

OVERSIGHT COMMITTEE ON PUBLIC RECORDS
Regular Meeting May 17, 2006

06-05-17-01

CALL TO ORDER AND ROLL

A regular meeting of the Oversight Committee on Public Records was held Wednesday, May 17, 2006. The meeting was called to order by Chairperson Liz Keele, Designee for Todd Rokita, Secretary of State, at 1:30 p.m. in E418, Indiana Government Center South. Members present constituting a quorum: Pam Bennett, Director, Indiana Historical Bureau; Roberta Brooker, Interim Director, Indiana State Library; Jim Corridan, Director & State Archivist, Indiana Commission on Public Records; Karen Davis, Public Access Counselor; John Jacob, Designee for Bruce Hartman, State Examiner, State Board of Accounts; Kevin Ober, Designee for Earl A. Goode, Commissioner, Department of Administration; Anita Samuel, Governor's Office; Nancy Turner, lay member. Absent: Chris Cotterill, Designee for Karl Browning, Director, Indiana Office of Technology. Commission staff in attendance: Larry Hummel and Amy Robinson, Records Management; Beverly Stiers, County and Local Records Management; and Allyson Emley, Intern. Guests in attendance: Niles Parker and Melissa Farrington, Indiana Department of Environmental Management; and Scott Huffman, Family and Social Services Administration.

06-05-17-02

NEXT MEETING

Liz Keele announced the next meeting would be held June 21, 2006 at 1:30 p.m. in Room E418, IGCS.

06-04-19-03

PREVIOUS MEETING

Pam Bennett moved approval of the minutes of the April 19, 2006 meeting as presented. Kevin Ober seconded. Motion carried.

06-04-19-04

OLD BUSINESS

Publication of Nonrule Policy Documents – Pam Bennett reported the committee did meet. Ms. Bennett stated they reviewed all the policies from the listing they were given several years ago and the ones that are being looked into and/or revised are a policy regarding microfilm holdings, a policy regarding State and Local Government that Bev Stiers is checking on, one on the use of the State Seal which Jim Corridan is having someone check on. Ms. Bennett stated these are old policies which go back to almost the very beginnings of the Commission on Public Records, the precedence of the retention schedules, personal information, and Mr. Corridan is taking the precedence one, Chris Cotterill is doing personal information and 60 IAC 1.1. Karen Davis has been brought into that as well, so that other people are looking into the ones that we are looking at and basically seeing which ones should still be valid and how they should be stated, if so. Ms. Keele stated “nicely done and thank you.”

06-04-19-05

DIRECTOR'S REPORT

Jim Corridan introduced Allyson Emley, who is the Commission on Public Records Intern for the summer. Ms. Emley attends Butler University and is working at the State Archives.

Mr. Corridan reported in the printed report included in the packet, Report of Monthly Activity/Status, a modification was made to the report under Records Center to show the number of cubic feet of records being transferred from the Records Center to the State Archives. Mr. Corridan stated in April

it was 936 cubic feet and in the past that would have shown up as destruction, so it significantly alters the numbers. Mr. Corridan stated the important thing to note is there are 936 cubic feet of new incoming records in the Archives and if you look under the Archives they are showing 172.75 cubic feet of records received, so they have not even really touched these records. Mr. Corridan stated there is a big backlog of 20,000 to 30,000 cubic feet of records that are being chipped away.

Mr. Corridan reported the next item is email retention. Mr. Corridan stated we have an education issue with State employees, so the Commission on Public Records is taking on the responsibility of educating State employees on what the retention requirements are for email and how to implement that. Mr. Corridan stated this was discussed five or six months ago, so that training process should be in effect sometime in June, we hope, so that we do not have people that are violating the rules intentionally or otherwise.

Mr. Corridan stated there are two other items related to that. The Commission is looking at permitting people to delete email that is of a back and forth communication where, for example Ms. Keele and Mr. Ober might have emailed each other six times, and the last message is the one that needs to be kept, as long as there are no additional authors in between. Mr. Corridan stated you could remove the first five which uses significant space on the IOT servers. Mr. Corridan stated IOT is looking to implement a cap on the size of individual email accounts at between 25 megabytes and 100 megabytes and anything over that would be a surcharge to Agencies for each megabyte used. Mr. Corridan stated they do not have all the details worked out. There is going to be a lot of pressure on Agencies to get rid of a lot of records, so we have to get the training in place before that happens so we do not lose records that are supposed to be retained forever. Liz Keele asked if Mr. Corridan knew conceptually how he is going to approach this training. Mr. Corridan replied no, because they need to contact almost every employee in State Government that has email, so they are probably going to do it through email and he is hesitant to do anything more than maybe a two-minute web cast, because longer than that you cannot keep people's attention, so he does not know the answer yet.

