KANSAS STATE

RECORDS MANAGEMENT

MANUAL

Library and Archives Division
Records Management Section
6425 SW 6th Ave.
Topeka, KS  66615-1099
(785) 272-8681
FAX: (785) 272-8682
Introduction ................................................................. I-1

Agency Records Officers ............................................. RO-1

State Records Board ..................................................... SRB-1

Records Management and the Law ....................................... L-1

Records Surveys ............................................................. S-1

Records Retention and Disposition Schedules ......................... RS-1

General Retention and Disposition Schedule .......................... GS-1

Agency Retention and Disposition Schedule .......................... AS-1

State Records Center Procedures ........................................ RC-1

Micrographics ............................................................... MG-1
INTRODUCTION

If you arrived at your office tomorrow morning and discovered that everyone had been transferred, retired, promoted, or fired except you, one fact would remain the same . . . your office would continue to receive, generate, and maintain records.

The Records Management Section of the Library and Archives Division of the Kansas State Historical Society developed the Kansas State Records Management Manual to encourage effective and efficient management of state government records. The manual's purpose is to provide state agencies with a convenient source of information on records management policies, procedures, practices, and services.

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

Records are a resource critical to the operation of state government. They serve as the organizational memory, providing evidence of past activity and forming the basis for future actions. State records may furnish proof of a particular action, contain information that protects the rights of individuals or the government, and document decisions made during the course of state business. When controlled systematically, records are an asset; but when managed haphazardly, they are a liability. Rapidly evolving technology and accompanying changes in record keeping practices have added to the challenges faced by agencies striving to manage their records. Records formerly maintained in bound volumes or paper files frequently exist only on microfilm, computer hard drives, magnetic tapes, CD-ROM's, or optical disks. Regardless of format, state records are as valuable now as they have ever been, and proper management of these records is the responsibility of each state agency.

The goal of this manual is to outline the principles and policies necessary to establish and administer a legal and efficient records management program. The Records Management Section invites agency comments on the use and application of the Records Management Manual. The loose-leaf format allows the manual to be updated as the statewide records management program expands in response to agency needs. New topics will be introduced and
distributed to all state agencies for inclusion in the manual, as will periodic updates. Users are encouraged to contact the Records Management Section with any questions, comments, or requests regarding the manual. Write, call, or fax:

Records Management Section  
Library and Archives Division  
Kansas State Historical Society  
6425 SW 6th Ave.  
Topeka, KS 66615-1099  
Phone: (785) 272-8681  
FAX: (785) 272-8682
**KANSAS STATE RECORDS MANAGEMENT MANUAL**

**AGENCY RECORDS OFFICERS**

**TABLE OF CONTENTS**

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Statutory Responsibility</td>
<td>RO-1</td>
</tr>
<tr>
<td>Records Inventory/Survey</td>
<td>RO-2</td>
</tr>
<tr>
<td>Retention and Disposition Schedule</td>
<td>RO-2</td>
</tr>
<tr>
<td>Training</td>
<td>RO-3</td>
</tr>
<tr>
<td>Implementation of Records Management Policies</td>
<td>RO-4</td>
</tr>
</tbody>
</table>
Kansas Administrative Regulation 53-4-1 requires the director of each state agency to appoint a **records officer** for the agency or for each major organizational subdivision. This regulation was approved to implement the Public Records Act, K.S.A. 75-3501-3516, by designating someone with each agency to oversee the efficient management of agency records.

"(a) The duties of the records officer shall be to:

1. Maintain a liaison between the agency, the state records board, and the State Archives of the Kansas State Historical Society;
2. Prepare and maintain an inventory of each record series in the custody of the agency in cooperation with the archives staff;
3. Prepare and submit retention and disposition schedules for the state agency’s records for approval or modification to the state records board in cooperation with the archives staff;
4. Periodically review the agency’s records retention and disposition schedules, and submit requests for any needed modifications to the state records board;
5. Disseminate pertinent information regarding records management to appropriate staff members within the state agency; and
6. Formulate and oversee implementation of agency records management policies and procedures with the assistance of the archives staff to ensure compliance with all applicable federal and state statutes and regulations.

