

# Fact Sheet 9



## Record Keeping

**Standard 9; Practice G:** Pursuant to its records policy the land trust keeps originals of all irreplaceable documents essential to the defence of each transaction (such as legal agreements, critical correspondence, surveys, appraisals, and baseline documents) in one location, and copies in a separate location. Original documents are protected from daily use and are secure from fire, floods and other damage. - **Canadian Land Trust Standards and Practices (2005)**

When land trusts first start out, their efforts rarely focus on developing strong recordkeeping practices. Instead, they focus on the task of protecting land. However, as land trusts mature they will find that it is impossible to protect land forever without effective record keeping.

Strong record keeping practices allow the land trust to access information on properties and projects quickly and efficiently. The task of effective record keeping is everyone's responsibility. To be a truly effective practice, everyone in the organization needs to follow the guidelines. **The number one rule of record keeping is to NEVER take original documentation out on a site visit.** Your land trust should have an archived/master copy and an administrative copy of the same document.



Many small volunteer land trusts rely on board members to house the organization's records resulting in records being spread across many different locations. People tend to keep records in their home offices or basements, and tracking WHAT the land trust has is almost as difficult as tracking WHERE the record is kept. To evaluate your organization's record keeping strategies, see the Land Trust Alliance publication "*Managing Conservation Easements in Perpetuity*" chapter one.

The effective implementation of a records policy will centralize the files for the organization and address the retention and destruction schedule of documents. While some records need to be kept in permanent files, others are only needed for a specific period of time and can be destroyed after they have served their purpose (you can search OLTA's Information Library for sample record keeping policies).

### Which records should be kept

When determining if a document should be kept in a permanent file, there are a few questions the land trust should ask:

1. Is the document part of the complete transaction record of the property?
2. Is the document important for understanding subsequent status/condition of the property?
3. Is the document important for tracking ownership of the property?

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4. Will the document be critical in resolving an ambiguity in the executed conservation easement?
5. Is it important for understanding the intent and the context of the original transaction?

If the answer is “yes” to any of these questions, then the document likely should be kept as part of the property’s permanent file.

It is important to remember that records need to be accessible and easy for people to follow for 50 years (even 500 years) after establishing them. The files must survive turnover of board, staff, and volunteers. Archived or master copies of important documents should be kept in a fire safe.

It is essential that each property file contains information that will help future land trust boards/staff make effective and informed decisions. It is also important to remember that, in the event of a violation, the courts and opposing counsel will scrutinize your records and try to find loop holes for their clients. Therefore, it is important to be consistent in your record keeping procedures as it will help protect the integrity of the land trust and the intention of your donors.

The land trust should keep records that are clear and unambiguous. It is important that the following points are addressed in the records of each property:

- Original donor/grantor’s intent.
- Land trust’s intent.
- Grantor’s mental capacity to comprehend what they signed.
- Grantor’s representation by independent legal and financial counsel.



### Which records should NOT be kept

Keeping too many records or commentary notes can be detrimental to the organization over time. Only keep those documents that help support the land trust’s mission. Generally accepted principles include:

- Destroying draft and duplicate documents.
- Destroying transmittal letters, notes, scraps of paper with cryptic phone or email messages.
- Destroying records that are transitional discussions.

### Benefits of good record keeping

Effective record keeping will help the land trust be more effective, save money, and promote professionalism and consistency within the organization.

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Specific benefits include:

- Reduced space and storage needs
- Improved operational efficiency
- Increased organizational consistency and continuity
- Increased protection of the land trust in the event of litigation
- Strengthened landowner relations
- **Improved compliance with government requirements (legal, fiduciary, reporting, etc.)**

Record keeping is a vital area for every land trust to address. While it is not the “sexy” side of land conservation, effective record keeping can make the difference when it comes to protecting properties forever. Establishing a strong land securement process that includes documenting the land acquisition process, baseline documentation, and monitoring is essential to the long-term enforcement of your land trust practices.

The information provided is based on the Land Trust Alliance publication, “*Managing Conservation Easements in Perpetuity*,” Chapter 1. Please refer to this publication for more detailed information and case studies.



This document was reviewed and approved by the Best Practices Working Group on March 16, 2012. To access a copy of the full Land Trust Alliance manual please visit [www.landtrustalliance.org](http://www.landtrustalliance.org).