

**State Records Board  
Quarterly Meeting  
January 11, 2007**

Acting under the provisions of the Kansas Statutes Annotated 45-404 and 75-3504, the State Records Board met January 11, 2007 in the Executive Conference Room of the Kansas State Historical Society to consider requests for approval of retention and disposition schedules and of additions to or revisions of such schedules for the following agencies:

Department of Health and Environment  
Department of Insurance  
Department of Revenue  
School for the Deaf  
Kansas Corporation Commission  
Department of Commerce

In attendance were Theresa Bush, chair, Kansas State Attorney General's Office; Matthew Veatch, State Archivist, Kansas State Historical Society; Dr. Patricia Michaelis, Director, Library and Archives Division, Kansas State Historical Society; Duncan Friend, Department of Administration, DISC; Bill Sowers, Kansas State Library, Cynthia Laframboise, State Records Manager, Kansas State Historical Society; Scott Leonard, Electronic Records Specialist, Kansas State Historical Society; Letha Johnson, Archivist, Kansas State Historical Society; Kirsten Hanna, Administrative Assistant, Kansas State Historical Society

The meeting was called to order at 8:30 am.

**Minutes from previous meeting**

The board reviewed the notes from the July 13, 2006 meeting. Dr. Michaelis suggested that the sentence at the top of page 2 be rewritten to read: "The files will be purged before transfer and the documents on the attached list will be transferred to the archives."

Ms. Bush recommended inserting the word "paper" in front of documents in the first sentence of the second paragraph on page 2 of the notes. She also noted that some original documents were not being transferred to the archives. The sentence will now read: "Mr. Veatch added that the schedule should reflect that the paper documents not being transferred to the archives would be destroyed after scanning."

Mr. Veatch moved to approve the minutes as amended. Mr. Sowers seconded the motion. The minutes were approved as amended.

## **Minutes from October 12, 2006 meeting**

Ms. Bush suggested striking the words “wanted to” from the first sentence under the Commission on Veteran’s Affairs on page 3 so the sentence would read: “Ms. Laframboise said that the Commission on Veteran’s Affairs notified her that they did not want to retain the veterans’ cards for 50 years in light of the fact that veterans’ files were destroyed.”

After some discussion, the board agreed to reword the second sentence under the Kansas Department of Transportation on page 3 to read: “Ms. Laframboise explained that the purpose of the audit is that any outside auditor would get the same results.”

Dr. Michaelis recommended changing the word “want” in the third sentence in the fifth paragraph on page two to “wants”.

She also suggested changing the first sentence in the fourth paragraph on page 4 to read: “Ms. Laframboise voiced a concern that there had been resistance by state agencies to complete electronic recordkeeping plans and mentioned that one agency had been working for two years on their plan. Dr. Michaelis had one final recommendation to insert the word “in” in the last sentence in the fourth paragraph to read: “She said perhaps by streamlining the process the staff would be more successful in getting agencies to add electronic records to their schedules.”

The board agreed to strike the word “for” from the second sentence in the first paragraph on page four.

Mr. Friend commented that many of the changes made to previous minutes during the board meetings were fixing grammatical and typing errors and suggested that KSHS staff send out the minutes of the meetings in advance so that board members could get back to Ms. Laframboise and she could make the changes to the copy before the meetings. Ms. Bush said the board could do that as long as each individual board member spoke directly to Ms. Laframboise about the edits. KSHS staff agreed that they would attempt to get the minutes to Mr. Veatch and Dr. Michaelis in advance of the meetings so they would both have an opportunity to review the notes beforehand.

The word “that” was added to the third sentence in the second paragraph on the last page so it would read: “There are big agencies, like KDOT, that have a large IT staff who can spend time on these issues.”

Mr. Friend moved that the October 12 minutes be approved as amended. Dr. Michaelis seconded the motion. The minutes were approved as amended.

## **State Records Board Procedures**

Mr. Leonard questioned the use of the word “infeasible” under #5. Mr. Sowers said that the “un” prefix would be used for Germanic words and the “in” prefix for Latin words. The board agreed that staff would look up the word to determine the correct usage and make the change.

