

State records board

13 October 2011

Kansas Historical Society, Center for Historical Research, Executive Conference Room

Attendance: Chair Lisa Mendoza, Duncan Friend, Pat Michaelis, Matt Veatch, LuAnn Harris, Marcella Wiget, Darrell Garwood, Melissa Thompson, Theresa Marcel Swartz, Brad Reiff, Sandy Powell, Susan McClacherty, Bill Sowers

Ms. Mendoza calls meeting to order.

Item 5. Sedgwick County . Ms. Thompson. Currently Sedgwick County works with Wichita City Housing Department, no schedule for these records. Intern did research into retention of housing records. Would like the permission to destroy. Brad Reiff from City of Topeka came in for his expertise. Two documented provisions for this instance. Mr. Friend has question about content of canceled or denied applications. How do those records work. Mr. Reiff, most HUD rules follow five year rule. Ms. Michaelis suggests that we clarify the contents of the records just a bit. List out the types of records in the comments section. SRB is trying to clarify this issue for all 105 counties. Language on first record group is fine. Mr. Veatch is concerned that we remember that SRB has an advisory function for municipalities. Community development project files; Mr. Reiff states all records are interfiled, accepted, denied, etc. and are destroyed after five years. Malissa states that Sedgwick County legal department plans to keep them for six years. Mr. Veatch asks about records of enduring value in this series of records. Ms. Thompson, most records of enduring value are grant funded. A series could be established for grant funded records. Mr. Veatch is concerned about mortgage savers program. All records have social/humanities interest in them. From policy standpoint it would be appropriate to save some documentation for these programs. These programs are significant government activities of merit. Ms. Michaelis, are reports and rules maintained/saved. Ms. Thompson, HUD receives those records. Annual reports and policy correspondence are under the general schedule. Ms. Thompson, we pull out those records that are specific to housing. Ms. Michaelis moves to approve these amendments, Mr. Veatch seconds. Vote carries, no nay votes. Ms. Mendoza, SRB offers many thanks to Ms. Thompson and Mr. Reiff for their input. They need to be commended for their work and due diligence. Move that home savers program records be changed to five years.

9. 45-501, Sedgwick County electronic records. Mr. Veatch received a call asking how the SRB would address 45-501 when records are solely in e-records form. This issue had not come up. Mr. Veatch, Archives has encouraged local entities to follow the state policy of using the Electronic Recordskeeping Plan template. Worked with Johnson County on several projects. SRB provides a vetting process. Doug King responded that they have their own vetting process in Sedgwick County. He would like process vetted by SRB for them. Ms. Thompson comments that their process is very involved and multi-layered. Mr. Veatch would like SRB to OK the Sedgwick county plan, but also look at the whole process as set out

