

OVERSIGHT COMMITTEE ON PUBLIC RECORDS
Regular Meeting September 17, 2014

14-9-17-01

CALL TO ORDER AND ROLL

A regular meeting of the Oversight Committee on Public Records was held Wednesday, September 17, 2014. The meeting was called to order by Chairman Caroline Bradley, Designee for Paul Baltzell, Chief Information Officer, Office of Technology, at 1:30 p.m. in Conference Room 10 Indiana Government Center South-First Floor. Members present constituting a quorum: Pam Bennett, Director, Indiana Historical Bureau; Adam Berry, Designee for Mike Pence, Governor; Mike Bozyski, Designee for Paul Joyce, State Examiner, State Board of Accounts; Caroline Bradley, Designee for Paul Baltzell, Chief Information Officer, Office of Technology; Luke Britt, Public Access Counselor; Jim Corridan, Director & State Archivist, Indiana Commission on Public Records;; Erin Kellam, Designee for Jessica Robertson, Commissioner, Department of Administration; Jacob Speer, Director, Indiana State Library; Mallory Wilson, Designee for Connie Lawson, Secretary of State. Members absent: Fred Glynn, Lay Member; Kristen Tucker, Journalism Lay Member. Commission staff in attendance: Ted Cotterill, Deputy Director; Amy Robinson, Records Management; Beverly Stiers, County and Local Government Records Management. Guests in attendance: Connie Bruder, Indiana State Library; Darlene Jones, State Department of Health.

14-9-17-02

NEXT MEETING

Caroline Bradley announced the next meeting would be held October 15, 2014 at 1:30 p.m. in Conference Room 10, Indiana Government Center South, 1st Floor.

14-9-17-03

PREVIOUS MEETING

A motion was made by Erin Kellam and seconded by Pam Bennett to approve the minutes of the August 20, 2014 meeting. Motion carried.

Jim Corridan introduced Jacob Speer, the new State Librarian. Connie Bruder was acting for eight (8) months as State Librarian. Mr. Corridan stated Mr. Speer used to work at the State Library and is now back. He was welcomed on behalf of the Oversight Committee by Caroline Bradley.

14-9-17-04

OLD BUSINESS

Jim Corridan stated there is nothing to report on Administrative Code 60 IAC 1.1-1-1.

County/Local General Retention Schedule (GEN) – Jim Corridan stated at the last meeting there was a question about drug tests and that issue was clarified by adding it into the Employee Medical Records (GEN 10-28). Mr. Corridan stated the other thing they have done is added some language to GEN 10-27, Personnel Files, because a question came up about maintaining records and whether or not an Intern's records are supposed to be maintained when employed, because there is a hiring process, an application and if the Agency is expected to give a reference down the line, there is no record to which you can refer. State Personnel requires that this information be maintained in a personnel file. Caroline Bradley stated they are looking at approval of Record Series GEN 10-27 and GEN 10-28 in the County/Local General Retention Schedule (GEN). Jim Corridan moved the approval of the changes recommended in the County/Local General Retention Schedule (GEN), seconded by Pam Bennett. Motion carried.

14-9-17-05

DIRECTOR'S REPORT

Jim Corridan reported that the Commission on Public Records has completed the first phase of the inventory of paper records at the State Archives. Mr. Corridan stated they now have a group of four (4) people working in a chilled microfilm vault everyday indexing every roll of microfilm so they will know exactly in which box it is located. Mr. Corridan stated they are doing all that in preparation for a possible move of the State Archives building.

Jim Corridan stated the Commission on Public Records has entered into a contract with Ancestry.com. Ancestry.com is the largest private genealogy company in the world and he believes the Governor may be making a press statement on this. This deal will result in the Commission on Public Records working with Ancestry.com to digitize the birth, death and marriage records from the Indiana State Health Department. Mr. Corridan stated they will be posted on Ancestry.com and Ancestry.com will give copies back to the State, the digitized versions with indexes and can be located into the Health Department's database. The Commission on Public Records will be getting a copy and they will be able to provide online access to this information. Mr. Corridan stated they are looking into some other similar deals with another organization called Family Search.org which is probably the largest not for profit genealogical organization.

14-9-17-06

AGENCY REQUESTS-RECORDS RETENTION AND DISPOSITION SCHEDULES(S)

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

1. DEPARTMENT OF CHILD SERVICES

Child Welfare

A motion was made by Jim Corridan and seconded by Pam Bennett to approve Schedule No. 1 as submitted. Motion carried.

2. DEPARTMENT OF HEALTH

Long Term Care

A motion was made by Luke Britt and seconded by Mike Bozyski to approve Schedule No. 2 as submitted. Caroline Bradley stepped down as Chair and asked about Record Series 98-032, 98-021 and 98-022: we're imaging something that's (only) going to be kept for two years? Amy Robinson stated that it's done for the convenience of the agency. Darlene Jones from the State Department of Health stated that most of the records are born digital; Ms. Bradley clarified that there is really no hard copy that exists, then. Mr. Corridan confirmed this. A vote was then taken and motion carried.

3. COUNTY/LOCAL GENERAL RETENTION SCHEDULE (GEN)

A motion was made by Jim Corridan and seconded by Pam Bennett to approve Schedule No. 3 as submitted. Motion carried.

14-9-17-07

NEW BUSINESS

Adam Berry stated he noticed that all retention schedules state that records "may be" pursuant to or implicated by various codes. Amy Robinson stated that these are the confidentiality citations, whose phrasing was requested by the Public Access Counselor's office. Mr. Berry stated his point is that he would like to feel a little more certainty in the retention schedules by having them say that documents "are" implicated by the relevant code. Jim Corridan clarified that the only time we use "may be" is

when the reference is specifically related to confidentiality issues; the statute citations there do not refer to retention periods. Amy Robinson explained that access to these records may be affected by this code, or it may *not* be, depending on the specific contents of any given record. Caroline Bradley cited the example “these records may be affected by the discretion of a public agency.” Mr. Corridan stated that the language varies, but they all say “may be affected by.” Ms. Bradley added that, for instance, employee medical records have such a citation, and if you examine the public records statute, it will say certain of those records may be disclosed while others cannot -- but they are all intermixed into that file, so they may or may not be. Mr. Berry asked do we then keep the entire collection of documents or do we use discretionary retention. Ms. Bradley stated for personnel files as a good example you can disclose position and salaries, their work phone and address, but you cannot disclose information about the home address and other items in the file. Luke Britt stated that would be more of the discretionary but say there is a medical record in the personnel file, then it would be confidential, and so that whole folder would have different kinds of disclosable documents or non-disclosable documents. Mr. Corridan stated the confidentiality issues do not affect the retention and has no impact on how long to keep it. Amy Robinson stated it also has no impact on what part of the file gets retained or not retained. So Agency destruction, or State Archives weeding, is not based on what is confidential or not confidential.

14-9-17-08

ADJOURNMENT

There being no further business before the Committee, Pam Bennett moved that the meeting be adjourned. Luke Britt seconded. Motion carried. Meeting adjourned at 1:48 p.m.