

State Records Board

21st May 2015

Executive Conference Room, Kansas State Historical Society

Present: Lisa Mendoza, designee of the Attorney General (chair)
John Yeary, designee of the Secretary of Administration
Jason Ackermann, designee of the State Librarian
Matt Veatch, State Archivist
Jennie Chinn, Kansas State Historical Society Executive Director

Also present: Aspen Junge, Kansas Department of Health & Environment (KDHE)
Michael Smith, KDHE
Duncan Friend, Secretary of State
Marcella Wiget, Kansas State Historical Society (KSHS)
Joanna Hammerschmidt, KSHS
Rick Scheuffler, Kansas Department of Agriculture

The meeting was brought to order at 8:40 a.m. by Lisa Mendoza, who began the introductions.

Previous meeting's minutes:

Motion: Ms. Chinn moved, Mr. Yeary seconded, unanimous approval of last month's meeting minutes as presented.

Kansas Department of Agriculture – Fiscal Operations: Ms. Wiget explained that in reviewing records stored at the State Records Center, she discovered that these boxes had been labeled simply "Audit reports" and inappropriately associated with the general schedule entry, which only applies to audits conducted on a state agency itself, not on audits conducted by state agencies on other entities.

Ms. Mendoza questioned two sub-sections of the Kansas Open Records Act listed in the restrictions field, including prospective locations of businesses and contact information given to state agencies for widely distributed communications. Mr. Scheuffler explained that some of these provisions are listed in order to help the regulated communities feel comfortable with the information they provide to the agency. Mr. Yeary and Ms. Mendoza both suggested removing K.S.A. 45-221(a)(49).

Motion: Ms. Chinn moved, Mr. Veatch seconded, unanimous approval of new schedule entry as amended.

Agriculture – Grain Warehouse Program: State Archives staff requested the disposition on this schedule entry be revised so the records could be destroyed instead of transferred to the archives. At the same time, the agency decided the business need for these records was only 10 years instead of 20.

Motion: Mr. Veatch moved, Mr. Yeary seconded, unanimous approval of revised entry as submitted.

The board asked Mr. Scheuffler whether the agency had truly become electronic in its recordkeeping practices, as had been their mandate last year when preparing to move offices from Topeka to Manhattan. Mr. Scheuffler noted that while certain programs have been slower to make the transition, for the most part the agency is truly now electronic, scanning and disposing of any paper records they create or receive.

Kansas Department of Health & Environment – Secretary’s Office: Ms. Hammerschmidt noted that the records officer and all custodians and other legal staff have dedicated a great deal of time to updating their retention and disposition schedule. Michael Smith also commended Ms. Hammerschmidt for her work with KDHE.

Motion: Mr. Veatch moved approval, Mr. Yeary seconded approving the schedule entry as submitted.

Ms. Mendoza questioned whether restrictions listed in 0177-264, Case files under Legal Services, should be included in 0188-264 on the secretary’s schedule. She also questioned whether convenience copies required a separate schedule entry. Ms. Wiget noted those situations can be handled in various ways, such as through language in a single entry or in duplicating schedule entries; Mr. Veatch explained it depends on what makes most sense to the agency staff involved and with what they are most comfortable.

Revised Motion: Mr. Veatch withdrew his original motion and moved amending 0188-264 to include the restrictions listed in 0177-264. Mr. Yeary seconded, unanimous approval of entry as amended.

KDHE – Legal Services: Mr. Veatch asked what procedures will be implemented to assist the State Archives in identifying case files of significant value. Ms. Mendoza questioned whether the State Archives would like some additional language regarding their involvement in appraising those cases; Ms. Wiget noted the board in the past has objected to agencies having sole discretion regarding archival value. The board reviewed the language in 0172-082, Case files for the Attorney General’s office, and decided to add “in consultation with the State Archives staff” to the comments in 0177-264. Mr. Ackermann asked whether a taxonomy could be developed between the agency and the State Archives to help identify records of enduring value that first have to be held at a commercial records center because they are not yet eligible for transfer to the archives, in order to streamline the transfer process.

