

LOCAL GOVERNMENT
RECORDS MANAGEMENT
MANUAL



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Local Government Records Management Manual

Table of Contents

I. Manual

Introduction.....	1
Chapt. 1–Records Inventory.....	5
Chapt. 2–Records Retention Schedules.....	11
Chapt. 3–Vital Records.....	18
Chapt. 4–Disaster Planning/Recovery.....	22
Chapt. 5–Micrographics.....	26
Advantages/Limitations.....	27
Managing a Micrographics Program.....	29
Reviewing the Program.....	31
Procedures, Equipment, Analysis.....	31
Storage and Protection.....	34
Defects and Problems.....	36
Chapt. 6–Digital Imaging Guidelines.....	42
Chapt. 7–Records Management and the Law.....	52
Gov’t Records Preservation Act.....	52
Public Records Act.....	58
Open Records Act.....	62
Appendices A, B, C, D, E.....	72

II. General Retention and Disposition Schedule

III. Office Specific Retention and Disposition Schedule

INTRODUCTION

The Local Records Program of the Kansas State Historical Society has developed this manual to help local officials fulfill their record keeping responsibilities. It describes methods that can be used in any office to better manage public records. This manual will supply information necessary to solve problems, increase efficiency and safety, save money, and preserve historical records.

The Importance of Local Records

Local records are essential to the operation of local government. They provide public servants the information they need to conduct programs, make decisions, and ensure administrative continuity. Local records document the delivery of services, provide legal accountability, give evidence of the responsible management and expenditure of public funds, and document the historical development of government and the community it serves. In short, local records are a public trust, an essential informational resource for local government and its citizens, and an important cultural asset.

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Records Management: A Part of Good Government

If the public and/or staff is not able to retrieve information in a timely manner, the ability to function is impaired, and the rights of citizens may go unprotected. Records must, therefore, be managed. *Records management* is the management science that controls the quality, quantity, and cost of recorded information throughout its life cycle. Records management makes information available when and where it is needed in the most efficient and cost-effective manner possible.

What are Records?

Records are defined as “recorded information regardless of medium or characteristics.” They are created whenever your office either generates or receives information that gives evidence of its activities. Records include information recorded on paper (like forms, reports, and correspondence) information recorded on magnetic or electronic media—like tapes and disks—and information recorded on maps, drawings, photographs, and microfilm.

What are Non-records?

Non-records are the convenience copies that are made of records either created or received that are not evidence of your local government activities like magazines, catalogues, trade journals, federal or state policies or regulations, books, pamphlets, and so forth.

The Life Cycle of Records

Every record goes through a *life cycle*, which begins with its creation and ends with its ultimate disposition.



- ! ***Creation***
A record is created when you receive or generate information for the first time.
- ! ***Active Stage***
A record is in its *active stage* when you are using or referring to it regularly in the course of business.
- ! ***Inactive Stage***
A record moves into the *inactive stage* when you need it infrequently but must keep it for legal, fiscal, or administrative reasons.
- ! ***Final Disposition***
The record ends its life cycle when it has out-lived its retention period, and you no longer need it to conduct business. Ninety-five to ninety-seven percent of the records you create will be destroyed at the end of their life cycle. The remaining three to five percent will have permanent value and should be maintained in archival storage, usually in hard copy format.

The Three Building Blocks of a Records Program

Local legislation, the assignment of responsibility and delegation of authority, and the support of management form the basis of a sound local government records management program.

- ! ***Legislation***
The local governing body should pass legislation that authorizes a records management program, states its objective, describes its elements, designates a records management officer, defines the officer's responsibilities, and if possible, provides funding.
- ! ***Responsibility and Authority***
The records management officer should be given the responsibility and authority to coordinate:
 1. Development of records retention schedule.
 2. Legal destruction of obsolete records.
 3. Development of micrographics and data processing systems.
 4. Training of local officials on records management techniques.

In short, the records officer should be given the responsibility and authority to help local government officials develop and maintain a comprehensive records management program.

! *The Support of Management*

An effective program will enjoy the support of management and management's commitment to adequate funding. Even the most beneficial projects will fail without the support of management, therefore you must take the initiative to inform and educate local government officials about the benefits of good records management. Successful records management proposals contain the following elements:

1. Cost savings and cost verses overall benefit
2. Consequences of a legally deficient records program (i.e., loss of rights, liability, loss of time and money, adverse inference in litigation)
3. Good publicity (i.e., within the local government, the general public)
4. Space savings
5. Better utilization of resources (people and money)

The Elements of a Records Management Program

A comprehensive program includes some or all of the following elements:

- ! *Inventory and appraisal of records*
- ! *Preparation of records retention/disposition schedules*
- ! *Management and control of active and inactive files*
- ! *Identification and protection of vital records*
- ! *Storage conditions and the management of archives*
- ! *Management of micrographics*
- ! *Creation of a disaster preparedness plan*
- ! *Conservation and repair of records*
- ! *Creation of a procedures manual*

Public Records in Kansas

Several state laws impact the management of local government records. Section 45-217 (f)(1) of the Open Records Act defines public records as *“any recorded information, regardless of form or characteristics, which is made, maintained or kept by or is in the possession of any public agency ...”* See also K.S.A. 45-402 (d) and K.S.A. 75-3501.

Section 45-217 (e)(1) defines a public agency as *“the state or any political or taxing subdivision of the state, or any office, officer, agency instrumentally thereof, or any other entity receiving or expending and supported in whole or in part by public funds appropriated by the state or by public funds of any political subdivision of the state.”* The term political subdivision is synonymous with local government. See also K.S.A. 45-402 (b).

What is a *Public Record*?

Records created or received by local government offices in the course of business are considered public records and must be maintained and disposed of according to the terms of the *Kansas Open Records Act*. Unless the law restricts access to public records for

reasons of privacy, confidentiality, or security, they must be made available to the public.

The Responsibility of the Kansas State Historical Society

The Records Management Section of the Library and Archives Division has the legal responsibility for overseeing the management of the state's public records and for advising government officials on records management and archival administration.

Kansas Statutes Annotated and Kansas Administrative Regulations describe the responsibilities of the state records board, state and local government agencies, records officers, the state records center, and the state archives in managing the state's records. The *Local Government Records Manual* includes detailed discussions of these responsibilities as well as the text of relevant statutes and administrative regulations.

Local Records Program

The local records program provides assistance to local government officials in several ways: It provides advice by phone, e-mail, mail and in person: It makes presentations at conferences and workshops and provides information on records management and preservation. For more information, contact the Local Records Program at (785) 272-8681 x. 277.



CHAPTER 1-- *RECORDS INVENTORY*

The first step in developing a records management program is to undertake an inventory that will locate, identify, count and measure *all* records created and maintained by an office. The records inventory or survey encompasses all media types including paper records, diskettes, CD-ROMS, microfilm, maps, and drawings. An inventory is essential for preparing records retention and disposition schedules.

LAW OF THIRDS

After completing a records inventory, individuals usually discover that many records can be destroyed or moved to inactive storage. Often approximately 1/3 of the total volume of records can be destroyed, 1/3 transferred to inactive storage, and 1/3 retained in the active files.

The inventory allows staff to evaluate the content and function of records and enhances their ability to identify and assess problem areas and to plan for future growth. For example data on *accumulation rates*—the rates at which your records accumulate—will help staff decide whether to microfilm a series and what sort of equipment and space should be planned for. Likewise, data on *reference or retrieval rates*—the frequency with which records are used—will help staff decide when to put records into storage; and data on *filing and indexing methods*—the way records are filed and indexed—may alert staff to potential problems of retrieval.

The Inventory Process

A physical inventory is conducted at the record series level—a series is a group of identical or related records that are normally filed and used together and can be evaluated as a unit—and it records information about each series on a Record Series Inventory form.

When filling in the form, staff need not be specific about individual names or give details of subject matter but should include general information on the content of the records and the way they are used. This information includes the titles and any variant titles, inclusive dates, location, physical form (paper, microfilm, magnetic tape, and floppy disk for example), size, the way they are filed, volume, the rate at which they accumulate annually, physical condition, how often they are used and for how long, any legal considerations, and so forth.

The physical inventory should be supplemented with interviews with those who work most closely with the records to gain a broader understanding of the nature and purpose of each series. A physical inventory, combined with interviews with records custodians, generally results in the most thorough and accurate inventory of a local government's records.

The Staff

Ideally, individuals responsible for the inventory will have training in records management and experience with the records and operations of local government. In most situations, however, conditions are less than ideal, and the task is assigned either to outside records consultants or to the records officer, if there is one, or to office staff or part-time workers who learn on-the-job or receive special training. The use of staff has several advantages:

- ! They know the records.
- ! Outside access will not be given to restricted records.
- ! There will be no additional costs.

Completing the Inventory Form

Inventory personnel may use self-designed or other inventory forms. However, the inventory worksheet included as Appendix A works well in most applications and can be reproduced for use by local government. Not all portions of the form will always require completion, but the more complete a form is, the more useful it will be.

A brief description of the information that should be recorded in each area of the form is outlined below.

- 1-3. Agency/Division/Other Organizational Unit:** List the office maintaining the records, subdividing by appropriate division, bureau, section, etc. if applicable.
- 4. Location of Records:** Include the building and room in which the records are stored. If there is no name, number, or letter for a room, provide an arbitrary designation. When it is possible to do so, indicate the location within a room. If records are on shelving or in piles along a particular wall, for example, specify "west wall." If there is a great deal of shelving, then use any existing numbering system for ranges and shelves or invent one.

The various files, volumes, or documents in a series may not be stored together, but they still may be listed on a single inventory form, so long as the quantity and dates of the records in each location are noted on the inventory form (use the back of the form if necessary). However, it is recommended that similar record series located in different places be listed on separate inventory forms and merged together later. Additionally, similar records generated by two different divisions or subdivisions must be inventoried separately.

- 5. Name and Title of Person Responsible for Maintaining Records:** In most cases, this will be the records custodian and his/her title.
- 6. Telephone:** Include the telephone number of the records custodian.

7. **Records Series Title:** Enter a title that accurately describes the record series.

A *record series* is a group of records which are normally used and filed as a unit, and which permit evaluation as a unit for retention scheduling purposes. For example, all travel vouchers for an entire agency or department would be considered a record series.

The questions to ask in identifying a record series include:

- ! Are the records interfiled?
- ! Do the records have a common function?
- ! Do the records have the same retention and disposition requirements?

If the answer to these questions is yes, then the records should probably be placed in one coherent, comprehensive record series.

Identifying separate record series is one of the most important aspects of a records inventory. In some instances, there may be many distinct record series in the same container. However, sometimes it is necessary to treat different types of documents as a single series. For example, a staff member with several responsibilities may interfile information relating to his/her various activities. It would be time consuming to document each file folder as a series; therefore, grouping the records in a series called "Working Files" or "Subject Files" could be the most appropriate inventory method.

8. **Record Series Description:** Briefly summarize the nature and purpose of the record series. *Avoid repeating the previously recorded series title.* Unless it is unusually comprehensive, the series title usually is too brief to provide a clear indication of the nature and purpose of the records. Explain why the series was created and its function. Make a complete list of the types of documents in a series (forms, correspondence, reports, notes, etc.) and describe the nature of the information recorded in the documents. Series descriptions should contain enough detail so that anyone can understand the record series.
9. **Inclusive Dates:** Enter the earliest year in which records in the series were created on the first line and the most recent year on the second line. If uncertain about the dates, put down the best guess preceded by "ca.", an abbreviation for *circa* or "approximately." Always check the contents of the filing equipment containing the record series; the dates on the outside of a filing cabinet, box, or volume may not be valid.

10. **Record Format:** This section denotes the medium(s) in which the record series is stored. Check the appropriate box indicating whether the records exist in paper, microform, or electronic format. In some cases all three boxes may be checked as the same series can be stored in several formats. If there is a change in format at some point in the life cycle of the record, a schedule update will be required.
11. **Arrangement:** If most of the information or documents in a record series are in chronological, alphabetical, or numerical order, check the appropriate box. Indicate on the line following "By" the specific nature of the arrangement (e.g. alphabetical by name of payee; chronological by date filed; numerical by account number; etc.). Records often are found in no particular order, if that is the case, write "none" in the blank after "Other."
12. **Filing Equipment/Volume:** Write on the appropriate line the number of boxes and/or letter or legal size filing drawers containing records in the series. If none of these categories is satisfactory, indicate the type and number of containers on the line designated "Other." Enter the total volume of records, expressed in cubic feet, in the space provided. The total cubic feet often will be an estimate, but try to make it a calculated guess. A standard file drawer is 1.5 cubic feet and a legal file drawer is 2.0 cubic feet. Keep in mind that the volume of any container (in cubic feet) can be calculated using the following formula: Length (in inches) x Width (in inches) x Depth (in inches) ÷ 1728.
13. **Annual Accumulation:** An agency may still retain record series which are obsolete; if so, then check the "No" box. If the series is still being created, check the "Yes" box and attempt to estimate the amount of records created annually.
14. **Estimated Activity Per File Drawer:** Provide information about the record usage changes that naturally occur during the life cycle of a series. Consult with records custodians and any other individuals who may use the records to estimate how frequently agency staff members access the series at different stages in its life cycle. Record storage requirements should be reevaluated as usage declines. Daily usage represents a high rate of activity indicating that the record series is active and should remain in the office. When file activity drops to a weekly or monthly rate, it may be time to consider transferring the records to a storage area outside of the office. A usage rate of less than once a month generally demonstrates the need to transfer the records to inactive storage.
15. **Status:** The array of office technology—personal computers, laser printers, fax machines, copy machines—used by agencies to conduct business frequently results in the duplication of documents or information from a series. In order to prepare an accurate retention and disposition schedule, it is essential to identify which unit (and often which individual) maintains the

agency's official *record copy* of a series. It is also important to determine if information from the series is duplicated or summarized in another location or in another record series. These questions often will be easier to answer after the inventory has been completed and after consulting with the records custodian.

16. **Public Access Restrictions:** Indicate by marking the appropriate box whether any public access restrictions apply to the record series. Provide citations for specific state or federal statutes and regulations that limit public access to the records.
17. **Relevant Statutes/Regulations:** Note any statutes or regulations which may affect management of the record series (e.g. laws or regulations that mandate the creation of the series; laws or regulations that authorize the activity that results in the creation of the series; laws or regulations that require the retention of the series for a specific period of time; etc.)
18. **Recommended Retention Period:** In this section note the records custodian's recommendations regarding an appropriate retention period for the series. Indicate how long the record series should be stored in the office and, if applicable, the length of time the records should be maintained in inactive storage.
19. **Recommended Final Disposition:** Note whether the records custodian recommends destruction of the series or its transfer to permanent storage.
20. **Vital Records:** Check "Yes" if the record series is considered vital. Vital records are records that contain information required by an agency to continue functioning or to reestablish operations in the event of a disaster.
21. **Additional Remarks:** This space has been provided for any significant information or comments about the records which do not seem to fit elsewhere on the form.
22. **Name:** List the name of the person who filled out the inventory form. Avoid the use of initials.
23. **Telephone:** Include the telephone number of the person completing the form.
24. **Date of Inventory:** Record the date the inventory form was completed.

SUMMARY

The comprehensive records inventory serves as the foundation of an office's records management program. A well executed inventory will result in the identification of vital records and the appropriate use of active and inactive storage. The success of a records management program is related directly to the accuracy and completeness of the records inventory. The time staff spends on an inventory is time well spent.



Chapter 2—Records Retention Schedules

Schedules help records custodians to manage information systematically by specifying how long, where, and in what format they will be kept and what their final disposition will be.

Preparation and Approval

Records analysts appraise the records and prepare a records retention/disposition schedule by using the data compiled during the inventory, using statewide precedents, and discussing the records with records custodians. The scheduling process is ongoing and involves close cooperation among the state archives, local officials and some state agencies whose policies and procedures affect local government records. Our staff prepares most of the schedules for county offices. If local government officials will be preparing them, they must consult with the Local Records Program before submitting them to the State Records Board for final approval.

CAVEAT

Approved schedules *do not* preempt good judgement. If records are needed for legal or audit purposes beyond the recommended retention period check with the proper agency authority, such as an attorney, before destroying the records.

Types of Schedules

The Records Management Section is involved in developing two kinds of retention/disposition schedules for local government records to be submitted to the State Records Board for approval.

- ! ***General Schedules:*** These schedules are designed for record series local government offices have in common such as personnel records, purchasing records, financial records, and so forth. Generally, records listed in the General Schedule will not appear in the Office Specific Schedules

- ! ***Office Specific Schedules:*** These schedules are designed for a specific local government office. Records contained therein are, in most instances, unique to that particular office. Records that exist in multiple copies will be listed in the office of *origin*. Other copies should be kept only until no longer useful.

What Schedules Include

Every record series listed on a schedule includes a records series title (and variant titles, if need for identification); a brief description of the record's function and its contents; a minimum retention period (the length of time the records must be kept); final disposition requirements and any access restrictions (if applicable).

- ! ***Record Series Title and Description***
The record series title and description can be taken directly from the form prepared for the series during the records inventory. The title should clearly identify the record series—"Miscellaneous" is not an acceptable title—while

the description should summarize concisely the nature and purpose of the series.

! *Minimum Retention Period and Final Disposition*

Records retention and disposition schedules include guidelines establishing the minimum period that an agency must retain custody of each record series and the final disposition requirements for the series. The retention guidelines also may contain recommendations prescribing the period of time a series should be retained in agency office space and the time when records should be transferred to inactive storage.

Records inventory data should be evaluated to determine the retention period best suited to a record series. No record should be destroyed while it still has significant value. On the other hand, no record should be retained after its value has been exhausted. Records should be kept for as long as they are *needed*. Maintaining records beyond their period of usefulness expends valuable resources—only records of value should be maintained. A typical record will have most of its value immediately after its receipt or creation. This value generally decreases over time. In establishing a minimum retention period for a record series, determine the point at which the record has virtually no value.

! *Access Restrictions*

A schedule also contains information about access restrictions that apply. The Kansas Open Records Act requires most government records to be open to public inspection. Certain categories of records (such as medical and criminal investigation records, among others), however, may be closed. Specific federal or state statutes and regulations may restrict public access to certain records. Restriction information should be available on records inventory forms. Offices are advised to have their legal counsel review all access restrictions noted on the retention and disposition schedule.

! *Analysis and Appraisal*

To establish a retention period, records analysts use the process of *analysis and appraisal*—they analyze the information the records holds, study its use and its relationship to other records, and establish its value.

Records analysts appraise records series in terms of their *administrative, fiscal, legal, and historical value* and must consider all four to establish retention periods.

Administrative Value relates to how long an agency needs to retain a record series to meet its own business needs. Administrative value pertains to the need for records in performing current work as well as in performing future work. Administrative records fall into two categories: policy and operational.

Policy records, which generally have long term or even permanent value, include:

- ! Policy and procedure manuals
- ! Directives
- ! Organizational charts
- ! Annual reports
- ! Legal opinions
- ! Correspondence establishing a course of action for the agency.

Most records with administrative value are not policy records. The majority are *operational records* that document the implementation of an agency's policies. For example, a records disposition form is an operational record because it implements the policy established by the retention schedule.

Determining retention periods for records with administrative value—particularly operational records—is not always easy. Retention can vary greatly depending upon what the records document. In most cases the primary administrative value of records will be exhausted when the transactions to which they relate are completed. As a general rule, file activity can be used to guide retention requirements for operational records. When agency staff no longer have need to refer to a record series, the administrative value diminishes and the records probably are ready for final disposition.

Records with **Fiscal Value** document an agency's financial transactions. Budgets, ledgers, payrolls, and vouchers are examples of records that have fiscal value. Retention periods for records with fiscal value are most often determined by audit requirements.

The **Legal Value** of records can take two forms. Some records have intrinsic legal value because they contain evidence of legally enforceable rights or obligations of the government. Among records having intrinsic legal value are:

- ! Documents showing the basis for action (legal decisions, opinions).
- ! Legal agreements (contracts, titles, leases).
- ! Records of actions taken in particular cases (claims, dockets).

Records with intrinsic legal value, particularly those that document the legal rights of citizens, often have enduring value and should be considered for transfer to permanent archival storage.

Occasionally statutes and regulations—state and federal— set legal retention periods for some record series. Statutory or regulatory requirements for specific records retention periods are infrequent. Usually statutes and regulations relate to actions rather than records. Records retention may be inferred, however, by the need to provide evidence of a particular action. It is imperative to consider the legal retention requirements of records. It makes retention scheduling easier and more effective, and it will protect an agency from litigation resulting from improperly retained records.

Determining the final disposition of a record series requires the consideration of a final record value—**Historical Value**. Even though records may have lost their administrative, fiscal, and legal value it is possible that the records still have historical value and for this reason should be retained. Records that contain authentic evidence of an agency's organization, function, policies, decisions, procedures, operations, or other activities have some historical value. These records usually show an agency's origin, its administrative development, and its present organizational structure. This type of information may be found in policy records, organizational documents, memos, correspondence, or reports. Those records that have been identified as historical records and are not used in the agency's daily operations should be transferred to a local repository or the state archives for permanent storage.

Review and Approval

- !** *General Schedules:* General schedules issued as state regulations are available for your use and require no additional review and approval. Contact the Local Records Program for information on how to apply and use general schedules.