   (A) Precautions against the destruction or other disposition of agency records without authorization of the state records board, except that these records may be transferred to the state archives with the consent of the state archivist under K.S.A. 45-405;
   (B) Storage conditions and procedures for handling agency records with enduring value that will minimize damage and deterioration;
   (C) Security arrangements that prevent loss, defacement or destruction of agency records due to theft or vandalism; and
   (D) Procedures to ensure that all microfilm copies of records with enduring value meet the requirements of K.S.A. 75-3506 and K.S.A. 45-412.

(b) At the discretion of each agency director, the records officer may be responsible for ensuring adequate public access to agency records as required by the open records act, K.S.A. 45-201 et seq., and for ensuring that satisfactory safeguards exist against unauthorized disclosure of confidential records.

(c) Each records officer shall be a staff member holding an administrative or professional position. The duties of the records officer may be collateral duties to an existing position in the agency."

Essentially, this means the records officer, on behalf of the agency, may be responsible for all issues of records management policy and statutory compliance with the Public Records Act, the Records Preservation Act, and the Open Records Act, the three major laws dealing with state records in Kansas. The staff of the State Archives and the Records Management Section of the Kansas State Historical Society (KSHS) are available to provide advice and assistance in all of the tasks outlined above.
The primary goal of any comprehensive records management program is to ensure that information, whatever the format, is available when and where it is needed at the lowest possible cost during the entire life cycle of a record. This goal implies that government records are a resource that requires time and money to create and retain and that is impacted by a number of legal requirements. Thus, they need to be "managed" just like any other resource. Few agencies have the ability to appoint a full time records officer, but even limited efforts at records management can benefit state agencies. The following explanations of the various duties of records officers listed in K.A.R. 53-4-1 illustrate some of the advantages of implementing a records management program.

## Records Inventory/Survey

The records inventory/survey is a listing of all records series created and maintained by an agency. Generally it is prepared prior to or in conjunction with the development of a records retention and disposition schedule. The inventory/survey includes data such as the records series title, inclusive dates, use, location, quantity arrangement, format, restrictions or legal requirements, and all other pertinent information for determining the content of the records. Whether initiating a new records management program or overseeing an existing one, it is critical to have a comprehensive inventory/survey upon which to base decisions about the retention and disposition of records. For example, such an inventory insures that records with no permanent value are not overlooked in developing a records schedule and that they do not continue to take up valuable space in file cabinets or storage areas.

The inventory/survey process is described in the Records Surveys section of this manual. The inventory is an ongoing process because, as new record series are created, they need to be surveyed and the retention and disposition schedule needs to be updated.

## Retention and Disposition Schedule

The records retention and disposition schedule is the document that identifies the length of time each records series must be retained in active storage and in inactive storage before final destruction or disposition to the State Archives for permanent retention. Decisions about retention periods are based on the use of the records while "current," legal requirements; the value of the records in documenting the activities of a state agency including policies, procedures,
transactions, and decisions; and the historical value of the information contained in the records.

KSHS Records Management Section personnel work with agencies to prepare these schedules. The process involves staff of the specific agency, legal counsel, and State Archives staff, as necessary, to set the length of time records will be maintained in the originating office and, depending on the content, further disposition to the State Records Center for a specific period, and, finally, destruction or transfer to the State Archives. The completed records schedule is submitted to the State Records Board for approval, as are any requests for changes and updates.

Two different retention and disposition schedules apply to the records of each agency. The "General Records Retention and Disposition Schedule" contains retention periods for series of records that are common to most state agencies such as purchase orders, annual reports, budget documents, etc. In addition, the "Agency Records Retention and Disposition Schedule" establishes retention periods for record series that are unique to that agency or when the time periods in the general schedule need to be modified for a specific record series for the agency.

As indicated above, each agency's records officer is responsible for periodically reviewing the retention and disposition schedule in order to add new records or modify the retention periods for records already scheduled.

TRAINING

The records officer is charged with "disseminating pertinent information regarding records management to appropriate staff members." This includes working with secretarial and clerical staff in establishing filing systems that allow for the efficient implementation of retention and disposition schedules, familiarizing staff with the state laws that govern preservation of and access to government records, establishing a process for implementing records schedules by discarding records and/or transferring them to the State Records Center as required by the retention and disposition schedules, etc.
Implicit in the creation of a records retention and disposition schedule is its implementation. The records officer has responsibility for overseeing the disposition of records as approved in the general or the agency schedule, whether the record series is to be discarded or transferred to the State Records Center or the State Archives. Thus, the records officer also is responsible for preventing the destruction or disposition of agency records without State Records Board authorization. Specific procedures for transferring records to the State Records Center are outlined in that section of the manual. Arrangements to transfer records scheduled for deposit in the State Archives can be made by contacting (785) 272-8681.