Mr. Corridan stated the other component to email is allowing people to delete time sensitive emails, for instance, a reminder notice saying do not forget the Commission on Public Records is meeting a week from today. Those could be deleted because it is the meeting that is important, it is not the notification of the meeting. Mr. Corridan stated they are working to chip away at all of this, so that people do not have to retain as many ancillary items. Mr. Corridan stated they have been reviewing email retention policies from about 12 states to try and figure out how they are handling this. Indiana and North Carolina are probably the most restrictive in the Country as far as what is being required to be retained and it is all driven by the Access to Public Records Act, APRA, and the ICPR rules, laws, and statutes.

06-04-19-06

AGENCY REQUESTS-RECORDS RETENTION AND DISPOSITION SCHEDULES(S)

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

1. INDIANA COMMISSION ON PUBLIC RECORDS..... 05/09/06
General Retention for Counties Financial & Accounting Records (COGRFIN)
2. INDIANA COMMISSION ON PUBLIC RECORDS.....05/09/06
Miscellaneous Non-Judicial County Clerk's General Retention Schedule (COCLK)
3. FAMILY AND SOCIAL SERVICES ADMINISTRATION.....04/27/06
Division of Family Resources, Bureau of Child Care

4. INDIANA COMMISSION ON PUBLIC RECORDS.....05/09/06
General Retention Schedule-All Agencies – GRADM-1

Liz Keele reminded everyone that they need to state in their motion the full name of the agency and area of the Retention Schedule as listed on the Agenda.

In regard to Schedule No. 1, Indiana Commission on Public Records, General Retention for Counties Financial and Accounting Records (COGRFIN), Jim Corridan stated this is the County General Retention Schedule for Financial and Accounting Records and covers all county and local offices. Mr. Corridan stated it is being revised. Beverly Stiers stated the Notification of Record Series Action lists the amended, deleted, new and retained items. Ms. Stiers stated the section concerning ISETS Records was deleted because this pertains solely to the Clerk’s office; therefore, it was added to the Miscellaneous Non-Judicial County Clerk’s General Retention Schedule (COCLK). Jim Corridan stated we worked with Tammy White, State Board of Accounts, who is their Local Government Specialist. Ms. Stiers stated this Schedule No. 1, and No. 2, sorely needed to be revised and Mr. Corridan and she attended a meeting of the Circuit Court Clerks’ Legislative Committee along with John Newman in State Court Administration. Ms. Stiers stated all of the changes are ones that were suggested by the Legislative Committee. A motion was made by Pam Bennett to approve Schedule No. 1, General Retention for Counties Financial and Accounting Records (COGRFIN), seconded by Karen Davis. Motion carried.

In regard to Schedule No. 2, Indiana Commission on Public Records, Miscellaneous Non-Judicial County Clerk’s General Retention Schedule (COCLK), Jim Corridan stated it was the same concept here. Mr. Corridan and Ms. Stiers met with the Clerks’ Legislative Committee, Tammy White and John Newman, and added items to their schedule, and made an amendment. Ms. Stiers stated she distributed a paper before the meeting concerning two additional items that needed to be added to this Retention Schedule, which came up after the packets were distributed to the OCPD Members. These items are COCLK 24. Child Support Dockets and COCLK 25. Clerk’s Fee Book. Ms. Stiers stated she and Tammy White believed that as an outcome of the Clerks’ Legislative Committee Meeting, these two items would be included in Administrative Rule 7 which is under the purview of the State Court Administration. John Newman decided that these two items should be in the Miscellaneous Non-Judicial County Clerk’s General Retention Schedule. Ms. Stiers stated these two items will be the last two items on the Schedule which the members presently have and we would like them to be included in that Schedule. Mr. Corridan also stated there was a minor omission in COCLK 18. Premarital Examination Certificate, which states OBSOLETE. Effective 7-1-05. HEA 1358 repealed IC 31-11-5. Ms. Stiers reported she had contacted the Vital Records Section of State Board of Health before distributing this Retention Schedule and they had not gotten back to the Commission on Public Records. This information will be added to this schedule before it is sent to the Counties and states the date and law requiring that premarital examination certificates are no longer needed. A motion was made by Jim Corridan to approve Schedule No. 2, Indiana Commission on Public Records, Miscellaneous Non-Judicial County Clerk’s General Retention Schedule (COCLK), as amended to include the amendment to Item 18 and add Items No. 24 and 25, Child Support Dockets and Clerk’s Fee Book, seconded by Kevin Ober. Motion carried. Liz Keele then asked if the Indiana Commission on Public Records is notified when these schedules are adopted by the Counties and Jim Corridan stated yes.

