

OVERSIGHT COMMITTEE ON PUBLIC RECORDS
Regular Meeting October 17, 2007

07-10-17-01

CALL TO ORDER AND ROLL

A regular meeting of the Oversight Committee on Public Records was held Wednesday, October 17, 2007. 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: Elizabeth Barrett, Designee for Carrie Henderson, Commissioner, Department of Administration; Pam Bennett, Director, Indiana Historical Bureau; Jim Corridan, Director & State Archivist, Indiana Commission on Public Records; Nancy Scoble for Chris Cotterill, Designee for Gerry Weaver, Director, Indiana Office of Technology; John Jacob, Designee for Bruce Hartman, State Examiner, State Board of Accounts; Heather Neal, Public Access Counselor; Anita Samuel, Governor's Office; Nancy Turner, lay member. Members absent: Roberta Brooker, Director, Indiana State Library. Commission staff in attendance: Amy Robinson, Records Management. Guests in attendance: Bob Dickerson, Stephen Leak, and Dennis Osgood, Bureau of Motor Vehicles; Rudy Cansino, State Department of Health; Scott Huffman, Family and Social Services Administration.

07-10-17-02

NEXT MEETING

Liz Keele announced the next meeting would be held November 21, 2007 at 1:30 p.m. in E418, Indiana Government Center South.

07-10-17-03

PREVIOUS MEETING

Pam Bennett moved approval of the minutes of the September 19, 2007 meeting as presented. Heather Neal seconded. Motion carried.

07-10-17-04

OLD BUSINESS

None

07-10-17-05

DIRECTOR'S REPORT

Jim Corridan reported in addition to the report filed in writing, the Commission on Public Records is working on converting state forms for the Pitney Bowes project to allow Agencies to access forms directly. Mr. Corridan stated in the meantime ICPR has evaluated the way forms have been processed, for instance there have been occasions where it takes two (2) weeks to reprint a form that has no changes, so we have now changed that and it is going to take about 24 hours for ICPR to do a reprint, not a modification to a form, just a reprint. Mr. Corridan stated the Commission is continuing to try and reduce the time it takes for the ICPR to review everything.

07-10-17-06

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 WORKFORCE DEVELOPMENT.....09-13-07
U.I. Tax
2. PUBLIC ACCESS COUNSELOR.....09-15-07
3. STATE DEPARTMENT OF HEALTH.....09-26-07
Division of Dairy Products

4. STATE DEPARTMENT OF HEALTH.....09-26-07.
Meat and Poultry Health

In regard to Schedule No. 1, Department of Workforce Development, U.I. Tax Division, there were no questions or comments. A motion was made by Pam Bennett and seconded by Elizabeth Barrett to approve Schedule No. 1 as submitted. Motion carried.

In regard to Schedule No. 2, Public Access Counselor, Mr. Corridan stated Heather Neal, Public Access Counselor was present. Ms. Neal stated the office of the Public Access Counselor only has three (3) record series and this change will get rid of one (1) of them. Ms. Neal stated they have an Access Database that was established in the office since the creation of the office and has every person that they have ever talked to, received an email from, etc. Ms. Neal stated it used to be the case that they would then after entering all the information, print out a record of each case, there are about 14,000 right now. Ms. Neal stated this would get rid of the printed material and the Access Database would still be kept. There being no questions or further comments, a motion was made by Jim Corridan and seconded by Anita Samuel to approve Schedule No. 2 as submitted. Motion carried.

In regard to Schedule No. 3, State Department of Health, Division of Dairy Products, Jim Corridan stated that Rudy Cansino from the State Department of Health was present. Mr. Corridan stated this schedule basically deletes all record series for this Division since their duties have been transferred to the Indiana Board of Animal Health. There being no questions or further comments, a motion was made by Pam Bennett and seconded by Heather Neal to approve Schedule No. 3 as submitted. Motion carried.

In regard to Schedule No. 4, State Department of Health, Meat and Poultry Health, Jim Corridan stated this is the same situation as Schedule No. 3, and all record series for this Division are being deleted because their duties have been transferred to the Indiana Board of Animal Health. There being no questions or further comments, a motion was made by Elizabeth Barrett and seconded by Nancy Turner to approve Schedule No. 4 as submitted. Motion carried.

07-10-17-07

NEW BUSINESS

FSSA Request for Waiver from OCPR Policy No. 06-01 – Jim Corridan stated this request has been withdrawn and may be considered at next month’s meeting.