The records officer should establish procedures for storing and handling agency records with enduring value that will ensure their long term preservation. To the extent possible, this includes storing records in areas that are not subject to extreme temperature changes, flooding or water leaks, and that provide security from loss and defacement. If agency records with enduring value are microfilmed, the records officer should establish procedures to ensure that the quality of the microfilm meets the standards required by K.S.A. 75-3506 and K.S.A. 45-412.

Other duties that relate to formulating and overseeing implementation of an agency records management program may include:

- Designing, monitoring, and refining efficient and effective records storage and retrieval systems, whatever the format--paper, microfilm, or electronic.

- Identifying vital records (those records needed to resume business in the event of a disaster) and taking precautions to protect them such as developing disaster preparedness plans for vital and archival records.

- Administering public access to records in accordance with the Kansas Open Records Act (K.S.A. 45-201 et seq.) while ensuring that legal restrictions on access to confidential records are followed.

- Conducting cost/benefit studies of records management activities.

- Directing forms design and forms management.
Participating in automation studies to ensure that records management concerns are represented in designing and analyzing systems.
STATUTORY RESPONSIBILITY ......................................................... SRB-1

BOARD OPERATIONS .................................................................. SRB-2
STATUTORY RESPONSIBILITY

The Public Records Act establishes the State Records Board and outlines its duties in K.S.A. 75-3502 through 75-3504. The purpose of the board is to oversee "the permanent preservation of important state records and to provide an orderly method for the disposition of other state records." The members of the board consist of the following: "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."

Ex officio members are the elected state official, director, chairman, or other officer of a state department or agency or his or her designated representative and the head of the specific division whose records are being considered by the State Records Board.

Under K.S.A. 75-3504, the State Records Board makes decisions on requests of the state departments and agencies for the destruction or other disposition of records and has the 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."

Disposition of records can include transfer to the State Records Center if the department or agency has a current records retention and disposition schedule that directs such action without further action by the board. In all of these decisions, the board is "required to safeguard the legal, financial and historical interests of the state in such records."

The activities of the State Records Board are based on the following policies outlined in the Government Records Preservation Act (K.S.A. 45-401 through 45-413):

"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 to that appropriate public access to such records if possible. Disposition of noncurrent records which do not merit preservation will promote economy and efficiency in the day-to-day activities of government. . . .
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."

The Government Records Preservation Act further defines the responsibilities of the State Records Board. These include:

! Approve or modify retention and disposition schedules and records manuals.

! Approve any proposed revision in the retention and disposition schedules and pass upon requests for authority to dispose of records of state agencies or counties not listed in the schedules.

! Respond to requests from county commissioners for approval to depart from specific provisions of the schedules or to implement schedules applicable to only a single county.

! Pass upon any 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. (In such cases, "the state agency opposing the transfer shall defend before the board its reasons for wanting to retain the records in its custody.")

! Approve or modify recommended microphotographic standards prepared by the State Archivist.

! Pass upon requests for authority to dispose of original government records of state agencies following reproduction on microfilm as provided in K.S.A. 45-412 and amendments thereto.

The State Records Board meets quarterly (generally the second Thursdays of January, April, July, and October) to approve new or revised retention and disposition schedules for state agencies and to act upon any other business brought before it. The meetings of the
State Records Board are subject to the Open Meetings Act (K.S.A. 75-4317) and, thus, are open to the public. Information about meeting times and locations may be obtained from the State Archives or the Records Management Section of the Library and Archives Division, Kansas State Historical Society at (785) 272-8681.

The staff of the Records Management Section of the Kansas State Historical Society works with state departments and agencies to prepare retention and disposition schedules for each agency. The recommendations for keeping some types of records permanently, for destroying other records after a fixed time period, and for transferring noncurrent records to the State Records Center for fixed periods of time before their destruction or transfer to the State Archives are reviewed by the agency's staff including legal counsel and by the State Archives staff. The records schedule is then submitted to the State Records Board. Agency staff attend the meeting at which their schedule is being considered to answer questions about specific record series or other inquiries from board members. In addition, K.S.A. 75-3503 authorizes an agency submitting a records schedule to the State Records Board to designate two individuals to act as *ex officio* members of the board; the ex-officio members can vote when the board considers their agency's proposed schedule. The board approves the schedule as presented, with modifications, or tables a specific schedule pending the gathering of additional information.