In regard to Schedule No. 3, Family and Social Services Administration, Division of Family Resources, Bureau of Child Care, Amy Robinson introduced Scott Huffman. There being no questions or comments, a motion was made by Pam Bennett to approve Schedule No. 3, Family and Social

Services Administration, Division of Family Resources, Bureau of Child Care, seconded by Nancy Turner. Motion carried.

In regard to Schedule No. 4, Indiana Commission on Public Records, General Retention Schedule-All Agencies-GRADM-1, Mr. Corridan stated the State Archives would like to have the paper copy of the minutes transferred to them and not microfilm and this rescission does just that. Pam Bennett stated it is minutes, meeting notices and agendas in the old one and just minutes now in the amendment and she assumes that is intentional and eliminating how much is kept and microfilmed. Mr. Corridan stated that is what we are doing. Ms. Bennett stated she does not think meeting notices and agendas are critical records and minutes are. Amy Robinson stated she thinks that maybe the old, old version that was already changed last month and because we were flipping the things around, she went back to the previous draft and it had very old language there and it had already been changed. A motion was made by Pam Bennett to approve Schedule No. 4, Indiana Commission on Public Records, General Retention Schedule-All Agencies-GRADM 1, seconded by Anita Samuel. Motion carried.

06-04-19-07

NEW BUSINESS

Jim Corridan stated a paper was distributed concerning the Indiana Commission on Public Records Annual Fee Review. Mr. Corridan stated in the process of going through either the statute or the policies as adopted by the Oversight Committee on Public Records, this Committee is supposed to annually review all the fees that are imposed by the Committee. Mr. Corridan stated we have already gone through all of the Micrographics fees this year, because they were updated, altered or approved as is about six months ago. Mr. Corridan stated the Commission is now presenting to the Oversight Committee the fee schedule for the State Archives and thinks the Commission is content living with all those fees currently in effect at this point with one exception and that is the fee charged when individuals, not governmental entities, want to purchase rolls of duplicate microfilm. Mr. Corridan asked that that fee be increased from \$20 to \$40. Mr. Corridan stated the fee was \$20 in 1995 and we are not sure how long before then it was set at \$20, so we are asking it be increased to \$40.

Roberta Brooker had a question – she just found out yesterday that evidently when a Library wants to borrow microfilm from the State Archives, they contact the State Library, it contacts the Archives, they do duplication, send it to the State Library, who sends it to the Library, but it takes four to six weeks to get from the Archives to the State Library. Ms. Brooker stated she did not know if the people are being charged for the duplications. Mr. Corridan stated he will check into this.

Nancy Turner stated in looking over this list most of the State Archives are still around \$25 and wondered if they are all expected to come up in price. Jim Corridan stated yes – the National Archives changed their fee within the last 12 months and they previously charged \$40. Mr. Corridan stated the New York Archives has not changed their fee since 1999. Mr. Corridan stated part of our reasoning is the expense to create microfilm has gone up. Ms. Turner stated it is such a jump and wondered if we expected the other Archives to do the same. Mr. Corridan stated he thinks we will find that they will.

John Jacob asked if this would be a break even situation and Jim Corridan replied no and the Archives will generate some revenue from that. Mr. Corridan stated he thinks it will cost a little less than \$10 to produce, to actually pay for the chemicals, the time for the person standing there to produce the film, but the time of filming and producing the original and the storage of the document is all coming out of the other \$30, and whatever profit is in there will go to the State Archives for the maintenance of the facility.

Pam Bennett made a motion that beginning July 1, 2006 the fee for purchase of duplicate microfilm for non-governmental entities be raised from \$20 to \$40, seconded by Kevin Ober. Motion carried.

Jim Corridan stated that Niles Parker from IDEM was present at the meeting. IDEM is in the process of developing "The Virtual File Cabinet", ultimately hoping to take hundreds of millions of documents and scan them into a scanning system which will allow them to access their records from anywhere in the State. Mr. Corridan stated we are working closely with them to get that implemented and follow our retention requirements. Mr. Parker stated part of what they are doing as they go through this process is making sure they have approached the Commission in the proper way and work together. Mr. Parker said it is an exciting project and the first part of this is 9,000,000 pages. Mr. Parker stated they started yesterday, are doing five different programs, and will try to keep us informed and answer any questions you may have and ultimately what they are trying to do is be able to have public records requests available on-line. Mr. Parker stated they have picked a variety of programs so they have challenges in this first foundation and will then approach the big picture. Mr. Corridan stated there are at least two or three other Agencies looking to do similar projects including the Department of Child Services, which he has a meeting with later today, and there are others out there such as TRF, trying to get this implemented across State Government, so it is quite a challenge.