BMV Request for Waiver from OCPR Policy No. 06-01 – Jim Corridan distributed an email to the Oversight Committee from Stephen Leak, who was present at the meeting, requesting two (2) sections of OCPR Policy No. 06-01 be waived as highlighted in the email. Mr. Corridan stated the first is a request by the BMV for permission to waive the requirement to retain records that have been scanned into the digital system for the 12 months that the policy requires. Mr. Corridan stated the second issue, seeks a waiver of the policy that states that records retained for 10 years or less can be scanned and the originals destroyed, and BMV has some records that would be retained significantly longer than 10 years.

Steve Leak then stated under Point 1, what their process is they are converting from filming to scanning and not only doing that as currently in their home office, branches send all materials to the home office. Mr. Leak stated it was microfilmed and currently is being scanned and retained in whichever medium they happen to be on at the time and now they are on electronic. Mr. Leak stated the converting process takes them to where there is captures and it is done at branch level, so out of 140 branches throughout the State, so the document captures come in and has documents in support of an issuance and credentials, they provide that to the branch, the branch will do the transaction, it will scan that on site₂ and it will come back for a check in the office. Mr. Leak stated if they are required to maintain 140 branches worth of millions of documents being received annually, then they will have to copy and it will

basically double the time of the transaction. Mr. Leak stated they could provide a dual backup of the images, if they go forward, they would like to retain it for far less than 12 months. Mr. Leak stated they would not let it go beyond the point of a trial until they are 100% confident that they are retaining the records need to be retained, but 12 months seems to be excessive given technology and standard technology has been available for years and proven, and they will not, of course, produce it until it is proven in their situation.

Mr. Leak was asked what time frame would be appropriate if it is not 12 months, what time frame then do they want. Mr. Leak stated once they say they pull it out of the pilot it is a go and he would say 60 to 90 days which is what he originally projected. Mr. Leak stated they would not release it out of pilot until they are confident, so if they take it over from that point, 60 days in the future, he thinks that is sort of a comfort zone for the Committee. Mr. Corridan stated so to make it clear in his mind if they started today, 60 to 90 days from now you would retain all that paper and then destroy that paper and from that point forward it goes into the scanning system the same day or the next day and then destroyed. Mr. Leak stated that it correct.

John Jacob asked what specific performance measures they have in place to measure whether or not everything is captured. Mr. Leak stated they know the image is captured, they know they have a physical count of the documents and compare that to what the system says when the image is captured and if we don't achieve a 99 percent that we find the error. Mr. Leak stated it is a simple audit and they know how many physical sheets of paper, we know how many the machine says have been counted, and we can tally from that. Mr. Leak stated it is just routine that a copy of every documentation provided to them for registration, title, and issuance, so they get everything from social security cards, international documents, birth certificates, car titles, passports, pictures of cars that are turned in where somebody once built a car from the ground up. Mr. Leak stated six (6) to eight (8) weeks in the project they are well over 2,000,000 documents. Mr. Leak stated just to make sure Mr. Corridan's question is answered, when they scan these documents the images appear right away on the screen, so the scanner is reviewing them, and they also go to a quality control process, where the document screen is stepped through to make sure for a document is what they prove and related documents, a customer brings in five (5) documents, it is five (5) pages or 10 pages if it front and back, those are considered a document for the customer. Each one of those pages is stepped through during the quality control process and they also have a third page which is the foundation for a supervisor, if you will, validates those matches again. Mr. Corridan asked if there would be an opportunity for some kind of a user fraud to occur here between income and revenue coming in at the branch and records not getting scanned, and are there other cross checks for all of that. Mr. Leak stated that is all done with the Star System, financial audit system, so it has nothing to do with the images that are captured, via microfilm or electronic, that is one way of taking care of on a day-to-day cash book in the branches compared to the transactions and what the account says transaction account and dollar account.