in 45-501. Doug reads the law as only applying to statute demanded records series. Ms. Mendoza states that anything created is a state record, not the narrow read of only those records created by act of law. Ms. Schwartz, prior to KORA, law was only to deal with records required by law. This could be a hold over from the old process. Old records law only pertained to records required by law. Mr. Friend, there are new statues related to KEEP, 45-414. Ms. Mendoza states that we cannot ignore other statutes that have been enacted. KORA was enacted in 1984 and amended many times. Ms. Thompson, Doug writes in email that current regulation "includes an item to eliminate...unfunded mandate." He is asking to remove one line of the statute. Mr. Friend, the gist is to get rid of the paper records in the schedule, but e-records has to be addressed. Maybe we need to require formal process. Ms. Michaelis, are concern is about the section "required by law," and if removed, then who would resolve conflicts? Mr. Veatch, there are many conflicts. Ms. Michaelis, work of this board is to provide retention. Mr. Veatch, this does not relate to authority to set retention. This is a notification for the e-format. Does this law supercede all other records laws? Ms. Schwartz, there are two steps. The step to set up e-record format and then to retire the paper process. Mr. Friend is still concerned about this schedule is setting some standards that are really the responsibility of the SRB. Remember we are talking about 45-501. Ms. Michaelis, in "c" states that it is up to SRB to set out process for reporting. Ms. Mendoza, "d" identifies that there are other statutes that have to be addressed. We have set the floor, foundation for setting up electronic records preservation plan. The electronic recordkeeping plan template is the foundation. Counties can build on this minimum standard as they see fit. We need to build up this plan as time goes forward. Mr. Veatch, do we need an opinion on 45-501. Ms. Mendoza, no. Mr. Veatch, if set plan as floor, we need to require them to report to SRB for series with enduring value of over 10 years. Previously all instances were just as advisory situations. Ms. Michaelis, maybe we need to look at our responsibility for local records. Need to keep burden to SRB in mind. Ms. Mendoza, we are not required to report on the plan, only address the retention schedule. Sedgwick County is a large entity. SEB should set the minimum burden for locals to SRB. Mr. Veatch, we have roll to set rules, in practice we have more responsibility. Mr. Friend, there is a risk of loosing a whole layer of important records if we do not direct locals in the realm of e-records. Ms. Thompson, issue is "required by law," definition. Should be removed. Mr. Friend, talk with locals to hash through series, not require that they come to SRB. Ms. Thompson is concerned that e-records are not permanent. Ms. Michaelis, we are not comfortable amending one law for e-records. Need to talk with counties to hash out the problem. Phrase it as SRB responsibility and ask for input. Mr. Friend, do we have what we need to fulfill the notice provision? Ask for notification of e-process and then talk with them at later period. Meet 45-501 and then seek stakeholder input. Ms. Thompson, everyone wants to cooperate and be in compliance. Mr. Friend, need to address policy in more detail. It is a huge issue to resolve. Use media to get together, it does not have to be a big production. Ms. Thompson, every Sedgwick County office scans something, but also maintains a lot of paper. Next move is to get rid of paper. Ms. Mendoza, many county officers are afraid to destroy paper copy and rely on digital record. Mr. Veatch, have to provide process that can be addressed by all 105 counties. No undo burden at the initial part of the reporting process. Ms. Michaelis, maybe this whole section will be obsolete, rest of the laws cover this situation. Ms. Mendoza wants a study to look at these statutes. Mr. Veatch, we need that but it is a huge project. Ms. Michaelis, comment on page 5, second to last bullet. Needs to clarify that Sedgwick County cannot shorten schedule, SRB can only shorten the retention schedule. Pre-motion: Mr. Veatch moves to

accept e-records validation for this specific records series, juvenile medical records group. This process fulfills 45-501. Ask for them to submit other record series. Ms. Mendoza, do we want to accept the process. Ms. Thompson, until we get an e-records office, Sedgwick County will bring each records situation to SRB unless 45-501 is changed. Motion: Ms. Mendoza, process is adequate. We would like to continue to see case summaries until we have examined process county by county. Simple motion: Ms. Mendoza, is that we accept the e-validation process used by Sedgwick County and it meets requirement of our current reporting Electronic Recordkeeping Plan. Agree with case summary and would like to continue seeing the case summaries by the county. Unanimous vote of approval.

Intent of SRB is to come up with a process that addresses e-records retention, but does not make the process burdensome for counties. Start the discussion process for this very fluid situation.

Mr. Friend, I want to thank Ms. Thompson for attending the meeting and providing service to and preserving the heritage of the state.

Introductions: Lisa Mendoza Attorney General representative, Mr. Friend Friend Department of Administration, Bill Sowers State Library, Susan McClachery SRS, Teresa Marcel Schwartz Kansas Board of Regents, former chair of records board, Sandy Powell Records Officer for SRS, Darrell Garwood State Records Manager, LuAnn Harris State Records Specialist, Matt Veatch State Archivist. Mr. Veatch, we are now the State Archives Division of the Kansas Historical Society. There are two divisions, Access/Collections and Archives. Mr. Veatch leads archives. Props to Ms. Wiget and Ms. Harris for planning this meeting. KEEP is under State Archives side along with Digital initiatives under Michael Church and Records Management under Darrell. Last intro is for Marcella Wiget State Archives.