Approved schedules are filed with the Secretary of State and, without further action by the State Records Board, agencies may implement the schedules. **Any modification** of the retention and disposition requirements for a specific record series or a number of records series **must** be approved by the State Records Board. Retention and disposition requirements for new records series that were not being created when the schedule was approved **must** also be submitted to the board.

It is the goal of the State Records Board that all records created or received by state departments or agencies in the course of their public duties be covered by either the General Records Retention and Disposition Schedule or a schedule specific to the agency. Records must be scheduled before they may be housed at the State Records Center.
Requests to dispose of records (either by destruction or transfer to the State Archives) that are not scheduled must be submitted to the State Records Board for approval. These requests, which are reviewed on a case-by-case basis, must be submitted to the board in writing through a letter or memo to its secretary, the State Archivist.

Write to:

State Archivist  
Library and Archives Division  
Kansas State Historical Society  
6425 SW 6th Ave.  
Topeka, KS  66615-1099

The request should be submitted to the board at least 20 working days prior to the date of the meeting. A standard records survey form, available from the Kansas State Historical Society, may be used to describe the records under consideration. If a survey form is not used the request should include the following information:

- A clear description of the records involved.
- Their informational content.
- The beginning dates of the records involved.
- The quantity of material involved.
- The proposed disposition.
- The reason for submitting the request at this time.

The staff of the Records Management Section may choose to review the materials in person or through discussions with agency staff members. Records management staff will prepare an appraisal report for the State Records Board with their recommendations concerning approval, disapproval, or modification, thus the lead time recommended. The board may accept later submissions of requests in emergencies. Staff will work with agencies to develop the request for disposition authorizations for records not scheduled.
KANSAS STATE
RECORDS MANAGEMENT
MANUAL

RECORDS MANAGEMENT
AND THE LAW

Library and Archives Division
Records Management Section
# KANSAS STATE RECORDS MANAGEMENT MANUAL

# RECORDS MANAGEMENT AND THE LAW

## TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>L-1</td>
</tr>
<tr>
<td>Government Records Preservation Act</td>
<td>L-2</td>
</tr>
<tr>
<td>(K.S.A. 45-401 through 45-413)</td>
<td></td>
</tr>
<tr>
<td>Public Records Act</td>
<td>L-9</td>
</tr>
<tr>
<td>(K.S.A. 75-3501 through 75-3518)</td>
<td></td>
</tr>
<tr>
<td>Open Records Act</td>
<td>L-13</td>
</tr>
<tr>
<td>(K.S.A. 45-415 through 45-223)</td>
<td></td>
</tr>
<tr>
<td>Electronic Media</td>
<td>L-25</td>
</tr>
<tr>
<td>(K.S.A. 45-501)</td>
<td></td>
</tr>
<tr>
<td>Standard Size Paper</td>
<td>L-26</td>
</tr>
<tr>
<td>(K.S.A. 45-502)</td>
<td></td>
</tr>
<tr>
<td>Tampering With Public Records Act</td>
<td>L-27</td>
</tr>
<tr>
<td>(K.S.A. 21-3821)</td>
<td></td>
</tr>
<tr>
<td>Records Officer Duties</td>
<td>L-27</td>
</tr>
<tr>
<td>(K.A.R. 53-4-1)</td>
<td></td>
</tr>
<tr>
<td>General Records Retention and Disposition Schedule</td>
<td>L-28</td>
</tr>
<tr>
<td>(K.A.R. 53-3-1)</td>
<td></td>
</tr>
<tr>
<td>Information Technology</td>
<td>L-29</td>
</tr>
</tbody>
</table>
INTRODUCTION

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

This section of the manual includes the state statutes and administrative regulations that agencies encounter most often during the course of business. Three major laws govern the creation, use, and disposition of state government records:

1. Government Records Preservation Act (K.S.A. 45-401 through 45-413)
2. Public Records Act (K.S.A. 75-3501 through K.S.A. 75-3518)

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

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.


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.

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.


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

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.

K.S.A. 75-3501 Definition of records

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.