Mr. Friend needed clarification on #4 under the procedures relating to the state government general retention schedule. Ms. Bush explained that it was general practice to include general schedule entries in schedules provided to state agencies; however, general schedule entries are omitted from the schedules presented to the board for review. Ms. Bush questioned whether the first section of #4 should be a separate entry because it sets a guideline for state agencies and the second section sets policy for local government agencies. Ms. Laframboise said that #4 refers to both state and local governments. Dr. Michaelis added that if a state agency wanted to alter the retention and disposition requirements of a general schedule entry then it would be presented to the board as an agency specific schedule entry.

Mr. Friend moved that the procedures be approved with the potential amendment to #5. Dr. Michaelis seconded the motion. The procedures were approved as potentially amended.

The board also agreed that the schedule for the State Records Board meetings for the entire year will be posted on the Kansas State Historical Society website. The URL for the website is [www.kshs.org](http://www.kshs.org). The meetings are scheduled for April 12, 2007, July 12, 2007, October 11, 2007, and January 10, 2008.

## **Kansas Department of Health and Environment**

Ms. Laframboise informed the board that this particular series was obsolete. Mr. Friend asked, in light of the revised board procedures, whether the board would be presented with information on obsolete series if there were no changes in the approved disposition but there were changes in the retention period. Ms. Bush confirmed that the board would be notified about obsolete series if there was a change in the retention period. Ms. Bush also suggested that KSHS staff provide the board with one list of obsolete series broken down by agency. Mr. Friend wanted to ensure that a regular citizen could find the records related to obsolete series. Ms. Laframboise responded that the information resides in the retention and disposition schedule history database, which could be made available to the public upon request.

## **Department of Insurance**

Dr. Michaelis said she was unclear what the phrase “Original documents of Kansas domiciled companies” meant. Ms. Laframboise answered that companies based in

Kansas are domiciled companies. Mr. Veatch suggested rewording the comments field to read: "Retain Kansas domiciled companies records permanently in office". Dr. Michaelis asked if the board needed to address the records of companies not based in Kansas. Ms. Bush recommended the board table the schedule so staff could provide further clarification on the issue.

### **Department of Revenue**

Ms. Laframboise said the agency requested this addition to their schedule. Dr. Michaelis moved to approve the schedule. Mr. Friend seconded the motion, and the schedule was approved.

### **School for Deaf**

Ms. Laframboise said that the school was revising their previously approved schedule from 1994, and that the obsolete records listed reflected workflow changes. Ms. Bush noted that although student files are listed as obsolete records, she was fairly certain they still had student files. Ms. Laframboise responded that the student files are no longer separated by middle school and high school as the school consolidated all the student files. Ms. Bush asked about physical plant records. Ms. Laframboise said that the original documents are being maintained in a different office and these are duplicates. Mr. Friend questioned whether the school was renaming or canceling their schedule and calling it a reorganization. He noted there were a lot of functions that the school obviously still did. Mr. Veatch pointed out that the records were still on their schedule, just in a different office.

Ms. Bush noted that the school used K.S.A. 45-221(a)(1) appropriately but wondered at the lack of consistency at not using that statute on page 5 and why it was worded differently. She also said that the school used K.S.A. 45-221(a)(9) in several series, but the first record series listed on page 2 looked like the records dealt with students but not exams or exam materials. Ms. Laframboise said the student files would have exam materials. Ms. Bush said student exams would be closed and K.S.A. 45-221(a)(9) would cover exams and test materials themselves. She recommended adding K.S.A. 45-221(a)(1) to the series on page 5. Dr. Michaelis said some documents might be placed in student files cumulatively.

Mr. Veatch moved to approve the schedule with amendments. Mr. Sowers seconded. The schedule was approved with amendments.

### **Kansas Corporation Commission**

Ms. Laframboise said that the KCC was doing some revision to their schedule and noted that it did not include electronic records. She said some record series reflected that the

agency is scanning some records thus changing the workflow process. Mr. Friend questioned if .pdf was an acceptable format for storage in KSPACE. Mr. Veatch confirmed that yes, .pdf is acceptable, and it is the only format represented in KSPACE at this time.

Mr. Veatch noted that the language might make more sense if it stated “retain scanned images (.pdf format) two calendar years, then destroy”. He suggested using that language throughout the schedule. He noted that the only reason the schedule provided for annual reports to be transferred to KSPACE is that annual reports are state publications; currently KSPACE is a digital repository focused on state government publications.

Dr. Michaelis questioned going to the effort of scanning documents and then destroying them two years later. She also had a question on the last entry, was it to be microfilmed instead of scanned? Ms. Bush suggested tabling that series to verify whether the documents would be microfilmed or scanned.