- !** *Specific Schedules:* Statewide office specific schedules must be reviewed and approved according to the provision of the Government Records Preservation Act and the Public Records Act. This review and approval process is outlined below.

After our staff—or you—prepare a schedule, it will be reviewed by archives and records management personnel with input from appropriate local government representatives. It will then be submitted to the State Records Board for approval. At this point, the schedule becomes a legal, enforceable document, which gives you the authority to maintain and dispose of each record as specified.

Schedule Approval Process

The schedule approval process in the state of Kansas involves close cooperation between office personnel, Historical Society staff, and the State Records Board.

Once the comprehensive records inventory is completed, inventory forms should be submitted to the local records archivist of the Historical Society. Working with State Archives personnel, the local records archivist will use the inventory data to prepare a draft records retention and disposition schedule. The draft will be returned to the local government records officer who will conduct a review of the schedule. Local governments are advised to have their legal counsel carefully examine the schedule during the internal review to ensure that it addresses all applicable legal retention requirements and access restrictions. Local Records Program staff will incorporate all modifications generated by the local government's review into a revised draft of the schedule. The final schedule, which represents the product of cooperation between local governments staff and the Historical Society, will then be presented to the State Records Board for consideration at a quarterly meeting. The local government records officer and other appropriate staff members are encouraged to attend the meeting to respond to questions that board members may have about the schedule. In addition, two representatives from the local government may vote on the proposed schedule as ad hoc members of the State Records Board. Once the schedule has been approved, the local government may begin implementation immediately.

Revisions and Amendments

Sometimes it may be necessary to revise a schedule to reflect changes in administrative, legal, or fiscal requirements. The change may involve a title, a description, a retention period, or a disposition. When we/you revise a retention period or disposition, it must be sent through the review and approval process again. If you feel a schedule needs revision please contact the local records archivist.

Updating the Schedule

Records retention and disposition schedules are dynamic documents. Government agencies and the records they create naturally evolve over time with new responsibilities resulting in the creation of new records series. Retention and disposition schedules, if they are to remain effective tools for managing records, must be reevaluated and updated periodically to reflect structural and functional changes. The procedures followed in establishing the office's original retention and disposition schedule must be repeated when making additions or revisions to the schedule.

It is important that any change or addition to a retention schedule be made promptly and that those persons using the schedule be notified immediately. Any delay increases the chance of someone relying on an incorrect schedule.

Disposition

Disposition comes at the end of a record's life-cycle and tells you whether it should be destroyed or transferred to an archives. Timely and consistent disposition increases safety and efficiency and decreases expenses. Records can be disposed of in one of two ways:

- ! *Physical Destruction*: shredded, burned, discarded or recycled.
- ! *Transfer of Ownership*: sent to an approved local repository or KSHS

The Government Records Preservation Act, 45-401 through 45-413, and the Public Records Act, 75-3501 through 75-3518 state that no public records can be destroyed or removed from public custody unless their destruction is authorized by an approved records schedule. Likewise, records scheduled to be destroyed should not be transferred to another organization without the express approval of the local authorizing body.

Benefits of Compliance

When you use mandated, statewide procedures for the disposition of your records, you will be following a consistent policy with uniform standards. The benefits of such disposition are:

- ! Economies in space, equipment, supplies, and staff time.
- ! Increases in efficiency and safety through the removal of obsolete files.
- ! The avoidance of lawsuits.

Liabilities of Premature Disposal

If records are destroyed before their retention periods expire, local officials will endanger the public interest and risk:

- ! The expenses of a legal settlement and the loss of revenues.
- ! Gaps in information that could disrupt efficiency.
- ! The irretrievable loss of historical data.

Liabilities of Non-disposal

Records have a life span. Useless records, like other waste products, become a burden. If you maintain records beyond their useful life you will incur:

- ! Unnecessary expenditures for space, equipment, and supplies.
- ! A reduction in efficiency as your accumulation of old records slows access to active ones.
- ! Threats to personal safety because of carelessly stored records.

Summary

A solid records management program begins with a records inventory which allows staff to gain knowledge of office records holdings and allows them to plan for future needs. Records are inventoried and scheduled in groups called records series, which are identical or related records that are normally filed, used, and disposed of as a unit.

A records retention and disposition schedule is an essential tool in establishing a sound records management program. Establishing and implementing a State Records Board approved schedule ensures that an office is in compliance with all federal and state statutes and regulations concerning the management, preservation, and disposition of

government records. By regulating the storage and treatment of records during all phases of the records life cycle, the schedule also allows office staff to more effectively manage records. It is important to remember, however, that even the very best of records retention and disposition schedules is useless if it is not systematically applied to all records listed.



Chapter 3--*Vital Records*

Vital records *must* be protected from destruction. They offer direct evidence of legal status, ownership, accounts receivable, and the obligations incurred by local governments. They contain the information needed to function during or resume operations after a disaster. Some must be maintained in their original form to be admissible as evidence in a court of law. In short, vital records are irreplaceable. It is important to note, however, that vital records are not always maintained permanently.

Loss of Vital Records

Three to 5 per cent of most local government records can be classified as vital. Without them, daily business would stop, and the public interest would be endangered. Local offices would also:

- ! Be vulnerable to litigation
- ! Be exposed to the unplanned expenses of financial settlements or loss of revenue
- ! Lose information and therefore efficiency
- ! Lose the continuity of office operations

Classification

Before staff can protect vital records, they must identify what records created by the office are vital. As a first step in developing a vital records program, staff should conduct a routine records inventory to identify, analyze, and classify the record series. Records custodians can then place them in one of four categories:

- ! *Nonessential Records*—These records are listed on a records retention schedule for routine destruction according to statewide guidelines. Loss of these records presents no obstacle to restoring daily business.
- ! *Useful Records*—These records, if lost, might cause some inconvenience but could be easily replaced. Loss of these records does not present any significant obstacle to restoring daily business.
- ! *Important Records*—These records, although replaceable, can be reproduced only with considerable costs in funds, time, and labor.
- ! *Vital Records*—These records are either intrinsically irreplaceable or valuable because copies do not have the same value as the originals. They are essential to the continuity of services during a disaster or to the restoration of daily business when it has been interrupted.

Protection

Records custodians commonly use one of three methods—*duplication and dispersal, on-site storage, or off-site storage*—to secure their vital records.

Duplication and Dispersal

Vital records can be protected by distributing duplicates to one or more locations outside your office. Duplicates can be created on paper, microfilm, or magnetic tape. To choose a format, consider the volume of records to be duplicated, the number of times they will need updating, the type of storage the medium will require (magnetic tapes and original master negatives of microfilm, for example, require controlled temperature and humidity), and the equipment and power needed to provide access to the records. Certain formats have a clear-cut advantage. For example, computer output microfilm (COM) is well suited for large volumes of computer runs that will be frequently updated.

Once duplicates have been created, distribute them in a variety of ways. Many local governments routinely distribute records to a location outside the office where they were created. Some give copies of minutes, resolutions, and ordinances to their public libraries or local historical/genealogical societies. Those who use private vendors for microfilm or computer services often store file copies of microfilm master negatives and computer backup tapes at the vendor's off-site location.

On-site Storage

Often, local government buildings will be the only public facility in the locality or the only facility with the staff, equipment, and supplies needed to house records. If officials choose on-site storage, they must analyze the condition of the building, consider the equipment and supplies needed, and institute procedures for control.

- !** *Buildings*—Establish the adequacy of the floor load, the lighting and ventilation, the fire ratings of the walls and doors, the smoke and fire alarms, and the sprinklers or fire suppression systems, and eliminate leaks, insects, vermin, and other hazards.

- !** *Equipment*—Consider the construction of fire resistant vaults or the purchase cabinets or safes that meet or exceed the specifications of Underwriter Laboratories. Underwriter Laboratories rates storage and filing equipment on the basis of how it stands up to interior temperature and humidity during various lengths of exposure to fire. Generally, paper begins to deteriorate at 350° Fahrenheit with humidity more than 65 percent; magnetic tape, microfilm and photographs cannot withstand temperatures over 150° Fahrenheit with humidity over 85 percent.

- ! *Procedural Considerations*— Routinely update vital records; prohibit food, beverages, and smoking in the areas where vital records are stored; segregate vital records from combustible material; inspect the electrical system, the building, and the fire suppression system periodically; and regularly simulate an emergency to test the effectiveness of the program.

Off-site Storage

If officials choose off-site storage, vital records must be stored in a location away from the building in which they were created. Staff should be close enough to the off-site storage center to have quick access to the records to use, control, and update them. Records could be stored in a reasonably secure library or public building in the area. Officials might be able to exchange vital records with a neighboring government and use its facility for off-site storage or rent space in a private records storage facility. The advantages of nearby off-site storage include:

- ! *General Effectiveness*—It is unlikely that the same disaster will affect both the office building and an off-site storage facility.
- ! *Ease of Retrieval*—Unlike duplication and dispersal, where records are often distributed to a number of off-site locations, nearby off-site storage simplifies access.
- ! *Ease of Control*—As with on-site storage, staff can analyze the condition of the storage building, consider the equipment and supplies needed, and institute procedures for control.

Vital Records Team and Coordinator

To develop a successful vital records program, a team of officials should be selected to appoint and assist a *vital records coordinator*. The team should have expertise in administration, finance, law and records management. With the coordinator, this team of experts should select criteria to show which records are “vital” and provide guidelines for their protection.

Identifying vital records and preventing the loss of critical information in the event of disaster requires staff support. The vital records coordinator, therefore, should communicate policy and procedures to office personnel and enlist their participation. Counties should consider publishing a vital records manual or conducting periodic seminars for their officials and staff.

Summary

A vital records management program is instituted to prevent the loss of information critical to the daily operation of local government and to permit government to function during a calamity, or to resume service afterwards. An inventory is completed and records series are scheduled. Next, records are classified into one of four categories: nonessential, useful, important, or vital. Finally, a prevention strategy (duplication/dispersal, on and off-site storage) is implemented to safeguard vital records.



Chapter 4-- *Disaster Recovery*

Even if budget constraints have prevented many counties from instituting a comprehensive records management program, the development of a vital records program can minimize the effects of a calamity (see Chapter 3). Most disaster recovery efforts are restricted to vital records because salvage techniques are expensive and time consuming and are not cost-justifiable for most non-vital records. Recovery will be enormously simplified if offices institute minimal preventive measures. During periodic inspections of active files and records storage facilities, staff should conduct random examinations of file cabinets and storage boxes for signs of deterioration as well as pipes and other items that might have disaster potential. Although there is no absolute guarantee against destruction from a disaster, a vital records protection program can be a cost-justifiable way to minimize the effects of a calamity. The cost of prevention will always be less than the cost of a salvage operation.

Preliminary Actions

Staff must identify records series created by the office, be aware of their retention and disposition dates, and know their value to daily operations--are they nonessential, useful, important or vital? A good disaster mitigation plan for all records can prevent the loss of vital records and hold down the costs of recovery.

Two disaster prevention services must be emphasized:

- ! *Safeguarding Resources:* buildings, equipment, and supplies must be analyzed and improved. Procedural controls should be instituted to protect records stored either on-site or off-site against damage or destruction from fire, water, fluctuations of temperature and humidity, infestation by pests and vermin, pollution, and other disasters.
- ! *Safeguarding privacy and security:* procedures for the authorization of access and the prevention of theft must be instituted in both on-site and off-site locations.

Salvage Operations

Preplanning, coordination, and speed are extremely important for effective salvage. The longer salvage is delayed, the more the records deteriorate, and the harder it is to reverse the damage. Mold, for example, will grow on wet paper within forty-eight hours. The following guidelines will help you conduct a salvage operation when a disaster does strike.

- ! *Building Inspection:* As soon as possible after a disaster, officials with expertise in electrical, building, and fire safety should examine the facility and certify its safety.

- ! *Communications Center:* Telephones or walkie-talkies may have to be placed in a temporary location in the immediate vicinity of the salvage operation.
- ! *Recovery Coordination:* The lines of authority and responsibility should be clearly established in advance by county administrators.
- ! *Coordinator:* Appoint an official to oversee recovery efforts.
- ! *Departmental Liaisons:* The coordinator should assemble officials who have custody of records that have been damaged to help identify them.
- ! *Logistical Support:* Depending on the nature of the disaster, you will need:
 1. Other local government people to help with the salvage operation.
 2. Equipment and supplies to accomplish salvage objectives--perhaps temporary lighting, communications, transportation, tables, containers, and chemicals.
 3. Consultants-- a records analyst may be helpful in identifying retention requirements and disposition. A preservation specialist will be able to treat salvageable records or identify future conservation needs. A commercial vendor may also participate in salvage operations involving more than 10 cubic feet of materials. Consulting analysts and preservation specialists are available through the State Historical Society.

Salvage Methods for Paper Documents

The coordinator, departmental liaisons, and consultants begin by examining the records to:

- ! See if a list of the records involved exists, and if it does, where it is kept.
- ! Find out if there are duplicates of the records involved in other locations.
- ! See what can be saved.
- ! See what can be legally destroyed by consulting records schedules.
- ! Pack salvageable records carefully and label them to ensure continuing identification.

The type of damage inflicted will dictate the salvage method you choose. If the disaster is a fire or flood, the records might be saturated. For help--especially if the damage is severe, the materials are overside, or mold has begun to grow--contact a preservation specialist at the State Archives. Water-damaged records can be salvaged by:

- ! *Air Drying*—This is most appropriate for small quantities of photographs and slightly damp paper. Spread photographs emulsion side down on waxed paper or soft blotting paper and dry with fans that are circulating the air rapidly but not pointed directly at the photographs. Open books, spread boards and pages, and stand them on end with the text upside down; insert blotting paper between pages to speed the process and replace it when it gets damp. If you have to move items to a recovery area, use the packing instructions given below.

- ! *Freezing*—This prevents deterioration and is appropriate for items that are soaked and for large quantities of material. Before they go into the freezer, these items must be clearly identified and packed according to the instructions below. Once they are in the freezer, explore the most cost-effective recovery options with a records preservation specialist at the State Archives.

Ventilated plastic crates are the best containers for packing waterlogged books and paper for the freezer, but they are hard to find, hard to store, and expensive. Standard small records center cartons are an adequate substitute. Wrap books individually in plain paper and pack them spine down. If unbound records are soaked, do not try to separate them; instead pack them flat and interleave them as much as you can with blotting paper.

If photographs have to be frozen, pack them individually in plastic bags, store them flat, don't put too much weight on top of them, and keep them separate from other materials. Oversized materials require careful handling and cannot be frozen easily; they usually have to be air dried or freeze-dried. Ideally, a preservation specialist should be contacted to assist staff in packing photographic media and oversized materials.

- ! *Freeze-drying*—This process minimizes water damage by drying substances first by freezing the water and then by turning the frozen solid into a gas in a high vacuum at a low temperature. It is expensive, is conducted only by major vendors, and is appropriate for very valuable materials or records that must be retained in the original format. A list of vendors is given in the Appendix although we do not make any recommendations.

Salvaging Water-damaged Microfilm:

If microfilm is water-soaked, keep it wet to prevent it from sticking together; remove dirt and debris gently to avoid abrasion; and store it in clean water. For information on reprocessing vendors, contact the Kansas State Historical Society's Microfilm Lab or Preservation Officer.

Other Salvage Methods:

Staff may need help to duplicate singed, scorched, or charred records or to employ strategies used for archival records. These strategies could include;

- ! *Re-housing*—Placing the records in archival-quality enclosures.
- ! *Microfilming*—Filming damaged documents to generate durable working copies, prevent further deterioration by eliminating excessive handling, and generating archival masters for permanent storage.
- ! *Stabilizing and repairing* - Do not attempt repairs yourself; improper handling and stabilization could do irreparable damage to permanently valuable records.

Summary

Recovery programs are conducted to salvage a local government's vital records in the event of disaster. Adverse impact of disasters can be minimized by taking a preliminary survey of holdings and establishing a written disaster recovery plan to confer authority and identify the elements of a records salvage operation before a disaster occurs. If catastrophe strikes, staff will need to: conduct a safety inspection of the building immediately, establish a communications center, appoint a recovery coordinator and departmental liaisons, and obtain logistical support, which includes employees from other offices, equipment and supplies, and consultants.

The records officer in cooperation with the Records Management Section can use records retention schedules to make decisions about salvaging or destroying records.

The salvage methods used will depend on the volume and format of the records being saved. Salvage is expensive and time-consuming and should always be conducted by qualified, experienced professionals.

Staff must update regularly the information needed to conduct a disaster recovery program--names, addresses, telephone numbers, policies, and procedures--and maintain a copy of this information off-site in case staff can't get to the on-site copy. Please see Appendix C for helpful contact information.

K.S.H.S. archivists and records analysts will help with disaster recovery and will provide advice without charge. For advice and help on document restoration or disaster planning, call your regional Kansas Disaster Recovery Assistance Network (KDRAN) representative. For information on the network and a list of representatives contact the Preservation Officer at 785.272.8681 x.277.



Chapter 5—Micrographics

A *micrographics system* is an information storage and retrieval method that utilizes the special advantages of microfilming in the area of space saving, reproducibility, durability, file integrity, and retrievability. *Micrographics* encompasses the creation, use, and storage of microforms. *Microform* is a generic term for any film medium which contains miniaturized images.

There are two basic formats, or microforms, that can be used to microfilm records: Roll film—reels, cassettes, and cartridges—and unit sized film—microfiche, microfilm jackets, and aperture cards. The choice of format will be dictated by the characteristics of the paper records being filmed and the nature of the records system.

Microfilm that will endure as long or longer than high-grade bond paper is known as archival microfilm. It is silver-halide film, and must be used to film records of permanent value. Use of silver-halide filming alone, however, will not ensure longevity, for longevity depends on proper processing and storage as well. The American National Standards Institute (ANSI) has issued guidelines (See Appendices) for the production and storage of archival film. These guidelines are incorporated into the quality standards mentioned below.

Standards and Guidelines

Standards and guidelines are of particular importance since they address quality control and archival requirements in the production and processing of microfilm. While it may be unnecessary to meet *all* of the standards for nonpermanent records, proper filming techniques are still important. The Kansas State Historical Society's Library/Archives Division has prepared microfilming standards and guidelines to implement K.S.A. 45-412, which directs the State Archivist to *"prepare recommendations, to be approved by the state records board, based upon the current standards of the federal government and the American National Standards Institute, for the quality of film or optical disc, proper arrangement of materials, suitable filming techniques and equipment, quality of photographic or optical disc images, film processing results and film or optical disc storage conditions which should be achieved or utilized by state and local agencies when making microphotographic or optical disc copies of government records with enduring value."* (K.S.A. 12-122, 19-250 and 75-3506 refer to microfilming standards for records "with enduring value" only.)

Kansas accepts microfilm as a legal substitute for original paper documentation. Most paper records can be destroyed after microfilming if legal procedures are followed and the film meets statewide microfilm standards.

Advantages/Limitations of Micrographics

Advantages of Micrographics

Converting recorded information from paper to microfilm can be an extremely effective way to manage records. Micrographics systems can make the management of records effective and economical through the benefits of:

- !** *Space Savings*
Microfilm can be stored in less space than the corresponding paper records, sometimes reducing storage requirements by as much as 98 percent.

- !** *File Integrity*
Microfilming greatly reduces the risk of misfiled or lost information because the information is fixed in a sequence on film.

- !** *Security*
The master negatives should be stored off-site to protect against loss of information. Working copies of the microfilmed records are made from the protected master copy.

- !** *Quick Retrieval*
Users can usually get access to information on microfilm more quickly than to information in paper-based filing systems; in addition, microfilm reader-printers can produce full size paper copies of microimages when needed.

- !** *Low-cost Information Distribution*
Copies of the microfilm are inexpensive to produce and can be mailed at a lower cost than the corresponding paper records. Like paper records, microfilm can be electronically scanned and converted to images that can be transmitted over data lines.

- !** *Archival Preservation*
By microfilming older, deteriorating, but permanently valuable records, copies can be used for research and also to prevent further damage or deterioration of the original. When filmed, processed, and maintained to archival specifications, the master negative will ensure that historically valuable records are preserved for generations to come.

- !** *Legal Validity*
State and federal legislation allows for the admissibility of microfilm records as evidence in court.

Limitations of Micrographics

Microfilming is neither a cure-all for records management problems nor a substitute for a sound records management program. Difficulties can arise if a micrographics system is utilized without a general knowledge of the technology. It is important to keep the following limitations in mind:

- !** *Expense*
While the cost saving potential of microfilm is substantial, the process of microfilming can be expensive. Filming, processing, inspecting, and duplicating are all costly procedures, and a poorly planned microfilm program can spend more than it saves in storage costs.
- !** *User Resistance and Fatigue*
Users sometimes resist using microfilm because they find it visually fatiguing, are used to using paper records or because they have not been acquainted with microfilm in the past.
- !** *Technical Challenges*
Staff must carry out and closely monitor a micrographics program to see that quality standards are met and the film is well processed, well-inspected and properly stored.
- !** *Training*
Staff will need to train office personnel to prepare records for filming and to inspect film for errors and quality.
- !** *Viewer Equipment*
Microfilm readers and reader-printers are necessary to access and make paper copies of the filmed documents.
- !** *Storage Maintenance*
Because microfilm is sensitive to fluctuations in temperature and humidity, staff will need to carefully monitor the storage environment.
- !** *Records Management Problems*
Microfilming will not solve problems that arise from unnecessary retention of obsolete records, disorganized files, or inadequate filing systems. In fact, it may intensify those problems by “freezing” outdated and disorganized information.

