

State Records Board
10 January 2013
Executive Conference Room
Kansas State Historical Society

Present: Lisa Mendoza, chair, designee of the Attorney General
Pat Michaelis, designee of the Executive Director, Kansas State
Historical Society (KSHS)
Matt Veatch, State Archivist, KSHS
Secretary Dennis Taylor, Department of Administration

Not present: Bill Sowers, designee of the State Librarian

Also present: Lu Anne Harris, KSHS
Darrell Garwood, KSHS
Marcella Wiget, KSHS
Craig Haugsmaess, Kansas Board of Regents
Nancy Olsen, Regents
Terri Higgins, Attorney General's Office
Melissa Thompson, Sedgwick County Records Management
Austin Rhodes, Sedgwick County Records Management
Teresa Anderson, Johnson County Records Management
Julianne Gonatas, Johnson County Human Resources
Cheryl Creviston, Jayhawk File Express
Diana Gillespie, Jayhawk File Express

2. *Minutes:* Ms. Mendoza wished to recognize that during the discussion about the Electronic Records Committee (ERC) at the October 11 meeting of the State Records Board (SRB), the board concluded that the ERC was subject to the Kansas Open Meetings Act (KOMA) and that if anyone asked for notice to attend those meetings, they must be given said notice.

Motion to approve: Ms. Michaelis moved approval, Mr. Veatch seconded, unanimous approval of minutes as submitted.

3. *Kansas Board of Accountancy:* Five series from this agency have all been superseded into a single series, 0011-028, Certified Public Accountant Files – Individual. These records series have all become part of the same file, which is now being scanned and kept electronically. Accountancy will need to create an Electronic Recordkeeping Plan (ERP) to bring to the ERC and the SRB. The board decided to table the superseded by agency schedules until seeing the revised schedule and receiving the ERP.

Motion to approve: Mr. Veatch moved approval, Ms. Michaelis seconded, unanimous approval of new series as submitted.

Motion to table: Mr. Veatch moved to table, Ms. Michaelis seconded, unanimous approval of tabling the superseded by agency schedules.

4. *Kansas Board of Regents:* Regents' staff would like to digitize student transcripts and related student records in order to provide better access to these records; they receive numerous requests for copies of these records, which physically are in various stages of deterioration. Both private school transcripts and General Educational Development (GED) records are fixed, dead records once Regents receives

them. There are also paper student records from a closed adult education program that the Regents staff would like to dispose of in accordance with federal regulations.

Mr. Veatch was concerned that according to existing and proposed retention schedules, student transcripts and GED records are supposed to come to the State Archives after 50 years. He would prefer that these records remain with the Board of Regents and never come to the archives. He assured Regents' representatives that the 50 years is a minimum retention and that they can keep these records longer if they feel that is necessary. Nancy Olsen pointed out that Regents receive requests for copies of GED transcripts from up to 50 years ago. Matt recommended changing the retention language on the new GED records series such that Regents may retain the records permanently but that they never come to the Archives. Agency staff accepted keeping the private or out-of-state postsecondary educational institution student transcripts for 50 years and then destroying. Discussion also surrounded noting paper and electronic record copies in the proposed schedules; Ms. Mendoza recommended that language in the new GED records series indicates the record copy is maintained permanently without specifying that it must be either paper or electronic.

Motion to approve: Ms. Michaelis moved approval, Mr. Veatch seconded, unanimous approval of retention schedules as amended.

5. Kansas Secretary of State's Office: Ms. Wiget explained that Kathy Sachs, records officer for the agency, contacted the State Archives about clarifying 0001-622 to include both Merchandise Trust Fund & Permanent Maintenance Trust Fund annual reports, audits, and supporting documentation.

Motion to approve: Ms. Michaelis moved approval, Mr. Veatch seconded, unanimous approval of retention schedule as submitted.

6. Kansas Department of Transportation: The board went through the July 2012 meeting minutes again and noted that the taxpayer's statute for confidentiality still needs to be added.

Motion to approve: Ms. Michaelis moved approval, Mr. Veatch seconded, unanimous approval of retention schedule as submitted.

7. Kansas Department of Corrections – All Facilities: Ms. Wiget noted that this is a smaller set of records coming before the board than previous sets, but that she and Ms. Harris have sent the facilities a large packet of remaining retention schedules to discuss.

Ms. Mendoza requested clarification in the description of 0204-521 to note that this records series does not include information about specific inmates' progress.

Motion to approve: Mr. Veatch moved approval, Ms. Michaelis seconded, unanimous approval of records series as submitted, with one amendment.