Minutes of last meeting: Ms. Michaelis moves for approval, seconded by Mr. Veatch. Unanimous vote of approval.

7. State general schedule. Ms. Schwartz reports situation concerning the many board and committee meeting notices in records of the Board of Regents. She did not find any clear records schedule for these records in the general schedule. Series consists of public notices, correspondence, email. How long do we keep them? Mr. Veatch, general assessment was that it was present in all agencies. Look at keeping for one calendar year from date issued. Place these records in the correspondence series of the general schedule. Mr. Friend would like to be sure that the reasoning behind the scheduling and announcement of the meeting is documented. Board packet is attached to minutes. Theresa, issue of notice is not required by law. Some meetings require specific notifications for some meeting, but KOMA does not require everyone be notified. Notice does not identify who actually received the notice/invitation. Motion: Ms. Michaelis moves that this be approved as amended. Mr. Sowers seconds. Unanimously approved.

10.a SRS, Ms. Powell, records officer for SRS is devoted to KEES project. Heavily edited draft of public access. Ms. McClacherty will look for problem areas in schedule. Will bring in changes to schedule in January meeting. Ms. McClacherty is looking forward to looking at structure of KEEP. Mr. Veatch states that KEEPkeep will be easier than KEES. Ms. McClacherty is part-time IT person. She works on KEEP and

COOP part, next quarter is going to be busy as SRS. Ms. Michaelis, thanks Ms. McClacherty and Ms. Powell for their dedicated work.

10.b future meetings: 12 January 2012, 19 April 2012, 12 July 2012, 11 October 2012

3. Kansas Dept. of Agriculture. Ms. Wiget, record group used to be part of deposits. No enduring value on the form. Very much an internal operational form. Agricultural commodities assurance program. Motion: Mr. Veatch approve as submitted, with amendment to change to 5 fiscal years. Mr. Sowers seconds. Motion passes with no opposition.

4. Kansas Dept. on Aging. Ms. Wiget, all comments are from 1990s. This schedule concludes the overhaul of the Dept of Aging retention schedules. We have lost our records officer at Aging. Reporting in future is in doubt.

Ms. Michaelis, page 5, rules and regulations files. Ms. Wiget, nothing currently in general schedule for rules/regs. Needs to be addressed there. Transition schedule that will make it the responsibility of the agency to purge the records before coming to the archives. Ms. Michaelis, in the future just bring up the schedules that are not going to be changed to the general schedule. Mr. Veatch, this is just a clean-up not will follow our routine of only reviewing agency specific schedules. Motion to approve by Mr. Veatch, second by Ms. Michaelis. Motion carried with no opposition.

6. Local Records: Investments (Treasurer's Office). Ms. Wiget, public money investment records. Retention proposed for three fiscal years. Can only invest public money for two years. Third year for audit. Motion for approval Ms. Michaelis, second by Mr. Sowers. Motion carried with no opposition.

8. Keep policy framework. Mr. Veatch, SRB has vested interest in KEEP. Looking for input from Ms. Mendoza and Mr. Sowers on direction of policy framework. This board will have to decide how active it will be in supporting this project. Game plan is moving forward with KEEP. KEES project is giant, but just one of a handful projects that have long term records. Very much hit and miss. There are many e-