Mr. Friend mentioned that most agencies were concerned about long-term storage and preservation of electronic records and that component was underrepresented in this schedule. Mr. Veatch said he also was concerned about this. When electronic records are retained for 10 years or more there are migration requirements. He said that is probably an issue that should be in the agency Three Year IT plan.

Mr. Leonard referred to the Motor Carrier Annual Reports and asked if this had ever been an archival series. Mr. Veatch asked if this was a revised entry and if the records had ever been sent to the archives. Ms. Laframboise said that they had not. Ms. Bush said she could see some historical value in how rates had changed over the years from a regulatory point of view.

Mr. Veatch recommended striking the trucking companies records from the schedule. Mr. Veatch said the board needed clarification on the Tariff Files and when they were scanned. He asked if the agency retained hard copies for three years and then scanned them.

Dr. Michaelis moved to approve the schedule amending the comments in Annual Reports – Motor Carriers to refer to retaining scanned images rather than retaining PDF scans. She also recommended tabling Tariff Files on page three. Mr. Veatch seconded the motion. The schedule was approved as amended.

## **Department of Commerce**

Ms. Laframboise said the reason for the list of obsolete records from the Department of Commerce was that many of the agency’s responsibilities were transferred to the Department of Transportation. Dr. Michaelis mentioned that she found the annotations Ms. Laframboise had added helpful.

Mr. Sowers moved that the schedule be approved. Mr. Veatch seconded the motion. The schedule was approved.

### **Electronic Recordkeeping Plan (ERP)**

Mr. Leonard provided the board with some context for the discussion by stating that KSHS staff had been working with the Department of Transportation to schedule their records. KSHS staff have worked on only a few ERPs over the past three years and are seeking a better way to incorporate electronic records into retention and disposition schedules. The proposed new approach would combine components of the agency Three Year IT Plan and the electronic recordkeeping plan.

Mr. Leonard said the draft of the plan follows a format that the board sees on a quarterly basis when reviewing retention and disposition schedules. The record series description and technical environment information is taken from the agency Three Year IT Plan. Additional information about file formats, data storage, and data migration also would be included in the shorter version of the ERP. The Electronic Records Committee (ERC) determined that migration/data preservation, hardware, system software, and DBMS software elements should be included for its review, but ERC members did not have a recommendation on precisely what information should be presented to the records board for its evaluation of the electronic records. Mr. Veatch said this was an opportunity for records board evaluate the proposed new ERP and determine what other information it needs to see in order to make good decisions regarding the scheduling of electronic records.

Dr. Michaelis mentioned that ERC needs to approve the plan and it would be preferable to avoid having two distinct versions of the ERP. Mr. Veatch said this raised another question; since systems change frequently, what amount of change should trigger an ERP revision and an ERC and SRB review? Mr. Veatch added that agencies have to update their Three Year IT Plan and that KSHS could monitor the plans for any significant system changes, perhaps by working with the Kansas Information Technology Office. Dr. Michaelis asked if we could make it a requirement to the agency that if the end products are changed, then they need to update the schedule, but if they are just updating/upgrading, they do not have to submit anything to board.

Mr. Friend observed that the proposed ERP revision represented a fundamental change in direction that was worth discussing. Ms. Bush said that the system is not the record; the record is the record. The issue being that the board only has authority to approve records retention schedules. Mr. Leonard responded that the board would not be approving the system, just the information retained within the system. Mr. Friend asked what if there was an analog records equivalent to the proposed ERP? Mr. Veatch said that the proposed ERP represented a functional approach to records scheduling, a technique that is effective for both paper and electronic records. Mr. Veatch used the KSHS Library and Archives Division as a hypothetical example of functional scheduling. Using a functional approach, a retention schedule would group all of the records related to the

function of records scheduling together as one schedule entry with a single retention period and final disposition; as opposed to having separate entries for records survey forms, correspondence related to records scheduling projects, etc. He continued by saying that functional scheduling was an attempt to evaluate an organization's records at a higher level, rather than trying to schedule every file drawer. Mr. Leonard asked if functional scheduling essentially involved scheduling the business process and Mr. Veatch responded yes.

