

State Records Board meeting, 04/28/2011

*Attendees:* Lisa Mendoza (Attorney General's office; chair of Board); Michael Smith (Attorney General); Scott Leonard (KHS); Matt Veatch (KHS; Board member); Bill Sowers (State Library; Board member); Duncan Friend (Department of Administration – DISC; Board member); LuAnn Harris (KHS); Marcella Wiget (KHS)

*Guests:* Athena Andaya (Attorney General); Susan Maxon (Department of Transportation); Bill Hughes (Department of Transportation); Sandy Powell (SRS); Jim Evans (Department of Corrections); Mary Chambers (Department of Corrections); Martha Smith (Department of Corrections); Patrick Broxterman (AG)

Not present: Patricia Michaelis (KHS; member of the Board)

1. Introductions and announcements: Michael Smith announced that, due to new responsibilities at the AG's office, he will no longer chair the State Records Board and introduced Lisa Mendoza, the new chair. Lisa thanked Mike for his service and then said a little about her own background.
2. Matt Veatch moved to approve the minutes as submitted; Duncan seconded. Unanimous approval.
3. SRS series:  
Sandy Powell, records officer for SRS, explained that the Mental Health section wanted a way to dispose of their copies of patient medical records—SRS currently has 1700+ boxes of medical and other records from closed state hospitals and would like to clean up their shelf space. Duncan asked Matt and Scott and about the disposition for series 0457-629 (transferring every 100<sup>th</sup> file); Matt explained that this type of sampling was an unusual case and that the archival profession is moving away from such sampling techniques to provide records of evidential value. Matt commented that the reason this series was tabled from the previous meeting was Pat's concern over whether the length of retention was long enough, and that the SRS staff had done due diligence in discovering how long they needed to keep such medical records. Matt also asked Mary Chambers of DoC how they handle medical records from inmates; Mary commented that they keep such records for ten years after offender is discharged. Sandy discussed the sporadic nature of the requests she receives for these medical records; Duncan questioned the retention allowing facilities to choose whether to keep records, and Matt noted that that is an unusual circumstance, suggesting that the “maintain consistent with internal facility policy” be removed from the disposition schedule and handled internally, noting that such schedules are minimum guidelines. Sandy requested input how to handle closed state hospital medical records, which are over 15 years old. Matt said that, consistent with this revised schedule, she has the right to destroy such records, though he was also concerned about those individuals who are still requesting records. The original schedule from 1991 indicated such records should be purged down to a 4-5 page document; under the revised schedule, even this will not exist. Mary Chambers commented that, from personal experience, individuals may not expect such records to be kept for a long period of time; Duncan pointed out that in the case of state hospitals, individuals put into state hospitals are done so through an action of the state. Sandy indicated that their legal counsel said they could send any requesting individual or office that due to changing business practices they will no longer be keeping such records. Both Bill and Matt were concerned over the loss of all information about individuals who were in the state hospitals; Sandy indicated that there is a database / register listing basic information about clients, but it provides only the basic demographics, and Matt said that he thinks this should be retained for evidential value and for genealogical / medical value.  
Matt moved approval of both entries with revision to disposition schedule on 0457-629, striking

“Destroy or retain consistent with facility policy.” Bill seconded, unanimous approval, including from Sandy Powell as representative for SRS.

4. Department of Corrections:

Scott explained the background to DoC's series at the meeting today. Mary provided background about KASPAR (composed of information from multiple database systems, within OMIS—started in 1979—and TOADS, started in the 1990s), which is refreshed daily. Scott added that the information in KASPAR documents the information desired for long-term retention (rather than purging down the paper files). Questions arose about multiple copies of records in paper and digital formats; Mary explained that documents are not imaged consistently and that when and if this happens, it will take a great deal of time due to lack of staffing and resources. Duncan requested that Record Copy field indicate that the record copy is both paper and electronic (rather than only saying “Unknown”). Matt provided background about discussions at the State Archives regarding inmate files, which have exploded in the past few decades due to increasing numbers of inmates as well as voluminous nature of those paper records, adding that Lu Harris did research on what some other state archives are doing regarding inmate files (none of whom are keeping all inmate files permanently). Matt requested further explanation and information about OMIS, TOADS, their relationship with KASPAR and the fact that it is regularly refreshed with information from those database systems and said that an Electronic Recordkeeping Plan will be needed for these systems and that the records schedule entry for these systems will need to be more robust and fleshed out. Mary expressed concern about older inmate files, pre-1979; Matt assured her that the Archives will probably not destroy these older records but that the Archives has no intention of keeping the newer inmate files that have been transferred in the past few years. Martha of DoC requested if the 855 boxes that have been transferred can be taken back to the Department of Corrections; Matt said yes. Scott indicated that, after discussions with Lu, the boxes at the State Records Center should be dealt with first before the 855 boxes at the State Archives. No destruction or purging will be undertaken until after the retention schedules for inmate files and the KASPAR system have been clarified. Mary requested clarification about retention length for paper/imaged inmate files; Scott explained that they have to be scheduled separately from KASPAR because of the separate functions of each record, and Mary explained that DoC may wish to lessen the retention of the inmate file to less than 30 years.

Matt moved approval for Inmate files, 0518-521 (amending record copy format to read both paper & electronic) and for Inmate Medical & Mental Health files, 0180-521 (also amending record copy format to read both paper & electronic). He also moved tabling the KASPAR series until an Electronic Recordkeeping Plan is approved by the ERC, and that the record series is amended to reflect information about OMIS and TOADS. Scott seconded. Unanimous approval by Board, including Mary as representative of the DoC.

