

## OVERSIGHT COMMITTEE ON PUBLIC RECORDS

Regular Meeting November 21, 2007

Corrected Minutes

07-11-21-01

### CALL TO ORDER AND ROLL

A regular meeting of the Oversight Committee on Public Records was held Wednesday, November 21, 2007. The meeting was called to order by Chairperson Liz Keele, Designee for Todd Rokita, Secretary of State, at 1:34 p.m. in E418, Indiana Government Center South. Members present constituting a quorum: Roberta Brooker, Director, Indiana State Library; Jim Corridan, Director & State Archivist, Indiana Commission on Public Records; Chris Cotterill, Designee for Gerry Weaver, Director, Indiana Office of Technology; John Jacob, Designee for Bruce Hartman, State Examiner, State Board of Accounts; Amy Miller for Heather Neal, Public Access Counselor; Anita Samuel, Governor's Office. Members absent: Elizabeth Barrett, Designee for Carrie Henderson, Commissioner, Department of Administration; Pam Bennett, Director, Indiana Historical Bureau; Nancy Turner, lay member. Commission staff in attendance: Larry Hummel and Amy Robinson, Records Management; Beverly Stiers, County and Local Government Records Management. Guests in attendance: Stephen Leak, Bureau of Motor Vehicles; Scott Huffman, Zach Main and Roger Zimmerman, Family and Social Services Administration; Rudy Cansino, State Department of Health.

07-11-21-02

### NEXT MEETING

Liz Keele announced the next meeting would be held December 19, 2007 at 1:30 p.m. in E418, Indiana Government Center South.

07-11-21-03

### PREVIOUS MEETING

Jim Corridan moved approval of the minutes of the October 17, 2007 meeting as presented. Chris Cotterill seconded. Motion carried.

07-11-21-04

### OLD BUSINESS

1. BMV Request for Waiver – Item No. 2 – from OCPR Policy No. 06-01 – Jim Corridan reported that Steve Leak was present from the Bureau of Motor Vehicles and also Amy Robinson from the Commission on Public Records. Mr. Corridan stated they have not quite concluded their discussions on the changes that need to be made to their retention schedule. Ms. Robinson stated she has been working with their Records Coordinator and Mr. Leak stated he is out of that picture and has nothing to do with that, it is Scott DeVries. Ms. Robinson stated she gave Mr. DeVries a draft to incorporate the scanning issues. Mr. Corridan stated they are not ready to take action until the other issue is resolved.

2. FSSA Request for Waiver from OCPR Policy No. 06-01 – Mr. Corridan stated Zach Main and Roger Zimmerman were present from FSSA. Mr. Corridan stated the issues are similar, one has to do with retention of a scanning project and not keeping records for 12 months. Mr. Corridan stated they suggested 90 days which is in their contract. Mr. Corridan stated the second issue is also very similar to the BMV issue, which is the fact that they have records that require long-term retention and they are planning to digitize and how to get this resolved.

Zach Main distributed to the OCPR Members the following two (2) items:

- A. Document Management Overview, and
- B. Document Management Plan, Indiana Eligibility Modernization Project for the Indiana Family and Social Services Administration, Appendix X of Document Management Plan.

Mr. Main stated first and foremost what they are really looking for is a waiver from OCPR Policy No. 06-01, retaining the document for one (1) year, while they enter into a new scanning solution. Mr. Main stated he wanted to make three (3) quick points on this. Mr. Main stated the first one is that they understand exactly why the rule is in place to make sure that the solution they are putting into place

works and they keep everything for one (1) year as they determine that; they are working basically with IBM Corporation, which is a big name operation, and it is not a custom solution which has just been built for the State of Indiana. They are basically using the document scanning module from a software system called Curem, which you may or may not have heard of, but it is a big industry-wide used by consulting firms, and Mr. Main feels like they can bank on the IBM name that the system itself is going to retain the documents and a year is a little bit longer then they would like to keep them.