Mr. Veatch said that the functional approach had been something discussed internally by KSHS staff for a decade. Ms. Bush wanted to ensure that we do not overstretch our statutory authority, noting that this could eventually require a statutory amendment if there are concerns that the records board does not have enough authority to require agencies to maintain electronic records. Mr. Leonard explained that if a information technology system costs over \$250,000, the agency is required, by Information Technology Executive Council policy, to provide a statement about the management of electronic records within the system. Ms. Bush responded saying that policy is not law unless the legislature mandates it as such. Mr. Veatch said that he thought that the records board does have the authority to set retention and disposition requirements for electronic recordkeeping systems. Ms. Bush said that the state records board could dictate how long agencies must retain records but not what software to use. Mr. Veatch explained that he was not saying the board could dictate what systems agencies use, rather, that they are required to retain records for a certain period of time and KSHS staff can help them think through all the issues related to maintaining those records throughout the life cycle.

Ms. Bush asked if the ERC wanted the board to approve the proposed revision to the ERP? She added that she could see an improvement with the new format for the electronic recordkeeping plan. Mr. Veatch said that records board members have to decide what information to include in the records schedules. Mr. Friend stated that as a board member he cared whether or not Historical Society staff would still be gathering the same information about records as it had in the past. Ms. Bush asked whether accepting the revised ERP would mean that there would no longer be looking at individual record series. Mr. Veatch said that in some ways discrete record series no longer existed in an electronic environment. Dr. Michaelis noted that one of the biggest changes would be expecting state agencies to retain more electronic data because of the difficulty of applying separate retentions requirements to pieces of information in an electronic system. Mr. Veatch said that a system can be designed to manage discrete record series, but that most were not; and the board was in the position of having to establish retention and disposition schedules for electronic information systems built without specifically considering recordkeeping requirements. Dr. Michaelis stated it would be incumbent upon Historical Society staff to fully and accurately describe the nature and purpose of the data within a system. Without effective descriptions, the board could not make informed decisions about the retention and disposition of electronic information systems. Ms. Bush agreed that the description would be the key for the records board to make decisions. Mr. Veatch said that Historical Society staff needed better electronic records scheduling tools and that KSHS staff rely solely upon the system

descriptions from the agency Three Year IT Plans. KSHS staff will need to take copious notes and that if they need more information they will have to consult with agency staff to gather it. Mr. Veatch noted that with a functional approach to scheduling, there might be some records in agencies that will be overlooked. The focus will be upon analyzing an agency's functions and then identifying the records that document that function. The records board has to decide how much information is enough. Ms. Bush mentioned that it is against the law to destroy records unlawfully. Individuals can go back and look at the retention schedule, that is why it would matter for discovery purposes or open records or legal matters. She added that it is hard to discover corruption if the records are destroyed which is why she likes electronic records as you can pull them from hard drive.

Dr. Michaelis suggested that KSHS staff write a summary explanation describing the proposed revision to the ERP. Mr. Friend expressed his concern that over time record series entries may disappear and that it reflects a fundamental shift in scheduling records. Dr. Michaelis expressed her view that the board needed to try to articulate how and why we are moving in this direction. Mr. Friend lamented that access to information over time could be more difficult. Mr. Veatch responded that providing public access to records was not the fundamental goal of records schedules. He continued, saying that records management does not provide public access, it provides an inventory to the public. Dr. Michaelis mentioned that if the agency legal staff recommends retaining the records for 8 years, then we accept that decision. Ms. Bush said that retention has been the agency's decision unless the historians on this board disagreed and thought the records had historical value.

Board members directed Historical Society staff to write an explanation for the change in ERP procedures and discuss it with the Electronic Records Committee.

## **Annual Report**

Dr. Michaelis suggested rewording the first sentence in the second paragraph to read: "Since 1985, the State Records Board has approved partial or complete records retention and disposition schedules for 82 of the 89 agencies in Kansas state government excluding the separate correctional facilities."

Ms. Bush recommended listing the size of the current staff on page five.

The board agreed to remove Dr. Michaelis from the contact list and to list the KSPACe URL in the report on page 9.

Mr. Friend suggested adding a footnote or index to the organizations discussed to provide context for the reader.

Mr. Veatch moved to approve the Annual Report as amended. Mr. Sowers seconded the motion. The report was approved as amended.

Ms. Bush noted that the next meeting would be scheduled for 8:30 on April 12, 2007.

The meeting was adjourned.

Respectfully Submitted,

Matthew B. Veatch  
State Archivist and Secretary,  
State Records Board