Liz Keele asked is there a reason to retrieve these documents to view a second or third time. Mr. Leak stated yes, which is the key point of this. Mr. Leak stated he has only been there a couple of years, but the first thing he noticed was a huge lag and quality issue each time they had to produce documents for courts and prosecutors, the quality of microfilm, and these are just like something printed out of a book. Mr. Leak stated the chance of them having to send an apology letter that this is the best possible image we can give you should be non-existent any more and should be instantaneous, you should be able to call that up and within minutes have that document to give to law enforcement, courts, whatever, versus microfilm, finding the number in the system, going to the drawer, pulling out the film, taking a picture, getting that faxed, it is an easier process to transfer that electronically, it is a wonderful streamlining of our business for our customers. Mr. Leak stated our biggest customer is usually law enforcement, courts, prosecutors – they are the people that need these documents to go in try a court case with them and Homeland Security is another one that comes to them for these documents. Mr. Leak stated whatever they can do to expedite to deliver a quality document is really the purpose of this request.³ Mr. Leak stated of course now fewer trees will be cut down because we don't have a lot of paper copies, we don't have the time lash in their work process from their branches to have to mail all this

stuff to us by a courier, which means better issuance on titles could go probably from five (5) days to 24 to 48 hours. Mr. Leak stated their delivery of customer service would be greatly enhanced. Law Enforcement, Homeland Security, courts, JTAC are all very excited, because they obviously through the whole process of converting from the mainframe to STARS, prosecutors have just been chomping at the bit to get this. Mr. Leak stated any downside exposure he saw at the start of this project is no different than if the branch decides not to scan something, same thing, they decide not to copy it and send it, it is the same thing. There were supposedly audits in branches where that happened, just like there are electronic audits for knowing how many transactions passed and how many we should have; but truly I think they are no different, they are no greater exposure. Mr. Leak stated they are more apt, he would see in the title area where you would have to go out and weekly contact branches where they are missing these documents. Couriers lose packages and they have changed courier services twice, because a whole package from one of these branches is gone and so, truly, that should not happen and they should not have the opportunity for couriers to lose things.

BMV explained that they have two (2) pieces of software that comprise this project, Cofax is the scanning and imaging part of it and Fortis is the image retention engine. It is estimated they will use 1.2 terabytes storage per year and that is already in place with IOT and being backed up on a nightly basis, so they have department area storage medium and they have electronic backup.

Mr. Leak stated the second issue is again given the same logic he does not understand why they would want to convert back to microfilm after 10 years, what is that magical 10 years, if they are satisfied and have the redundancy for 1 to 9 years, why not be satisfactory going forward and then they are going to get back into the quality, if somebody got in trouble enough they are pretty much a habitual person and in theory, you are not looking at getting the license back and sometimes courts give in and give the license back. Mr. Leak stated for those reasons they have to go back beyond 10 years and in that he is concerned with the quality of the images they are able to produce and the speed at which they access them, and he did not understand why that would be different, why the need would be different for greater than 10 years than just 10 years.

Jim Corridan stated we are not suggesting 10 years + one day and BMV should microfilm, what we are saying is we don't care if it is the day after you scan the image, if the retention is more than 10 years, then we want to have a copy on paper or microfilm. Mr. Corridan stated Mr. Leak is talking about the quality of the microfilm and the problem is that BMV was not using the State's requirements for microfilming, they were doing their own filming and it never became an issue for us because most of your records are less than 10 years. Mr. Corridan stated they did not have to film those records at all (under 10 years), there was no requirement in the retention schedule to microfilm the records with retention of less than 10 years, and he would say they were smart to move away from all microfilming of records under 10 years, because it does not make any sense. Mr. Corridan stated it would be much faster to retrieve them now, and that being said, the machine they were running things on is out of date, poor quality, low resolution, would not meet anywhere near the State standards. Mr. Corridan stated that is one issue and the second thing is that he and Mr. Leak have discussed is there are people in their system whose licenses will be suspended for 25 years, 50 years, life, and the view of the Commission on Public Records and the Oversight Committee has been that anything that has a long-term retention will not be relegated simply to some kind of digitization system, and there must be a permanent record and microfilm remains the permanent method of preservation if you do not have the original record. Mr. Corridan asked how many people have their license suspended for more than 10 years and stated it cannot be very many. Mr. Corridan stated the reason we are concerned about this is because if the system does crash or if there is not a way to get back to the electronic system, you do not want the person to go back and get a license if there is no way to prove they should not have one. Mr. Corridan stated that is the concern the Commission has, we want to make sure there is replication and we have great faith in IOT's ability to back everything up, but do not want to rely just on that for records that have long-term retention periods. Mr. Leak stated if the quality and ability to replicate and₄ redundancy, we have triple redundancy, we have our electronic version, daily backup, then weekly backup, if the lion's share is acceptable for that, then why do we record that portion for those over 10