K.S.A. 75-3502 State records board established

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.


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.

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<tr>
<th>K.S.A. 75-3503</th>
<th>State records board ex officio members</th>
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<td><strong>75-3503.</strong> Same; ex officio members.</td>
<td>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.</td>
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<td><strong>History:</strong></td>
<td>L. 1945, ch. 306, sec. 3; L. 1957, ch. 452, sec. 3; April 10.</td>
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<th>K.S.A. 75-3504</th>
<th>State records board duties</th>
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<td><strong>75-3504.</strong> State records board; authority to order disposition of records; establishment of disposal schedules; rules and regulations.</td>
<td>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 acts the board shall be specifically required to safeguard the legal, financial and historical interests of the state in such records.</td>
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<td><strong>History:</strong></td>
<td>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.</td>
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<tr>
<th>K.S.A. 75-3505</th>
<th>Public officer defined.</th>
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<td><strong>75-3505.</strong></td>
<td>As used in this act, the term &quot;public officer&quot; means any officer, board, commission or agency of the state.</td>
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<td><strong>History:</strong></td>
<td>L. 1945, ch. 331, sec. 1; June 28.</td>
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<tr>
<th>K.S.A. 75-3506</th>
<th>Micrographics and optical disc standards</th>
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<td><strong>75-3506.</strong> Reproduction of records on film or disc.</td>
<td>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.</td>
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<td><strong>History:</strong></td>
<td>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.</td>
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<th>K.S.A. 75-3507</th>
<th>Admissibility of micrographics and optical disc</th>
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<td><strong>75-3507.</strong> Reproduction of records on film or disc; evidence in courts or administrative agencies.</td>
<td>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.</td>
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<tr>
<td><strong>History:</strong></td>
<td>L. 1945, ch. 331, sec. 3; L. 1989, ch. 269, sec. 3; July 1.</td>
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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 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.  

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.
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. 278, sec. 1; 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.
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 43 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.

K.S.A. 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.
K.S.A. 45-217 Definitions

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 © 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.

K.S.A. 45-218  Requests for access to records

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.

K.S.A. 45-219 Copies of records

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.

K.S.A. 45-220 Records request procedures

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

L - 16
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).

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

45-221. Certain records not required to be 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) Engineering and architectural estimates made by or for any public agency relative to public improvements.

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

(34) 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.

(35) 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.

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

(38) 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.

(39) 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.

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

(41) 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.

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

(43) 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.


### K.S.A. 45-222 Civil remedies to enforce act

**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, in an action brought by any person, the attorney general or a county or district attorney.

(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 shall 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 shall 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; L. 2000, ch. 156, sec. 4; July 1.

### K.S.A. 45-223 Civil penalties for violations

**45-223. Civil penalties for violations.**

(a) Any public agency subject to this act that knowingly violates any of the provisions of this act or that intentionally fails to furnish information as required by this act shall be liable for the payment of a civil penalty in an action brought by the attorney general or county or district attorney, in a sum set by the court of not to exceed $500 for each violation.

(b) Any civil penalty sued for and recovered hereunder by the attorney general shall be paid into the state general fund. Any civil penalty sued for and recovered hereunder by a county or district attorney shall be paid into the general fund of the county in which the proceedings were instigated.

**History:** L. 1984, ch. 187, sec. 9; L. 2000, ch. 156, sec. 5; July 1.

### K.S.A. 45-224 Continuation of fees and procedures

**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.

### K.S.A. 45-225  
**Severability of provisions**

**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.

### K.S.A. 45-226  Local Freedom of Information Officer

**45-226. Local Freedom of Information Officer.** (a) The governing body of every public agency in Kansas which maintains public records shall designate a local freedom of information officer.

(b) The local freedom of information officer or the local freedom of information officer’s designee shall:

1. Prepare and provide educational materials and information concerning the open records act;
2. Be available to assist the public agency and members of the general public to resolve disputes relating to the open records act;
3. Respond to inquiries relating to the open records act;
4. Establish the requirements for the content, size, shape and other physical characteristics of a brochure required to be displayed or distributed or otherwise make available to the public under the open records act. In establishing such requirements for the content of the brochure, the local freedom of information officer shall include plainly written basic information about the rights of a requestor, the responsibilities of a public agency, and the procedures for inspecting and obtaining a copy of public records under the open records act.

