

OVERSIGHT COMMITTEE ON PUBLIC RECORDS
Regular Meeting June 24, 2009

09-06-24-01

CALL TO ORDER AND ROLL

A regular meeting of the Oversight Committee on Public Records was held Wednesday, June 24, 2009. Heather Neal stated that notice of the meeting was provided more than 48 hours in advance of this meeting excluding Saturdays, Sundays and holidays pursuant to the Open Door Law. The meeting was called to order by Chairperson Heather Neal, Public Access Counselor, at 11:00 a.m. in E418, Indiana Government Center South. Members present constituting a quorum: Caroline Bradley, Designee for Gerry Weaver, Director, Indiana Office of Technology; Roberta Brooker, Director, Indiana State Library; Jim Corridan, Director & State Archivist, Indiana Commission on Public Records; John Jacob, Designee for Bruce Hartman, State Examiner, State Board of Accounts; Liz Keele, Designee for Todd Rokita, Secretary of State; Elizabeth Lerch, Designee for Mark W. Everson, Commissioner, Department of Administration; Anita Samuel, Governor's Office; Nancy Turner, lay member. Members absent: Pam Bennett, Director, Indiana Historical Bureau. Commission staff in attendance: Larry Hummel and Amy Robinson, Records Management; Beverly Stiers, County and Local Government Records Management. Guests in attendance: Rudy Cansino, State Department of Health; Mike Pavese, Department of Correction; Melissa Farrington and Niles M. Parker, Indiana Department of Environmental Management.

09-06-24-02

NEXT MEETING

Heather Neal announced the next meeting would be held July 15, 2009 at 1:30 p.m. in E418, Indiana Government Center South. Jim Corridan stated that meeting date might have to be changed because there is a possibility he will be out of town on that day.

09-06-24-03

PREVIOUS MEETING

Caroline Bradley made a motion to approve the minutes of the May 20, 2009 meeting. Nancy Turner seconded the motion. Caroline Bradley stated that on page 1 of the Minutes under Call to Order and Roll, Elizabeth Lerch was not listed as present. This will be changed on the May 20, 2009 Minutes. Ms. Neal stated the motion on the table is to approve the minutes with the noted change from Caroline Bradley. Motion carried.

09-06-24-04

OLD BUSINESS

1. FSSA Request for Waiver from OCPR Policy No. 06-01

Jim Corridan stated he had a meeting with Carrie Henderson who is the Contract Compliance Officer by title for FSSA and this is all related specifically to the IBM eligibility/DCS thing that the State and FSSA is working on, and they are making some significant progress cleaning all of this up. Mr. Corridan stated they should at some point have all of this completely resolved or come back with some recommendation on the action needed by OCPR.

2. County/Local General Retention Schedule

Jim Corridan stated they are making some progress and it has become clear that they will have to go through all the existing County/Local Retention Schedules for each office and modify them, so they will strip out the items that will be included in the County/Local General Retention Schedule. Mr. Corridan stated revisions will have to be made to all these

Retention Schedules for County/Local Government as part of this process. Mr. Corridan stated in some cases this is long overdue. Mr. Corridan stated he and Heather Neal spoke to the School Board Association and their schedule was originally drafted in the 1990's and would not be approved today, it is completely different and much too complex. Mr. Corridan stated they need to get all this fixed at the same time.

09-06-24-05

DIRECTOR'S REPORT

Jim Corridan reported the Commission's Divisions are doing well. Mr. Corridan stated Micrographics is anticipating having more than 26,000,000 images (scanned and microfilmed) this year, which almost doubled anything done before. Mr. Corridan stated they are also later on today doing a presentation with IOT for IN.gov at a meeting at the Government Center talking to IT Directors and explaining to them the new IN.forms.gov website, which is a revision of the forms catalog. Mr. Corridan stated IOT has worked with them and very gracious in helping support this application.

Jim Corridan reported ICPR continues to work on reducing the number of record series in State Government. The project started at almost 11,000 and is down to the 6,000 range. Mr. Corridan stated significant progress has been made over the last 2 ½ years and that is in large part due to Larry Hummel and Amy Robinson's efforts but also to this Committee for reviewing and approving them. Mr. Corridan thanked all for this effort.