Managing a Micrographics Program

If the decision is made to begin filming records, staff must decide whether the filming will be done in-house, out-sourced or a combination of the two. Before beginning, staff should evaluate the situation—systems, equipment needed to access and read film, long-range costs, budget, any modifications necessary to offices or buildings, and the projected growth rate of active files. Staff will then be able to design specifications that will provide for the micrographics system that best suits the office's needs.

Service Bureau

If staff decides to contract with a vendor, bids should be solicited from several companies. The Request for Proposals (RFP) should include detailed specifications, performance standards, and penalties for noncompliance. Costs are usually calculated on a per image basis and most companies charge additional fees for filming on-site. A list of vendors is available from the Local Records Program, however the listing does not imply a recommendation.

In-house Filming

In-house micrographics programs vary in scope from basic filming to full production. If your office decides to establish an in-house Micrographics operation, there are numerous technical and economic variables that must be considered.

Labor

- ! What steps are required to access a record, or to enter a record into the system? How might this be changed if the records were microfilmed?
- ! To what extent is the present file accessed simultaneously by more than one person, and to what extent does this result in delays in retrieval, access, and refiling?
- ! What is the present turnaround time for manually retrieving a specific document? How does it compare with what can reasonably be expected if the record was in microfilm format? For example, how much less walking time would be involved for a file clerk? Turnaround time on requests can affect user productivity and clerical labor requirements.
- ! What is the present time requirement for refiling? How does it compare with what could reasonably be expected if the same document were filed in microform?
- ! To what extent are retrieval and refiling delays incurred by previous misfiling of documents under the present system?
- ! What are the possibilities that microfilming would permit more convenient location of the file? What might this mean in terms of personnel or mail travel time, within or between locations, by those who must access the file regularly?

- ! In what ways will the adoption of a micrographics program be likely to affect the training of personnel and the skills and responsibilities required of them?

Capital Outlay. The initial cost of the filming and processing equipment can be substantial. Capital outlay involves the costs of cameras, laboratory machinery for the processing and quality testing of film, film editing devices, and any installation charges. Of course, processing and quality control can always be out-sourced to a vendor, while the actual filming can be completed by office staff. Many local governments use this arrangement though it is difficult to achieve archival quality in a part-time filming operation.

Maintenance Cost. There will be maintenance costs associated with the use of micrographics equipment. The equipment contains mechanisms that are subject to wear and misadjustment and components that are breakable or have limited life. As a general rule, the anticipated annual maintenance cost may be as much as 10 to 15 percent of the purchase price of the equipment. When equipment is rented rather than purchased, the annual cost may be between one-half and one-third of the purchase price, depending on the vendor. Maintenance is often included in the rental charge.

Materials and Supplies. Depending on the type of microfilming done, the necessary supplies and related materials include:

- ! Document preparation: paper, pens, staple removers, scissors, tape, sealing material
- ! Filming: film, targets, production logs, camera brushes, cleaning supplies,
- ! Processing: chemicals, microscope, splicing tapes, reels, film boxes, control strips
- ! Inspection: gloves, magnifying devices: quality control logs: densitometer

Personnel Requirements. In addition to anticipating how the use of microfilm will affect current staff; hiring and training of additional staff to operate and maintain Micrographics equipment must also be considered. Staff positions may include:

- ! Document preparation clerks
- ! Camera operators
- ! Quality control editors
- ! Processing technicians

Floor Space. If an office decides to establish its own micrographics operation, the cost of having the equipment in prime office space must be considered.

Reviewing the Microfilm Program

Whether the office films records in-house or uses a vendor, staff should review the program periodically to determine if any changes are necessary. The following checklist may be useful:

- ! If an in-house system is installed, evaluate the equipment's performance and maintenance records. Is the equipment appropriate for the volume and the speed required?
- ! If filming and processing is being done elsewhere, evaluate the quality of filming overall, the turnaround time for filming and processing, and the frequency and severity of problems with any aspect of the filming service.
- ! Examine the operational policies and procedures. Are they sufficient to insure an effective microfilming operation, or do they need revising or expanding?
- ! Evaluate the microfilm staff's skills. Are they performing tasks for which they are properly trained? Is additional training warranted?
- ! Are costs running at the projected rates?
- ! Review the system as a whole. Does it meet agency goals?

Procedures, Equipment and Analysis

Whether contracting with a commercial service bureau or completing all or part of the filming in-house, standard procedures must be adhered to in order to produce an acceptable product. The following are typical procedures for converting paper records to microfilm.

Document Preparation

The microfilming process begins with document preparation. Each file and its documents are made "camera ready" before they are filmed. Document preparation involves removing all bindings, clips and fasteners, repairing paper tears, flattening bent pages and inserting indexing documents. It is important to remember that the documents, once filmed, cannot be rearranged. Try to place them in an easily understood order, or include instructions when filming. The office's original filing system or order should be maintained whenever feasible.

Improper document preparation can slow the filming process, damage documents as they become caught in equipment, and even damage the camera equipment. It is essential that proper care is taken to make the documents ready for smooth and efficient progress through the filming process.

Filming

After documents have been properly prepared, they are filmed using the appropriate equipment. Camera type is determined by a number of factors such as user requirements, condition of the documents to be filmed, and final film format preference. There are three types of cameras most commonly used in the filming of government records.

- ! *Planetary Camera.* A planetary camera is used for large, brittle or old documents which require care in handling. It is also used to film books and pamphlets which must remain bound and for other projects requiring the highest quality of filming.

In using a planetary camera, the operator places each document on a stationary copy board for filming. This minimizes the chance of mechanical or operator error and usually increases the resolution quality of the image on film.

- ! *Rotary Camera.* A rotary camera films same-size documents which can be automatically fed into the camera, as well as other documents of a condition and size to permit carriage through the camera's mechanism. Filming is faster than with a planetary camera, but there is a greater likelihood of error and damage to the originals.

- ! *Step and Repeat Camera.* A step and repeat camera is a large computer-interface camera which produces microfiche. Using this device, the camera operator can film various sizes of documents at an increased speed and can program indexing information directly onto the film. This camera is ideally suited to micro publishing.

Film Processing

After filming, the next step is microfilm processing. Proper processing of the film is critical to the overall quality and archival longevity of the film. The processing equipment and chemicals must be continuously monitored to insure an acceptable microfilm product.

Quality Testing

Once the microfilm is processed, it must be tested on a densitometer to insure that image and background have proper density. The resolution of the film, which is the quality of sharpness of filmed images, is inspected through a microscope. To evaluate the image against a standard, a resolution target must be filmed at the beginning of each roll of film.

Another test, the *methylene blue test*, should be performed weekly and must be performed whenever chemical or processors are changed to determine the amount of sodium thiosulphate left on the film after processing. Sodium thiosulphate affects the long-term quality of the film image. If the reading from this test is not satisfactory, the documents must be refilmed and processed.

Film Inspection

No matter where or by whom documents are microfilmed, all film must be properly inspected. This is a key element of the quality control procedures which must be in place in any micrographics system. Inspection reveals if the documents are accurately represented on film, if there are errors in the filming by the camera operator, and if the processing measures are satisfactory. Under no circumstances should the original documents be destroyed until the film images have been inspected.

Inspection must be conducted in a clean environment to avoid contamination or damage to the film. No smoking or food is to be allowed in the area. Editors should wear lint-free cotton gloves when handling all types of film. During inspection, attention must be given to indexing, organization, and any evidence of operator error or equipment malfunction.

Standard inspection equipment includes a light box or light table, which provides diffused illumination evenly dispersed under the viewing area, and a microfilm reader, which is a projection device for viewing an enlarged micro image with the unaided eye.

Light Box Inspection

This inspection is performed by leading a reel on one side of the light box and manually passing it across the box to a reel on the opposite side. Technicians can spot problems with images and then make a more careful inspection with a magnifying device.

Microfilm Reader Inspection

Each document image is inspected to make certain it is legible. If an inspector detects errors, the corresponding documents are sent through a retake cycle and refilmed. The new film is then processed and inspected. The refilmed documents are spliced onto the beginning of the original roll of film to maintain file integrity.

These inspection and retake procedures must be strictly adhered to in order to produce microfilm which meets the minimum quality standards.

Duplication

It is highly recommended that all microfilm be duplicated with the duplicating negative or a positive copy used as the working copy, never use the master

negative. In the case of essential records, the original master copy of the film must be stored in a safe location.

Duplicate copies of the microfilm should not be made until the original film has been processed, tested, and inspected.

Storage and Protection of Microfilm

The following information is adapted from *Storage and Preservation of Microfilm*, Kodak Pamphlet No. P-108.

Fire Protection

There are several alternatives for the storage of microfilm. The highest degree of protection for a large number of records is afforded by a fireproof storage vault or room. Sufficient insulation should be provided in the area to provide temperature control at all seasons of the year and to prevent moisture from forming on the walls.

For smaller quantities of records, a fire-resistant cabinet of the type approved by the National Board of Fire Underwriters will provide protection. Such cabinets should protect microfilmed records against severe fire for at least four hours.

Some fire-resistant cabinets use a type of insulation that releases moisture when heated, filling the interior of the cabinet with steam. This can cause melting or stripping of the film emulsion layer, and loss of the filmed image. For protection, film stored in such cabinets should be placed in moisture-tight cans. Fire-resistant cabinets are also available with an inner chamber sealed against moisture. Underwriters' Laboratories Inc., classifies these as Class 150 Record Containers. Use of these cabinets eliminates the danger of film damage caused by steam.

Questions sometimes arise as to whether microfilm stored in fire-resistant cabinets might, in the event of a fire, generate enough pressure to damage the cabinet or cause it to explode. There is no danger of explosion from the storage of either ester-base or acetate-base safety film under these conditions. There are small amounts of organic materials and moisture in an acetate film base which will expand under heat and under some conditions may generate slight pressure. In most cases the temperatures outside the cabinet would have to be intense for this to be a problem.

In addition to complete loss by fire, film records can also be damaged if they are exposed to very high temperatures. Extreme heat causes film to buckle due to shrinkage of the film edges. When the buckling is severe, the distortion makes it difficult for the information to be retrieved from the film by either projections (as in a reader) or by duplication onto other film.

Tests have indicated that acetate-base microfilm that has been conditioned at a relative humidity of 50% or lower will withstand 250 degrees Fahrenheit for 24

hours without significant loss in readability or printability. At 300 degrees Fahrenheit, severe distortion may occur in less than five hours. Film that has been conditioned at a relative humidity higher than 50% may show objectional distortion in shorter times or at lower temperatures.

Water Protection

Microfilm records should be protected from possible water damage from leaks, fire-sprinkler discharge, flooding, and other water hazards. Whenever possible, storage facilities should be located above basement levels. Storage cabinets should be raised so that the lowest shelf or drawer is at least six inches off the floor, and should be constructed to prevent water from splashing onto records from above. Drains should have adequate capacity to keep water from a sprinkler discharge from reaching depth of more than three inches. If a storage area should become flooded, take prompt steps to reclaim any records that were immersed. Allowing the film to dry even partially will cause the layers to stick together. If it is impossible to rewash and dry the film at the storage facility, place the film in a container filled with clean tepid water until it can be properly treated.

Effects of High and Low Humidity

The choice of humidity level depends largely upon usage. Keeping use in mind, the best relative humidity for storage is the lowest that can be achieved practically and controlled reliably.

- ! *High Humidity* Storage in moist air such as that frequently found in basement rooms and attics (above 50%) should be avoided. Relative humidities of 35% or less are best for minimizing the possibility of growth of microscopic blemishes. A definite upper limit of 60% relative humidity should be established for protection against fungus.
- ! *Low Humidity* At low humidity levels problems of brittleness or static might arise if the film is to be handled frequently. However, in the case of inactive filmed records, the increased protection that low humidity provides against microscopic blemishes may be desirable.

Vault Storage

A vault, affording protection against fire, excessive temperatures, water and other firefighting agents, steam, and collapsing or falling structures should:

- ! Be capable of withstanding temperatures up to 150 degrees Fahrenheit for four hours.
- ! Be located separately from offices and work areas and from facilities for short-term storage of film or for storage of film other than silver-gelatin type.

- ! Be vented but not connected by air ducts to rooms where nitrate-based film is stored.
- ! Have its own air-conditioning or atmospheric control system capable of maintaining constant temperatures of 70 degrees or less (preferably 65-70 degrees Fahrenheit) and constant relative humidities of 40% or less (preferably 30-40%) with maximum variances in a 24-hour period (as measured and recorded continuously on a thermograph and on a hygrometer) of not more than 5 degrees or 5%.
- ! Have an air filtration system equipped with mechanical filters of dry media type and with air washers of activated charcoal or other absorbers adequate to preclude entrance of dust and other air-entrained solids and of such gaseous impurities or pollutants as sulfur dioxide, hydrogen sulfide, nitrogen oxides, ammonia, acid fumes, peroxide, and ozone.
- ! Have a fire alarm and suppressant system equipped with automatic fire control dampers in ducts carrying air to or from the vault.
- ! Vaults should be furnished with multi-drawer storage cabinets made of non-corrosive, non-combustible material such as stainless steel, or steel with a baked-on nonplasticized synthetic resin lacquer.

Film rolls housed in cabinet drawers should be encased in film boxes of acid-free (pH 8.5+) paper, anodized aluminum, stainless steel, or peroxide-free plastic. Paper bands (unless they are acid-free) or rubber bands should not be used for confining film on reels or cores.

At approximately two-year intervals, an adequate number of selected lot samples of stored film (for example, 20%) should be microscopically or otherwise examined for discoloration, blemishes, fogging, fungi, buckling, brittleness, image fade, adhesion or other signs of degradation or deterioration.

Defects and Problems

There are a number of common problems or defects that can occur during filming or processing that leave characteristic marks on film. Inspectors should be aware of these marks and conditions. A more detailed description of the possible problems and the probable causes follows:

Blank film. No images of any kind, usually a result of the film not advancing or shutter failure.

Contraction. A shortened image containing a dark bar across the width of the image on film exposed in a rotary camera. This is usually caused by a failure of the film drive.

Dark vertical streak. A defect that appears as a darker density line running parallel to the edges of the microfilm.

- 1) In a rotary camera this is caused by:
 - a) A foreign object, located between the documents and the lens which has reflectivity greater than that of the documents being filmed.
 - b) Improper positioning of the lamps or mirrors.
 - c) Lamps not evenly matched.
- 2) Defect in film manufacturing.
- 3) Created during processing.

Double exposure. Two distinct sets of documents will be superimposed on the film when double exposed. The overlapped sections of the documents will appear darkened, although the outlines of each set of documents are still distinguishable. The possible cause is that the operator has re-exposed a previously exposed roll of film, or the film has failed to advance.

Edge fog. Dark margins along the length of the film. This is the result of light leaking between the flange of the spool and the film. This condition is aggravated by:

- 1) Prolonged handling of the unprocessed microfilm in room light.
- 2) The flexing of the flange of a plastic spool during unloading.
- 3) Use of a spoked reader reel in place of a camera spool for take-up.
- 4) Camera spool flanges out of tolerance, too far apart or bent.

Fingerprints. Visual image of a fingerprint, caused by improper handling of the film by the camera operator, processing technician, or inspector.

Fog. Darkened or black areas on the microfilm. Probable causes are:

- 1) Improper camera loading.
 - a) Taking too long to load camera in room light.
 - b) Failure to observe subdued light loading recommendations.
 - c) Failure of camera operator to provide sufficient leader and trailer before and after document exposures.
 - d) Camera door ajar or accidentally opened.
- 2) Defect created during film manufacturing.
- 3) Camera light leak.
- 4) Fog from processing.
 - a) Improper or contaminated developer.

- b) Failure to observe safelight recommendations.
- 5) Use of outdated or improperly stored film.

Folded documents. A defect in which the document being filmed has folded over on itself, causing some information to be blocked out. This is caused by improper feeding or transporting of the documents through the camera. It is more likely to occur when documents are in poor condition.

Frilling. A puckering and peeling of a photographic emulsion layer from its support, usually caused by excessive temperature or improper compounding of the chemical baths, poor adhesion qualities of the emulsion to the base, improper hardening of the gelatin, the use of very soft wash water, or a combination of these circumstances.

Jam. Parts of documents followed by a dark streak on the film. In rotary cameras, a jam is caused when one or more documents are caught in the exposing plane.

Light Vertical Streak. A defect that appears as a lighter density line running parallel to the edges of the microfilm.

- 1) In rotary cameras this is caused by:
 - a) An obstruction of some type between the documents being filmed and the lens which allows less light to be transmitted to the lens.
 - b) Scratched or dirty guides.
 - c) Improper positioning of the lamps and mirrors.
 - d) Lamps not evenly matched.
 - e) Lamp or lamps burned out.
- 2) Defect in film manufacturing.
- 3) Created during processing.

Mottle. Cloudy or blotchy appearance, uneven density, generally caused by insufficient agitation during processing, poor storage conditions, or defective emulsion.

Overdevelopment. Images or D-min (the lowest density obtainable in a processed film; occurs where there is no image on film), or both are darker than normal. This is caused by:

- 1) Excessive time in the developing chemicals.
- 2) Excessive temperature.
- 3) Over-strength solution.
- 4) Excessive agitation.
- 5) A combination of these circumstances.

Overexposure. Images are too dark, but the D-min remains normal. This is caused by one or more of the following:

- 1) Improper response of exposure control.

- 2) Light density too high.
- 3) Aperture too large.
- 4) Exposure time too long.

Pressure marks. A defect found in processed film that may appear as an area of reduced or increased density. An abrasion or a striking of the emulsion may cause the formation of a latent image or the destruction of an existing latent image.

Residual dye-back. Residual dye-back is indicated by black particles or dark streaks remaining on the microfilm. It is caused by incomplete removal of the back-coating material.

Reticulation. A processing defect affecting gelatin layers on photographic film which, upon drying, shows an irregular surface due to the formation of small, irregularly scaly patterns. Sharp differences in the temperature or pH of successive processing solutions are the usual causes of reticulation.

Scratches. A dark or light linear groove which damages the base (also called the sensitized side) of the film, and which is usually caused by faulty equipment or improper handling.

Stacked or overlapped. A defect in which one image or document partially covers and obscures another. In planetary cameras, this is caused by improper film advance, causing the image to overlap. In rotary cameras, overlap is caused by improper setting of the document stop or improper clutch adjustment.

Static marks. Black spots, streaks, or treelike forms produced on microfilm by the discharge of static electricity, generated in the film by friction and made visible by developing.

Stretched. An elongated image caused by the document stopping, hesitating, or slowing down while the microfilm continues to advance in the rotary camera.

Synchronization, out of. An out of sync condition will cause the image to have blurred bands across the width of the film. In rotary cameras this is caused when the speed of the film transport is not synchronized with the speed of the document transport.

Underdevelopment. Images appear too light on the microfilm. This is caused by insufficient development due to:

- 1) Developing for too short a time.
- 2) Use of a weakened developer.
- 3) Too low a temperature.

Underexposure. The images will appear too light on microfilm, but the light-struck areas at the beginning and the end of the roll appear at high density.

- 1) Improper response of exposure-control device.
- 2) Light intensity too low.
- 3) Lens aperture too small.
- 4) Exposure time too short.

Washboard. A defect that appears as alternate bands of greater and lesser density across the width of the film. This may be caused by:

- 1) Fluctuating illumination.
- 2) Faulty document transport.
- 3) Faulty film transport.

Summary

Micrographics is an exacting technology that has appropriate, cost-justifiable uses in the management of local government records. It saves space, improves file integrity, adds security, allows more efficient retrieval, and preserves frequently handled, fragile, or irreplaceable original documents.

Microfilming is an option that should be considered only if it offers the best solution to a record-keeping problem. Before a program is instituted, basic records management techniques should be used to explore the possibility of using other solutions like the transfer and disposal of records.

For more information on developing a program, contracting for vendor services, or questions about an existing program contact the Local Records Program at 785-272-8681 x. 277.



Chapter 6– *Digital Imaging Guidelines*

Government records, regardless of their format, are subject to the records preservation laws of Kansas. Government officials are responsible for managing records in ways that insure accessibility under the Kansas Open Records Act, the confidentiality of other records as stipulated in various statutes, and the long term preservation and access of selected records through the Government Records Preservation Act (and the Public Records Act.

In an era of enormous technological change, old approaches to records preservation are not always applicable. It is hoped that these guidelines will assist public officials in designing digital imaging systems that may be used for creating or maintaining long-term or archival records.

The guidelines are advisory in character and are not intended to serve as a rigid set of requirements. However, the degree to which they are incorporated into system design will greatly effect the long term accessibility of the electronic records involved. National technical standards, established practices, and research in the professional literature form the basis for these guidelines. The guidelines are designed to identify critical issues for public officials to consider in designing, selecting, implementing, and operating digital imaging technologies. Again, these issues are especially important for systems used for mission critical records or for long-term or archival records.

