

OVERSIGHT COMMITTEE ON PUBLIC RECORDS
Regular Meeting December 19, 2012

12-12-19-01

CALL TO ORDER AND ROLL

A regular meeting of the Oversight Committee on Public Records was held Wednesday, December 19, 2012. The meeting was called to order by Chairperson Joe Hoage, Public Access Counselor, 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; Jerry Bonnet, Designee for Connie Lawson, Secretary of State; Caroline Bradley, Designee for Brian Arrowood, Chief Information Officer, 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; Connie Smith, Designee for Robert D. Wynkoop, Commissioner, Department of Administration; and Micah Vincent, Governor's Office. Members absent: None. Commission staff in attendance: Ted Cotterill, Deputy Director; Amy Robinson, Records Management; Beverly Stiers, County and Local Government Records Management. Guests in attendance: None.

12-12-19-02

NEXT MEETING

Joe Hoage announced the next meeting would be held January 16, 2013 at 1:30 p.m. in Conference Room 10, Indiana Government Center South, 1st Floor.

12-12-19-03

PREVIOUS MEETING

Connie Smith moved approval of the November 7, 2012 minutes as presented, seconded by Pam Bennett. Motion carried.

12-12-19-04

OLD BUSINESS

None

12-12-19-05

DIRECTOR'S REPORT

Jim Corridan stated a written report was sent in the packets to the OCPR Committee. Mr. Corridan stated they have had some conversations with the government efficiency group of the Governor's office/OMB because as people are moving to scanning they are declining the amount of microfilming they are doing. They are talking about scanning projects in the State and getting those better coordinated. This is impacting ICPR's non reverting fund and there have been some ramifications from that. They are working out the issues with the Budget Agency/Governor's office. Mr. Corridan stated the big news today is a press release stated Indiana's Digital Archives for the third year in a row has been recognized as one of the top 75 websites in the country for genealogy and one of only two in Indiana, the other one is the State Library, which is the second year for them.

12-12-19-06

AGENCY REQUESTS-RECORDS RETENTION AND DISPOSITION SCHEDULES(S)

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

1. DEPARTMENT OF REVENUE

Returns Processing Center

A motion was made by Caroline Bradley and seconded by Pam Bennett to approve Schedule No. 1 as submitted. John Jacob had a comment on whether or not some modification was needed concerning Record Series No. 2000-41 on page 3 of 4, Indiana Financial Institution Franchise Tax Return, under Total Retention is lists twenty-three (23) years after the end of the calendar year in which the returns are due, but the verbiage “and after receipt of State Board of Accounts Audit Report and satisfaction of unsettled charges” in not listed. Mr. Jacob stated he talked with the Auditor that works with the State Board of Accounts and he felt it was best to make this language standard for all financial returns. John Jacob made a motion to modify Record Series No 2000-41 on page 3 of 4 to include State Board of Accounts standard language in the retention period. Caroline Bradley stated this is standard language and should not present a problem. Ms. Bradley stated the major thing here is that we do not want to transfer to the Records Center until we have completed that audit, because otherwise a few years has past and even if there is an open audit they could transfer it and that could cause additional issues. Jim Corridan seconded the motion by John Jacob, motion carried. The original motion made by Caroline Bradley and seconded by Pam Bennett covering the entire Retention Schedule then passed.

2. STATE DEPARTMENT OF HEALTH

Long Term Care

A motion was made by Pam Bennett and seconded by Caroline Bradley to approve Schedule No. 2 as submitted. Motion carried.

3. STATE DEPARTMENT OF HEALTH

Medical Radiological Services

A motion was made by Connie Smith and seconded by Jim Corridan to approve Schedule No. 3 as submitted. Caroline Bradley stated she had a question on Item No. 1 which is being amended, stating to Destroy/Delete all related records if a facility is determined to no longer be in business. Ms. Bradley stated it seems that the reason on keeping those is because people need to show that they were certified and could be kept for a period after the facility closes. Jim Corridan stated he thinks this is actually a registration of the x-ray machine itself, not the people. Ms. Bradley stated if the facility is closed and Amy Robinson stated if the facility is closed, then the machine is gone. Ms. Bradley stated but if someone claims that an unregistered machine was used to do their test, how would they do this, that is probably why the records are kept. Ms. Bradley stated there may be a period where someone might come back and question whether the machine was actually registered and the facility was operating under all the guidelines and it seems like it should be kept for a period of time after the facility is closed. Jerry Bonnet stated the Secretary of State’s office would have had contact for example with the County Treasurer concerning personal property taxes which are assessed on equipment and the term not being in business is kind of vague because we have corporations that are administratively dissolved and some judicially and some that are just inactive and the pursuit of officers and directors of an inactive business may still be liable for taxes, etc. Pam Bennett asked what is the meaning in this concept of “this information is retained within the Indiana Professional Licensing Agency’s License 2000 system?” Ms. Bennett asked is that meant the records and Amy Robinson stated yes, the State Department of Health records in this case are maintained within the PLA Database. Mr. Corridan stated even though this is equipment rather than a person, PLA still maintains the records. Caroline Bradley made a motion to move forward with the remainder of this Retention Schedule and table Item No. 1, Record Series No. 79-3653. Jim Corridan seconded. John Jacob asked if anyone knew what the statute of limitations would be. Amy Robinson stated their Records Coordinator was retiring and she recommended they just destroy the records seven (7) years after the facility is no longer in business. Jim Corridan stated they should just do that and if there is a