Jim Corridan stated the last thing he will touch on is the fire in Jefferson County which was probably after the OCP's last meeting, and they sent two (2) staff members from the State Archives, Elizabeth Hague, Conservator and Alan January, and two (2) staff members from the State Library, Katie Mullins and Mark Vopelak, initially the morning after the fire to help with preservation and restoration efforts. Mr. Corridan stated that is something that the State Archives has not traditionally done, they did it somewhat in the Johnson County flooding recently. Mr. Corridan stated before that they really have not been proactive in going out and they have had a very positive response both from the local community and the office holders because of doing this and he thinks it really is part of our responsibility trying to uphold a trust of preserving Indiana's historical records. Mr. Corridan stated he followed up about two (2) weeks later meeting with the Jefferson County Commission of Public Records, attended their meeting and provided direction to them and we continue to work with that county to help preserve what records remain and work with them through the restoration process. Mr. Corridan stated right now they are looking at a significant bill for restoration, currently over \$600,000, to restore their records and as a result of those discussions and conversations, he later attended the County Clerks' Association Annual Meeting held here in Indianapolis. Mr. Corridan stated later in the meeting he is going to propose a new policy concerning county microfilm and the State Archives.

09-06-24-06

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 ENVIRONMENTAL MANAGEMENT.....04-23-09
Office of Water Quality
2. DEPARTMENT OF NATURAL RESOURCES.....04-23-09
Public Information Division

3. DEPARTMENTY OF TRANSPORTATION.....04-24-09
Sub-districts
4. DEPARTMENT OF CORRECTION.....05-15-09
Plainfield Juvenile Correctional Facility
5. STATE DEPARTMENT OF HEALTH.....05-20-09
Data Processing Division
6. STATE DEPARTMENT OF HEALTH.....05-20-09
Office of Cultural Diversity and Enrichment
7. STATE DEPARTMENT OF HEALTH.....05-27-09
Vital Records Section

In regard to Schedule No. 1, Department of Environmental Management, Office of Water Quality, Amy Robinson introduced Melissa Farrington and Niles M. Parker from this Agency. There being no questions or comments, a motion was made by Jim Corridan and seconded by Nancy Turner Lerch to approve Schedule No. 1 as submitted. Motion carried.

In regard to Schedule No. 2, Department of Natural Resources, Public Information Division, there were no questions or comments. A motion was made by Elizabeth Lerch and seconded by Caroline Bradley to approve Schedule No. 2 as submitted. Motion carried.

In regard to Schedule No. 3, Department of Transportation, Sub-districts, there were no questions or comments. A motion was made by Nancy Turner and seconded by John Jacob to approve Schedule No. 3 as submitted. Motion carried.

In regard to Schedule No. 4, Department of Correction, Plainfield Juvenile Correctional Facility, Larry Hummel introduced Mike Pavese from this Agency. There being no questions or comments, a motion was made by Elizabeth Lerch and seconded by Liz Keele to approve Schedule No. 4 as submitted. Motion carried.

In regard to Schedule No. 5, State Department of Health, Data Processing Division, Larry Hummel introduced Rudy Cansino from this Agency. There being no questions or comments, a motion was made by Caroline Bradley and seconded by Nancy Turner to approve Schedule No. 5 as submitted. Motion carried.

In regard to Schedule No. 6, State Department of Health, Office of Cultural Diversity and Enrichment, there were no questions or comments. A motion was made by John Jacob and seconded by Jim Corridan to approve Schedule No. 6 as submitted. Motion carried.

In regard to Schedule No. 7, State Department of Health, Vital Records Section, a motion was made by Nancy Turner and seconded by Caroline Bradley to approve Schedule No. 7 as submitted. John Jacob then had a question about the note from Mike Hoose and whether or not this would be added to the schedule. Jim Corridan stated this is actually a PR-2 versus a schedule, just a one-time action. Caroline Bradley stated there was a request by the State Board of Accounts concerning the destruction of accountable forms should be witnessed by two employees. Mr. Hummel stated they are obsolete accountable certificates of birth and Mr.

Hummel had already been in contact with Mike Hoose about what they must do to destroy these records. Mr. Corridan stated the request from the State Board of Accounts to include the statement that this destruction should be witnessed by two employees, one being outside of the division where the forms are used should be added to this retention schedule and it will be added to this, so it is clear.