Stated briefly, digital imaging is defined as the ability to capture, store, retrieve, display, process, and communicate or disseminate records electronically using a variety of hardware and software components. Digital imaging technology continues to change at a rapid pace, but with the proper planning and design, an agency can significantly improve its business operations without endangering business processes through technology obsolescence.

The potential benefits of digital imaging systems can best be achieved through an agency planning process. This process examines the information needs and records requirements of the agency as a whole rather than a single, isolated application.

The recommendations for this set of guidelines are listed in order of their implementation.

The text of these guidelines was prepared by the Alabama Department of Archives and History and published in their technical leaflet “Guidelines for the Use of Digital Imaging Technologies for Long-Term Government Records in Alabama.” The guidelines are reproduced here with the permission of the Alabama Department of Archives and History, Ed Bridges, director. We are indebted to them for their expertise in this area and for their generosity in allowing us to use these guidelines in Kansas.

PROJECT PLANNING

Recommendation 1: Prior to selecting a digital imaging system, conduct a records and workflow analysis to determine and document existing and planned agency information needs.

The examination of existing workflow patterns and records is the crucial first step in determining the need for a digital imaging system. A records analysis assesses existing operations to determine what records are best suited for digital imaging applications. A workflow analysis assesses the processes of records creation, access, and retrieval to determine areas where reengineering can improve operational efficiency. This reorganization of business or work processes may be simple or extensive in approach. Implementing a digital imaging system significantly impacts the current work processes because personnel create, retrieve, use, and store documents in a different way. The detail and complexity of the process reengineering affects the project schedule, cost justification, and Invitation to Bid (ITB) requirements.

The Library and Archives Division, Records Management Section, can assist in analyzing an agency's record keeping systems.

Recommendation 2: Prior to selecting a digital imaging system, conduct a cost benefit analysis to determine the cost justification of a system purchase and to determine the possible benefits to the agency with its implementation.

Cost justifying a digital imaging system allows a financial comparison between the current and proposed record keeping systems to help in making a procurement decision. The cost-justification goal of a digital imaging system is to offset the cost of the equipment and software by reducing personnel and storage costs or allowing the existing staff to process more work through the improvement of work processes. To determine a cost estimate, the following components should be considered: system hardware, system software, application software, communications hardware and software, system maintenance, training, project management, facilities upgrades/site preparation, staffing costs, and other miscellaneous costs. A typical cost justification includes the following major areas: a study of current operations, a proposed system architecture, equipment pricing, and financial indicators, including payback period, net present value, and rate of return.

SYSTEM SPECIFICATIONS AND SELECTION

Recommendation 3: Require an open systems architecture for digital imaging applications or require vendors to provide a bridge to systems with non-proprietary configurations.

Although the term open systems architecture is defined in various ways, public officials should follow a system design approach that permits future component upgrades with minimal degradation of system functions. This open system architecture allows the system to be upgraded over time without a significant risk of records loss. It also supports the importing and exporting of digital images to and from other sources. One key factor in achieving an open systems architecture is the adoption of non-proprietary standards. The flexibility of an open systems architecture helps enable long-term records to be accessed and transferred from one hardware or software platform to another.

Recommendation 4: Where data longevity or records integrity is a primary concern use a recording media that is not rewritable.

The storage capacity of optical disks versus paper is a primary advantage to the use of digital imaging systems. However, optical disks are not the only option. Other storage solutions that can be used with digital imaging systems include output to microfiche or microfilm, digital tape, and magnetic disks. The selection of a storage media may depend on budget considerations for the agency.

When selecting optical storage media, the issues of data longevity and integrity must be considered. There are a variety of optical disks on the market today: Write Once Read Many (WORM), Rewritable, and Compact Disk-Read Only Memory (CD-ROM)/Compact Disk-Recordable (CD-R). Each has its own advantages and disadvantages. WORM and CD-R are not rewritable. Computer Output to Laser Disk (COLD) is also a non-rewritable option. These media offer a high level of data security because alteration of data is not achievable without destruction of the media itself. If a record is no longer needed, software may allow the pointer to the data to be disabled, preventing normal access. Because the data cannot truly be deleted, however, it may remain accessible by other means.

Recommendation 5: Use a non-proprietary digital image file format. If using a proprietary format, provide a bridge to a non-proprietary digital image file format.

A digital image file format is a structured container for information about each digital image and the image data. Information about the digital image

file includes, but is not limited to, its name, width, length, resolution, and compression techniques.

The computer requires this information to interpret the digital image. It is essential to use a non-proprietary image file format to ensure the ability to transfer successfully digital images between different systems or when a system is upgraded or modified.

American National Standards Institute (ANSI)/Association for Information and Image Management (AIIM) MS53-1993, *Standard Recommended Practice - File Format for Storage and Exchange of Images - Bi-Level Image File Format: Part I* details a standard definition for file formats. Despite the existence of a standard, there is not an agreed-upon, industry-wide image format standard. Many digital imaging systems use the Tagged Image File Format, or TIFF. Because different versions of TIFF exist (TIFF-5, TIFF-4, etc.), there is still no absolute guarantee that images can be transported seamlessly from one system to another. Comprehensive documentation of the digital image file format, including TIFF, is recommended.

A number of other file formats exist, such as Graphics Interchange Format (GIF), Joint Photographic Experts Group (JPEG), and Bitmap (BMP). These file formats are commonly used in conjunction with hypertext markup language (HTML) for Internet and intranet applications. Many systems or third-party graphics packages will convert images from one to another, although often with unpredictable results.

Recommendation 6: Use International Telecommunications Union (ITU) Group 3 and Group 4 compression techniques or have the vendor provide a bridge to these techniques.

The large file sizes of typical scanned documents require digital image compression to support data transmission and to promote storage efficiency. Today most digital imaging systems use standard compression algorithms to “shrink” images. Standard compression techniques are instrumental in ensuring a migration strategy for records needed for long-term use. Two international standards are currently available. Using compression techniques conforming to either of these specifications will increase the likelihood that the images can be used with other technologies or migrated between systems.

Recommendation 7: When determining document scanning resolution, consider data storage requirements, document scanning throughput rates, and the accurate reproduction of the image. Validate vendor claims using a sampling of the agency’s documents.

A digitized image consists of black and white dots or picture elements (pixels) measured in dots per inch (dpi). The higher the number of dpi, the higher the legibility of the reproduced image. Images scanned at higher dpi rates, however, use more storage space on the disk and may require longer scanning times. The selection of scanning density involves a trade-off between image clarity, storage capacity, and speed. When selecting a scanner, ask the vendor to perform a quality test on a broad sampling of documents at various dpi settings so that an appropriate end-to-end throughput rate and resolution can be determined.

For good quality images in scanning modern office records, use a scanning density of at least 300 dpi. A higher scanning density (600 dpi or higher) is appropriate for deteriorating documents, and documents with a visual element such as, engineering drawings, maps, or documents with background detail. The display resolution of the inspection/verification monitor and printer should match the scanning density of the document scanner. When scanning continuous tone images, such as photographs, maps, and illustrations, use gray scale or color imaging technology.

Recommendation 8: Select equipment that conforms to the standard methodology for media error detection and correction. The system should provide techniques for monitoring and reporting verification of the records stored on a digital optical disk, and the system administrator should actively follow the status of the monitors.

Digital imaging technology uses two methods within the Error Detection and Correction (EDAC) system to minimize digital image recording and retrieval errors. The first method uses error correction codes to detect and correct data read errors automatically. The second employs correction code software to determine if and when the utilization of error correction codes is approaching a critical point. Monitoring the error correction status information provides an audit trail to measure the progress and degree of disk degradation. Tracking error correction trends will indicate an appropriate timetable for recopying disks.

The Association for Information and Image Management's (AIIM) Standards Committee has developed a standardized methodology for reporting the error rate data to the operating system for user evaluations. **ANSI/AIIM MS 59-1996**, *Media Error Monitoring and Reporting Techniques for Verification of Stored Data on Optical Digital Data Disks*, describes these standards.

Another precaution against losing long-term records because of defective disks is to require the use of digital optical disks with a guaranteed minimum shelf life of five years and a minimum post-write life of twenty years.

Recommendation 9: Specify that the Small Computer System Interface (SCSI) command “Write and Verify” is used when writing data to digital optical disks.

The “Write and Verify” command, available within the Small Computer System Interface (SCSI), is valuable for assessing how accurately the scanned information is transferred from the central processing unit of the computer to the digital optical disk. “Write and Verify” requires verification from the system that the digital image is correctly written to the disk and provides additional protection for continued access to long-term records.

Recommendation 10: Use an indexing data base that provides for efficient retrieval, ease of use, and up-to-date information about the digital images stored in the system. The indexing data base should be selected after an analysis of agency operations and user needs.

Reliable access to scanned images depends on an accurate, up-to-date index data base. Indexing a digital image involves linking descriptive image information with header file information. Normally, index data is manually key-entered using the original documents or the scanned images, either at the time of image capture or later in the production process. Index data verification, in which data base entries are compared with the original source documents for completeness and accuracy, is crucial because an erroneous index term may result in the inability to retrieve related images.

Recommendation 11: Provide specific plans for an ongoing process of migrating long-term and archival records from older to newer hardware and software platforms.

Agencies must ensure that their long-term and archival records are continually accessible. Systems as physical devices could be operational for ten years or more, but system technology will often be superseded within two to three years. If the system stores records with retention periods exceeding the life span of the hardware and software, it is essential that the administrator plan for future data migration. A migration strategy documents how an organization will transfer long-term and archival records from one generation of hardware and software to another generation without losing system functionality. The strategy should be written and available with current system documentation.

Current strategies for migrating digital imaging system records include: upgrading equipment and software as technology evolves and periodically recopying disks as required; recopying optical disks based upon projected longevity and/or periodic verification of the records; or, transferring the data from an obsolete generation of optical disks to a newly-emerging technology,

in some cases bypassing the intermediate generation that is mature but at risk of becoming obsolete.

SYSTEM IMPLEMENTATION

Recommendation 12: Assign a permanent staff member as systems administrator and require the vendor to provide a project director during the installation and training periods.

The assignment of a qualified staff member, preferably with systems administration experience, is critical to the effective implementation and maintenance of a digital imaging system. The systems administrator should be responsible for overall project management, and the development and maintenance of written system documentation which describes the requirements, capabilities, limitations, design, operation, and maintenance of the digital imaging system. Making a vendor representative responsible for installing the equipment and training the systems administrator and other appropriate agency staff will help to ensure successful implementation of the system.

Recommendation 13: Establish operational practices and provide technical and administrative documentation to ensure the future usability of the system, continued access to long-term records, and a sound foundation for assuring the system's legal integrity.

It is the responsibility of office administrators, rather than vendors and manufacturers, to maintain written documentation of system procedures, also called Standard Operating Procedures or SOPs, including access and security policies and procedures. Security and access policies should be developed to protect the system and the records from alteration or unauthorized use.

In regard to legal admissibility and trustworthiness, records stored on a digital imaging system should be treated no differently than records stored on magnetic disk or tape. The key is for the systems administrator to become familiar with how the rules of evidence apply to such records. Procedural controls should be established and followed to protect the integrity of the records.

These procedural controls should be documented and should reflect requirements for the legal acceptance of records as outlined in AIIM TR31-1992, *Performance Guideline for the Admissibility of Records Produced by Information Technology Systems as Evidence*. This AIIM performance guideline stresses the importance of specifying the processes used to create the records, demonstrating that records are produced and relied upon in the regular course of business, establishing quality control and audit

procedures, conducting formal training programs, and providing written documentation for each procedure. Case histories indicate that system requirements for good archival maintenance are consistent with the requirements for the admission of records under the “rules of evidence” laws. Records administrators should be familiar with how the rules of evidence apply to Kansas’ public records. Policies and procedures should be followed to protect the integrity of long-term records. For more information on Kansas’ rules of evidence, request a copy of *Legal Admissibility of Public Records* from the Government Records Division.

Recommendation 14: Perform a visual quality control evaluation of each scanned image and related index data. Write the scanned image to optical media only after the evaluation process is completed.

To help ensure the integrity of long-term and archival records stored on the system, staff members should perform a visual quality evaluation of each index entry and scanned image before writing the digital image to optical media. Overall system quality control is best when the scanned image is temporarily stored on magnetic media, permitting corrections through rescans as needed. Depending on the system configuration, corrections may be performed at the scanner capture station or at designated inspection/rescan workstations. Training and supervision of the operations staff is a key factor in maintaining acceptable image and index quality as well as user satisfaction with the system.

When the system is operational, a routine scanning quality test, as outlined in **ANSI-AIIM MS44-1988 (R1993)**, *Recommended Practice for Quality Control of Image Scanners*, should be performed on a weekly or monthly basis.

Recommendation 15: Design backup procedures to create security copies of digitized images and their related index records.

System component reliability is critical to system success. Prolonged or repetitive downtime can seriously affect office operations. Creating a duplicate copy of records in another format or another system is an effective method of ensuring access to long-term information. Backup copies also support system integrity and legal admissibility requirements. The government office may select the backup storage media (optical, magnetic, paper, or microform) that best meets the office’s records requirements.

Security copies of the records should be stored in an offsite, environmentally controlled location.

Recommendation 16: Provide adequate environmental conditions for the digital optical disks.

Even in an optimum environment, digital optical disks are susceptible to deterioration. Adverse storage conditions, especially high humidity, can cause rapid deterioration of the media. A prudent storage guideline for digital optical disks is to adhere to the temperature and humidity levels recommended for magnetic media storage. Technical specialists recommend a stable environment, with a temperature between 65 and 75 degrees, and a relative humidity between 30 and 50 per cent. Digital optical disks should never be stored in direct sunlight nor placed near sources of heat.

Digital optical disks are affected by dust, debris, and fingerprints. Plastic cartridges should never be removed; nor should the cartridge shutter be opened to expose the digital optical disk's recording surface. To protect disks from warping, they should not be subject to pressure and should be stored in an upright position when not in the disk drive.

Agency officials should request that the vendor supply specifications for the storage of digital optical disks and ensure that office conditions meet these specifications during installation of a system.

Recommendation 17: Budget annually between fifteen and twenty per cent of the original system acquisition cost for upgrades, training, and maintenance.

Administrative managers should be aware of the high cost of maintaining and upgrading digital imaging systems. Unless these costs are factored into the continuing support of system maintenance and improvement, the system is in danger of becoming obsolete and requiring a far greater cost outlay to restore its effectiveness. Also, records stored in an outdated system tend to be at greater risk than those in a well-supported system. Continued planning and budgeting for the migration of long-term and archival records, as discussed in Recommendation 11, is essential for the success of any digital imaging project.



CHAPTER 7--Records Management and the Law

Effective records management requires knowledge of all legislation affecting record keeping responsibilities. Awareness of the state and federal statutes and regulations pertaining to records management ensures compliance with applicable laws.

This chapter covers the three major laws governing the creation, use, and disposition of state government records and which local governments often encounter during the course of business.

- ! Government Records Preservation Act (K.S.A. 45-401 through 45-413)**
- ! Public Records Act (K.S.A. 75-3501 through K.S.A. 75-3518)**
- ! Open Records Act (K.S.A. 45-215 through K.S.A. 45-223)**

NOTE:

For interpretation of the laws included in this manual, consult with the county legal department or counsel, or contact the Attorney General's Office for assistance.

In addition to the three principal records laws, specific records management references are scattered throughout Kansas Statutes Annotated (K.S.A.) and Kansas Administrative Regulations (K.A.R.). The entire text of government records related statutes and regulations is cited for convenience of reference.

There are some local government offices which must comply with legislation specific to their mission and statutory authority. Consult your legal department or legal counsel at the Attorney General's Office about these laws and how they affect the management of records.

**GOVERNMENT RECORDS PRESERVATION ACT OF 1981 AS AMENDED IN 1988
K.S.A. 45-401 THROUGH 45-413**

This act contains a number of related statutes that, together with the Public Records Act (K.S.A. 75-3501 through 75-3518), form the basis of Kansas' public policy concerning government records. The Government Records Preservation Act:

- ! Defines government records.**
- ! Declares records to be state property and prohibits their unauthorized destruction.**
- ! Lists duties and responsibilities of the State Records Board.**
- ! Designates the Historical Society as the official State Archives.**
- ! Specifies the duties and responsibilities of the State Archivist.**
- ! Authorizes the State Archivist to access confidential information.**
- ! Requires state and local agencies to cooperate with the State Records Board and the State Archivist.**
- ! Exempts legislative and judicial records from State Records Board control.**
- ! Stipulates the conditions for the destruction of records after microfilming.**

45-401 Government records policy

45-401. Public policy concerning government records. The legislature declares that state and local government records with enduring value should be stored in conditions which are not adverse to their permanent preservation and should be properly arranged so that appropriate public access to such records is possible. Disposition of noncurrent records which do not merit preservation will promote economy and efficiency in the day-to-day activities of government. Cooperation among agencies at all levels of government is necessary in order to achieve proper preservation of records with enduring value.

History: L. 1981, ch. 331, sec. 1; July 1.

45-402 Definitions

45-402. Definitions. As used in this act:

(a) "State agency" means any department, board, commission, or authority of the executive branch of state government.

(b) "Local agency" means any department, board, commission, officer or authority of a county, city, township, school district or other tax-supported governmental subdivision of the state.

(c) "Board" means the state records board established pursuant to K.S.A. 75-3502 and amendments thereto.

(d) "Government records" means all volumes, documents, reports, maps, drawings, charts, indexes, plans, memoranda, sound recordings, microfilms, photographic records and other data, information or documentary material, regardless of physical form or characteristics, storage media or condition of use, made or received by an agency in pursuance of law or in connection with the transaction of official business or bearing upon the official activities and functions of any governmental agency. Published material acquired and preserved solely for reference purposes, extra copies of documents preserved only for convenience of reference and stocks of publications, blank forms and duplicated documents are not included within the definition of government records.

(e) "Noncurrent government records" means all government records which no longer are necessary for the handling of ordinary official public business by the agency and which are not required by law to be retained in the immediate custody of the agency for a longer period of time.

(f) "Government records with enduring value" means all government records which merit preservation for historical, legal, fiscal or administrative reasons, or for research purposes.

(g) "Retention and disposition schedules" means lists of series of government records, prepared pursuant to K.S.A. 45-404 and subsections (c) and (d) of K.S.A. 45-406, and amendments thereto, specifying which series of records have enduring value, authorizing disposition of certain other series of records, and indicating how long certain series of records should be retained before disposition of them.

History: L. 1981, ch. 331, sec. 2; L. 1984, ch. 188, sec. 1; July 1.

45-403 Records are public property

45-403. Government records are public property; destruction prohibited, except as permitted by retention and disposition schedules.

(a) All government records made or received by and all government records coming into the custody, control or possession of a state or local agency, in the course of its public duties, and all government records deposited in the state archives, shall not be mutilated, destroyed, transferred, removed, damaged or otherwise disposed of, in whole or in part, except as provided by law, or as may be authorized in the retention and disposition schedules.

(b) Authority for the disposition of records on a continuing basis approved for state agencies by the state records board, or for county officers by the state archivist, prior to adoption of this act shall be null and void, after adoption of the appropriate retention and disposition schedules.

History: L. 1981, ch. 331, sec. 3; July 1.

45-404 State records board duties

45-404. Duties of state records board; disposition of county records. The state records board shall:

(a) Approve or modify retention and disposition schedules and records manuals prepared pursuant to subsections (c) and (d) of K.S.A. 45-406 and amendments thereto. Once approved by the board the retention and disposition schedules for state agencies shall be filed with the secretary of state. Without further action by the board, noncurrent records of state agencies scheduled for disposition may be disposed of as provided in the schedules and noncurrent records scheduled for retention may be transferred to the state archives, subject to approval by the state archivist and in accordance with procedures to be established by the state archivist.

(b) Pass upon any proposed revisions in the retention and disposition schedules and upon requests for authority to dispose of records of state agencies or counties not listed in the schedules. No records of state agencies or counties shall be disposed of before the retention periods designated in the schedules have elapsed without the approval of the board. No state agency or county shall be required to destroy records which it chooses to retain, even though the retention and disposition schedules authorize their destruction. The retention and disposition schedules for all local agencies except counties shall be recommendations and shall not alter or replace current statutes authorizing or restricting the disposition of government records by local agencies.

(c) Any board of county commissioners may order disposition of any noncurrent county government records after minimum retention periods set forth in the schedules prepared pursuant to subsection (d) of K.S.A. 45-406 and amendments thereto. Any board of county commissioners may petition the state records board for amendments to the schedules, for authority to depart from specific provisions of the schedules or for authority to implement schedules applicable to only a single county.

(d) With the approval of the state archivist, the board of county commissioners of any county may transfer any noncurrent county government records to the custody of the state historical

society. The board of county commissioners of any county may transfer any noncurrent county government records which have been determined by the state archivist to be records, which are not required by law to be confidential or restricted, to the custody of a county historical society, a genealogical society, a public library, a college or university library or another local or regional repository in Kansas, determined by the state archivist to be suitable, which will accept such records, except that under authority of this subsection no records relating to the mental or physical health of any person shall be so transferred.

(e) Pass upon recommendations by the state archivist for transfer to the state archives of any noncurrent government records with enduring value which are held by a state agency opposing such a transfer. When the state archivist makes such a recommendation, the state agency opposing the transfer shall defend before the board its reasons for wanting to retain the records in its custody and the board shall determine whether the transfer shall occur.