Niles Parker stated they have been able to work with the State Police and the State Contractor with the crash reports that are already up and running and getting feedback on some of their technology. John Jacob asked if future documentation will be scanned in and Mr. Parker stated right now they are going to do back files up to a certain point and then they will be doing day forward and hopefully get into that paperless mode, but right now they are preparing boxes to scan and moving downtown for a small operation and then will work with the Commission on Public Records to make sure where they located and they did get some large scale scanners so they can do their blueprints and engineering designs.

Liz Keele asked when you suggest you get access to it from around the State, is that through a web portal and Niles Parker said yes. Mr. Parker stated what they are doing now is creating certain buckets and there will be a confidential bucket which will be the secure litigation hole for ones that need to be confidential, there will be an IDEM bucket which will be more available to the Agencies and public records are the easier ones to start with and then they can be shifted from bucket to bucket. Mr. Parker stated the contractor came up with a way to file their emails. They are going to start off with a public demonstration at IDEM and will drag and drop either emails from their files into the Virtual File Cabinet or pull them from their email system and drag and drop. Mr. Parker stated it will be based on the facility registry system so they can type in a name and pull up all records related. Mr. Corridan stated it is an exciting project and will be interesting to see how it gets implemented.

Amy Robinson then stated she wanted to clarify on Item No. 1 on the General Retention Schedule when the items were flipped around the description should not have changed and the description should be the longer one and should say "Minutes and Meeting Notices – this record consists of the official minutes and printed meeting notices and agendas of any state agency, board, commission, or any division. THIS IS A CRITICAL RECORD. Retention based on IC 5-15-5.1-5(a)(9), and IC 5-15-5.1-12." Ms. Robinson stated it is only the retention period that should change.

Pam Bennett asked how the Committee feels about this because they just passed it without the correct description. Ms. Robinson stated whichever way it was just passed is the way it should remain because of the retention period. Mr. Corridan stated personally he is comfortable with the way it was passed, because the agendas are reflected in the minutes. Ms. Bennett asked Karen Davis, Public Access Counselor, how she felt about this. Ms. Davis stated as far as how long something is retained is not so much an issue in terms of access, and if this body believes that notices do not need to be retained except on microfilm that is o.k. Mr. Corridan stated the issue is that they will not be retained beyond the five years and they will not be microfilmed. Ms. Davis stated this is an issue that this group decides. Ms. Robinson stated essentially what she is saying is there should be no change from

whatever was passed at the last meeting, whichever way here is whether it is listed correctly or incorrectly here, there should be no change in the description of the record series from what was passed at the last meeting. Ms. Davis asked if we know what that was because that is what she is confused about. Ms. Robinson stated she does not have an old copy in front of her, and flipping the old and new, she is not sure if just the retention period got flipped or whether the title/description also got flipped.

Pam Bennett asked if anyone on the Committee had a problem with the printed meeting notices and agendas not being kept permanently. Karen Davis asked you mean as far as the hard copy, right? Jim Corridan said no, period – this would ultimately mean period. Ms. Bennett stated they are not microfilmed until after the five years, so what we passed here, regardless of what was passed last month, would supersede that. Mr. Corridan stated now we are only capturing the minutes. Ms. Davis stated her main concern is that we maybe did not appreciate that when we passed it, and if everyone understood that is the way it is going to be, but if you did not, then maybe we need a motion that says either let's undo this and consider it fully next month, or if no one disagrees with that, it is really not her call and particularly because the only thing the access law says if it is destroyed in consideration of a retention schedule then there is no problem with it. Ms. Davis stated it is really the policy of do we want to approve a schedule where hard copies or microfilm of meeting notices and agendas ends up being destroyed. Ms. Davis stated as far as the legality of it you have to bring an open door law suit timely, well within five years, so as far as that's concerned that should not be an issue, she did not think. Nancy Turner asked if it could be tabled until next month and check on the one passed last month. Ms. Davis stated she thinks a motion would have to be made to revoke the approval and then table it for further consideration. Karen Davis stated in view of the discussion just held that she would move to revoke the approval of the amendment to the Indiana Commission on Public Records, General Retention Schedule-All Agencies-GRADM-1 that the Committee approved earlier in this meeting, seconded by Nancy Turner. Motion carried. Mr. Corridan stated the item would be on next month's agenda.

06-04-19-08

ADJOURNMENT

There being no further business, Kevin Ober moved that the meeting be adjourned. Pam Bennett seconded. Motion carried. Meeting adjourned at 2:08 p.m.