

State Records Board meeting, 01/27/2011

*Attendees:* Michael Smith, Attorney General's Office (Chair); Duncan Friend, Department of Administration; Matt Veatch, Patricia Michaelis, Scott Leonard, Marcella Wiget, KSHS.

*Guests:* Dale Kirmer, Susan Maxon, Richard Wiley, Bill Hughes, KDOT; Sandy Powell, SRS; Theresa Schwartz, Renee Burlingham, Regents; Athena Andaya, Attorney General's Office.

*Not present:* Bill Sowers, State Library.

1. Previous meeting's minutes: Duncan requested confirmation that the Board was comfortable with the discussion of the KBI special agents investigation files (5.8 on previous meeting's minutes). Amended minutes to take out the phrase "unlike KBI." Matt V. moved approval of minutes as amended, Pat seconded, unanimous approval.
2. KDoT: Electronic recordkeeping plan was not endorsed for digital videlogs under Traffic and Field Operations by the Electronic Records Committee (ERC). Mike Smith requested clarification of how information is kept and stored as it is replaced – convenience copy is on SAN, record copy is kept on removable storage (CD, DVD, etc). ERC encourages reversal of this system; agency's concern is that each cycle constitutes approx. 2 terrabytes of storage, and storage on a SAN is expensive. Records from 1975-circa 2004 have already been transferred to the State Archives and will be placed on their SAN. Discussion regarding how many copies exist and how many cycles behind the State Archives is, as well as how to handle long-term preservation of this electronic media (State Archives is 2 cycles behind, most current of which is on the SAN, middle of which is floating on removable media; recommendation in future is that the middle floating cycle would be stored in KEEP). Discussion also about restriction on information; Homeland Security recommends that information is recorded regarding who accesses information about certain types of records, including these videologs; State Archives may need to develop procedures for handling this particular series, or series may be open without restrictions. Pat moved, Matt seconded approval of State Traffic Flow Map/Flow Count series; amended Highway Plan Files series to include specific restrictions KSA 45-221(a)(12)(45) – Matt approved, Duncan seconded, unanimous approval of both these series. Discussion was tabled on other two series due to need for further clarification of restrictions.
3. Attorney General: Question regarding length of retention for Tobacco Files (new series); AG's lawyer uses KSA 50-6(a)(03) to retain. Discussion over retention; two different retentions for paper vs. electronic copies of record. Question over whether electronic copy needs to be retained permanently. Series approval was tabled until decision made over whether paper or electronic is record copy and which disposition is final. Discussion followed over second new series, Racial Profiling Reports, and final disposition of this series. Clarification in series description that compilation summary of annual reports is posted to agency website; clarification in disposition to retain reports from local agencies until no longer useful, then destroy; send one copy of compiled annual report to the State Archives upon completion; AG's office may dispose of all other copies until no longer useful, then destroy. Athena from the AG's office requested that description in series 0081-082, Crime Victims Rights Conference files be modified to redact "etc." term (not a legal term); description in 0021-082 to include that informal opinions may be signed by the Attorney General. Matt moved approval of series as amended excluding the tobacco files, Pat seconded, Board unanimously approved.
4. Board of Regents: Pat moved approval, Matt seconded, unanimously approved all series.
5. Social and Rehabilitation Services (SRS): Board requested plainer language/definitions of terms in 1915(b)(c) waiver approval & renewals; All AAPS grants and contracts; AAPS actually stands for Alcohol & Addiction Prevention Services. Requested change to disposition to Official Letters & Memoranda to Archives instead of Destroy; discussion over why this series

could not be placed under the general schedule—will mirror general schedule 0027-000. Clarification in restricted information in series Audit Reports/Responses & Financial Management Reviews/Responses – supporting documentation may be restricted (includes personal health information restricted under KSA 45-221(a)(3) and HIPAA), but not final reports; also need clarification in language between responses (in title) and results (in series description). Nursing Facilities Mental Health Screens needs series description. Discussion over length of retention for series 0457-629, Medical Record – Adult Patients; question over whether HIPAA requires these records be retained for 60 years. General discussion over the series “Subject files,” and whether it needs to be a general schedule entry; whether it's still an applicable series (decline in this series); and over its retention. Tabled discussion over Nursing Facilities Mental Health Screens & Medical Records – Adult Patients series for further information. Duncan moved approval, Matt seconded, unanimous approval of all other series as amended.

6. University of Kansas: Conference call with Jaci Matney. Before call, discussion over university archives, and universities keeping their own records rather than transferring them to the State Archives, including electronic records. Scott also said that about 5 years ago, there was an effort to create a general higher ed retention schedule, involving KU, but this effort fizzled out. Other universities' retention schedules have been approved by the State Records Board, including Emporia State and Kansas State University. Subject was initially raised because of KU's new email system and ensuring that official, long-term records (including policy-related correspondence) would be kept; Electronic Recordkeeping Plan was not endorsed by the ERC for KU's email system. Question over some dispositions, specifically the term “Retain indefinitely” - desire change to “Retain until no longer useful” to keep uniform with other schedules. Clarification requested over “Pending new backup...” language in Data Systems Backup Files series. The State Records Board encourages the KSHS to work with and make recommendations for KU's backup files. Matt motioned, Duncan seconded, unanimously approved by the Board.
7. Other business: Matt wants the SRB to think about in future whether the Board will be willing to push more with state agencies to put their electronic records, currently kept by the agencies themselves, into KEEP when it goes into production mode. Will be a money issue because agencies will no longer be able to keep their records for free; KEEP will be fee-based. Open records issue; concern over decentralized governance, as currently occurs, in which agencies may destroy their records without the Records Board knowing or approval. Matt will want the Records Board to be a more activist board.
8. Mike adjourned the meeting at 11:20 a.m.

Respectfully submitted,



Matthew B. Veatch  
State Archivist and Secretary  
State Records Board