Mr. Main stated the second point he has is basically they entered into a contract very honestly ignorant of the law, and they did not do all of their due diligence understanding that the OCPD rules were that they needed to keep everything for one (1) year. Mr. Main stated they entered into a contract and one of the things that they prided themselves on at FSSA is that they have a \$1.16 million dollar contract with IBM and they have written exactly one (1) change order that has cost them nothing on this contract so far. Mr. Main stated they go well out of their way to make sure that the five (5) months they spent negotiating the contract is not ruined when they ask for change orders which they then get beat up on and overpaying. Mr. Main stated they would prefer not to go back and change the contract and the contract currently states they are going to keep these documents for 90 days as they determine the validity of the system. Mr. Main stated having already been a pilot for a little over three (3) weeks now, they have found everything to be particularly stable, everything is getting imaged and the system is in place to back those up. Mr. Main stated in addition to that not only are they keeping scanned images within in Indiana right on servers, those servers are also being backed up and being put into vaults in Colorado where they keep the backups for all their other major systems. Mr. Main stated they feel very confident that in going through this they will be able to get those documents protected.

Mr. Main stated the first document that he distributed was what they go through and they have a very law enforcement like chain of custody for the documents as they go through and make sure that they are protecting the confidentiality of the files and also making sure the documents are not getting lost. Mr. Main stated they do a report every day that shows them how many documents came in, and then take that report and compare it to all the databases they have for all the documents they have to make sure that each one of those documents was translated into a scanned image. This paper just kind of walks you through the chain of custody and tells you what software products, which pretty much are commercial, off the shelf. Mr. Main stated they then go into a couple of pages on the electronic storage and backups.

Mr. Main stated that being the first issue, they are present to petition the OCPD Committee for a waiver to allow them to keep the documents for 90 days as opposed to one (1) year after they have done their electronic scan.

Mr. Main stated the big second issue they wanted to talk about is they do have similar issues with BMV in that they are scanning document now, they intend to keep those scans for as long as the State requires them to do so, but he understands there is also a rule that those have to be backed up on microfiche. Mr. Main stated if they are required to do this, they would continue to be happy to do that, and scanning would just be an expense for them, and as kind of a longer term conversation that they just wanted to begin to bring up today. Mr. Main stated they really genuinely believe that scanned images on hard drives and protected the way that they are will probably be enough, but if you guys really want us to go back and microfilm all those things, they will begin to do that as needed and again, that is something they can talk about later on, but is another issue they know will be at the back of the Committee's minds.

Mr. Main stated in closing and in case the Committee had not heard, it is a 10-year contract with IBM, and they know they have their first 10 years absolutely all this stuff will be protected and backup tapes in a vault. Mr. Main stated those are the two (2) points they really wanted to come talk about.

Liz Keele asked for questions or comments. Jim Corridan stated the Commission on Public Records<sub>2</sub> has no objection to the 90 day retention waiver to OCPD Policy No. 06-01, converting this from 12 months to 90 days, so that they can meet their contractual obligations and a waiver was given last month

to BMV on the same issue. Chris Cotterill asked Mr. Corridan if before he goes on, he could explain that it is not because FSSA has a contract, but it is because they are meeting something but the 12 months was intended to do something that they are doing do their contract. Mr. Cotterill stated when BMV and FSSA and certainly his Agency is likely to come next and say they did not know about this, Agencies need to know that they are satisfying the requirement, not that they went into a contract and now go back and prove it. Mr. Corridan stated they key issues are the State Board of Accounts wants to make sure that a system is in place that will not fail in the first 12 months, so that is why the Policy stated 12 months. Mr. Corridan stated the request came directly from the State Board of Accounts, so that State Government would know that if the system collapsed in that first 12-month period, audits can be completed and documentation still exists, so that you could actually have a trail of what actually happened. In the case of BMV and FSSA, we are talking about such massive volumes of records, it is not feasible to maintain that level of records. Mr. Corridan stated part of what FSSA is doing which may be different from BMV is they are getting original source documents that have to be returned to the patron, i.e. birth certificates, so they do not keep them any how, so there are all these multiple issues here. Mr. Corridan stated the purpose behind this is still sound and he does not think we want to say there is a blanket exception. Mr. Corridan stated in this particular issue with BMV he thinks there are exceptions to be made because of the volume and also the system in place appears to be adequate.

John Jacob stated his concern that he has brought up tentatively is whether or not FSSA has evaluated what constitutes an official record and specifically in relation to the case file and the various pieces of information that go into the case file. Mr. Jacob stated this is a question he has had to have answered and is expressing his concern that is of great concern on the State Board of Accounts standpoint and really should be from other Agencies standpoint as well. Mr. Jacob stated he is not trying to dictate for FSSA along the way what was official record, but that if FSSA has determined what is an official record, especially as relates to those things that have an original signature.

