

AGENDA
STATE RECORD BOARD
April 14, 2005
8:30 a.m.
Kansas State Historical Society
Center for Historical Research
6425 SW 6th Ave.
Executive Conference Room, 2nd Floor

1. Minutes of previous meeting
2. Kansas Correctional Industries
3. State Library
4. Department of Education
5. Local Government General Schedule
6. Department of Corrections
7. Other business

**State Records Board
Quarterly Meeting
January 13, 2005**

Acting under the provisions of Kansas Statutes Annotated 45-404 and 75-3504, the State Records Board met on January 13, 2005 in the 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:

Kansas State Historical Society, Education/Outreach Division and Museum Division
Kansas Correctional Industries (KCI)
Atchison and Saline County Sheriff's Departments
Hearing Aid Dispensers, Board of Examiners
Kansas Department on Aging

In attendance were: Theresa Bush, (chair), Kansas State Attorney General's office, Dr. Patricia Michaelis, State Archivist, Kansas State Historical Society, Duncan Friend, Department of Administration, DISC, Bill Sowers, State Library, Robert Keckeisen, Museum Director, Kansas State Historical Society, Mathew Veatch, Assistant Director, Library and Archives Division, Kansas State Historical Society, Cynthia Laframboise, State Records Manager, Kansas State Historical Society, Justin Dragosani-Brantingham, 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.

Ms. Bush called the meeting to order at 8:33 a.m. There were no additions, however, three typing errors corrected in the minutes of the October 14, 2004 meeting. Mr. Veatch moved to approve the minutes as amended and Mr. Sowers seconded the motion. The minutes were approved as amended.

Kansas State Historical Society – Museum Division

Discussion arose as to whether or not the restriction K.S.A. 45-221(a)(14) applied to Publications Manuscript Files – Unpublished. It was decided that the restriction did apply.

Dr. Michaelis pointed out a conflict between the comments and disposition on page 4, saying we could not both archive files and destroy them. The board and agency representative decided to change the schedules to read "destroy" under the disposition on the Hygrothermograph Data Logger Reports.

A question was raised about the Missing Artifacts (MIA) Files – Obsolete Series on page 17. Mr. Keckeisen indicated that the information on the card files was also maintained in the database so it was duplicate material. Dr. Michaelis said that this information was not indicated on the schedule. It was decided that the records could be destroyed because the

information is duplicated in the collections database which is part of the permanent record.

Dr. Michaelis moved to approve the schedule as amended. Ms. Laframboise seconded the motion. The schedule was approved.

Kansas State Historical Society – Education/Outreach Division

On page 3, District Coordinator Search Files, the restrictions field was changed from Portions may be restricted and replaced with K.S.A. 45-221(a)(14) because these files included correspondence between a state agency and private individuals.

A similar decision was made on page 4 in the restrictions field for the National History Day Contest Files entry. These files contain some personal information including some contact information of students, parents, and teachers. Mr. Veatch asked whether or not this should be cited here. Ms. Bush said the only reason for putting something in the record is for guidance to future record custodians. As a result, the board agreed to add K.S.A. 45-221(a)(14) and 5 USC subsection 552(a) pertaining to Social Security numbers and private information relating to minors. Ms. Bush noted that a lot of people whose information was in the files would not consider that information private but legislators may very well be taking up this issue in the session this year or next. Dr. Michaelis brought up the matter of publicizing winners and whether or not it would be different if the winner were a minor. Ms. Johnson indicated that whenever she is contacted by a member of the media she always contacts the winner first before releasing any personal information about the winner.

On page 5, the State Contest Files entry changed the restriction field to state K.S.A. 45-221(a)(14)(30). These files include private correspondence and contact information regarding minors (contestants).

Ms. Laframboise moved the schedules be approved with the amended changes. Mr. Sowers seconded. The amended schedule was approved.

Kansas Correctional Industries

There was a question raised as to whether or not there were any restrictions regarding the Behavior Log entry on page 1 of the revised schedule and page 15 of the regular schedule. Since there are no restrictions listed on the schedule and if someone requested the records and they are denied, would the board be liable? Ms. Bush responded that no, the board is not liable. If the agency states there are no restrictions, the board is not the entity authorized to say one way or the other after the fact. The board is not liable and does not provide legal advice.

Mr. Sowers moved to approve the schedule with no corrections. Mr. Veatch seconded the motion. The schedule was approved.

Hearing Aid Dispensers, Board of Examiners

On page 1, the restriction placed on the Investigative Case Files were amended by removing the last section and the final version now reads Portions per K.S.A. 45-221(a)(11)(30).

Dr. Michaelis moved to approve the schedule with the change. Mr. Veatch seconded the motion. The schedule was approved.

County Sheriff

Several questions arose over these case files, the first being what restricts access to the case files. Ms. Bush said that unless there was a current criminal investigation in progress, all files after incarceration were closed but any of the files prior to that were open including name, family information, case history, and anything relating to the investigation. Dr. Michaelis also pointed out that different county sheriff's offices are going to have different filing systems. Ms. Bush said that her best advice to any inmate is to talk to his/her attorney. Regarding the Temporary Holding files, Ms. Bush suggested retaining two years after incarceration because that was the deadline for filing lawsuits pertaining to personal injury. The following changes were made to the restrictions field on page 1 to read Portions may be restricted depending on the content of the files. For Inmate Case Files the change was made to the comments field to read Retain 5 calendar years after incarceration ends, then destroy. Portions may be retained with Arrest Records and vice versa. Retain 5 calendar years after release, then destroy. The entry Inmate Case Files – Temporary Holding – changed the comments field to read Retain 2 calendar years after incarceration ends, then destroy. Portions may be retained with Arrest Records and vice versa.

Mr. Friend moved to approve the schedule as amended. Mr. Sowers seconded. The schedule was approved as amended.

Department on Aging

The Waiting Lists entry was deemed obsolete as a record series.

Mr. Sowers moved to approve the schedule. Dr. Michaelis seconded. The schedule was approved.

The next meeting was scheduled for April 14, 2005 at 8:30 a.m.
The meeting was adjourned.

Respectfully Submitted,

Patricia Michaelis

Patricia Michaelis
State Archivist and Secretary, State Records Board