(f) Approve or modify recommended microphotographic standards prepared by the state archivist and pass upon requests for authority to dispose of original government records of state agencies following reproduction on film, as provided in K.S.A. 45-412 and amendments thereto.

History: L. 1981, ch. 331, sec. 4; L. 1984, ch. 188, sec. 2; L. 1988, ch. 366, sec. 11; June 1.

K.S.A. 45-405 State archives

45-405. State archives; transfer of records thereto; discard or disposition of certain materials.

(a) The state historical society shall serve as the official state archives and shall assist state and local agencies in the preservation of government records with enduring value.

(b) Any state or local agency may transfer to the state archives any noncurrent government records when directed to do so by the state records board. With the approval of the state archivist, noncurrent legislative and judicial records also may be deposited in the state archives for preservation.

(c) The secretary of state shall not be prevented by K.S.A. 75-402 or 75-408, and amendments thereto, from depositing in the state archives any noncurrent government records accepted by the state archivist.

(d) The provisions of this act shall not prohibit discarding or otherwise disposing of extraneous, worthless or duplicate material found in government records when processed by the state archives staff. Any records placed in the state archives may be disposed of in any manner approved by the board and the state archivist upon a determination that such records no longer have enduring value.

History: L. 1981, ch. 331, sec. 5; L. 1984, ch. 188, sec. 3; L. 1992, ch. 29, sec. 1; July 1.

K.S.A. 45-406 State archivist's duties

45-406. State archivist's duties. Under the supervision of the secretary of the state historical society, the state archivist shall:

(a) Seek, negotiate for, acquire and receive noncurrent government records with enduring value from agencies and branches of state government and from local agencies.

(b) Properly arrange, store, preserve and make accessible to the public the records in the state archives, in accordance with appropriate archival procedures and in accordance with the provisions of K.S.A. 45-407 and amendments thereto. Provide advice and assistance to state and local agencies and to branches of state government with regard to proper arrangement, storage, preservation and accessibility of the government records with enduring value remaining in their custody.

(c) Advise and assist state agencies in the preparation of retention and disposition schedules for government records.

(d) Prepare, publish and distribute to the appropriate public officers and to other interested persons records manuals containing retention and disposition schedules for government records of local agencies. Recommendations for proper arrangement, storage and preservation of records with enduring value and an analysis of state and federal legislation relevant to government records in Kansas also shall be included in these records manuals. Appropriate public officers of

the state and its governmental subdivisions shall be consulted during the preparation of the records manuals.

(e) Review the contents of the records manuals annually and distribute any revisions which are made to the appropriate public officers. The contents of the records manuals and subsequent revisions shall be approved by the state records board.

(f) Assist in preparing and making available to the public comprehensive inventories containing general information about the nature, scope, contents and location of government records of the agencies and branches of state government and of local agencies in Kansas.

(g) Prepare or permit the preparation of copies of government records deposited in the state archives, as required by current statutes, unless public access to the records is restricted as provided in K.S.A. 45-407 and amendments thereto. When certified by the state archivist such copies shall have all the force and effect as if made by the officer originally in custody of them. Reasonable fees may be charged for preparation of such copies. The state archivist shall not allow copies to be made by methods which might damage the original records.

(h) Exercise such other duties and functions as the secretary of the state historical society may direct or as may be provided by law.

History: L. 1981, ch. 331, sec. 6; L. 1984, ch. 188, sec. 4, July 1.

45-408 State archives and access restrictions

45-407. Public access or restriction of records; state archivist access to restricted records; disclosure prohibited; misdemeanor.

(a) All government records deposited subsequent to adoption of this act in the state archives shall remain subject to any current state or federal statutes, or administrative regulations authorized by statute, which require public access or restrict public access to the records while retained by the state or local agency or the branch of state government making the deposit. The state or local agency or the branch of state government making the deposit may require continued application to government records deposited in the state archives of any discretionary restrictions on public access which are authorized by statute, if such requirements are specified at the time of the deposit. No fees shall be charged for the examination of government records held by the state archives.

(b) Any discretionary restrictions placed on public access to government records deposited in the state archives shall be enforced for periods designated at the time of the deposit which shall not exceed, and preferably will be much less than, 70 years after creation of the records.

(c) The state archivist, or representatives of the state archivist may examine records deposited in the state archives to which public access is restricted by statute or by administrative regulations authorized by statute, to the extent necessary to properly arrange, store and preserve them and provide proper public access.

(d) Statutes or administrative regulations authorized by statute restricting public access to certain types of records shall not prohibit the state archivist or authorized representatives of the state archivist from examining any government records held by a state or local agency in order to prepare comprehensive inventories containing general information about the nature, scope, contents and location of each record series, or in order to assist in properly arranging, storing and preserving government records with enduring value. No confidential information found in such restricted government records shall be revealed to any person by the state archivist or by representatives of the state archivist. Violation of this subsection shall be punishable as a class B misdemeanor.

History: L. 1981, ch. 331, sec. 7; July 1.

K.S.A. 45-408 State agency cooperation

45-408. State agencies required to cooperate with state records board and state archivist; rules and regulations of board. Each agency of state government shall:

(a) Obtain authority from the state records board before disposing of any government record, unless the disposition is authorized by statute or in the retention and disposition schedules, or unless the record is being deposited in the state archives; obtain authority from the board before disposing of any government record prior to termination of the minimum retention period listed in the retention and disposition schedules.

(b) Provide storage conditions for all government records with enduring value which are not seriously adverse to their preservation and which will not prevent providing proper public access to the records; adopt reasonable security measures to protect government records from theft or damage.

(c) Cooperate with efforts by the state archivist or representatives of the state archivist to inspect records and the conditions in which they are stored, to prepare comprehensive inventories of government records, to microfilm noncurrent records with enduring value and to improve the arrangement, storage and physical condition of noncurrent government records with enduring value in accordance with appropriate archival techniques. Agencies shall not be required to provide funds or staff time for these purposes, but they shall give careful consideration to requests and recommendations made by the state archivist.

(d) Comply with rules and regulations, standards and procedures adopted by the state records board and the state archivist pursuant to the provisions of this act.

History: L. 1981, ch. 331, sec. 8; July 1.

K.S.A. 45-409 Local agency cooperation

45-409. Local agencies to cooperate. Each local agency shall:

(a) Give careful consideration to the recommended retention and disposition schedules prepared by the state archivist when considering the disposition of government records and comply with all statutes governing the disposition of government records.

(b) Cooperate with efforts by the state archivist or representatives of the state archivist to inspect government records and the conditions in which they are stored, to prepare comprehensive inventories of government records, to microfilm noncurrent government records with enduring value and to improve the arrangement, storage and physical condition of noncurrent government records with enduring value in accordance with appropriate archival techniques. Local agencies shall not be required to provide funds or staff time for these purposes, but they shall give careful consideration to requests and recommendations made by the state archivist.

History: L. 1981, ch. 331, sec. 9; July 1.

K.S.A. 45-410 Legislative records

45-410. Legislative records; legislative coordinating council control. The state records board shall have no control over the disposition of legislative records. Subject to the approval of the legislative coordinating council, those records with enduring value as determined by the state archivist may be transferred to the state archives. Recommended retention and disposition schedules for legislative records may be prepared by the state archivist. The correspondence and other papers of an individual legislator shall be considered the personal property of the individual legislator.

History: L. 1981, ch. 331, sec. 10; July 1.

K.S.A. 45-411 Judicial records

45-411. Judicial records; supreme court rules. The state records board shall have no control over the disposition of judicial records. The supreme court shall make appropriate rules regarding the preservation or disposition of state judicial records, including appellate, district and other courts.

History: L. 1981, ch. 331, sec. 11; July 1.

K.S.A. 45-412 Micrographics and optical disc standards

45-412. Microphotographic copies of records; original record destruction, when.

(a) The state archivist shall prepare recommendations, to be approved by the state records board, based on the current standards of the federal government and the American National Standards Institute, for the quality of film or optical disc, proper arrangement of materials, suitable filming techniques and equipment, quality of photographic or optical disc images, film processing results, and film or optical disc storage conditions which should be achieved or utilized by state and local agencies in making microphotographic or optical disc copies of government records with enduring value pursuant to K.S.A. 12-122, 19-250 or 75-3506, and amendments thereto. Whenever microphotographic or optical disc copies of records with enduring value fail to meet the standards recommended by the state archivist and approved by the state records board, the state archivist shall urge state and local agencies to retain the original records.

(b) Whenever photographs, microphotographs or other reproduction on film or optical disc have been prepared pursuant to K.S.A. 75-3506, and amendments thereto, and have been placed in conveniently accessible files and provisions made for preserving, examining and using the same, and when a negative copy of the film or a master copy of the optical disc has been deposited in a secure place where it will not be subject to use except in making additional positive copies, any state agency, with the approval of the state records board or as authorized by the retention and disposition schedules, may cause the original records from which the photographs, microphotographs or other reproductions on film or optical disc have been made, or any part thereof, to be destroyed. Such records shall not be destroyed and shall be retained by the agency or transferred to the state archives or temporarily to another suitable place designated by the board, if the board judges such materials to have enduring value in their original form.

(c) Except as provided by subsection (b) of K.S.A. 12-120, whenever photographs, microphotographs or other reproductions on film have been prepared as provided in K.S.A. 12-122 or 19-250, and amendments thereto, and have been placed in conveniently accessible files and provisions made for preserving, examining and using the same, and when a negative copy of the film has been deposited in a secure place where it will not be subject to use except in making additional positive copies, a local agency may retain the original records in its custody at any suitable location, may deposit them in collections established pursuant to K.S.A. 12-1658 and 12-1660, and amendments thereto, or K.S.A. 19-2648 and 19-2649, and amendments thereto, or dispose of the original records as provided in the retention and disposition schedules. If there are no relevant provisions in the retention and disposition schedules, the original records shall be offered to the state historical society prior to other disposition of them.

(d) The state historical society may prepare and deposit in the state archives a microfilm or other copy of any noncurrent government record which is retained by a state or local agency, unless public access to the record is restricted by statute or by administrative regulation authorized by statute.

History: L. 1981, ch. 331, sec. 12; L. 1988, ch. 71, sec. 2; L. 1989, ch. 269, sec; 1, July 1.

45-413. Citation of act. This act shall be known and may be cited as the government records preservation act.

History: L. 1981, ch. 331, sec. 13; July 1.

PUBLIC RECORDS ACT OF 1945 AS AMENDED IN 1992 K.S.A. 75-3501 THROUGH 75-3518

This act, which complements and expands the Government Records Preservation Act (K.S.A. 45-401 through 45-413), establishes a policy for the permanent

preservation of state and local records with enduring value and provides for the orderly disposition of other records. Specifically, the Public Records Act:

- ! Defines records.
- ! Creates, establishes the composition, and outlines the general responsibilities of the State Records Board.
- ! Requires agency compliance with micrographic and optical disc standards established by the State Records Board.
- ! Authorizes the admissibility in court of micrographic and optical disc records.
- ! Establishes the State Records Center as the depository for inactive state government records.
- ! Provides guidelines for the use of acid-free and permanent paper.

75-3501. Records defined. For the purposes of this act: "Records" mean all documents, correspondence, original papers, maps, drawings, charts, indexes, plans, memoranda, sound recordings, microfilm, motion-picture or other photographic records, or other materials bearing upon the activities and functions of the department or agency or its officers or employees.

History: L. 1945, ch. 306, sec. 1; L. 1957, ch. 452, sec. 1; April 10.

75-3502. State records board; members, chairman, secretary. For the purpose of the permanent preservation of important state records and to provide an orderly method for the disposition of other state records, there is hereby created the state records board, consisting of the attorney general, state librarian, secretary of administration, secretary of the state historical society, or their designated representatives, the state archivist, and such ex officio members as are hereinafter provided. The attorney general shall be the chairman and the state archivist shall be the secretary of the board.

History: L. 1945, ch. 306, sec. 2; L. 1957, ch. 452, sec. 2; L. 1974, ch. 364, sec. 26; Jan. 13, 1975.

75-3502a. Same; attached to department of administration. The state records board created by K.S.A. 75-3502 is hereby attached to the department of administration, and from and after the effective date of this act shall be within the department of administration as a part thereof.

History: L. 1972, ch. 332, sec. 27; July 1.

75-3503. Same; ex officio members. The elective state officer, director, chairman, or other officer, the records of whose department or agency are being considered, or his or her designated representative, and the head of the specific division to which the records under consideration appertain shall be ex officio members of the board.

History: L. 1945, ch. 306, sec. 3; L. 1957, ch. 452, sec. 3; April 10.

75-3504. State records board; authority to order disposition of records; establishment of disposal schedules; rules and regulations. The board shall pass upon the requests of the state departments or other agencies for the destruction or other disposition of records and shall have power to order the destruction, reproduction, temporary or permanent retention, and disposition of the public records of any department or agency of the state, to establish records disposal schedules for the orderly retirement of records, and to adopt such other rules and regulations as they may deem necessary to accomplish the purposes of this act. The disposal schedules shall be filed by the board with the secretary of state. Records so scheduled may be transferred to the state records center at regular intervals, in accordance with procedures to be established by the center, without

further action by the board. In all its acts the board shall be specifically required to safeguard the legal, financial and historical interests of the state in such records.

History: L. 1945, ch. 306, sec. 4; L. 1957, ch. 452, sec. 4; L. 1965, ch. 506, sec. 39; L. 1988, ch. 366, sec. 26; June 1.

75-3505. Public officer defined. As used in this act, the term "public officer" means any officer, board, commission or agency of the state.

History: L. 1945, ch. 331, sec. 1; June 28.

75-3506. Reproduction of records on film or disc. Any public officer of the state may cause any or all records, papers or documents kept by him or her to be photographed, microphotographed or reproduced on film or optical disc. Such photographic film or optical disc shall comply with standards recommended by the state archivist and approved by the state records board pursuant to K.S.A. 45-412, and amendments thereto, and the device used to reproduce such records on such film or optical disc shall be one which accurately reproduces the original thereof in all details.

History: L. 1945, ch. 331, sec. 2; L. 1972, ch. 41, sec. 4; L. 1989, ch. 269, sec. 2; L. 1989, ch. 270, sec. 1; July 1.

75-3507. Reproduction of records on film or disc; evidence in courts or administrative agencies. Such photographs, microphotographs, photographic film or reprinted images from an optical disc shall be deemed to be an original record for all purposes, including introduction in evidence in all courts or administrative agencies. A transcript, exemplification or certified copy thereof shall, for all purposes recited herein, be deemed to be a transcript, exemplification, or certified copy of the original.

History: L. 1945, ch. 331, sec. 3; L. 1989, ch. 269, sec. 3; July 1.

75-3508.

History: L. 1945, ch. 331, sec. 4; L. 1957, ch. 452, sec. 5; Repealed, L. 1981, ch. 331, sec. 14; July 1.

75-3509. State records center; purpose; powers and duties of secretary of state historical society. There is hereby established, under the supervision and control of the state historical society, a state records center which shall serve as a depository for inactive records of state agencies and departments. The secretary of the state historical society shall have authority to obtain a suitable building or buildings to be used as a records center, to employ personnel for the records center staff, and to supervise all operations of the center. No expenditures shall be made under this act or expense incurred except in pursuance of specific appropriations therefor.

History: L. 1957, ch. 459, sec. 1; L. 1959, ch. 341, sec. 1; June 30; L. 1989, ch. 271, sec. 1; July 1.

75-3510. Same; receiving and disposition of records; "ultimate disposition" defined. In accordance with records retention and disposal schedules established by the state records board in cooperation with the agencies and departments concerned, the records center shall receive, store, and ultimately dispose of, inactive and noncurrent records of state agencies and departments. Ultimate disposition shall be defined as meaning destruction, reproduction followed by destruction, or, if a record shall be determined to have permanent value, transfer to the state archives or to another agency if deemed more appropriate. In cases where the agencies and departments are equipped to provide storage space, or where the transfer of records to the center is not practical for other reasons, such inactive records may be stored elsewhere and disposed of as the records board may direct.

History: L. 1957, ch. 459, sec. 3; April 8.

75-3511. Same; availability of records in records center. Records stored in the records center shall be available promptly when called to for by the originating agencies or departments, but they shall not be used by others except with the approval of the originating department.

History: L. 1957, ch. 459, sec. 3; April 8.

75-3512 to 75-3514.

History: L. 1959, ch. 207, secs. 1 to 3; Repealed, L. 1973, ch. 186, sec. 42; Jan. 1, 1974.

75-3515. Real estate transactions of state agencies; definitions. As used in this act, unless the context otherwise requires:

(a) "Real estate transaction" means to acquire real estate, or any right, title or interest therein, by purchase, grant, gift devise, lease or otherwise or to sell, convey, lease, exchange, transfer or otherwise dispose of real estate, or any right, title or interest therein, but does not include the lease or rental of real estate, or any right, title or interest therein, for a term of five (5) years or less.

(b) "State agency" means any state office, officer, department, board, commission, institution, bureau or any other state authority, which is authorized by law to engage in any real estate transaction for and in the name of the state of Kansas.

History: L. 1979, ch. 278, sec. 1; July 1.

75-3516. Same; custody of records; recording of transactions; inventory records.

(a) Each state agency shall have the legal custody of all deeds to real estate held or acquired by such state agency for and in the name of the state of Kansas, together with the abstracts of title thereto and the title insurance policies therefor, and of all other original instruments relating to real estate transactions of such state agency. It shall be the duty of each state agency to keep, preserve and file all such deeds, abstracts of title, title insurance policies and other instruments, and all such instruments in the custody of the secretary of state on the effective date of this act shall be and are hereby transferred to the custody of the respective state agencies.

(b) It shall be the duty of each state agency to record or cause to be recorded all deeds to real estate acquired by it with the register of deeds of the county where the real estate is located and any other instruments relating to its estate transactions provided by law to be recorded.

(c) The director of accounts and reports shall maintain inventory records of the real property owned by the state, which records shall reflect all real property held and every real estate transaction engaged in by each state agency except the secretary of transportation. Such inventory records shall include, but not be limited to, the acreage, the location by city and county, a brief legal description and the use and purpose of each lot, tract or parcel of land held by a state agency.

History: L. 1979, ch. 248, sec. 2; July 1.

75-3517. Records and documents to be produced on acid-free paper. All records and printed documents created by state agencies shall be produced on acid-free paper having a minimum pH of 7.0, unless use of such paper is infeasible because of excessive costs or inadequate availability of the paper.

History: L. 1992, ch. 179, sec. 1; July 1.

75-3518. Designation of records and documents to be produced on permanent paper; duties of state records board. The state records board shall designate certain types of records and printed documents produced by state agencies which must be created on paper conforming to the American national standards for permanent paper for printed library materials (ANSI Z39.48-1984). When notified prior to September 1 by the state records board that a designated record series or printed document title shall be produced on permanent paper, the agency responsible for creating the record or document shall comply during the following fiscal year. The customary symbol indicating the use of permanent paper shall be included in such printed documents.

History: L. 1992, ch. 179, sec. 2; July 1.

Open Records Act of 1983 As Amended in 1995

K.S.A. 45-215 Through 45-223

Enacted by the legislature in 1983, the Kansas Open Records Act guarantees citizens of Kansas access to the majority of records possessed by state government. Under this law records possessed by the government are presumed open unless closed by a specific statute or regulation or a Kansas Open Records Act exemption. This law makes a statement in favor of an open government and embodies the concept that an open government is more responsive to the needs and wishes of its citizens. The statute represents the state's attempt to maintain the delicate balance between protecting the confidentiality of individuals with the public's right to know. The Kansas Open Records Act serves as the foundation for all state agency policies concerning public access to its records.

Specifically, the act:

- ! Requires that agencies develop policies to provide prompt and convenient public access to government records for a reasonable fee.**
- ! Describes categories of records that are exempt from disclosure under Kansas Open Records Act provisions. It should be emphasized that state agencies still have the discretion to release some records exempted from disclosure by the Kansas Open Records Act if they deem it to be in the public interest.**
- ! Provides that records exempted by the Kansas Open Records Act will be open to the public after 70 years unless closed by a specific statute or regulation.**

45-215. Title of act. K.S.A. 45-215 through 45-223 shall be known and may be cited as the open records act.

History: L. 1984, ch. 187, sec. 1; Feb. 9.

45-216. Public policy that records be open. (a) It is declared to be the public policy of this state that public records shall be open for inspection by any person unless otherwise provided by this act, and this act shall be liberally construed and applied to promote such policy.

(b) Nothing in this act shall be construed to require the retention of a public record nor authorize the discard of a public record.

History: L. 1984, ch. 187, sec. 2; Feb 9.

45-217. Definitions. As used in the open records act, unless the context otherwise requires:
(a) "Business day" means any day other than a Saturday, Sunday or day designated as a holiday by the congress of the United States, by the legislature or governor of this state or by the respective political subdivision of this state.

(b) "Criminal investigation records" means records of an investigatory agency or criminal justice agency as defined by K.S.A. 22-4701 and amendments thereto, compiled in the process of preventing, detecting or investigating violations of criminal law, but does not include police blotter entries, court records, rosters of inmates of jails or other correctional or detention facilities or

records pertaining to violations of any traffic law other than vehicular homicide as defined by K.S.A. 21-3405 and amendments thereto.