problem with the Agency concerning this, then they can fix it next month. Pam Bennett stated that same line is in Item No. 2 and suggested they both be changed at this time. Caroline Bradley made a motion to amend Record Series 79-3653 and 79-3664 to read “destroy/delete all related records seven (7) years after this facility is determined to no longer be in business” seconded by Jim Corridan. Motion passed. Original motion then passed.

12-12-19-07

NEW BUSINESS

1. Regional Authorities-Destruction Approval – Jim Corridan stated they have an issue that has come up and he wanted to share it with the Oversight Committee. As local governments begin to work more cooperatively with each other, they have established different types of regional organizations that cross county jurisdictional lines. Mr. Corridan stated it becomes unclear who is responsible for the records that those organizations need to have transferred, destroyed, etc. Mr. Corridan stated if he is the economic development organization for 10 county area, does he go to the county in which the records are located or does he talk to the State or do the records generated in each one of those counties have their records destroyed in each county. Mr. Corridan’s view is that we probably want to have multi-county or multi-community crossing county lines organizations come to the State for review, because otherwise we could have a situation where Knox County is authorizing the destruction of records for six (6) other counties and this could be a little sloppy. Mr. Corridan stated we have had two (2) instances come up in the last 60 days on how to handle this. Mr. Corridan said unless someone had concerns, this is probably how it will be handled.

Pam Bennett said this makes sense since there would be nothing else in between, so it would make sense that the State be the mediator on this. Jerry Bonnet asked if they were chartered by statute. Micah Vincent said some of them are statutory. Mr. Vincent asked what do we do with a solid waste district that spans six (6) or seven (7) counties, but it is its own unit and not a function of some other governmental unit. Mr. Corridan stated they probably shouldn’t be reporting back to the seven (7) counties saying they are going to destroy records. They should come to the State. The County/Local General Retention Schedule will cover most of their records.

2. GEN 10-2, County/Local Agency, Board or Commission Meeting Tapes – Jim Corridan stated ICPR received a letter from a gentleman in Georgetown, IN and wanted to share it with the Oversight Committee. This gentleman is concerned that he believes the retention schedule for minutes in Indiana regarding allowing the original transcribed minutes, tapes and handwritten notes to be destroyed was outdated. He thinks the State should change the way the minutes are done so the transcript can be retained forever (the original record of the meeting). The minutes would not be the only record, and you would also have these as a permanent record. Mr. Corridan stated the issue he sees with this is the legislature in Indiana and the courts deem that Indiana is not a legislative intent state, so we don’t keep all of the proceedings of Indiana legislature to say that here is everything that has happened, you simply look at what the law says as passed. So in the case of anyone’s minutes in this state, it would seem the same thing is true.

Joe Hoage stated whatever record or recording he has asked for he has been able to receive, it is just that they might in the future start saying let’s just get rid of all 2009 recordings. Mr. Corridan stated anything that existed he has had access to and Mr. Hoage said right.

Caroline Bradley said in regard to the video surveillance tapes also it seems like in some way we should mirror that type of thing, it is a full record and how long do those need to be kept. She does not think it is forever. Mr. Corridan stated he thinks that what it says now, if minutes are approved at the next meeting, they can be destroyed. Ms. Bradley stated maybe you should say they should be kept for a quarter after being approved. Ted Cotterill stated surveillance tapes are short term – have to be kept for 30 days - unless something is noted, i.e. if there is an issue or potential for litigation.

Mr. Corridan stated he just wanted to share with the Oversight Committee but did not feel action was necessary at this time.

3. Election of Officers – Caroline Bradley nominated the current Chairman, Joe Hoage, seconded by Pam Bennett. Connie Smith moved that nominations be closed, seconded by Jim Corridan. Motion carried. Joe Hoage was reelected Chairman.

Caroline Bradley nominated Jerry Bonnet, seconded by Connie Smith. Pam Bennett moved that nominations be closed, seconded by Caroline Bradley. Motion carried. Jerry Bonnet was elected Vice Chairman.

12-12-19-08

ADJOURNMENT

There being no further business, Pam Bennett moved that the meeting be adjourned. Caroline Bradley seconded. Motion carried. Meeting adjourned at 2:00 p.m.