Mr. Main asked when you say official record, are we talking about the legally-official record<sub>1</sub> for lack of a better term, of a scanned document that we can then print out if we need to present it or are you talking about whether or not we are verifying the original documents we are getting before we make a scan. Mr. Jacob stated he is talking about whether or not the original document has to be kept in hard copy form, i.e. if the recipient comes in and actually signs off on an application, does the law say, and when he says official record, he means that may be Administrative Code, it may be Federal Code, it may be a State item, so each piece of information could be explicitly identified somewhere in one of those and if these items are to be kept in hard copy and should not be scanned, then the official record, the original should be kept. Mr. Jacob stated he does not know that, and all he is asking is for FSSA to go through and identify those things that have been explicitly identified as being an official record and cannot be scanned. Mr. Main stated he thinks perhaps they have not been as responsive to Mr. Jacob as they should have been, and he knows that is something they have certainly been looking into. Mr. Main stated they, in the purview of this modernization deal, are under the watchful eye of at least three (3) Federal Agencies and the one that does the most and the biggest micro manager very honestly is the Food Nutrition Service under the U. S. Department of Agriculture. Mr. Main stated they have come in and they have kicked tires, they have watched them and looked through the design of this solution from very start to very finish and they have dealt with them at least once a month over the last three (3) years. Mr. Main stated they have the strictest standards of anyone overseeing any welfare program in Washington, D.C. Mr. Main stated what they are doing as far as scanning documents and then being able to pull up that document and print it if they want to take a closer look has fulfilled all of their requirements as far as official documents are concerned. Mr. Main stated in their dealings with CMS, the Medicaid folks right out of Washington, who put their new some would call it overous kind of proving your citizenship standards for the Medicaid program, being able to go back to them and print out a copy of a scanned document has satisfied their requirements as well. Mr. Main stated what hopefully also will make you feel a little bit better about this is that they could have at least by Federal standards as they went through this program allowed the use of electronic signatures for folks who<sub>3</sub> applied for benefits, and what they have decided to do is leave that for a later date when they are more comfortable with things and what they have decided to do and also stay to the web signature

involved to get an application going. Mr. Main stated they have not even gone as far and forward as they could have on this for exactly those kind of reasons. Mr. Main stated what they want to make sure is they have a scanned copy of a document with a web signature on it, front of the line, something that is very important to them as they were going through it, to make sure they had official enough documents to do that. Mr. Main stated he feels they are meeting that standard, and if there are more specific questions Mr. Jacob has, he would be happy to sit down and talk to him about it and help State Board of Accounts feel more comfortable with that whole process and maybe they just have not done that enough yet. Mr. Main stated they would be willing to spend as much time as they need to make everyone comfortable with the “officialness” of these things, but they feel they are living up to their standards.

John Jacob stated here again it was not anything in particular, it was his concern again for FSSA to take the responsibility to make sure they go through all the documentation itself, and the FSSA is the one that is doing it just because one of the Federal Agencies has accepted a piece of information does not mean that gives blanket approval to the mode in which you retain your documentation. Mr. Jacob stated in all honesty overall the Federal programs as far as the Federal audit, they rely on the State Board of Accounts to be able to basically say that the records kept by FSSA are adequate. Mr. Jacob stated if you are really looking for an overall approval, audit opinion as it relates to FSSA’s records it starts back with SBOA’s opinion as it comes from A-133 process.

Mr. Corridan asked can we adopt or should I say make a motion to deal with the 90 days and include in there that FSSA will send a letter to the State Board of Accounts or to OCPR, outlining the various required legal ramifications have been met regarding the Federal Government and the State and that both will accept the digital image as the official record. This will allow the records to be destroyed and attend to the legal issues so these issues with the Federal courts and State courts about whether or not that meets standards. Mr. Main stated they and their lawyers were under the impression that they do need that. Mr. Corridan stated if the counsel for FSSA sent a letter saying these records will meet Federal and State requirements, that would suffice for the State Board of Accounts, correct? Mr. Jacob stated he is not necessarily looking for approval from their standpoint, he is just trying to voice to them they would be better off having it in writing.