(c) "Custodian" means the official custodian or any person designated by the official custodian to carry out the duties of custodian under this act.

(d) "Official custodian" means any officer or employee of a public agency who is responsible for the maintenance of public records, regardless of whether such records are in the officer's or employee's actual personal custody and control.

(e) (1) "Public agency" means the state or any political or taxing subdivision of the state, or any office, officer, agency instrumentality thereof, or any other entity receiving or expending and supported in whole or in part by public funds appropriated by the state or by public funds of any political or taxing subdivision of the state.

(2) "Public agency" shall not include:

(A) Any entity solely by reason of payment from public funds for property, goods or services of such entity; (B) any municipal judge, judge of the district court, judge of the court of appeals or justice of the supreme court; or (C) any officer or employee of the state or a political or taxing subdivision of the state if the state or political or taxing subdivision does not provide the officer or employee with an office which is open to the public at least 35 hours a week.

(f)(1) "Public record" means any recorded information, regardless of form or characteristics, which is made, maintained or kept by or is in the possession of any public agency including, but not limited to, an agreement in settlement of litigation involving the Kansas public employees retirement system and the investment of moneys of the fund..

(2) "Public record" shall not include records which are owned by a private person or entity and are not related to functions, activities, programs or operations funded by public funds or records which are made, maintained or kept by an individual who is a member of the legislature or of the governing body of any political or taxing subdivision of the state.

(3) "Public record" shall not include records of employers related to the employer's individually identifiable contributions made on behalf of employees for workers compensation, social security, unemployment insurance or retirement. The provisions of this subsection shall not apply to records of employers of lump-sum payments for contributions as described in this subsection paid for any group, division or section of an agency.

(g) "Undercover agent" means an employee of a public agency responsible for criminal law enforcement who is engaged in the detection or investigation of violations of criminal law in a capacity where such employee's identity or employment by the public agency is secret.

History: L. 1984, ch. 187, sec. 3; L.1992, ch. 321, sec. 22; L. 1994, ch. 293, sec. 4; July 1.

45-218. Inspection of records; request; response; refusal, when; fees. (a) All public records shall be open for inspection by any person, except as otherwise provided by this act, and suitable facilities shall be made available by each public agency for this purpose. No person shall remove original copies of public records from the office of any public agency without the written permission of the custodian of the record.

(b) Upon request in accordance with procedures adopted under K.S.A. 45-220, any person may inspect public records during the regular office hours of the public agency and during any additional hours established by the public agency pursuant to K.S.A. 45-220.

(c) If the person to whom the request is directed is not the custodian of the public record requested, such person shall so notify the requester and shall furnish the name and location of the custodian of the public record, if known to or readily ascertainable by such person.

(d) Each request for access to a public record shall be acted upon as soon as possible, but not later than the end of the third business day following the date that the request is received. If access to the public record is not granted immediately, the custodian shall give a detailed explanation of the cause for further delay and the place and earliest time and date that the record will be available for inspection. If the request for access is denied, the custodian shall provide, upon request, a written statement of the grounds for denial. Such statement shall cite the specific

provision of law under which access is denied and shall be furnished to the requester not later than the end of the third business day following the date that the request for the statement is received.

(e) The custodian may refuse to provide access to a public record, or to permit inspection, if a request places an unreasonable burden in producing public records or if the custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the public agency. However, refusal under this subsection must be sustained by a preponderance of the evidence.

(f) A public agency may charge and require advance payment of a fee for providing access to or furnishing copies of public records, subject to K.S.A. 45-219.

History: L. 1984, ch. 187, sec. 4; Feb. 9.

45-219. Abstracts or copies of records; fees. (a) Any person may make abstracts or obtain copies of any public record to which such person has access under this act. If copies are requested, the public agency may require a written request and advance payment of the prescribed fee. A public agency shall not be required to provide copies of radio or recording tapes or discs, video tapes or film, pictures, slides, graphics, illustrations or similar audio or visual items or devices, unless such items or devices were shown or played to a public meeting of the governing body thereof, but the public agency shall not be required to provide such items or devices which were copyrighted by a person other than the public agency.

(b) Copies of public records shall be made while the records are in the possession, custody and control of the custodian or a person designated by the custodian. When practical, copies shall be made in the place where the records are kept. If it is impractical to do so the custodian shall allow arrangements to be made for use of other facilities. If it is necessary to use other facilities for copying, the cost thereof shall be paid by the person desiring a copy of the records. In addition, the public agency may charge the same fee for the services rendered in supervising the copying as for furnishing copies under subsection (c) and may establish a reasonable schedule of times for making copies at other facilities.

(c) Except as provided in subsection (f) or where fees for inspection or for copies of a public record are prescribed by statute, each public agency may prescribe reasonable fees for providing access to or furnishing copies of public records, subject to the following:

(1) In the case of fees for copies of records, the fees shall not exceed the actual cost of furnishing copies, including the cost of staff time required to make the information available.

(2) In the case of fees for providing access to records maintained on computer facilities, the fees shall include only the cost of any computer services, including staff time required.

(3) Fees for access to or copies of public records of public agencies within the legislative branch of the state government shall be established in accordance with K.S.A. 46-1207a and amendments thereto.

(4) Fees for access to or copies of public records of public agencies within the judicial branch of the state government shall be established in accordance with rules of the supreme court.

(5) Fees for access to or copies of public records of a public agency within the executive branch of the state government shall be established by the agency head. Any person requesting records may appeal the reasonableness of the fees charged for providing access to or furnishing copies of such records to the secretary of administration whose decision shall be final. A fee for copies of public records which is equal to or less than \$.25 per page shall be deemed a reasonable fee.

(d) Except as otherwise authorized pursuant to K.S.A. 75-4215 and amendments thereto, each public agency within the executive branch of the state government shall remit all moneys received by or for it from fees charged pursuant to this section to the state treasurer in accordance with K.S.A. 75-4215 and amendments thereto. Unless otherwise specifically provided by law, the state treasurer shall deposit the entire amount thereof in the state treasury and credit the same to the state general fund or an appropriate fee fund as determined by the agency head.

(e) Each public agency of a political or taxing subdivision shall remit all moneys received by or for it from fees charged pursuant to this act to the treasurer of such political or taxing subdivision at least monthly. Upon receipt of any such moneys, such treasurer shall deposit the

entire amount thereof in the treasury of the political or taxing subdivision and credit the same to the general fund thereof, unless otherwise specifically provided by law.

(f) Any person who is a certified shorthand reporter may charge fees for transcripts of such person's notes of judicial or administrative proceedings in accordance with rates established pursuant to rules of the Kansas supreme court.

History: L. 1984, ch. 187, sec. 5; L. 1984, ch. 282, sec. 2; L. 1994, ch. 100, sec. 1; July 1.

45-220. Procedures for obtaining access to or copies of records; request; office hours; provision of information on procedures. (a) Each public agency shall adopt procedures to be followed in requesting access to and obtaining copies of public records, which procedures shall provide full access to public records, protect public records from damage and disorganization, prevent excessive disruption of the agency's essential functions, provide assistance and information upon request and insure efficient and timely action in response to applications for inspection of public records.

(b) A public agency may require a written request for inspection of public records but shall not otherwise require a request to be made in any particular form. Except as otherwise provided by subsection (c), a public agency shall not require that a request contain more information than the requester's name and address and the information necessary to ascertain the records to which the requester desires access and the requester's right of access to the records. A public agency may require proof of identity of any person requesting access to a public record. No request shall be returned, delayed or denied because of a technicality unless it is impossible to determine the records to which the requester desires access.

(c) If access to public records of an agency or the purpose for which the records may be used is limited pursuant to K.S.A. 21-3914 or 45-221, and amendments thereto, the agency may require a person requesting the records or information therein to provide written certification that:

(1) The requester has a right of access to the records and the basis of that right; or
(2) the requester does not intend to, and will not: (A) Use any list of names or addresses contained in or derived from the records or information for the purpose of selling or offering for sale any property or service to any person listed or to any person who resides at any address listed; or (B) sell, give or otherwise make available to any person any list of names or addresses contained in or derived from the records or information for the purpose of allowing that person to sell or offer for sale any property or service to any person listed or to any person who resides at any address listed.

(d) A public agency shall establish, for business days when it does not maintain regular office hours, reasonable hours when persons may inspect and obtain copies of the agency's records. The public agency may require that any person desiring to inspect or obtain copies of the agency's records during such hours so notify the agency, but such notice shall not be required to be in writing and shall not be required to be given more than 24 hours prior to the hours established for inspection and obtaining copies.

(e) Each official custodian of public records shall designate such persons as necessary to carry out the duties of custodian under this act and shall ensure that a custodian is available during regular business hours of the public agency to carry out such duties.

(f) Each public agency shall provide, upon request of any person, the following information:

(1) The principal office of the agency, its regular office hours and any additional hours established by the agency pursuant to subsection (c).

(2) The title and address of the official custodian of the agency's records and of any other custodian who is ordinarily available to act on requests made at the location where the information is displayed.

(3) The fees, if any, charged for access to or copies of the agency's records.

(4) The procedures to be followed in requesting access to and obtaining copies of the agency's records, including procedures for giving notice of a desire to inspect or obtain copies of records during hours established by the agency pursuant to subsection (c).

History: L. 1984, ch. 187, sec. 6; L. 1984, ch. 282, sec.3; April 26.

45-221. Certain records not required to be open; separation of open and closed information required; statistics and records over 70 years old open.

(a) Except to the extent disclosure is otherwise required by law, a public agency shall not be required to disclose:

(1) Records the disclosure of which is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or the disclosure of which is prohibited or restricted pursuant to specific authorization of federal law, state statute or rule of the Kansas supreme court to restrict or prohibit disclosure.

(2) Records which are privileged under the rules of evidence, unless the holder of the privilege consents to the disclosure.

(3) Medical, psychiatric, psychological or alcoholism or drug dependency treatment records which pertain to identifiable patients.

(4) Personnel records, performance ratings or individually identifiable records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such.

(5) Information which would reveal the identity of any undercover agent or informant reporting a specific violation of law.

(6) Letters of reference or recommendation pertaining to the character or qualifications of an identifiable individual.

(7) Library, archive or museum materials contributed by private persons, to the extent of any limitations imposed as conditions of the contribution.

(8) Information which would reveal the identity of an individual who lawfully makes a donation to a public agency, if anonymity of the donor is a condition of the donation.

(9) Testing and examination materials, before the test or examination is given or if it is to be given again, or records of individual test or examination scores, other than records which show only passage or failure and not specific scores.

(10) Criminal investigation records, except that the district court, in an action brought pursuant to K.S.A. 45-222, may order disclosure of such records, subject such conditions as the court may impose, if the court finds that disclosure:

(A) Is in the public interest;

(B) would not interfere with any prospective law enforcement action;

(C) would not reveal the identity of any confidential source or undercover agent;

(D) would not reveal confidential investigative techniques or procedures not known to the general public; and

(E) would not endanger the life or physical safety of any person; and

(F) would not reveal the name, address, phone number or any other information which specifically and individually identifies the victim of any sexual offense in article 35 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto.

(11) Records of agencies involved in administrative adjudication or civil litigation, compiled in the process of detecting or investigating violations of civil law or administrative rules and regulations, if disclosure would interfere with a prospective administrative adjudication or civil litigation or reveal the identity of a confidential source or undercover agent.

(12) Record of emergency or security information or procedures of a public agency, or plans, drawings, specifications or related information for any building or facility which is used for purposes requiring security measures in or around the building or facility or which is used for the generation or transmission of power, water, fuels or communications, if disclosure would jeopardize security of the public agency, building or facility.

(13) The contents of appraisals or engineering or feasibility estimates or evaluations made by or for a public agency relative to the acquisition of property, prior to the award of formal contracts therefor.

(14) Correspondence between a public agency and a private individual, other than correspondence which is intended to give notice of an action, policy or determination relating to any regulatory, supervisory or enforcement responsibility of the public agency or which is widely

distributed to the public by a public agency and is not specifically in response to communications from such a private individual.

(15) Records pertaining to employer-employee negotiations, if disclosure would reveal information discussed in a lawful executive session under K.S.A. 75-4319 and amendments thereto.

(16) Software programs for electronic data processing and documentation thereof, but each public agency shall maintain a register, open to the public, that describes:

(A) The information which the agency maintains on computer facilities; and

(B) the form in which the information can be made available using the existing computer programs.

(17) Applications, financial statements and other information submitted in connection with applications for student financial assistance where financial need is a consideration for the award.

(18) Plans, designs, drawings or specifications which are prepared by a person other than an employee of a public agency or records which are the property of a private person.

(19) Well samples, logs or surveys which the state corporation commission requires to be filed by persons who have drilled or caused to be drilled, or are drilling or causing to be drilled, holes for the purpose of discovery or production of oil or gas, to the extent that disclosure is limited by rules and regulations of the state corporation commission.

(20) Notes, preliminary drafts, research data in the process of analysis, unfunded grant proposals, memoranda, recommendations or other records in which opinions are expressed or policies or actions are proposed, except that this exemption shall not apply when such records are publicly cited or identified in an open meeting or in an agenda of an open meeting.

(21) Records of a public agency having legislative powers, which records pertain to proposed legislation or amendments to proposed legislation, except that this exemption shall not apply when such records are:

(A) Publicly cited or identified in an open meeting or in an agenda of an open meeting;

or

(B) distributed to a majority of a quorum of any body which has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.

(22) Records of a public agency having legislative powers, which records pertain to research prepared for one or more members of such agency, except that this exemption shall not apply when such records are:

(A) Publicly cited or identified in an open meeting or in an agenda of an open meeting;

or

(B) distributed to a majority of a quorum of any body which has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.

(23) Library patron and circulation records which pertain to identifiable individuals.

(24) Records which are compiled for census or research purposes and which pertain to identifiable individuals.

(25) Records which represent and constitute the work product of an attorney.

(26) Records of a utility or other public service pertaining to individually identifiable residential customers of the utility or service, except that information concerning billings for specific individual customers named by the requester shall be subject to disclosure as provided by this act.

(27) Specifications for competitive bidding, until the specifications are officially approved by the public agency.

(28) Sealed bids and related documents, until a bid is accepted or all bids rejected.

(29) Correctional records pertaining to an identifiable inmate, except that:

(A) The name, sentence data, parole eligibility date, disciplinary record, custody level and location of an inmate shall be subject to disclosure to any person other than another inmate; and

(B) the ombudsman of corrections, the corrections ombudsman board, the attorney general, law enforcement agencies, counsel for the inmate to whom the record pertains and any county or district attorney shall have access to correctional records to the extent otherwise permitted by law; and

(C) the information provided to the law enforcement agency pursuant to the sex offender registration act, K.S.A. 22-4901, et seq., and amendments thereto, shall be subject to disclosure to any person; and

(D) records of the department of corrections regarding the financial assets of an offender in the custody of the secretary of corrections shall be subject to disclosure to the victim, or such victim's family, of the crime for which the inmate is in custody as set forth in an order of restitution by the sentencing court.

(30) Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.

(31) Public records pertaining to a prospective location of a business or industry where no previous public disclosure has been made of the business' or industry's interest in locating in, relocating within or expanding within the state. This exemption shall not include those records pertaining to application of agencies for permits or licenses necessary to do business or to expand business operations within this state, except as otherwise provided by law.

(32) The bidder's list of contractors who have requested bid proposals for construction projects from any public agency, until a bid is accepted or all bids rejected.

(33) Engineering and architectural estimates made by or for any public agency relative to public improvements.

(34) Financial information submitted by contractors in qualification statements to any public agency.

(35) Records involved in the obtaining and processing of intellectual property rights that are, or are expected to be, wholly or partially vested in or owned by a state educational institution, as defined in K.S.A. 76-711 and amendments thereto, or an assignee of the institution organized and existing for the benefit of the institution.

(36) Any report or record which is made pursuant to K.S.A. 65-4922, 65-4923 or 65-4924, and amendments thereto, and which is privileged pursuant to K.S.A. 65-4915 or 65-4925, and amendment thereto.

(37) Information which would reveal the precise location of an archeological site.

(38) Any financial data or traffic information from a railroad company, to a public agency, concerning the sale, lease or rehabilitation of the railroad's property in Kansas.

(39) Risk-based capital reports, risk-based capital plans and corrective orders including the working papers and the results of any analysis filed with the commissioner of insurance in accordance with K.S.A. 1994 Supp. 40-2c20 and amendments thereto.

(40) Memoranda and related materials required to be used to support the annual actuarial opinions submitted pursuant to subsection (b) of the K.S.A. 40-409, and amendments thereto.

(41) Disclosure reports filed with the commissioner of insurance under subsection (a) of K.S.A. 1994 Supp.. 40-2,156, and amendments thereto.

(42) All financial analysis ratios and examination synopses concerning insurance companies that are submitted to the commissioner by the national association of insurance commissioner's insurance regulatory information system.

(43) Any records the disclosure of which is restricted or prohibited by a tribal-state gaming compact

(44) Market research, market plans, business plans and the terms and conditions of managed care or other third party contracts, developed or entered into by the University of Kansas Medical Center in the operation and management of the University Hospital which the chancellor of the University of Kansas or the chancellor's designee determines would give an unfair advantage to competitors of the University of Kansas Medical Center.

(b) Except to the extent disclosure is otherwise required by law or as appropriate during the course of an administrative proceeding or on appeal from agency action, a public agency or officer shall not disclose financial information of a taxpayer which may be required or requested by a county appraiser to assist in the determination of the value of the taxpayer's property for ad valorem taxation purposes; or any financial information of a personal nature required or requested by a public agency or officer, including a name, job description or title revealing the salary or other compensation of officers, employees or applicants for employment with a firm, corporation or

agency, except a public agency. Nothing contained herein shall be construed to prohibit the publication of statistics, so classified as to prevent identification of particular reports or returns and the items thereof.

(c) As used in this section, the term "cited or identified" shall not include a request to an employee of a public agency that a document be prepared.

(d) If a public record contains material which is not subject to disclosure pursuant to this act, the public agency shall separate or delete such material and make available to the requester that material in the public record which is subject to disclosure pursuant to this act. If a public record is not subject to disclosure because it pertains to an identifiable individual, the public agency shall delete the identifying portions of the record and make available to the requester any remaining portions which are subject to disclosure pursuant to this act, unless the request is for a record pertaining to a specific individual or to such a limited group of individuals that the individuals' identities are reasonably ascertainable, the public agency shall not be required to disclose those portions of the record which pertain to such individual or individuals.

(e) The provisions of this section shall not be construed to exempt from public disclosure statistical information not descriptive of any identifiable person.

(f) Notwithstanding the provisions of subsection (a), any public record which has been in existence more than 70 years shall be open for inspection by any person unless disclosure of the record is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or by a policy adopted pursuant to K.S.A. 72-6214, and amendments thereto.

History: L. 1984, ch. 187, sec. 7; L. 1984, ch. 282, sec. 4; L. 1986, ch. 193, sec. 1; L. 1987, ch. 176, sec. 4; L. 1989, ch. 154, sec. 1; L. 1991, ch. 149, sec. 12; L. 1994, ch. 138, sec. 28; L. 1995.

45-222. Civil remedies to enforce act. (a) The district court of any county in which public records are located shall have jurisdiction to enforce the purposes of this act with respect to such records, by injunction, mandamus or other appropriate order, on application of any person.

(b) In any action hereunder, the court shall determine the matter *de novo*. The court on its own motion, or on motion of either party, may view the records in controversy *in camera* before reaching a decision.

(c) In any action hereunder, the court may award attorney fees to the person seeking access to a public record if the court finds that the agency's denial of such person's access was not in good faith and without a reasonable basis in fact or law. The award shall be assessed against the public agency that the court determines to be responsible for the violation.

(d) In any action hereunder in which the defendant is the prevailing party, the court may award to the defendant attorney fees if the court finds that the plaintiff maintained the action not in good faith and without a reasonable basis in fact or law.

(e) Except as otherwise provided by law, proceedings arising under this section shall be assigned for hearing and trial at the earliest practicable date.

History: L. 1984, ch. 187, sec. 8; L. 1984, ch. 282, sec. 6.; L. 1990, ch. 190, sec. 1; July 1.

45-223. No liability for damages for violation of act. No public agency nor any officer or employee of a public agency shall be liable for damages resulting from the failure to provide access to a public record in violation of this act.

History: L. 1984, ch. 187, sec. 9; Feb. 9.

45-224. Continuation of fees and procedures adopted under prior act. All fees, schedules of times for making copies, hours during which public records may be inspected or copies obtained, procedures for requesting access to or obtaining copies of public records or other policies or procedures which were prescribed or adopted by any public agency pursuant to chapter 171 of the session laws of 1983, insofar as the same are authorized or in accordance with the provisions of this act, shall constitute the fees, schedules, hours and policies or procedures of such public agency for the purposes of this act until changed, modified or revoked by the public agency in accordance with the provisions of this act.

History: L. 1984, ch. 187, sec. 16; Feb. 9.

45-225. Severability of provisions. If any provisions of this act or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or application and, to this end, the provisions of this act are severable.

History: L. 1984, ch. 187, sec. 13; Feb. 9.

ELECTRONIC MEDIA

K.S.A. 45-501

45-501. Records made on electronically accessed media; authorization; conditions and procedures, application; notice to state records board. (a) Whenever any state agency or local agency is required by law to make a record or to record any transaction or any instrument, paper or document, the making of such record on computer disk, tape or other electronically accessed media, in accordance with this section, shall be deemed to be recording or the making of the record as required by law.