8. Office of the Attorney General: The Attorney General's office has implemented a new evidence control procedure; in doing so, the office discovered that they have no retention schedules governing records series about evidence or for the evidence articles themselves. There is also now a requirement for an annual inspection and accompanying report.

Mr. Veatch recommended amending the title of the Annual Inspection Report series to read "Evidence Control System Annual Inspection Report." The board also amended the description in the Evidence Inventory Log series to note date and type of disposition. Mr. Veatch questioned the permanency of the evidence inventory log; Ms. Mendoza explained that eventually the office would like to make the log electronic but currently it is in paper form.

Motion to approve: Mr. Veatch moved approval, Secretary Taylor seconded, unanimous approval of records series as amended.

Discussion followed for the Attorney General's ERPs, presented at that time in paper copy. Mr. Veatch reported that the AG's office sent two representatives to the ERC meeting and that following discussion and suggesting minor changes to the two ERPs, the ERC came to a consensus for recommending these ERPs to the SRB. Mr. Veatch also went into some detail about the preservation and security procedures followed by the AG's office for their electronic records. Ms. Mendoza described the changes made to the ERPs following the ERC meeting.

Motion to approve: Mr. Veatch moved approval, Ms. Michaelis seconded, unanimous approval of ERPs as presented to the Board.

9. Local government—Sheriff's office: Douglas County Sheriff's Office has created a database documenting the information found in the Sheriff's Sales Documentation records series (0025-114). This information generally comes from the paper records, which are use copies from the courts that maintain the record copies. Douglas County wanted to know whether they could simply maintain the database rather than paper copies of the source documents.

Motion to approve: Ms. Michaelis moved approval, Mr. Veatch seconded, unanimous approval of this revised series with one minor correction.

10. Local government – personnel records: Ms. Gonatas noted that this records management project began before she even started working for Johnson County 14 months ago. The county's Human Resources department began documenting all personnel documents they have and what federal requirements these documents fall within, as well as studying the SRB's retention schedule for local personnel records, 0025-100. All this work was in conjunction with planning to make their HR records entirely electronic. Johnson County worked with several other counties, including Sedgwick, Wyandotte, Ford, Saline, and Riley, as well as staff at the Kansas Public Employees Retirement System (KPERS), to revise the existing series and create the new one. Ms. Gonatas noted that neither the counties nor KPERS needed to go back very far into personnel records but instead needed to get into older payroll records. Other counties were supportive of this endeavor.

Discussion surrounded the release of disciplinary action information. Ms. Gonatas noted that anything involving a legal action would be kept longer due to legal holds, but disciplinary measures related to attendance or other matters not involving legal action is generally not released. Department of Transportation requires releases of information, including drug testing results, but that requirement can only go back 2 years, which falls within the 15 year retention. Ms. Mendoza questioned further about former employees seeking federal employment and signing a full release for a background check; Ms. Gonatas stated this has not happened to her either at the county or in the private sector, but that HR would release the typical employment verification information. Secretary Taylor pointed out that the board needed to concern themselves with only retention needs of the counties; Ms. Gonatas added that not releasing more information than dates of employment and pay lessens the liability to the county. Abstracted work histories do not generally contain disciplinary information. Ms. Gonatas explained that the 15 years is lengthier than the private sector; Texas, Oklahoma, Colorado, Missouri, and Nebraska laws were also researched, and this requested change falls in the middle of those states' retention periods. Federal requirements for specific document types are also fairly short now; Mr. Veatch noted that when this schedule was written, the 6+3 retention period was based upon federal retention scheduling of the mid-1990s.

Ms. Mendoza requested more information about the summary log of background checks found in 0025-100's comments. This log can note whether or not a record was found for criminal and motor vehicle registration (MVR) infractions; Ms. Mendoza therefore requested adding KSA 45-221(a)(30) to the restrictions. She also wondered whether sheriff's offices or other agencies would run additional NCIC background checks and suggested adding KSA 22-4701 et seq. for such restricted records.

Discussion turned to the new payroll series. Melissa Thompson from Sedgwick County suggested renaming it as “Abstracted Payroll Histories.” The board also wished to amend the series description for this series so as not to include the phrase “Records relating to verification of wage rates,” which does not apply. The 40 fiscal year retention came from discussions with KPERS; the counties expect that KPERS will also retain that information and that the counties will be the back-up copy.

Mr. Veatch questioned whether the new series created the need for a new record for the counties. Ms. Anderson stated that she views new guidelines from the State Records Board as applicable when her county is already creating those records—if not, then a retention schedule does not apply to them. In this instance, however, Mr. Veatch pointed out that if not all counties already created abstracted payroll histories, then those counties may be disposing of records too soon if they only looked at the personnel records series.