years? Mr. Leak stated if so, we can find a way to do it, there is always a way to do it, we are just going to have to work to create a way where we generate notices, it automatically goes into a file and at sometime that is sent to you and we record those, all the suspension notices and all that are done that way. Mr. Leak stated the technology is there and you guys are a lot smarter and can figure out how to do all that stuff. Mr. Leak was just trying to understand why we can work in this 10-year period, which is where the bulk of their business is. Mr. Corridan stated it is not that it is not important in 10 years, our view is that during the 10-year period we believe that your operating system, the scanned files, and probably the software, will still be accessible. If in seven (7) years from now when you have to check this record, can you guarantee to us that you will have an operating system that will still access this, in other words Cofax will still be active. Mr. Leak said they have but we cannot be completely sure, Mr. Corridan said a nice way to put it, and it would be unconscionable to think that we would possibly move another imaging solution without migrating millions of records that we have and we would have to do that. Mr. Corridan asked if people would realize, oh, look at this legacy system, we have kept those for 10 years, which was long enough, but really within there are all the suspensions beyond 10 years. Mr. Corridan stated the way the retention schedule is written is x number of years after suspension, well the suspension varies by each instance. Amy Robinson stated you would have to know per record how long you were going to retain each person's record. Mr. Leak stated actually by the document type they know that it more than 10 years, so we can say anything that is a court order, whatever those specifics are, we can break that down in the system by document type, where the other ones are given a date in which 10 years plus whatever that comfort zone is which I do not know why we chose it. Mr. Corridan stated what your retention schedule currently says and Amy Robinson is one of our Records Analysts, so there is a disconnect anyhow between what the retention schedule says and what you are doing, how you are currently operating. Mr. Leak we are going with the current one, which is what we had to work with.

Mr. Corridan stated for his clarity he asked if we resolve the first half of your issue today somehow, the second half of the issue really does not matter yet, so we have some time to figure out, because you can split things aside that some records need to be spun off on microfilm from a TIFF file, and we have the ability to take a TIFF file and convert it to microfilm. Mr. Leak stated for the court decision, some things are offense related and some are convictions. Ms. Robinson stated if she understands correctly what Mr. Leak was saying is that the current time period you have programmed in the system match up with your existing record retention schedule. Mr. Leak replied yes. Mr. Leak stated it is actually through this project they have determined DSR had to sit down and talk to a legal counsel and ask what is, give us firm definitive dates of what we need to keep and this is a learning experience on our end. Mr. Leak stated up to this point they retained those 20 years and if longer than that possibly, so that is what Scott, our legal counsel is trying to figure out right now. Mr. Leak stated they can look into it. Mr. Leak stated from their ICON tech meeting he has described it in a way he does not understand it, he got an affirmative answer from him that yes, they can do that.

Mr. Corridan suggested that OCPD adopt a 90-day requirement for retaining the original records on Question 1. Mr. Corridan stated he thinks OCPD can live with the 90-day instead of the 12 months, and on Question 2. OCPD leave in place where it stands today on the policy, giving BMV and the Commission on Public Records staff an option to work out all the issues. Mr. Corridan stated if we can both reach a comfort level that we understand everybody and where we are coming from and what our concerns are, then that is what can be put forward for approval.

Mr. Corridan moved OCPD adopt Section 1 of the BMV waiver regarding the 12-month period to retain their paper records and allow them to be destroyed after 90-days and table any waiver requested in Section 2 of their waiver request which is 10 years and then microfilm and allow the Commission on Public Record staff to meet with BMV staff to see if we can collectively collaboratively come up with a proper response that meets the State's public records requirements and also BMV's hopes for an efficient use of their system. Mr. John Jacob requested that the motion include that they also meet their program goals as far as accuracy concerning audits to insure that the records are being digitized and that they also have a documented trail of completion and quality control.

Mr. Corridan stated he would be happy to include that and say before the destruction within the first 90 days, at the end of the 90 days they have met their program goals as far as the accuracy and quality of their scanned images. Motion seconded by Nancy Turner. Motion passed.

07-10-17-08

ADJOURNMENT

There being no further business, Pam Bennett moved that the meeting be adjourned. Elizabeth Barrett seconded. Motion carried. Meeting adjourned at 2:15 p.m.