

OVERSIGHT COMMITTEE ON PUBLIC RECORDS  
Regular Meeting April 15, 2015

15-4-15-01

**CALL TO ORDER AND ROLL**

A regular meeting of the Oversight Committee on Public Records was held Wednesday, April 15, 2015. 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; 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: Adam Berry, Designee for Mike Pence, Governor; Mike Bozymski, Designee for Paul Joyce, State Examiner, State Board of Accounts; Kurt Webber, 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: None.

15-4-15-02

**NEXT MEETING**

Caroline Bradley announced the next meeting would be held May 20, 2015 at 1:30 p.m. in Conference Room 10, Indiana Government Center South, 1<sup>st</sup> Floor.

15-4-15-03

**PREVIOUS MEETING**

Jim Corridan stated he would like to move that we advance with the following corrections to the Minutes: Date under Next Meeting should be April 15, 2015 instead of March 15; date under Previous Meeting should be February 18, 2015; and on page 3, Retention Schedule No. 7, County/Local General Retention Schedule (GEN), second line from bottom should read seconded by Luke Britt after the words "described by Ted Cotterill." Pam Bennett seconded, motion carried.

15-4-15-04

**OLD BUSINESS**

None.

15-4-15-05

**DIRECTOR'S REPORT**

Jim Corridan reported he had the opportunity at the end of March to interview Dr. Thomas Brown who was very involved in civil rights nationally in the States of Georgia, Mississippi and Alabama. Mr. Corridan stated this was an exploratory trip sponsored in part by the State Library and federal grant funding. Mr. Corridan stated they went to many of the places where he worked in the 1960's and went to some very significant and famous places like Selma, Jackson, Mississippi and all sorts of small towns. They worked with him so he could tell them the story first person in the locations, captured a lot of footage of things in those different places as part of a major effort to capture Indiana's contribution to the national civil rights effort in the 1950's and 1960's. Mr. Corridan stated this is the

beginning of a process and he thinks maybe in the next 30 days they will have an hour long video from that trip and this will be put up on our website and the State Library will a link to it.

Jim Corridan reported that Senate Bill 528 passed the Senate 50 to 0, passed the House 95 to 0 and there are some tweaks that have been resolved and they are about done with the Bill and it should be with the Governor next week. Mr. Corridan stated they also have the budget for the Archives building, the \$25,000,000 was included in both the House budget and the Senate budget, so that is a positive sign. Mr. Corridan stated the location is still uncertain and the ICPR and IDOA preference is the canal site, but that is not firm.

15-4-15-06

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

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

##### 1. COMMISSION FOR HIGHER EDUCATION

###### Board of Proprietary Education

A motion was made by Luke Britt and seconded by Erin Kellam to approve Schedule No. 1 as submitted. Caroline Bradley stepped down from the chair and asked about Item No. 3, 87-484, questioning whether the State Board of Accounts actually audits these institutions. Jim Corridan stated not at the time we get the records, they might do it before that. Ms. Bradley stated there are several places throughout this schedule where we have ten (10) years after any bond call and after the State Board of Accounts Audit Report. Amy Robinson stated only so far as at some point the State Board of Accounts requested that be in there. Ms. Bradley stated she does not have a problem approving it as it stands now, but put it under Old Business and have the State Board of Accounts comment on it. Jim Corridan stated we could go ahead and approve it, and if State Board of Accounts says they do not have to, take it out because he feels they want to have this control should they need to do something. Ms. Bradley said if they could just confirm what if any audits they would do and what records would be involved, because she was not sure they would really have oversight. A vote was then taken and motion carried.

##### 2. COUNTY/LOCAL GENERAL RETENTION SCHEDULE (GEN)

###### GEN 15-1 – Internal Revenue Service Forms

A motion was made by Jim Corridan and seconded by Jacob Speer to approve GEN 15-1 as submitted. Ted Cotterill said this was added to the retention schedule in response to frequent questions as to what local units should do with these records. A vote was then taken and motion carried.

###### GEN 10-43 – Routine Surveillance Recordings

A motion was made by Jim Corridan to table this item until the next meeting so that anyone who is interested in comments and not been able to get with the Oversight Committee can come to the next meeting, and the Oversight Committee also has an opportunity to think about this, seconded by Mallory Wilson. Jim Corridan stated they reached out to different offices so that major associations would not be caught off guard. Mr. Corridan stated there may be a way to tweak this language so there are not five (5) paragraphs in the Retention Period and also play with the 30 days. Luke Britt asked what was the rationale for having it that long (30 days). Caroline Bradley stated it was much shorter originally, and that is one of the concerns. Ms. Bradley stated she thought we started out with a lower number and had much discussion about how long it should be and came up with 30 days because she thought it originally started with seven (7) or fourteen (14) days. Mr Corridan stated we may need to at some point break this out so that we are not grouping all sorts of different types, such as body cameras, school bus video tapes of students behind the driver, surveillance tapes at the State

Campus complex. Luke Britt asked Ted Cotterill if he had looked at what other states do by any chance, and he replied no.

Mr. Cotterill stated that from everyone he has talked to, State Police, local law enforcement, they are in agreement with this. Mr. Cotterill stated that in the next provision we rely on statute of limitations as stated in Indiana Code, so we are referencing this because there is no easy way we can say misdemeanors are two (2) years but felonies are dependent on what a Prosecutor might want to do depending on the severity of the crime. Mr. Cotterill stated the next item is if litigation occurs for which the record is admitted into evidence. At this point it is subject to Administrative Rule 7. Mr. Cotterill stated the last item deals with tort claims. Claimant has a 30 day period to request the record and then 180 days to file a notice of tort claim. Mr. Cotterill stated theoretically if the record is destroyed after 30 days and then claimant has 180 days to file tort claim but the record may have been eligible for destruction within that 30 day period if not requested. Mr. Cotterill stated that we attempted to rely on the 30-day request period as reasonable for citizens.

Caroline Bradley stated her other concern is making sure all entities know they have to keep it more than 14 days, how to educate them, so people are aware of the requirements.

Ted Cotterill stated once it is put into effect there will be an effort by the Commission on Public Records to let them know they have 30 days to request the record.

Ted Cotterill stated a lot of thanks goes to Major Todd Smith, General Counsel for the State Police and also Ruth Reichard, a former judge who is now an attorney for State Court Administration.

A vote was then taken on the motion to table this item and motion carried.

15-4-15-07

NEW BUSINESS

None.

15-4-15-08

ADJOURNMENT

There being no further business before the Committee, Caroline Bradley moved that the meeting be adjourned. Motion carried by unanimous consent. Meeting adjourned at 2:00 p.m.