are the instructions that provide a detail description on how the Vital Record is to be duplicated and/or stored.**

**See: VITAL RECORDS SCHEDULE - EXAMPLE and LIST OF SUGGESTED CODES FOR COMPLETING A VITAL RECORDS SCHEDULE - EXAMPLE, pages 17-18.**

*\* All of the New York State Unified Court System Courts have a Records Retention and Disposition Schedule for court records.*

**For Further Assistance: please call the Office of Records Management at: (212) 428-2875.**

# VITAL RECORDS SCHEDULE - EXAMPLE (blank form)

Court/O.C.A. Unit: \_\_\_\_\_

Address \_\_\_\_\_ (Zip Code) \_\_\_\_\_

Vital Records Contact \_\_\_\_\_ Title \_\_\_\_\_ Phone \_\_\_\_\_

Fax \_\_\_\_\_

## Records Retention and Disposition Schedule:

Item Number:	Record Series Title and Description:	a) Original Records Media:	b) Method of duplication:	c) Protection Site:	d) Frequency of Protection:	e) Accumulated or Replaced:	Special Instructions or Procedures:

See next page for a List of Suggested Codes for completing a Vital Records Schedule - Example

**LIST OF SUGGESTED CODES FOR COMPLETING A  
VITAL RECORDS SCHEDULE - EXAMPLE:**

a) and b) **ORIGINAL RECORDS MEDIA or METHOD OF DUPLICATION:**

MF = Microfilm and/or Microfiche  
HC = Hard Copy and/or Paper  
PR = Printout  
ME = Magnetic Tape and/or Electronic Media  
OP = Optical Disk  
PH = Photocopy

c) **PROTECTION SITE:**

IN = In-house Records Center and/or Vault  
PC = Private Company Records Center  
CO = Court/Office  
ST = State Run Records Facility  
LG = Local Government Records Facility

d) **FREQUENCY OF PROTECTION:**

D = Daily  
W = Weekly  
M = Monthly  
W = Weekly  
S = Semi-Annually  
A = Annually

e) **ACCUMULATED or REPLACED:**

AC = Accumulated  
RE = Replaced

# VITAL RECORDS SCHEDULE - COMPLETED EXAMPLE

Court/O.C.A. Unit: PROGRESS CITY COURT

Address 25 Justice Blvd., Progress, N.Y. (Zip Code) 12345-6789

Vital Records Contact: Courtney Essentials Title Court Clerk Phone 888-888-5000  
 Fax 888-888-5001

**Records Retention and Disposition Schedule:**  
CIVIL RECORDS OF THE CIVIL COURT OF NYC, CITY COURTS, DISTRICT COURTS, & TOWN AND VILLAGE COURTS

Item Number:	Record Series Title and Description:	a) Original Records Media:	b) Method of duplication:	c) Protection Site:	d) Frequency of Protection:	e) Accumulated or Replaced:	Special Instructions or Procedures:
70020	Civil Case Files	HC		IN	D	AC	Daily: collect Cases that are to be heard before the bench on following day and store on site in fire-proof vault. After cases are heard, return Cases to central file room.
70060	Exhibits	HC		IN	D	AC	Daily: collect Exhibits for cases that are to be heard before the bench on following day and store on site in fire-proof vault. After cases are heard, return Exhibits to central file room.
70080	Subpoenaed Records	HC		IN	D	AC	Daily: collect Subpoenaed Records for cases that are to be heard before the bench on following day and store on site in fire-proof vault. After cases are heard, return Subpoenaed Records to central file room.

Item Number:	Record Series Title and Description:	a) Original Records Media:	b) Method of duplication:	c) Protection Site:	d) Frequency of Protection:	e) Accumulated or Replaced:	Special Instructions or Procedures:
70110	Calendar	ME	PR	CO	D	RE	Daily: printout and make copies of current Calendar. Distribute copies to court rooms and security's office. Destroy copies immediately, after new calendar is issued.
70120	Calendar Index	ME	ME	IN	D	RE	Daily: backup PC hard drive on cassette tapes and store on site in fire-proof vault. Re-write over the same tape the current Index.
70130	Case File Index: Change of Name	ME	ME	IN	D	RE	Daily: backup PC hard drive on cassette tapes and store on site in fire-proof vault. Re-write over the same tape with current Index.
70140	Case File Index: Civil (a.k.a. Index to Actions	ME	ME	IN	D	RE	Daily: backup PC hard drive on cassette tapes and store on site in fire-proof vault. Re-write over the same tape with current Index.
70160	Court Reporter Notes - Index	ME	ME	IN	D	RE	Daily: backup PC hard drive on cassette tapes and store on site in fire-proof vault. Re-write over the same tape with current Index.

Item Number:	Record Series Title and Description:	a) Original Records Media:	b) Method of duplication:	c) Protection Site:	d) Frequency of Protection:	e) Accumulated or Replaced:	Special Instructions or Procedures:
70180	Judgment Books (Docket of Judgments)	HC - current year HC - earlier years	MF	IN PC	Y Y	AC RE	Store current year of Books on site in fire-proof vault at the end of each day. Microfiche earlier years of books; store silver original copy of microfiche in Iron Mountain Facility and the diazo copy in court file room in fire-proof vault. After microfilmed, return hard copy to reference room.
70190	Judgment Books - Index	HC - current year HC - earlier years	MF	IN PC	Y Y	AC RE	Store current year of Index on site in fire-proof vault at the end of each day. Microfiche earlier years of books; store silver original copy of microfiche in Iron Mountain Facility and the diazo copy in fire-proof vault. After microfilmed, return hard copy to reference room.
70200	Minute Books (a.k.a. Log Books for Trials)	ME	PR	IN	D	RE	Printout hard copy of Minutes for cases that are to be heard before the bench on following day and store in on-site fire proof vault. Retain hard copy until cases are heard, then destroy.

Item Number:	Record Series Title and Description:	a) Original Records Media:	b) Method of duplication:	c) Protection Site:	d) Frequency of Protection:	e) Accumulated or Replaced:	Special Instructions or Procedures:
70220	Record of Court Activity (a.k.a. Docket Books, etc.)	HC - current year HC - earlier years	MF	IN PC	Y Y	AC RE	Store current year of Record on site in fire-proof vault. Microfiche earlier years and store silver original copy in Iron Mountain Facility and diazo copy in fire-proof vault.

**See: page 18 for a description of the Codes listed above in this Vital Records Schedule - Example.**

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