(b) When any such records are made on computer disks, tapes or other electronically accessed media under this section, such records shall be maintained and adequate provisions shall be made for their preservation, examination and availability for ready use by those persons lawfully entitled to view them through the use of computer terminal displays, computer printouts, other computer-generated displays or other suitable facilities which may be made available at one or more locations designated by the state agency or local agency therefor. The capability to produce a computer printout or other printed version of such records stored on computer disks, tapes or other electronically accessed media shall be maintained by the state agency or local agency at all times so that such a printed copy of such records may be made available to persons lawfully entitled to view the records, subject to any applicable fees for such printed copies, from one or more locations designated by the state agency or local agency therefor. Each computer or other electronically accessed media system used to make records under this section shall include adequate security procedures and other provisions for a permanent record of all persons who have access to and make, amend or delete any records or other data in such system.

(c) No state agency or local agency which records or stores information on computer disks, tapes or other electronically accessed media shall be required to satisfy the standards and procedures imposed under this section, unless such records and information are records required by law and such records are not also made or maintained in another manner required or permitted by law. Each state agency or local agency which makes records or stores information on computer tapes, disks or other electronically accessed media in accordance with this section and which does not keep such records or information in another manner shall give written notice to the state records board thereof and shall identify all such records and information in such notice.

(d) As used in this section, the words and phrases set out in K.S.A. 45-402 and amendments thereto have the meanings ascribed to them in that section, unless the context requires a different meaning.

(e) This section shall be supplemental to existing statutes.

History: L. 1985, ch. 96, sec. 1; July 1.

STANDARD SIZE PAPER

K.S.A. 45-502

45-502. Use of standard size paper for documents filed with state agencies and courts. (a) All state agencies and all courts of this state shall permit the filing of documents and pleadings, which are required, authorized or permitted by law, on standard size forms or paper and shall not require the filing of documents and pleadings on legal size forms or paper.

(b) On and after July 1, 1990, subject to the other provisions of this section, all documents and pleadings which are required, authorized or permitted by law to be filed with a state agency or a court of this state shall be filed on standard size forms or paper and legal size forms and paper shall not be used for that purpose.

(c) This section does not prohibit the use or filing of:

(1) Forms larger than standard size, if the forms are to be used for maintenance of accounting or bookkeeping records, for preparation of architectural or engineering drafts or documents, or for preparation of maps, graphs, charts or artwork;

(2) fan-fold paper designed for use in computer peripheral devices and forms, bond paper or legal pads which are perforated or otherwise designed to produce complete documents not larger than standard size;

(3) public records smaller than standard size, computer generated printouts, output from test measurements and diagnostic equipment, machine generated paper tapes, charts, graphs, tables, maps, diplomas, artwork and public records otherwise required to be nonstandard size or exempt by law;

(4) documents or pleadings authorized or permitted by any court of this state to be filed on nonstandard size forms or paper in order to avoid unnecessary cost or delay or to promote justice; or

(5) documents required by the federal government to be nonstandard size.

(d) Upon written application of any state agency, the secretary of administration may approve additional exemptions from the requirements of this section if, based upon such application, the secretary finds that the cost of compliance with such requirements is so great as to not be in the best interests of the state.

(e) Upon written application of any court of this state, the supreme court may approve additional exemptions from the requirements of this section if, based upon such application, the supreme court finds that compliance with such requirements would be contrary to the effective administration of justice.

(f) Each state agency and court of this state shall use its store of paper supplies, that exceed standard size and that are on hand on the effective date of this act, until such store of supplies is exhausted. The secretary of administration and the director of printing shall provide assistance in form analysis and design to any state agency on request to assist in complying with the provisions of this act.

(g) As used in this section:

(1) "Standard size" means 8 1/2 X 11 inches or 21.59 x 27.94 centimeters.

(2) "State agency" means any state office, department, institution, commission, board or authority of this state.

History: L. 1988, ch. 324, sec. 1; July 1.

TAMPERING WITH PUBLIC RECORDS ACT K.S.A. 21-3821

21-3821. Tampering with a public record. Tampering with a public record is knowingly and without lawful authority altering, destroying, defacing, removing or concealing any public record.

Tampering with a public record is a class A misdemeanor.

History: L. 1969, ch. 180, 21-3821; July 1, 1970.

**LOCAL GOVERNMENT
RECORDS MANAGEMENT
MANUAL**

***APPENDICES A,
B, C, D and E***



**Library and Archives Division
Records Management Section**

LOCAL GOVERNMENT SURVEY/INVENTORY FORM

Kansas State Historical Society - Library/Archives Division

1. COUNTY _____		2. OFFICE _____	
3. OTHER ORGANIZATIONAL UNIT (section, bureau) _____		4. LOCATION OF RECORDS _____	
5. PERSON RESPONSIBLE FOR MAINTAINING RECORDS _____		6. TELEPHONE _____	
7. RECORDS SERIES TITLE _____			
8. RECORDS SERIES DESCRIPTION (Nature and purpose, types of information or documents. Continue on reverse if necessary.) _____ _____			
9. INCLUSIVE DATES FROM _____ THRU _____		10. RECORD FORMAT <input type="checkbox"/> PAPER (specify type/size) _____ <input type="checkbox"/> MICROFORM (specify) _____ <input type="checkbox"/> ELECTRONIC (specify) _____	
11. ARRANGEMENT <input type="checkbox"/> CHRONO <input type="checkbox"/> ALPHA <input type="checkbox"/> NUMERICAL BY _____ OTHER (specify) _____		12. TOTAL VOLUME (In cubic feet) _____ NOTES: _____	
13. ANNUAL ACCUMULATION SERIES STILL CREATED? <input type="checkbox"/> Yes <input type="checkbox"/> No ANNUAL ACCUMULATION (in cubic feet) _____		14. ESTIMATED ACTIVITY PER FILE DRAWER For How Long? HIGH (Daily) _____ MEDIUM (Weekly to Monthly) _____ LOW (Less Than Once a Month) _____	
15. STATUS <input type="checkbox"/> RECORD COPY? <input type="checkbox"/> CONVENIENCE COPY? IS INFORMATION DUPLICATED ELSEWHERE? _____		16. PUBLIC ACCESS RESTRICTIONS? <input type="checkbox"/> YES <input type="checkbox"/> NO LEGAL AUTHORITY _____	
17. RELEVANT STATUTES/REGULATIONS K.S.A. _____ K.A.R. _____ OTHER _____		18. RECOMMENDED RETENTION ACTIVE (in office) _____ INACTIVE (offsite) _____	19. RECOMMENDED FINAL DISPOSITION <input type="checkbox"/> DESTROY <input type="checkbox"/> PERMANENT STORAGE
20. VITAL RECORDS? <input type="checkbox"/> YES <input type="checkbox"/> NO	21. ADDITIONAL REMARKS: _____ _____ _____		
22. SURVEYOR'S NAME _____		23. TELEPHONE/EMAIL _____	24. DATE _____

Appendix B– Local Records Management Information Resources

Association of Records Managers and Administrators (ARMA)

4200 Somerset Dr., Ste. 215, Prairie Village, KS 66208
Phone: 913-341-3808, 800-422-2762, FAX: 913-341-3742
www.arma.org

International City/County Management Association (ICMA)

777 North Capitol Street, NE, Suite 500, Washington, DC 20002
Phone: 202-289-4262, FAX: 202-962-3500
www.icma.org

Kansas State Historical Society

Library/Archives Division, Records Management Section
6425 SW 6th Ave, Topeka, KS 66615
Phone: 785-272-8681, FAX: 785-272-8682
www.kshs.org

National Association of Government Archives and Records Administrators (NAGARA)

48 Howard Street, Albany, NY 12207
Phone 518-463-8644, FAX 518-463-8656
www.nagara.org

Society of American Archivists (SAA)

527 S. Wells, 5th Floor
Chicago, IL 60607
Phone: 312-922-0140, FAX 312-347-1452
www.archivists.org

Suggested Reading

Keeping Archives edited by Judith Ellis, The Australian Society of Archivists, (1993).
www.naa.gov.au

The Management of Local Government Records: A Guide for Local Officials by Bruce W. Dearstyne, American Association of State and Local History, (1988). www.aaslh.org

Records Management: A Practical Guide for Cities and Counties by Julian L. Mims
International City/County Management Association, (1996). www.icma.org

Records Management Handbook by Ira Penn, Gail Pennix, Jim Coulson, Gower Publishing 2nd
Ed. (1994).

Recordkeeping Requirements by Donald S. Skupsky, Information Requirements Clearinghouse.
2nd Ed. (1998).

Appendix C–Micrographics Resources

Association for Information and Image Management (AIIM)

The Association for Information and Image Management (AIIM) is the leading association for users and providers of document and information technologies. For more information on the following publications contact: AIIM International at 1100 Wayne Ave., Suite 1100, Silver Spring MD 20910; (301) 587-8202 or fax (301) 587-2711. www.aiim.org

AIIM MS 42-1989

Recommended Practice for the Expungement, Deletion, Correction or Amendment of Records on Microforms. This recommended practice will apply to the expungement of microfilmed images. It will specify the methods to use and recommends procedures which establish uniform documentation for such legally ordered removals.

AIIM MS 43-1988

Recommended Practice for Operational Procedures/Inspection and Quality Control of Duplicate Microforms of Documents and from COM. This document provides guidelines for the production of duplicate microforms. MS43 discusses major factors to consider when selecting duplicating film, addresses procedures with a series of reproducible inspection and control charts, and ends with helpful hints on jacket/microfiche enhancements. Of considerable interest is the troubleshooting guide on almost every known problem encountered in microfilm duplication.

AIIM MS 45-1990

Recommended Practice for Inspection of Stored Silver-Gelatin Microforms for Evidence of Deterioration. This document will provide procedures required to inspect camera negative and archival masters, both positive and negative, for mold, fungus, excessive brittleness, film curl, discoloration, scratches, dirt, chemical stains, the presence of redox blemishes, etc.

AIIM MS 48-1990

Recommended Practice for Microfilming Public Records on Silver-Halide Film. This standard gives guidelines for converting public documents to silver-halide microforms. Using data abstracted from numerous national and industry standards, these guidelines present in an easy to read and understand format the quality, environmental, and storage specifications generally required for microfilmed public records.

AIIM MS 19-1993

Recommended Practice for Identification of Microforms. This standard, also written for the filming of federal, state, local, and other public administrations, describes declarations by the camera operator and the records custodian regarding the authenticity and identification of records. The standard includes sample forms.

AIIM MS 14-1988

Specifications for 16mm and 35mm Roll Microfilm. This standard covers general specifications for 16mm and 35mm microfilm for roll applications and reference standards that address material (type of microfilm) and dimensions. In addition, this standard includes information covering the permissible placement of images, film modes, and/or formats, and includes information related to reels, cores, and winding.

AIIM MS 5-1992

Microfiche. Covering all types of microfiche, this standard describes formats, document sizes, and reductions. It explains micro image placement and orientation, and makes recommendations for quality control.

ANSI IT 9.11 - 1991

Processed Safety Film - Storage. This standard deals with the storage conditions, storage facilities, and handling and inspection procedures for processed safety photographic film in roll, strip, card, or sheet form, regardless of size.

SUGGESTED READING

Preservation Microfilming : A Guide for Librarians and Archivists by Nancy E. Gwinn (Editor), Lisa L. Fox (Editor), Association of Research Libraries, 2nd edition (1996) www.arl.org

Archives Microfilming Manual by Research Libraries Group's Archives Preservation Microfilming Project, Nancy Elkington (Editor) RLG (1994). www.rlg.org

Appendix D—Electronic Records/Technology/Digital Imaging Resources

Civic.Com (Traditional and Online Magazine)

PO Box 1268

Skokie IL 60076-9650

Phone: 847-647-9314

www.civic.com

The Data Warehousing Institute (Education and Training)

849-J Quince Orchard Blvd, Gaithersburg, MD 20878

Phone: 301-947-3730, FAX: 301-947-3733

www.dw-institute.com/

The Digital Government Institute (Education and Training)

6213 Crathie Lane, Bethesda, MD 20816

Phone: 301-320-4397, FAX:301-320-0268

www.digitalgovernment.com

Government Computer News—State and Local (Traditional and Online Magazine)

PO Box 3273, Northbrook, IL, 60065

Phone: 800-417-0258, FAX: 847-291-4816

www.gcn.com

Government Technology (Tadtional and Online Magazine)

9719 Lincoln Village Drive, Suite 500, Sacramento CA, 95827

Phone: 916-363-5000, FAX: 916-363-5197

www.govtech.net

The National Technology Alliance (Product Evaluations, Media Stability)

oldsite.nta.org

Appendix E–Disaster Planning/Recovery Resources

Kansas Disaster Recovery Assistance Network (KDRAN)

c/o Preservation Officer

Kansas State Historical Society

6425 SW 6th, Topeka, KS 66615

Phone: 785-272-8681 x. 277, FAX 785-272-8682

www.kshs.org

American Institute for the Conservation of Historic and Artistic Works

717 K Street NW Ste 301, Washington, DC 20006

Phone: 202-452-9545, FAX: 202-452-9328

www.palimpsest.stanford.edu/aic

Conservation OnLine (COOL)

www.palimpsest.stanford.edu

Northeast Document Conservation Center

100 Brickstone Square, Andover, MA 01810-1494

Phone: 978-470-1010, FAX: 978-475-6021

www.nedcc.org

Library of Congress Preservation Directorate

Washington, D.C. 20540-4500

Phone: 202-707-5213, FAX: 202-707-3434

www.loc.gov/preserv/preserve.html

Southern Library Network, Inc. (SoliNet)

1438 West Peachtree Street, NW, Suite 200, Atlanta, GA 30309-2955

Phone: 404-892-0943 or 800-999-8558

www.solinet.net



GENERAL RETENTION/DISPOSITION SCHEDULE FOR LOCAL GOVERNMENT RECORDS

INTRODUCTION

The General Records Retention and Disposition Schedule that follows this discussion has been authorized by the State Records Board in accordance with K.S.A. 75-3504 and has been adopted by the board as K.A.R. 53-2-115, an administrative regulation having the force of law. The full text of this regulation is included in this chapter. It is recommended that records custodians and office personnel become familiar with the entire contents of the regulation before implementing the retention and disposition schedule within it.

APPLICATION OF THE GENERAL SCHEDULE

NOTE

Although this general schedule will apply to many of those records found in local offices, there are many types of records not included in this schedule because they are unique to particular offices.

Individual office schedules were created in 1985 and are slated for revision by the State Archives in the coming years. Until revised, the 1985 schedule remains in effect.

The general schedule establishes minimum retention periods and authorizes dispositions for many of the administrative and legal records common to most local governments. Using the schedule as a guide and without seeking further approval from the State Records Board, any local government may regularly dispose of any of its records which appear on this schedule. The schedule is subject to the following **exceptions and limitations**:

- A. Local government offices may retain any of their records beyond the retention periods set by the schedule as they deem necessary—the schedule establishes only a **minimum** period of retention. Before retaining a record longer than the minimum time required, however, the office should be certain that it has good reason to do so. Unnecessary retention of records can be expensive in space and filing equipment.
- B. This schedule does not relieve local governments of retention requirements mandated by other state and federal statutes and regulations. When such an obligation does exist, then the longer retention period takes precedence.
- C. This schedule generally reflects audit requirements in its prescribed retention periods, but audits are not always completed in a timely fashion. Therefore, any

any record required for an audit must be retained until completion of that audit, regardless of its stated retention period in the general schedule.

- D. The access restrictions cited in this manual should be applied with caution. Restrictions on public access to records often apply only under particular circumstances or only to portions of a record series. To ensure compliance with the Kansas Open Records Act, offices should have an attorney examine the specific statutory language containing the potential restriction before limiting public access to records.
- E. This schedule does not authorize destruction of records which could be deemed relevant to current or pending litigation.

**DISPOSAL AND
TRANSFER OF
RECORDS**

Local governments should establish a formal procedure for records transfers and destruction. The State Historical Society recommends preparing a list of the records, including the series title, dates, quantity, storage location, and disposition. The list and formal request for disposal/transfer should be presented to the local governing body for approval.

**MODIFICATIONS
AND ADDITIONS**

Because records reflect activities that are constantly changing, the retention requirements for them sometimes require revision as well. Consequently, records retention and disposition schedules, including this general one, often need modification or additions in order to be realistic and effective. Furthermore, because local governments are so large, it is impractical to consult with every office regarding specific schedule entries. There may be some retention periods and disposition requirements within this schedule that fail to account for all relevant factors and there may be some important common record series not addressed here which need to be added. The State Historical Society's Records Management Section and the State Records Board welcome all comments and suggestions concerned with improvement of the general schedule through modifications and additions.

Accounts Payable Records

Documents related to payment for goods and services: vouchers, correspondence, invoices, ledger books and cards, etc.

Minimum Retention: 3 fiscal yrs **Disposition:** destroy

Comments: See also Ledgers - General, Vouchers and Requisitions-Purchase, Vendor Files, Bid Records, and Purchasing Records.

Restrictions:None

Date Approved: 07/14/1998

Accounts Receivable Records

Documents related to the collection of payments due the office: copies of invoices, correspondence, etc.

Minimum Retention: see comments **Disposition:** destroy

Comments: Retain 3 fiscal years after last payment is received.

Restrictions:None

Date Approved: 07/14/1998

Activity Report Records

Internal documents used to compile statistics on office activities: traffic reports, activity logs, etc.

Minimum Retention: 2 fiscal yrs **Disposition:** destroy

Comments: See also Employee Time Report Records.

Restrictions:None

Date Approved: 07/14/1998

Adding Machine or Calculator Tapes

Master tapes produced on business machines during bookkeeping.

Minimum Retention: see comments **Disposition:** destroy

Comments: May be destroyed immediately unless required to document associated records; then retain in conjunction with those associated records.

Restrictions:None

Date Approved: 07/14/1998

Annual and Special Reports

General and specific reports on office activities.

Minimum Retention: see comments **Disposition:** permanent

Comments: Retain until no longer useful, then transfer to permanent storage.

Restrictions:None

Date Approved: 07/14/1998

Architectural Plans, Drawings, Maps, and Specifications

Records documenting the physical plant of the offices and/or buildings owned or occupied by the local government.

Minimum Retention: see comments **Disposition:** permanent

Comments: Retain until no longer useful, then transfer one copy to permanent storage and contact the local historical society for interest in retaining an extra copy.

Restrictions:Portions per KSA 45-221(a)(12)

Date Approved: 07/14/1998

Audit Reports

Results of audits conducted by local, state, federal and/or non-governmental auditing agencies.

Minimum Retention: see comments **Disposition:** permanent

Comments: Retain in office until no longer useful; then transfer to permanent storage.

Restrictions:None

Date Approved: 07/14/1998

Banking Records

Bank statements, deposit books and slips, check registers, and canceled checks.

Minimum Retention: 3 fiscal yrs **Disposition:** destroy

Comments:

Restrictions:None

Date Approved: 07/14/1998

Batch Transmittal Forms

Completed forms used to transmit documents for mass computer input.

Minimum Retention: see comments **Disposition:** destroy

Comments: Retain in conjunction with transmitted documents, then destroy.

Restrictions:None

Date Approved: 07/14/1998

Bid Records

Documents related to requests for proposals, bids, quotations, or estimates.

Minimum Retention: 5 fiscal yrs **Disposition:** destroy

Comments: See also Purchasing Records, Vouchers and Requisitions, Accounts Payable Records, Contracts, and Vendor Files.

Restrictions:None

Date Approved: 07/14/1998

Budget Preparation Files - Annual

Documents used in the preparation of the annual office budget: correspondence, draft budget requests, computer reports, notes, and other miscellaneous materials.

Minimum Retention: see comments **Disposition:** destroy

Comments: Retain until audit completed, then destroy.

Restrictions:None

Date Approved: 07/14/1998

Budget Requests and Appeals - Annual

Copies of budgets submitted yearly for approval and subsequent appeals.

Minimum Retention: permanent **Disposition:** permanent

Comments:

Restrictions:None

Date Approved: 07/14/1998

Building and Grounds Maintenance Records

Documents associated with repairs and other maintenance to the physical plant of office - does not include Work Orders and Logs (q.v.).

Minimum Retention: see comments

Disposition: see comments

Comments: Retain records of minor maintenance activities for 3 fiscal years, then destroy. Retain records of major maintenance activities permanently.

Restrictions:None

Date Approved: 07/14/1998

Capital Improvement Projects Files

Records related to construction projects: correspondence, bids, specifications, plans, drawings, reports, notes, etc.

Minimum Retention: permanent

Disposition: permanent

Comments: See also Architectural Plans, Drawings, and Specifications.

Restrictions:None

Date Entry: 07/14/1998

Committee Files

Records relating to the establishment, organization, membership, policies, activities and accomplishments of internal, interoffice, and advisory committees.

Minimum Retention: permanent

Disposition: permanent

Comments:

Restrictions:None

Date Approved: 07/14/1998

Computer System Documentation

Records related to the development, implementation, modification, and use of computer programs and systems.

Minimum Retention: see comments

Disposition: see comments

Comments: Retain and dispose of in conjunction with associated computer programs and systems. If data is not migrated to new system, retain as long as access to data is necessary.

