

## State Records Board

January 18, 2018

### Executive Conference Room – Kansas Historical Society

Present: Lisa Mendoza, designee of the Attorney General (chair)  
Jennie Chinn, Executive Director, Kansas Historical Society (KHS)  
Matt Veatch, State Archivist  
Bill Sowers, designee of the State Librarian  
Philip Michael, designee of the Secretary of Dept. of Administration (DofA)  
Kathy Sachs, Office of the Secretary of State (KSOS)  
Megan Rohleder, Electronic Records Archivist (KHS)  
Ryan Alfson, Graduate Research Assistant (KHS)  
Mark Cole, Archives Specialist (KHS)

Via Phone: Ryan Leimkuehler, Kansas State University (KSU)  
Cliff Hight, Kansas State University (KSU)  
Jackie Yingling, Kansas State Board of Pharmacy (KSBP)

Meeting called to order at 8:44 a.m. and Ms. Mendoza began the introductions. Ms. Mendoza inquired if there were any announcements for the board. With no announcements, the board moved to the next agenda item.

*Minutes:* Previous meeting minutes were reviewed.

**Motion:** Mr. Veatch moved approval of meeting minutes as presented. Mr. Sowers seconded, unanimous approval of October 19, 2017 meeting minutes.

*Kansas State Board of Pharmacy:* Ms. Rohleder presented the revised schedule entries. Ms. Rohleder indicated that the descriptions were made more concise and comments updated to reflect current business practices. Ms. Chinn asked for clarification on the use of the word “incomplete” in series 0044-531 title. Ms. Yingling explained that it is the key word used for identifying this type of record. Ms. Mendoza inquired about the inclusion of K.S.A. 45-221(49) in the restrictions for both series 044-531 and 0023-531. It was determined that restriction could be removed but to add restriction K.S.A. 45-221(30). Restrictions for both series 0044-531 and series 0023-531 should read, “K.S.A. 45-221(a)(3)(9)(10)(30)”.

**Motion:** Mr. Michael moved to approve revised series as amended. Mr. Veatch seconded, unanimous approval.

*Kansas Secretary of State:* Ms. Rohleder explained to the board that the new series being presented is the result of a unique database for the Secretary of State’s Business Form Finder website. Although the actual forms are records of the originating agency, the data that is kept within the system is unique and requires a retention schedule. The board had no additional

questions. Mr. Veatch did note that this type of record series is something that KHS has been addressing more and more with agencies. Although the records are metadata and used just for business purposes, they are still being collected and require a retention schedule.

**Motion:** Mr. Veatch moved to new series as presented. Mr. Sowers seconded, unanimous approval of new series as presented.

*Kansas State University:* Ms. Rohleder presented the proposed revised series entry for series 0025-367. Ms. Rohleder indicated that purpose to better reflect current grading practices and reduce retention period to 5 fiscal years. Mr. Leimkuehler indicated that the records copy still needs to be both paper and electronic and changing from 10 fiscal years to 5, and electronic record keeping plan is not required. Ms. Chinn questioned if retention was long enough if students wanted to challenge a grade after the proposed 5 fiscal year retention. Mr. Leimkuehler stated that students only have 30 to 60 days to dispute a grade and proposed retention period was vetted through several committees and agreed upon. Ms. Mendoza indicated that the restriction should read, "K.S.A. 45-221(a)(1)(9), 20 U.S.C.A. 1232g; 34 CFR Part 99". It was also determined that the, "Electronic Recordkeeping Plan Pending" portion should be removed for this entry.

**Motion:** Mr. Sowers moved to approve revised entry as amended. Mr. Veatch seconded, all in favor.

*Housekeeping:* Ms. Rohleder indicated that all the changes are from Kansas Racing and Gaming Commission and simply superseding to State General Schedule. The board reviewed the Housekeeping changes and accepted as presented.

*Other Business:* Ms. Rohleder was contacted by Mr. Leimkuehler regarding the new European Union General Data Protection Regulation (EU GDPR) that was recently approved and will go into effect in May 2018. The new regulation will affect primarily Regent Institutions but may also affect other agencies. Ms. Rohleder wanted to make the board aware of the new regulation and begin discussions on how to proceed. Mr. Hight and Mr. Leimkuehler informed the board that they are still gathering information on what programs, units, and retention schedules, etc., that the new regulation could be applied to. They are in ongoing process of revising their entire retention schedule campus wide and wanted guidance on how the board wanted KSU to handle the new restrictions. The board discussed multiple aspects and implications that the new regulation might have on agencies and their record schedules. Determined that ultimately, the SRB focus is to schedule the retention and disposition of records. The application of laws passed by other countries is a higher-level philosophy and jurisdiction than the board. The restriction portion of the series schedule is used only as a reference to Kansas and National laws that apply or possibly apply to that record series. Until things have gone through court systems, both national and international, the EU GDPR is still evolving. Once more details are determined, special board meetings can be called to address specific issues. In the meantime, the board determined that since KSU has a deadline of May 2018, start with placing the EU GDPR into its policies and procedures and then add restrictions based on what attorneys ultimately determine need to comply.

The board then moved to last order of business. Ms. Sachs is reviewing and updating the SOS retention schedule and wanted to gather some guidance from the board. The record series destined to be transferred to the state archives but schedule states they need to be held for certain time or permanently in office are her main priority. Records are currently stored in the basement and Ms. Sachs is concerned that historical documents may be at risk and not in ideal preservation conditions. Ms. Rohleder clarified the difference between permanent retention and archival retention disposition and how it would apply to a record series. Ms. Sachs provided an example record to the board. The board reviewed and agreed that the retention schedules should be updated to ensure preservation of these types of records. Ms. Mendoza suggested that Ms. Sachs and Ms. Rohleder go over the list of series IDs to be reviewed and updated outside of current meeting. Once updated, the revised series can be presented to the board for final review and approval.

The final order of business was to confirm the proposed future meeting on April 19, 2018. With nothing further to discuss, the board adjourned at 9:57 a.m.

Approved