Discussion turned to 0176-264, General Bureau Information Files. Mr. Smith explained there are three sections of attorneys, for Public Health, Environment, and Medicaid/State Self-Insurance Fund, and that each set of attorneys must retain working files and research. From the discussion that followed, it appeared this entry is really duplicative of Technical Reference Files, 0113-000, on the general schedule, but staff had objected to the word “technical” in that series title. The board suggested removing “technical” from the general schedule entry title and superseding this entry to that entry, including also the language “Retain until superseded or no longer useful, then destroy” in the revised general schedule entry. Discussion also turned to 0180-264, Desk Reference Files, and whether it could be superseded to the general schedule. Ms. Chinn suggested that leaving the schedule entries on KDHE’s schedule would help the agency complete its tasks more efficiently. The board discussed whether restrictions needed to be included on Desk Reference Files, 0180-264.

Motion: Ms. Chinn moved approval of schedule entries as amended, with the caveats that the agency would revisit Desk Reference and General Bureau Information files in a couple years and that the State Archives staff will revisit 0113-000, Technical Reference Files, in order to update it before the board. Mr. Veatch seconded, unanimous approval of schedule entry as amended.

Ms. Mendoza stated her concerns about moving away from the board’s trend of moving agencies to the general schedule. Discussion turned to creating a Legal section of the general schedule and including legal reference files, and possibly a general schedule entry for case files in order to create more consistency across the state enterprise.

KDHE – Bureau of Air: Ms. Mendoza questioned the short retention on 0446-264. Ms. Hammerschmidt explained that the licenses are held in a database now and the Asbestos paper files are purely support documentation. Suggested revision to the title was “Asbestos Licensing Support Documentation.”

Discussion turned to how licensing procedures worked for asbestos and whether the Kansas Administrative Procedures Act (KAPA) was applicable; Mr. Smith was not able to provide much information because he has not worked directly with the program prior to updating their schedule with them. Discussion also surrounded the Facility Files and to which facilities the entry applied. Ms. Wiget noted that both 0446-264 and 0413-264 involve boxes at the State Records Center currently scheduled to come to the State Archives and that these schedule changes would allow the records to be destroyed or retained by the agency as needed instead.

Motion: Mr. Veatch moved approval as submitted, with the caveat that 0446-264, Asbestos Files, and 0413-264, Facility Files, be brought back to the State Records Board next month with a Bureau of Air representative available to answer discussions. Mr. Yeary seconded, unanimous approval of entries as submitted.

KDHE – Bureau of Environmental Remediation: The agency requested tabling 0461-264 due to ongoing discussions internally and at the Environmental Protection Agency (EPA) regarding retention and disposition needs. Mr. Yeary asked what “Township Range files,” series 0462-264, meant, and Aspen Junge explained the series title is a holdover from the bureau’s history in geology and oil field regulation. While KDHE is no longer in charge of oil field regulation, the bureau wishes to retain these records under a new series title because the information provided in the files can retain useful information. From Ms. Junge’s verbal description of the records, the board requested additional information in the description.

Mr. Veatch requested consistency in language regarding “Contact the State Archives for appraisal – if not accepted, then destroy” across several schedule entries.

Motion: Mr. Veatch moved tabling 0461-264 and 0462-264, Superfund Administrative Files and Township Range files, Mr. Yeary seconded, unanimously approved.

Ms. Junge noted that her bureau is now 30 years old and is now beginning to need to transfer records of enduring value to the State Archives. Because the bureau has never had to do this before, staff have concerns about process and what will happen to the records after they are transferred, including whether records would be destroyed without their knowledge and consent. Based on that discussion, Mr. Veatch suggested amending 0454-264, Environmental Site File, simply to state Archives for the disposition rather than “Transfer to the archives for purging.”

Ms. Mendoza questioned the retention on 0810-264, Storage Tank Compliance Files. Ms. Junge explained that the bureau issues permits and performs testing and inspections on these storage tanks. The board requested a fuller description of these records in the schedule entry.

Motion: Ms. Chinn moved tabling 0810-264, Storage Tank Compliance Files, until the next meeting. Mr. Veatch seconded, unanimous approval of tabling schedule entry.

Motion: Mr. Veatch moved approval of 0454-264, 0456-264, 0460-264, amending 0454-264 and 0456-264 to have a disposition of “Archives.” Mr. Yeary seconded, unanimous approval of these entries as amended.

KDHE – Environmental Field Services: The agency has requested tabling 0681-264, Fish Kill Database, and 0641-264, Fish Kill Reports, due to ongoing internal discussions.