John Jacob made a motion that State Department of Health, Vital Records, Retention Schedule be amended to include that the destruction of accountable forms should be witnessed by two (2) employees. Jim Corridan seconded. Motion carried. Mr. Corridan stated these are all blank forms, and we want to make sure they are destroyed in a way they cannot be used to create false identity. John Jacob stated those two witnesses also will sign off on the destruction form for audit that they were actually destroyed and how they were destroyed. The motion to approve State Department of Health, Vital Records Section, as amended, was made by Nancy Turner and seconded by Caroline Bradley. Motion carried.

09-06-24-07

NEW BUSINESS

1. County Master Microfilm Transfer Policy – Jim Corridan distributed copies of a proposed Oversight Committee Policy 2009-01, Master Rolls (Original Negatives) of County Permanent Microfilm. Mr. Corridan stated Pam Bennett who is not at the meeting today, sent an email which includes the following as a replacement for the final paragraph which is probably better worded than what you have now. Mr. Corridan stated this reads “When permanent county records are required to be microfilmed, and when said microfilm is in compliance with state microfilming standards, county officials shall transfer the master negative rolls of microfilm to the Indiana State Archives for safekeeping and preservation. The Indiana State Archives shall keep the microfilm in a secured climate controlled vault and shall hold the microfilm without assessing a storage fee to the county.” Mr. Corridan made a motion to adopt this policy with the replacement of the last paragraph with the one submitted by Pam Bennett, seconded by Anita Samuel. When Ms. Neal asked if there was any discussion, Ms. Samuel asked if there was any feedback from the counties on this. Mr. Corridan stated he met with the County Clerks and there were two (2) questions raised, one was inoculate and the other one didn’t actually refer to this. Mr. Corridan stated there was no opposition to this at all. Mr. Corridan stated the second County Clerk, which was Grant County, raised the issue about they do not even do any microfilming because they do not have the money to do microfilming, which really puts their county in a precarious position. Mr. Corridan stated part of this process is going to allow us to identify who those counties are, because right now we don’t really know and do not have any insight as to what they are doing. Mr. Corridan stated between the State Court Administration and us we will now know exactly what is going on in the counties. Mr. Corridan stated the Grant County people suggested they use their funding bill for something. Mr. Corridan stated they are going to have them do something to secure their records, so if there were a fire in Grant County and they have no Recorder’s records and no court records, no vital records, they will be in a world of hurt when they are going to have to try and prove who owns what. Mr. Corridan stated they need to address that and this is the first step.

Mr. Corridan stated the second step will be to see who is not complying with the current rules and the phase after that will be to seek legislation. Mr. Corridan stated there is currently legislation which requires the Recorder and the Clerk to charge records perpetuation fees to help make sure that these things do happen and for some reason those fees are being diverted to other accounts or there is some problem there that needs to be addressed. Mr. Corridan stated this is critical. Caroline Bradley asked if this would be for records going forward or have they microfilmed historically?

Mr. Corridan stated they have historically microfilmed so it will go in both directions. Ms. Bradley said if we went into Grant County, first thing to do would be microfilming today, going forward, but then you would still have to catch up. Mr. Corridan stated you would have to work backwards also. Roberta Brooker questioned if all their deeds and everything are just a paper copy and Mr. Corridan stated what he knows is that they are not microfilming and they never have microfilmed based on the comments of the County Clerk. Mr. Corridan stated it could be that the Recorder is, but he does not think so. Mr. Corridan stated some counties have begun to digitize records but neither the Supreme Court nor the Commission on Public Records recognizes the digital images of the preservation strategy of permanent records, so in most counties that have done that it would have been in the last couple of years, so there is a huge potential liability here for the counties. Heather Neal yielded the chair to Elizabeth Lerch and had a question for Jim Corridan. Ms. Neal stated in the second line it says to safeguard the vital local records – vital records, isn't that a term that just means birth and death records or does it mean local records that are vital. Mr. Corridan stated this means local records that are vital, not necessarily vital records referring to birth and death records, and he would say the Recorder's records are a definition here of the beginning type of permanent local records, properly categorizes everything, records that are required by the Oversight Committee on Public Records to be permanently retained and microfilmed, and those are the records we are particularly concerned with. Ms. Neal then took the chair back. There being no further discussion, the motion to approve the Oversight Committee Policy 2009-01 with the substitution of the last paragraph as read by Mr. Corridan carried. This Policy goes into effect July 1, 2009.

09-06-24-08

ADJOURNMENT

There being no further business, Elizabeth Lerch moved that the meeting be adjourned. Nancy Turner seconded. Motion carried. Meeting adjourned at 11:27 a.m.