records out there in agencies that are not being mined by KEEP. Does SRB encourage the use of KEEP by agencies, or does board take a more active or even legal stand to use KEEP. Final set of customers at the local level to have an option for a trusted repository for their records. Not a legal requirement but a service. Ms. Michaelis, we have an intent of help from chief information officer, but SRB needs to endorse the issue. Who should own this? Mr. Friend, SRB was setup process to deal with paper records. Authority was brought in with Attn. General, DofA, State Library, etc. Archives looks at preserving enduring valued records. Now e-records bring up more complex situation outside the state records center and state archives. Statues have placed a burden on SRB to preserve e-records, unlike paper records. Policy framework brings in the preservation standards. It is a fundamental change for the SRB. Crossroads of history. Ms. Michaelis, e-records are much more at risk. Ducnan, anticipate better compliance and ability to maintain these records. Mr. Veatch, schedules state often "transfer to archives." For paper records. SRB needs to help state archivist to encourage or compel agencies to use KEEP for storage of records, not being kept by agencies. Mr. Sowers, does not remember SRB being involved in policies at state archives to preserve these records. Mr. Veatch, we are not asking the SRB to set protocols for transferring records. SRB has rule to get records of enduring records. Ducan SRB could be in the position to direct disposition of public records to what domain? An extension of the SRB responsibility. Mr. Veatch, KEEP was created to make a trusted repository for agencies to use because a storage bay would not work. Framework needs to be in place and the SRB is a records domain. Not an IT domain issue, it is a records issue. Putting records on KEEP comes through SRB. Mr. Sowers SRB has been in the business of working with agencies and moving correct records to state archives. Don't know how much we will be involved in the money part of KEEP. Mr. Friend, there is a life cycle when policy framework will be in place. SRB may need to promote regs. SRB has a major role in moving KEEP forward. Mr. Veatch, KEEP will be a living entity that cannot be waiting for SRB to make a decision on day to day activities. SRB is place for key decisions on records, not how they are kept by KEEP. Not related to funding. SRB may have roll compelling compliance. Mr. Sowers needs to know if SRB will require from state library. Ms. Michaelis, we are looking for input from outside the archives. The broader we cast the net the better the system. Mr. Sowers, will SRB be keepers of KEEP. Mr. Veatch, SRB as policy making and endorsing body. SRB will not be directing KEEP. Kshs will be operating KEEP. Electronics records committee to tech advice. There will be KEEP system operator, (compact/disc). KEEP will not be one place. Many different parties. SRB owns the policy to keep everyone working happily. Ms. Mendoza require much input from many people, money will be a problem in current environment, and operate outside SRB. Mr. Friend we are going to make decisions about cost because agencies are looking at funding and we are looking at funding and preservation. Ms. Michaelis there are standards for trusted digital repositories. Not standards for record centers. Mr. Veatch, we have done very little compelling agencies to adhere to our decisions. Mr. Sowers we have compelled some to comply with SRB decisions. Mr. Veatch compel vs not compelling agencies through SRB. Agencies will follow the rules when they are published. When KEEP is functional the needs for long term storage of e-records will be available. Can SRB make agencies use KEEP. OAIS standards are out there, but does SRB make sure agencies follow those standards. Mr. Veatch, will KEEP be folded into SRB. You hit the standard or go to KEEP. Ms. Michaelis, we cannot answer the question of SRB role at this time in relation to KEEP. Mr. Veatch, I have to report to SRB soon concerning KEEP. Ms. Powell, srs has many records with different records for 28, 60 years..... will e-records for these series go to KEEP. Mr. Veatch,

that is the question. Does SRB direct records to KEEP or keep them yourself. Right know Mr. Veatch has to make the sell for KEEP vs other options. No one will compel you to digitize records. That is your decision. Ms. Michaelis, we are mostly concerned with born digital. Mr. Friend wrap-up. Do not let IT body makes the decisions on retention. That world is not the right place. SRB is in the policy frame work entity. SRB had to look at loss of records and economy of the retention. Mr. Sowers, subtle arm twisting to make agency comply. Ms. McClacherty, need to be data centric vs paper centric. Data elements retention. Identify what an e-record contains. Mr. Veatch, data elements are going to be a very real challenge. Mr. Friend, IT world does not know it all. There has to be give and take in the creation of these records. SRB is a proponent for survival of state government records. Ms. Michaelis, this issue is base for archives surviving in the next generation. Mr. Veatch, we have to come up with the state general funds to create the new state archives. It is a black hole. KEEP is trying to bridge that void. Ms. Mendoza, states that Mr. Friend was right this time. We need a meeting to address the role of SRB as custodian of the e-records realm. The policy will change over time. A defined meeting from input from a larger audience, state librarian, attorney general....we need to do more grunt work before presenting to powers in high places. Early November. Game planning session.