The board came to the decision therefore to include abstracted payroll histories in the existing personnel records retention schedule. New comment includes, “Retain Abstracted Payroll Histories (including name, title, year, hours, and pay rate) for 40 calendar years, then destroy and/or delete.” The group discussed whether “summary log of background checks” could be made more specific and if it even needed to be kept as part of an abstracted work history. Ms. Gonatas noted that keeping that information for 15 years can be helpful to prove due diligence on the part of the county.

Motion to table: Ms. Michaelis moved, Mr. Veatch seconded, and the board voted to table further discussion of this series until the next Records Board meeting, so that Johnson County representatives could take the new revisions to other stakeholders.

Mr. Veatch noted that the board is discussing this closely because what is decided at the county level may impact decisions made at the state level.

Ms. Anderson noted that generally what would be helpful for the counties would be less focus on series title and more focus on providing more information about what types of information is included within that records series title.

Ms. Gonatas expressed appreciation for being able to come to the meeting and request this change; Mr. Veatch expressed the KSHS staff’s and SRB’s appreciation for the counties’ work on this matter. KSHS has limited staffing to focus on local issues and appreciates the counties taking on this effort.

11. Local government-Area Aging agency records: Ms. Thompson originally tried to tackle these records in 2007 but received no local stakeholder support; Austin Rhodes, student working with Sedgwick County records management, tried again with more success last year. One major concern county staff had regarded whether the local agencies fell under HIPAA or not. Records management staff held meetings with local stakeholders, mostly the local Aging office and their legal department. Generally the consensus seemed to be to retain records for 6 calendar years plus one additional year for auditing purposes.

There are 11 area agencies on aging for Kansas. Many of the records these agencies create fall under general retention schedules already in existence, but there appeared to be 7 unique records series. Ms. Thompson noted that the Sedgwick County agency has records dating back to its beginnings, and they would like authority to dispose of these records.

Discussion surrounded whether these retention schedules belonged on the local schedules or not; these agencies are not county-governed (Sedgwick, Harvey, and Butler Counties have contracted with the Sedgwick County Board of Commissioners, but some local agencies are privately contracted and operated). The board decided they could endorse these records in an advisory capacity and that counties’ boards of commissioners would have to adopt these retention schedules at the local level. Mr. Veatch suggested disseminating that information to the 11 local agencies and explaining that they are

advisory schedules but could be used if the agencies so chose. Ms. Anderson noted that Johnson County also houses the records for their local Aging agency and thought these schedules would be very helpful.

The board recommended changing the retention period and disposition language on Area Plans to say "See comments."

Motion to endorse: Mr. Veatch moved endorsement, Ms. Michaelis seconded, unanimous approval of advisory schedules as amended.

12. Housekeeping report: State Archives staff will ask the KHS database administrator if she can create an additional category for administrative reorganizations. Matt suggested a cover sheet or verbal report by staff to explain more significant changes in the housekeeping edits. Discussion then followed over whether to change series ID numbers for those retention schedules moving from one agency to another; records management staff will have to ask the database administrator whether this is feasible.

13. Other business

a) Local records—Johnson County notification of migration of certain records: Ms. Anderson noted that when Douglas King at Sedgwick County told her about KSA 45-501(c), she called Mr. Veatch to ask what she needed to do to follow that statute. He initially said she should follow the same procedure that state agencies do, but then Johnson County legal counsel pointed out the county only has to notify the SRB about this change in practice. In going through this process, Ms. Anderson noted Johnson County had no local vetting process; she has looked at the plan Mr. King uses in Sedgwick County for migrating records series to electronic format and plans to model something similar in Johnson County. Johnson County is not yet prepared to begin destroying paper documents as they are still working on that vetting process, but they wanted to bring this to the board as part of initiating the process.

Ms. Anderson questioned whether KSA 45-501(c) included notifying the board about records that have been born digital. The board interpreted this statute to mean they should be notified about all electronic records, not just those migrated from paper; Ms. Anderson then questioned how she should proceed with notifying the board. The board stated that counties could write a letter describing in general terms what records are being migrated and what source documents in paper form will be destroyed, noting that they would also have the ability to follow up and ask questions as needed. Mr. Veatch pointed out that he is more concerned with ensuring that local internal processes involve a thorough vetting of electronic systems used by the county to ensure long-term preservation of necessary records.

The board officially noted that they received the current letter from Johnson County at this meeting.

The State Records Board thanked Secretary Taylor for his service on the board, as this was his last day as Secretary of Administration.

Ms. Mendoza adjourned the meeting at 11:30 a.m.