If they find articles in an audit and find there was something that should have been retained and it was actually scanned, Mr. Jacob stated theoretically you could have an entire program be disqualified. Mr. Main stated what they do right now and have done for the last 20 years at FSSA is make photo copier copies of everything, so if you actually open a client case file right now and very similar to scanning and holding a hard drive and printing and what they have done for the last 20 years is print that and keep it in a manila file folder. Mr. Jacob stated items they actually copy such as birth certificates having it as a paper copy as opposed to having a scanned copy, they understand that would not be an issue. Mr. Jacob stated their primary concern is records they do keep as an original, things that do usually have original signature on them. Mr. Corridan stated the bottom line is SBOA wants to make sure that they have crossed all their t’s and dotted their i’s. Mr. Jacob stated the SBOA is going to approve go ahead with this project, but on the back end all he is saying is what he has been trying to do is to avoid anything that is going to result in a Federal finding for FSSA, so he is just trying to make sure, have you done it, have you done it and it is his main question over and over and with no response. Mr. Main stated they will dig up the questions that Mr. Jacob has been asking and he will make sure that one of their attorneys go through those and make sure they have answered them to his satisfaction. Mr. Main stated the Feds will look to the State Board of Accounts to whether this way of keeping documents is o.k. Mr. Main stated there are enough bureaucrats in Washington, DC who would have loved to never see this modernization project happen and if FSSA is somehow violating their standards in scanning these documents, trust me, they would have spoken out and tried to use it as a reason to not allow them to go forward with the project. Mr. Main stated that gives him a lot of confidence that they are doing well along with kind of the worst violators you told us, but we will go back and look at Mr. Jacob’s specific questions and do their best to get those answers quickly and they will also do a kind of holistic letter right now that<sup>4</sup> basically says they have taken a look at this and believe they meet standards from their attorneys who have actually done that work.

Mr. Corridan made a motion that the Oversight Committee on Public Records provide a waiver to FSSA DFR Division from the 12-month policy stipulated in OCPR Policy No. 06-01 and grant them a 90-day retention period for the records in questions here with the proviso that a letter is received from FSSA's legal counsel stipulating that there are no retention issues or there are no issues with not retaining original signatures in these files. Chris Cotterill seconded the motion and that the letter will be there in 30 days. Motion passed.

Jim Corridan stated in regard to the second issue, as they dealt with BMV and then FSSA, they will try to see what they can come up with. Mr. Corridan stated the underlying issue is that some of the records they are dealing with will be retained for 75 years or more, because the requirement is and his understanding is these are records for people who become eligible for some program and may be on a program till age 65 and after they are off the program, the retention is 10 years, so in theory, it would be longer than that. Mr. Corridan stated the issue that OCPR has had as well as ICPR is that they do not believe yet in the ability of electronic records regardless of format to have proven that they can be held acceptable for 75 years, so we fall into microfilm is the permanent preservation method. Mr. Corridan stated there may be a solution here, it is going to be a very complicated with your process, because you do not know how long anyone can be on that program and will not know until they actually go off the program. Mr. Corridan stated he does not know what the correct answer will be, and in trying to satisfy their needs, and in theory, not all of their records will have to go through this system, there is only a finite number of records we are dealing with, he believes, that actually qualify and those details will have to be worked out. Mr. Corridan asked if Amy Robinson or Larry Hummel worked with FSSA and Ms. Robinson stated it was Larry Hummel. Mr. Main stated they will certainly work with Mr. Hummel and try to come up with the Federal rules and Mr. Main stated if they need to be microfiched, they will do this, that is no problem and if they have to do it, they will do it. Mr. Main stated they will have to figure out exactly what those rules are for this kind of project. Mr. Corridan stated he does not have any problem going through and trying to figure out what this should be under this system and come up with something that works. Mr. Main stated just for all identification what they intend to do is come back in a couple of months and give you a very quick update if they are interested how things are going with their pilot, which is due to end at the end of January.

07-11-21-05

#### DIRECTOR'S REPORT

Jim Corridan reported in addition to the report filed in writing, he stated that it looks like Pen Products will be coming to the Records Center December 2, 2007 and they will be moving the Forms Distribution things from the Records Center out to Pen Products at Plainfield and everything will be centered through Pen Products, and not through ICPR anymore. Mr. Corridan stated this basically affects two (2) Agencies, FSSA and State Board of Health, because they are the biggest users of Forms Distribution. Mr. Corridan stated that warehouse will become a function of Pen Products as part of the Pitney Bowes print mail consolidation efforts.

