



Excellence · Trust · Permanence

The Commission awards the accreditation seal to land conservation organizations that meet national standards for excellence, uphold the public trust and ensure that conservation efforts are permanent.

Guidance Document

Indicator Practice 9G. Recordkeeping

The Land Trust Accreditation Commission occasionally publishes Guidance Documents to clarify how the Commission will evaluate a land trust's compliance with indicator practices drawn from Land Trust Standards and Practices. These documents may be amended from time to time. Guidance Documents are intended to complement information provided by the Land Trust Alliance on how to implement the practices that can be found at <http://learningcenter.lta.org>.

Elements of the Practice

The Land Trust Accreditation Commission will evaluate applicant land trusts to see if they are meeting each of the elements of this practice.

- The land trust has a written records policy that governs how organization and transaction records are created, collected, retained, stored and disposed. (See practice 2D.)
- The land trust has originals and duplicates of all irreplaceable documents essential to the defense of each transaction.
- Original documents are in a separate location from the duplicates.
- Original documents are protected from daily use and are secure from fire, floods and other damage.

Records Policy

Every applicant must have a written records policy that addresses how organization and transaction records are created, collected, retained, stored and disposed.

Irreplaceable and Essential Documents

The records policy should define what the land trust considers to be an irreplaceable document essential to the defense of each transaction. The Commission will review the applicant's recordkeeping procedures to see that the minimum requirements on the next page are being met.

Indicator Practice 9G. Recordkeeping

Pursuant to its records policy (see 2D), the land trust keeps originals of all irreplaceable documents essential to the defense of each transaction (such as legal agreements, critical correspondence and appraisals) 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.

Excerpted from Land Trust Standards and Practices

The Commission expects that every applicant for accreditation will have duplicates of at least the minimum required irreplaceable and essential documents at the time of application and that the documents will be stored in keeping with the requirements of indicator practice 9G. The Commission advises land trusts to also duplicate the documents on the desired list and commends organizations that have already done so. The Commission may, at the time it awards accreditation to an applicant, include an expectation that the land trust will improve its recordkeeping procedures and duplicate the documents on the desired list. If an accredited land trust submits an application for renewal of its accredited status, the Commission may evaluate its recordkeeping practices relative to these desired documents at that time.

*Irreplaceable and Essential Documents –
Minimum Required at Application*

- Legal agreements, deeds, conservation easements and amendments, etc.
- Critical correspondence (such as correspondence with the landowner related to project goals, tax and legal matters, notifications, approvals, enforcement and other key matters the land trust determines essential to the defense of the transaction)
- Baseline documentation reports for conservation easements
- Conservation easement monitoring reports
- Title insurance policy or evidence of title investigation*
- Full appraisal (or summary appraisal if full appraisal is not available)*

*These items were moved to the minimum list in March 2010. The Commission will expect applicants to have these items duplicated and stored separately starting in 2011.

Irreplaceable and Essential Documents – Desired List

- Forms 8283 (for projects where the landowner claimed a federal tax deduction)
- Surveys
- Fee property land inspection records
- Contracts and leases relative to long-term land management activities
- Other documents as determined by the land trust

Originals

The Commission expects applicants to have paper, original copies of legal agreements, deeds, conservation easements, amendments, baseline documentation reports, and title insurance policies. The Commission may consider electronic originals of these documents if the applicant can provide evidence that it stores electronic originals in keeping with the provisions of the Electronic Signatures in Global and National Commerce Act of 2000, state law, or similar legislation.

A land trust may elect to keep an electronic version rather than the paper original of the other required and desired original documents, if it has determined that the electronic version would be admissible in court in accordance with laws of the state(s) in which it operates.

The standards for electronic storage are described below. If the land trust elects to keep two electronic versions of some documents, it would still need to meet the separate storage location requirements.

Separate Storage Location

For accreditation, separate location generally means that records are stored in such a way that at least one set will survive a calamity, such as a fire or flood, that destroys records in the other location. Records kept in the same building do not meet the separate storage requirement. It is not necessary to store all duplicate records in the same location. For example, some duplicate records may be in a safe deposit box while other records may be duplicated electronically. The registry of deeds may serve as a duplicate storage location for deeds and amendments, as well as baselines in states where baseline documentation reports are recorded.

Paper Storage

A separate location might be a storage facility or office where paper copies of documents are kept. Records might be in a bank safe deposit box, at the office of the land trust's attorney, at the local historical society, in an archival storage facility, or in a myriad of other locations that are not physically in the same building as the alternate set of records.

Electronic Storage

When the Commission evaluates an applicant that has chosen this method of document duplication and storage, it will want to know whether the land trust conducted a thorough inventory of all historical transaction data that needed to be converted to electronic files; how the

transition to electronic documents occurred; what systems are in place to ensure that all new documents are appropriately converted to an electronic format; what systems are in place to update the data to current technology so that the documents are perpetual; and whether the land trust has effectively tested its backup system.

Document Protection

The Commission will want to know what steps the land trust has taken to ensure that original documents are protected from daily use and are reasonably secure from fire, floods or other foreseeable hazards. For example, original documents may be in a fireproof safe that is protected from daily use, in an archive facility or bank that has reasonable protections against damage from fire and/or floods, or in other protected locations. Acceptable document protection will depend on the location, type of document stored and potential risks to the document.

For more information

Visit the Land Trust Alliance's complete online resource, The Learning Center, <http://learningcenter.lta.org> for more information on implementing this practice. See especially the Standards and Practices Curriculum course "Nonprofit Law and Recordkeeping for Land Trusts Volume II: Recordkeeping Essentials for Land Trusts."

Visit www.landtrustaccreditation.org or call 518-587-3143 for more information on the accreditation program.