Restrictions:None

Date Approved: 07/14/1998

Contracts

Legal agreements with individuals and organizations. Includes all associated documents.

Minimum Retention: see comments

Disposition: destroy

Comments: Retain until expiration of contract plus 5 calendar years or 5 calendar years after conclusion of any court case, then destroy. See also Purchasing Records, Vendor Files, Accounts Payable Records, Bid Records, and Vouchers and Requisitions.

Restrictions:None

Date Approved: 07/14/1998

Correspondence - Policy Related

Incoming and outgoing letters and memoranda that state or form the basis for policy, set precedent, or record important events in the operational and organizational history of the office.

Minimum Retention: 5 calendar yrs **Disposition:** permanent

Comments: Retain in office 5 calendar years, then transfer to permanent storage.

Restrictions:None

Date Approved: 07/14/1998

Correspondence - Routine

Incoming and outgoing letters and memoranda which pertain only to routine matters handled in accordance with existing policy and procedures: requests for information, letters of transmittal, etc.

Minimum Retention: see comments **Disposition:** destroy

Comments: Retain until no longer useful, then destroy.

Restrictions:None

Date Approved: 07/14/1998

Deeds for Real Estate

Legal documents pertaining to the ownership of real property by the office.

Minimum Retention: permanent **Disposition:** permanent

Comments: Retain in Register of Deeds Office.

Restrictions:None

Date Approved: 07/14/1998

Employee Personnel Files

Documents associated with the employment of specific personnel: employee evaluation forms, applications for employment, and other personnel materials.

Minimum Retention: see comments **Disposition:** destroy

Comments: Retain in office for length of employee's tenure plus 3 calendar years. Purge documents to create abstracted work history (appointment data and change of status information), transfer to inactive storage for 62 calendar years, then destroy.

Restrictions:KSA 45-221(a)(4)

Date Approved: 07/14/1998

Employee Personnel Files - Office Copies

Copies of documents in office's Employee Personnel Files associated with employment of specific personnel (applications, evaluations, etc.) maintained for convenience of reference.

Minimum Retention: see comments **Disposition:** destroy

Comments: Retain for length of employment plus 5 calendar years, then destroy.

Restrictions:KSA 45-221(a)(4)

Date Approved: 07/14/1998

Employee Position Descriptions

Formal descriptions of duties and other characteristics of particular employment positions. Includes supporting documents.

Minimum Retention: see comments **Disposition:** destroy

Comments: Retain until superseded plus 3 years, then destroy.

Restrictions:None

Date Approved: 07/14/1998

Employee Time Report Records

Records documenting time worked by individual employees on a daily, weekly, or monthly basis: time sheets, time cards, attendance reports, absence reports, sign-in/out sheets, etc.

Minimum Retention: 5 fiscal yrs **Disposition:** destroy

Comments: See also Leave Requests.

Restrictions:KSA 45-221(a)(4)

Date Approved: 07/14/1998

Employee Training Course Materials

Record copy of manuals, syllabi, textbooks and other training aids created for office sponsored employee training programs.

Minimum Retention: see comments **Disposition:** see comments

Comments: Retain one copy permanently and destroy the remainder. See also Employee Training Records.

Restrictions:None

Date Approved: 07/14/1998

Employee Training Records

Correspondence, reports, and other records relating to the operation of office sponsored training programs and to employee participation in training programs sponsored by external organizations.

Minimum Retention: see comments **Disposition:** destroy

Comments: Retain 5 calendar years or until superseded, whichever is sooner, then destroy. See also Employee Training Course Materials.

Restrictions:None

Date Approved: 07/14/1998

Employee Withholding Allowance Certificates

Internal Revenue Service W-4 forms completed by employees to establish rate of tax to be withheld from paychecks.

Minimum Retention: see comments **Disposition:** destroy

Comments: Retain until no longer in effect, then destroy provided four years have passed since date tax was due or paid (whichever is later).

Restrictions:None

Date Approved: 07/14/1998

Employment Applications - Not Hired

Applications and supplementary materials submitted by unsuccessful applicants for employment.

Minimum Retention: 3 calendar yrs **Disposition:** destroy

Comments:

Restrictions:KSA 45-221(a)(4)

Date Approved: 07/14/1998

Employment Eligibility Verification Form

Immigration and Naturalization Service (INS) form 9 completed by employee which is used to verify the legal residency status of the employee.

Minimum Retention: see comments **Disposition:** destroy

Comments: Retain for length of employee tenure plus 3 years, then destroy.

Restrictions:KSA 45-221 (a)(4)

Date Approved: 07/14/1998

Equal Employment Opportunity Grievance Files

Documents related to discrimination charges concerning employment made against an office and subsequent investigations.

Minimum Retention: see comments **Disposition:** permanent

Comments: Retain 5 years after grievance is settled, then transfer to permanent storage.

Restrictions:KSA 45-221(a)(11)&(25)

Date Approved: 07/14/1998

Equal Employment Opportunity Plans

Documents related to office compliance with laws and regulations concerning EEO/AA plans.

Minimum Retention: permanent **Disposition:** permanent

Comments:

Restrictions:None

Date Approved: 07/14/1998

Equipment Maintenance and Ownership Records

Documents related to the legal ownership and maintenance of office equipment: legal titles, warranties, maintenance logs, etc.

Minimum Retention: see comments **Disposition:** see comments

Comments: Retain for the life of the equipment, then transfer to the new owner of the equipment or destroy as appropriate. See also Equipment Operation Records, and Vehicle Ownership and Maintenance Records.

Restrictions:None

Date Approved: 07/14/1998

Equipment Operation Records

Documents related to the use of office equipment (e.g.. photocopy logs, check-out forms, use request forms, etc.), including photocopiers, typewriters, computers, calculators, adding machines, etc.

Minimum Retention: 3 fiscal yrs **Disposition:** destroy

Comments: See also Equipment Ownership and Maintenance Records. Road and Bridges need to retain for the period they own the equipment.

Restrictions:None

Date Approved: 07/14/1998

Expendable Items Supply Requests - Internal

Documents used by subordinate organizations to order expendable supplies from central supply rooms.

Minimum Retention: see comments **Disposition:** destroy

Comments: Retain 1 fiscal year after audit.

Restrictions:None

Date Approved: 07/14/1998

Grant Files

Variety of documents dealing with applications for federal, state, and private grants and the implementation of those received.

Minimum Retention: see comments

Disposition: see comments

Comments: Retain 5 years after the end of the grant period, transfer original applications, contracts, agreements, & annual and final performance reports to permanent storage and destroy remaining documents.

Restrictions:None

Date Approved: 07/14/1998

Grant Files - Unfunded

Applications and supporting documentation relating to federal, state, and private grants submitted by local entities which were not funded.

Minimum Retention: see comments

Disposition: destroy

Comments: Retain until no longer useful, then destroy.

Restrictions:None

Date Approved: 07/14/1998

Hearing and Meeting Transcripts and Electronic Media Recordings

Hearing and Meeting Transcripts and Electronic Media Recordings
Records of public hearings and other meetings: transcripts, audiotapes, videotapes, notes, etc.

Minimum Retention: Retain until no longer useful

Disposition: destroy

Comments: Tapes can be reused

Restrictions:None

Date Approved: 1/11/2001

Imprest Fund

Documents related to the administration and accounting of the imprest fund which allows an office to use a local bank account as authorized by statute.

Minimum Retention: 3 fiscal yrs **Disposition:** destroy

Comments:

Restrictions:None

Date Approved: 07/14/1998

Inventory Records - Expendable Property

Records of receipts, disbursements, and balances of office supplies and other expendable inventory materials.

Minimum Retention: 3 fiscal yrs **Disposition:** destroy

Comments:

Restrictions:None

Date Approved: 07/14/1998

Inventory Records - Non-Expendable Property

Records related to capital equipment inventory management: computer reports, internal documents, correspondence, etc.

Minimum Retention: see comments **Disposition:** destroy

Comments: Retain until superseded by new inventory plus 3 fiscal years, then destroy.

Restrictions:None

Date Approved: 07/14/1998

Kansas Public Disclosure Commission Statements of Substantial Interest

Office copies of statements of substantial interest requested on a yearly basis and filed with the Secretary of State's office.

Minimum Retention: 1 calendar yr

Disposition: destroy

Comments:

Restrictions:None

Date Approved: 07/14/1998

Leases - Real Property and Capital Equipment

Documents related to the leasing of real estate and equipment.

Minimum Retention: see comments

Disposition: destroy

Comments: Retain until superseded or inactive plus 5 calendar years, then destroy.

Restrictions:None

Date Approved: 07/14/1998

Leave Requests

Internal forms used to request and authorize the taking of leave by employees.

Minimum Retention: 5 fiscal yrs

Disposition: destroy

Comments: See also Employee Time Report Records.

Restrictions:KSA 45-221(a)(4)

Date Approved: 07/14/1998

Ledgers - General

General records of financial receipts and expenditures normally used to monitor, manage, and verify office budget.

Minimum Retention: see comments.

Disposition: permanent

Comments: This series includes only internal documents. Retain in office 5 years, then transfer to permanent storage.

Restrictions:None

Date Approved: 07/14/1998

Legislation Reference Files

Copies of bills, drafts of legislation, copies of statutes, notes, correspondence, and other miscellaneous documents related to various legislative activities or statutes applicable to the operation of the office.

Minimum Retention: see comments

Disposition: destroy

Comments: Retain until no longer useful, then destroy.

Restrictions:None

Date Approved: 07/14/1998

Mailing Lists

Lists of names and addresses to whom mail is regularly sent.

Minimum Retention: see comments

Disposition: destroy

Comments: Retain until updated, then destroy.

Restrictions:KSA 21-3914

Date Approved: 07/14/1998

Material Safety Data Sheets

Documents relating to the precautions taken for the safe handling of the various hazardous chemicals used in the routine operation of the facility.

Minimum Retention: see comments **Disposition:** destroy

Comments: Retain until superseded or hazardous chemical is no longer on site, then destroy as required by 29 CFR 1910.1200.

Restrictions:None

Date Approved: 07/14/1998

Memoranda of Understanding or Agreement - Interoffice

Formal agreements reached between state, local, and/or federal agencies.

Minimum Retention: see comments **Disposition:** see comments

Comments: Retain until agreement becomes inactive plus 5 calendar years, then destroy.

Restrictions:None

Date Approved:

Minutes

Proceedings of regular or special meetings of committees, commissions, and other standing or ad hoc organizations.

Minimum Retention: see comments **Disposition:** permanent

Comments: Retain until no longer useful, then transfer to permanent storage.

Restrictions:None

Date Approved: 07/14/1998

Organizational Charts and Reorganization Studies

Records documenting planned and actual changes in an office's organizational structure over time.

Minimum Retention: see comments **Disposition:** see comments

Comments: Retain records relating to major organizational changes permanently. Destroy other records when no longer useful.

Restrictions:None

Date Approved: 07/14/1998

Payroll Adjustment Records

Copies of documents and supporting materials used to make adjustments in office payroll accounts.

Minimum Retention: 3 fiscal yrs **Disposition:** destroy

Comments: See also Payroll Deduction Authorization Records.

Restrictions:None

Date Approved: 07/14/1998

Payroll Deduction Authorization Records - General

Documents used to authorize various deductions from an employee's pay: insurance enrollments, GHI enrollments, KPERS enrollments, KPERS Annual Account Statements, dues deduction forms, etc.

Minimum Retention: see comments **Disposition:** destroy

Comments: Retain until superseded or no longer in effect plus 1 calendar year, then destroy. This schedule does not apply to W-4 forms (q.v.) or Payroll Direct Deposit Authorization Record (q.v.).

Restrictions:KSA 45-221(a)(4)

Date Approved: 07/14/1998

Payroll Direct Deposit Authorization Records

Completed forms used to authorize direct deposits of payroll checks in employee bank accounts.

Minimum Retention: see comments **Disposition:** destroy

Comments: Retain until no longer in effect plus 2 years, then destroy.

Restrictions:KSA 45-221(a)(4)

Date Approved: 07/14/1998

Payroll Warrant Registers

Monthly listing of warrant checks issued to office employees for payroll purposes.

Minimum Retention: 3 fiscal yrs **Disposition:** destroy

Comments:

Restrictions:None

Date Approved: 07/14/1998

Petty Cash Records

Documents related to petty cash accounting.

Minimum Retention: 3 fiscal yrs **Disposition:** destroy

Comments:

Restrictions:None

Date Approved: 07/14/1998

Photographic and Video Materials

Photo-prints, negatives, slides, films, and videotapes.

Minimum Retention: see comments

Disposition: see comments

Comments: Retain permanently materials that document governmental programs and services. Other items may be offered to local historical societies or destroyed.

Restrictions:None

Date Approved: 07/14/1998

Policy and Procedures Manuals and Statements

Original copies of formal explanations of office policies and procedures issued in collective manual or individual statement formats.

Minimum Retention: see comments

Disposition: see comments

Comments: Retain one copy permanently, dispose of others.

Restrictions:None

Date Approved: 07/14/1998

Postal Records

Records concerning the use of the U.S. Postal Service and express companies: mailing logs, postage purchase reports, registered mail receipts, express company receipts, mailing permits, etc.

Minimum Retention: 1 fiscal yr

Disposition: destroy

Comments:

Restrictions:None

Date Approved: 07/14/1998

Press Releases

Public information issued to the news media.

Minimum Retention: see comments **Disposition:** see comments

Comments: Retain one copy permanently, dispose of others.

Restrictions:None

Date Approved: 07/14/1998

Programs and Invitations

Documents related to official office functions.

Minimum Retention: see comments **Disposition:** see comments

Comments: Retain permanently one copy of documents related to official functions, dispose of others.

Restrictions:None

Date Approved: 07/14/1998

Property Disposition Records - Non-Expendable

Copies of forms and supporting documents used to remove capital equipment from the office inventory.

Minimum Retention: 3 fiscal yrs **Disposition:** destroy

Comments:

Restrictions:None

Date Approved: 07/14/1998

Publications

Internally produced newsletters, pamphlets, leaflets, and brochures distributed to inform a constituency about the activities of the office.

Minimum Retention: see comments

Disposition: see comments

Comments: Retain in office 1 year, then transfer 1 copy to permanent storage and destroy the remainder.

Restrictions:None

Date Approved: 07/14/1998

Purchase Requests - Internal

Documents used by subordinate organizations to request purchases of goods and services through the office central purchasing office.

Minimum Retention: 1 fiscal yr

Disposition: destroy

Comments:

Restrictions:None

Date Approved: 07/14/1998

Purchasing Records

Documents related to the purchase of goods and services: correspondence, vouchers, invoices, ledger books and cards, requisitions, etc.

Minimum Retention: 3 fiscal yrs

Disposition: destroy

Comments: See also Vouchers & Requisitions, Accounts Payable Records, Bid Records, Contracts, Ledgers - General, and Vendor Files.

Restrictions:None

Date Approved: 07/14/1998

Receipts Records - Cash

Records of cash received by the office: receipt slips, receipt books, receipt ledgers, etc.

Minimum Retention: 3 fiscal yrs **Disposition:** destroy

Comments:

Restrictions:None

Date Approved: 07/14/1998

Records Management Records

Documents related to the management of office records including completed survey forms, inventories, disposition and transfer records, and other miscellaneous materials such as correspondence or reference materials.

Minimum Retention: permanent **Disposition:** permanent

Comments:

Restrictions:None

Date Approved: 07/14/1998

Recruitment Files

Variety of documents relating to the recruitment process for hiring employees to fill vacant positions.

Minimum Retention: 3 calendar yrs **Disposition:** destroy

Comments:

Restrictions:Portions per KSA 45-221 (a)(4)

Date Approved: 07/14/1998

Request for Access to Records

Documents related to requests for access to office records and office responses prepared pursuant to KSA 45-218.

Minimum Retention: see comments **Disposition:** destroy

Comments: Retain until no longer useful, then destroy.

Restrictions:None

Date Approved: 07/14/1998

Schedules - Office Activities

Internal forms and calendars used to schedule employee or office activities (calendars and appointment books, etc).

Minimum Retention: see comments **Disposition:** destroy

Comments: Retain until no longer useful, then destroy.

Restrictions:None

Date Approved: 07/14/1998

Memorabilia, Scrapbooks, and Photographic Albums

Newsclippings, photo albums, etc. documenting office activities.

Minimum Retention: see comments **Disposition:** see comments

Comments: Retain until no longer useful, then contact the archives for appraisal - if not accepted for transfer to the archives, then destroy.

Restrictions:None

Date Approved: 07/14/1998

Speeches and Writings

Notes, drafts, and final versions of office related speeches, articles, talks, and other formal public communications published or given at meetings and conferences.

Minimum Retention: see comments **Disposition:** see comments

Comments: Retain one copy of final version permanently, destroy all others.

Restrictions:None

Date Approved: 07/14/1998

Statements of Lost Warrants

Copies of forms used to request re-issues of lost warrants.

Minimum Retention: current fiscal yr **Disposition:** destroy

Comments:

Restrictions:None

Date Approved: 07/14/1998

Technical Reference Files

Copies of documents retained strictly for convenience of reference that are not part of official files: copies of external reports, studies, periodicals, books, brochures, catalogs, vendor lists, etc.

Minimum Retention: see comments **Disposition:** destroy

Comments: Retain until no longer useful, then destroy.

Restrictions:None

Date Approved: 07/14/1998

Telecommunications Logs

Registers recording incoming and outgoing telephone calls and fax transmissions.

Minimum Retention: 6 months

Disposition: destroy

Comments:

Restrictions:None

Date Approved: 07/14/1998

Telephone Billing Records

Copies of computer billings received for telephone service.

Minimum Retention: 3 fiscal yrs

Disposition: destroy

Comments:

Restrictions:None

Date Approved: 07/14/1998

Travel Request and Authorization Records

Records related to employee travel.

Minimum Retention: 3 fiscal yrs

Disposition: destroy

Comments: See also Travel Vouchers and Vehicle Operation Records.

Restrictions:None

Date Approved: 07/14/1998

Vehicle Maintenance and Ownership Records

Documents related to the legal ownership and maintenance of office vehicles: maintenance logs, legal titles, warranties, etc.

Minimum Retention: see comments **Disposition:** destroy

Comments: Retain for the life of the vehicle, then transfer to subsequent owner or destroy as appropriate. See also Equipment Ownership and Maintenance Records.

Restrictions:None

Date Approved: 07/14/1998

Vehicle Operation Records

Documents related to the use of office-owned motor vehicles.

Minimum Retention: 3 fiscal yrs **Disposition:** destroy

Comments:

Restrictions:None

Date Approved: 07/14/1998

Vendor Files

Records concerning purchases from specific vendors: invoices, correspondence, vouchers, ledger books and cards, etc.

Minimum Retention: 5 fiscal yrs **Disposition:** destroy

Comments: Retain for 5 fiscal years. See also Vouchers & Requisitions, Purchasing Records, Bid Records, Contracts, and Accounts Payable Records.

Restrictions:None

Date Approved: 07/14/1998

Visitors Logs

Registers or logs used to record names of employees, outside contractors, service personnel, and other visitors admitted to office facilities.

Minimum Retention: see comments **Disposition:** destroy

Comments: Retain until no longer useful, then destroy.

Restrictions:None

Date Approved: 07/14/1998

Vital Statistical Records

Registers, certificates, and statistical summaries, of births, deaths, and marriages.

Minimum Retention: permanent **Disposition:** permanent

Comments:

Restrictions:None

Date Approved: 07/14/1998

Voice Mail Messages

Sound recordings produced by a voice mail system designed to leave messages for the receiver.

Minimum Retention: see comments **Disposition:** destroy

Comments: Retain until no longer useful, then destroy.

Restrictions:None

Date Approved: 07/14/1998

Vouchers and Requisitions - Purchase

Copies of documents used to order and pay for goods and services.

Minimum Retention: 3 fiscal yrs **Disposition:** destroy

Comments:

Restrictions:None

Date Approved: 07/14/1998

Vouchers - Journal

Forms used to adjust financial account balances.

Minimum Retention: 3 fiscal yrs **Disposition:** destroy

Comments:

Restrictions:None

Date Approved: 07/14/1998

Vouchers - Receipts

Copies of documents used to transfer funds received by agencies from individuals and organizations into their particular accounts.

Minimum Retention: 3 fiscal yrs **Disposition:** destroy

Comments:

Restrictions:None

Date Approved: 07/14/1998

Vouchers - Travel

Copies of documents used to certify the validity of claims for the reimbursement of travel expenses.

Minimum Retention: 3 fiscal yrs **Disposition:** destroy

Comments:

Restrictions:None

Date Approved: 07/14/1998

Word Processing Files

Electronic copies of documents produced with word processing programs.

Minimum Retention: see comments **Disposition:** see comments

Comments: When electronic documents are only copy, disposition must be in accordance with an approved schedule entry for the specific records series. When used to produce a hard copy that is maintained according to approved schedule—delete when no longer useful.

Restrictions:None

Date Approved: 07/14/1998

Work Orders and Logs

Internal documents used to request and record requests for the performance of maintenance or other services.

Minimum Retention: 3 fiscal yrs **Disposition:** destroy

Comments:

Restrictions:None

Date Approved: 07/14/1998