Jim Corridan also mentioned that Micrographics is having a banner year in that a lot of the materials they are dealing with have dramatically increased their count, so they may even be close to 50% to 75% above where they were last year in total image count, so it may be 6 to 8 million records this next year, which is a huge increase. Mr. Corridan stated this also provides revenue to the State Archives in a non-reverting account so that material and equipment can be purchased with these funds.

07-11-21-06

#### AGENCY REQUESTS-RECORDS RETENTION AND DISPOSITION SCHEDULES(S)

The Oversight Committee on Public Records took the following action regarding retention and disposition schedules.

1. STATE DEPARTMENT OF HEALTH.....10-18-07  
Child Care Facilities

2. INDIANA DEPARTMENT OF REVENUE.....10-30-07  
Enforcement-Collections
3. STATE DEPARTMENT OF HEALTH.....10-30-07  
Immunization Division
4. STATE DEPARTMENT OF HEALTH.....10-30-07  
Local Public Health
5. INDIANA ELECTION DIVISION.....10-16-07  
Voting Systems Advisory Committee

In regard to Schedule No. 1, State Department of Health, Child Care Facilities, Larry Hummel introduced Rudy Cansino, their Records Coordinator. Mr. Hummel stated because this was indeed transferred to Family and Social Services Administration, Scott Huffman was also present. Mr. Huffman stated it will be an FSSA Schedule, via Department of Child Care, and they currently have their own Schedule now, but they found that some of the items in there relevant still pointing to the pair of files and running them together. Mr. Corridan asked if he could come back in a month of two and Mr. Huffman stated hopefully. A motion was made by Jim Corridan and seconded by Anita Samuel to approve Schedule No. 1 as submitted. Motion carried.

In regard to Schedule No. 2, Indiana Department of Revenue, Enforcement-Collections, Larry Hummel stated this Schedule was submitted to him by their Records Coordinator, Mr. Gonzales, and he did advise him that this was on the agenda; however, he was not able to attend the meeting. Mr. Hummel stated it was a new Division and a one (1) item record series at this point. There being no questions or comments, a motion was made by John Jacob and seconded by Anita Samuel to approve Schedule No. 2 as submitted. Motion carried.

In regard to Schedule No. 3, State Department of Health, Immunization Division, Larry Hummel stated that he and Rudy Cansino have met with that Division and two (2) changes are being made at this point. Mr. Hummel stated probably after the first of the year, they will be coming back with some additional updates which they are working on now. There being no questions or comments, a motion was made by John Jacob and seconded by Chris Cotterill to approve Schedule No. 3 as submitted. Motion carried.

In regard to Schedule No. 4, State Department of Health, Local Public Health, there were no questions or comments. A motion was made by John Jacob and seconded by Jim Corridan to approve Schedule No. 4 as submitted. Motion carried.

In regard to Schedule No. 5, Indiana Election Division, Voting Systems Advisory Committee, Jim Corridan reported that this is a Commission that was eliminated in 1996 by legislative action, so they are just striking the Retention Schedule items. There being no questions or further comments, a motion was made by John Jacob and seconded by Jim Corridan to approve Schedule No. 5 as submitted. Motion carried.

07-11-21-07

**NEW BUSINESS**

1. Micrographics Fee Structure for Prep Work – Jim Corridan stated the Micrographics Division is being called upon to do prep work for some Agencies, preparing everything for scanning and microfilming. Mr. Corridan stated a fee structure needs to be established so the Agencies can be charged for this prep work. Mr. Corridan stated what the Commission would like to do is charge \$20.00 per hour for that service and they will probably have to hire people (temps or part-time) to do the work. This would cover the expense of the employees and materials,

space, etc. Jim Corridan moved that Micrographics Fee Structure include a \$20.00 per hour fee for prep work.

Mr. Cotterill seconded Mr. Corridan's motion to accept the Micrographics Fee Structure for Prep Work at \$20.00 per hour. Chris Cotterill and John Jacob abstained from voting. Motion passed.

07-11-21-08

#### ADJOURNMENT

There being no further business, John Jacob moved that the meeting be adjourned. Anita Samuel seconded. Motion carried. Meeting adjourned at 2:10 p.m.