Motion: Mr. Veatch moved to table, Mr. Ackermann seconded, unanimous approval to table 0681-264 and 641-264.

The board asked who the agency received the data requests from and questioned the 20 year retention in 0615-264, Data Requests. Ms. Hammerschmidt explained that staff go back to these requests frequently because they get the same questions repeatedly.

Motion: Mr. Veatch moved, Mr. Ackermann seconded, unanimous approval of schedule entry as submitted.

Motion: Mr. Veatch moved, Mr. Ackermann seconded, unanimous approval of superseded entry as submitted.

KDHE – Waste Management: Ms. Wiget questioned whether Household Hazardous Waste Files needed to come to the State Archives. This information regards household wastes disposed of at facilities around the state and therefore may have an environmental impact. Discussion turned to Mausoleum Creation Permits and whether they had archival value; again, there could be environmental impact if a mausoleum failed, though these construction records do not provide information about who was buried in them.

Motion: Mr. Veatch moved to table, Mr. Ackermann seconded, unanimous approval to table 0598-264, Landfill Database, until an Electronic Recordkeeping Plan could be completed for the database.

Mr. Veatch requested changing “etc” to “and related records” on 0581-264, Solid Waste Resource Conservation and Recovery Act (RCRA) Groundwater Files. Comments were removed from 0581-264 and 0588-264, and the pending ERP language was removed from 0579-264, Hazardous Waste Statistical Data.

Motion: Mr. Veatch moved approval of all entries as submitted, bar the amendments listed above, Mr. Ackermann seconded, unanimous approval of entries as amended.

KDHE – Bureau of Water: Agency staff requested tabling 0601-264, Agricultural Waste Facility Files, due to ongoing internal discussions about retention and disposition needs.

Motion: Mr. Veatch moved to table 0601-264, Mr. Ackermann seconded, unanimous decision to table discussing the series entry.

Mr. Yeary questioned whether 0651-264 and 0477-264 could be combined into a single entry; Ms. Hammerschmidt explained that the Fish Consumption Advisory Files are more technical while Fish Tissue Advisory Files are more related to public relations. Ms. Wiget requested that disposition language in both those entries be listed as “Contact the State Archives for appraisal – if not accepted, then destroy.”

Mr. Veatch questioned 0479-264, Geographic Information Database System’s retention, and whether data is overwritten. Ms. Hammerschmidt explained that data is not overwritten because the agency is retaining the historical data.

Ms. Wiget questioned what data is not found in the EPA system in 0484-264, Lake Water Quality Data Files; the agency staff and Ms. Hammerschmidt explained that it can be easier to retrieve the data from the agency’s files and that much is not stored in the database. The publications and reports are not published through the state but can be cooperative efforts between Kansas and the EPA or other entities, so the library section of the State Archives will not receive these materials automatically; therefore the records should be transferred to the archives.

Motion: Mr. Veatch moved approval as submitted with amendments 0652-264 to the description to “analyze, interpret, and give greater meaning...” and that “etc” will be replaced by “and other related records,” Mr. Ackermann seconded, unanimous approval of entries as amended.

Motion: Mr. Veatch moved approval, Mr. Ackermann seconded, unanimous approval of superseded entry as presented.

KDHE – Labs: Ms. Mendoza questioned the use of K.S.A 45-221(a)(3) in 0402-264, Clinical Laboratory Certification Records. Mr. Smith thought individually identifiable patient information may be included as part of the Medicare certification but was unsure, and the board requested further clarification.

Motion: Mr. Veatch moved to table 0402-264, Mr. Ackermann seconded, unanimous approval to table this entry.

The board suggested adding K.S.A. 45-221(a)(1) to both 0403-264 and 0570-264 and removing the HIPAA citation from 0570-264.

Motion: Mr. Veatch moved approval with the additions listed above, Mr. Ackermann seconded, unanimous approval of entries as amended.

Ms. Hammerschmidt explained that filing practices have changed at the agency, so all the formerly broken-out entries can now be superseded into singular entries amongst the revised series.

Motion: Mr. Veatch moved approval, Mr. Ackermann seconded, unanimous approval of superseded entries as submitted.

KDHE – Environmental Division:

Motion: Mr. Veatch moved approval, Mr. Ackermann seconded, unanimous approval of superseded entry as submitted.

The board accepted the housekeeping report.

Meeting adjourned at 11:45 a.m.