5. Department of Transportation:

Scott commented that the Board has received a letter from DoT's chief counsel regarding the Digital Videologs. The current schedule would keep the permanent record copy with KDoT, and the State Archives will get a copy. Matt explained that the ERC was uncomfortable with Transportation's electronic recordkeeping plan and that he made the call as State Archivist that a copy should be sent to the Archives in order to ensure that these logs would remain available. He is also concerned about who will be administering access, as he wants to make these logs accessible to the public. Homeland Security directive indicates that state transportation agencies should be restricting access to information about their infrastructures. Bill Hughes of KDoT indicated that there are 4 copies of the current version, at 4 different locations on 4 different storage systems; once it is no longer current, there may only be 1 copy; the oldest definitely only has 1 copy, which has been turned over to the State Archives. Duncan asked

about the choice of Transportation permanently keeping the record copy; Matt indicated that this is not entirely unusual. Susan explained that even under KORA guidelines, Transportation does release information that may be restricted; their counsel likes to ask questions about who is accessing the information and why and likes to ensure that the agency cannot be held liable for the information it releases. Matt questioned whether the State Archives can provide information about this series of logs, at the same time providing clear access information (only through KDoT); both Susan and Bill indicated that this would be perfectly acceptable.

Duncan also requested clarification about the restrictions on the Highway Use Permits series; Susan explained that KSA 45-221(a)(45) and (12) also apply in this instance (as well as the Homeland Security directive) due to plans and specifications being transferred with the permits. She also indicated that when Transportation enters into an agreement with one business entity, being able to keep that contract closed will help them when negotiating with other business entities.

Scott indicated that the "Headquarters Relocation Files" series is an obsolete series and that these records are therefore ready to be transferred to the Archives (needs to be amended in the retention series). Susan indicated that this series probably includes duplication of effort, particularly from Department of Administration's records (such as for the Capitol Plaza Development; the record copy is with DoA and Transportation received courtesy copies). She also indicated they did not feel comfortable restricting information in this series (such as building plans) because they lease the building from Administration, but as Duncan pointed out, because this is a group effort from multiple state agencies, an amendment to the series indicating that portions may be restricted should be added.

Discussion followed regarding the letter the Board received from Transportation's chief counsel. The letter encourages a response; Bill Hughes indicated that they would like a firm recommendation from the Records Board regarding the storage of the video logs in particular. Matt indicated that the Board's response will not make only a single recommendation of the SAN but will provide other recommendations as well, but that CDs, DVDs, and other optical media are not the preferred archival methods of keeping long-term records electronically. Scott made proposal for Comments field change (Permanent; when annual backup is made, transfer convenience copy of retired data (older than 6 years) to the State Archives) on the Digital Videologs series and that KSA 45-221(a)(12)(45) be added to the Restrictions field. Scott motioned approval of series entries with amendments discussed to the Digital Videologs and Headquarters Relocation files. Bill seconded. Unanimous approval by Board, including Susan as representative of the Department of Transportation.

Matt motioned that the State Archivist will draft a letter on behalf of the chair of the State Records Board explaining that the Board approved the retention series for the Digital Videolog series without the approval of the ERC for the Electronic Recordkeeping Plan, with the understanding that the KDoT will continue to work with KHS to identify a satisfactory storage medium for the preservation of the electronic data. Duncan seconded. Unanimous approval by the Board.

6. Other (old/new business):

New series from the Attorney General's office, Tobacco Files, originally discussed at the January 2011 SRB meeting but tabled due to confusion over the retention of this series. Duncan asked whether there was archival value; both Scott and Matt indicated they did not think these records had long-term or enduring value. Duncan then asked what the business need was for these records and how long they needed to be retained. Patrick from the AG's office indicated that all these records are scanned but are received in paper form and that he thought the record copy should be the paper copy. Duncan requested clarification over the term "record copy." Scott discussed it in terms of personnel files; Patrick indicated that the best evidential version is

the paper copy rather than the electronic record (this is what other states do); the electronic records are convenience copies. Matt questioned whether the “Paper documents will also be scanned into system where digital images are retained permanently” should be struck from the series entry due to liability and discovery concerns; Patrick indicated yes. Changes made: “Retain paper copy for a period of 30 years, then destroy” and “Electronic Recordkeeping Plan not required.”

Bill moved approval of schedule entry with changes discussed; Matt seconded. Unanimous approval by board, including Athena as representative for the Attorney General's office.

7. Duncan initiated discussion regarding the term “evidential value,” and the appraisal process from the archival / historical point of view. He wondered whether a fuller discussion about this, along with such topics as digital records, accountability, and changing practices in the archival world about appraisal, would be of use to the Records Board; Lisa indicated that she thought this would be useful.
8. Discussion followed about KEEP, in order to bring Lisa up to speed. Main topics: initial and lifetime costs of storing records, particularly those that are considered permanent (changing perspective on costs for archives—no longer a matter of the “good of the order,” now a matter of sustainability, with the example of the State Records Center becoming a fee-funded system in the early 21<sup>st</sup> century); accessibility of such information and culturally embedded attitudes toward restricting records in state agencies. The State Records Board will have to decide whether it has the authority when an agency comes to the Board with an electronic series of enduring value that it does not wish to put into KEEP; State Archivist has the statutory authority to ensure that such records will be kept to appropriate standards. Bill asked what would happen when an agency is eliminated; Scott pointed out that the function of that agency will probably continue under another agency.
9. Lisa adjourned the Board meeting at 10:51.