(c) This section shall be a part of and supplemental to the Kansas open records act.

**History:** L. 2000, ch. 156, sec. 1; July 1.

### K.S.A. 45-227  Brochure concerning public records

**45-227. Brochure concerning public records.** (a) An official custodian shall prominently display or distribute or otherwise make available to the public a brochure in the form prescribed by the local freedom of information officer that contains basic information about the rights of a requestor, the responsibilities of a public agency, and the procedures for inspecting or obtaining a copy of public records under the open records act. The official custodian shall display or distribute or otherwise make available to the public the brochure at one or more places in the administrative offices of the governmental body where it is available to members of the public who request public information in person under this act.

(b) This section shall be a part of and supplemental to the Kansas open records act.

**History:** L. 2000, ch. 156, sec. 2; July 1.

### K.S.A. 45-228  Investigation of alleged violations; powers

**45-228. Investigation of alleged violations; powers.** In investigating alleged violations of the Kansas open records act, the attorney general or county or district attorney may:

(a) Subpoena witnesses, evidence, documents or other material;

(b) Take testimony under oath;

(c) Examine or cause to be examined any documentary material of whatever nature relevant to such alleged violations;
K.S.A. 45-229 Legislative review of exceptions to disclosure

(d) require attendance during such examination of documentary material and take testimony under oath or acknowledgment in respect of any such documentary material; and

(e) serve interrogatories.

History: L. 2000, ch. 156, sec. 6; July 1.

45-229. Legislative review of exceptions to disclosure. (a) It is the intent of the legislature that exceptions to disclosure under the open records act shall be created or maintained only if:

(1) The public record is of a sensitive or personal nature concerning individuals;

(2) the public record is necessary for the effective and efficient administration of a governmental program; or

(3) the public record affects confidential information.

The maintenance or creation of an exception to disclosure must be compelled as measured by these criteria. Further, the legislature finds that the public has a right to have access to public records unless the criteria in this section for restricting such access to a public record are met and the criteria are considered during legislative review in connection with the particular exception to disclosure to be significant enough to override the strong public policy of open government. To strengthen the policy of open government, the legislature shall consider the criteria in this section before enacting an exception to disclosure.

(b) All exceptions to disclosure in existence on July 1, 2000, shall expire on July 1, 2005, and any new exception to disclosure or substantial amendment of an existing exception shall expire on July 1 of the fifth year after enactment of the new exception or substantial amendment, unless the legislature acts to reenact the exception. A law that enacts a new exception or substantially amends an existing exception shall state that the exception expires at the end of five years and that the exception shall be reviewed by the legislature before the scheduled date.

(c) For purposes of this section, an exception is substantially amended if the amendment expands the scope of the exception to include more records or information. An exception is not substantially amended if the amendment narrows the scope of the exception.

(d) This section is not intended to repeal an exception that has been amended following legislative review before the scheduled repeal of the exception if the exception is not substantially amended as a result of the review.

(e) In the year before the expiration of an exception, the revisor of statutes shall certify to the president of the senate and the speaker of the house of representatives, by June 1, the language and statutory citation of each exception which will expire in the following year which meets the criteria of an exception as defined in this section. Any exception that is not identified and certified to the president of the senate and the speaker of the house of representatives is not subject to legislative review and shall not expire. If the revisor of statutes fails to certify an exception that the revisor subsequently determines should have been certified, the revisor shall include the exception in the following year's certification after that determination.
(f) "Exception" means any provision of law which creates an exception to disclosure or limits disclosure under the open records act pursuant to K.S.A. 45-221, and amendments thereto, or pursuant to any other provision of law.

(g) A provision of law which creates or amends an exception to disclosure under the open records law shall not be subject to review and expiration under this act if such provision:

(1) Is required by federal law;
(2) applies solely to the legislature or to the state court system.

(h) (1) The legislature shall review the exception before its scheduled expiration and consider as part of the review process the following:

(A) What specific records are affected by the exception;
(B) whom does the exception uniquely affect, as opposed to the general public;
(C) what is the identifiable public purpose or goal of the exception;
(D) whether the information contained in the records may be obtained readily by alternative means and how it may be obtained;

(2) An exception may be created or maintained only if it serves an identifiable public purpose and may be no broader than is necessary to meet the public purpose it serves. An identifiable public purpose is served if the legislature finds that the purpose is sufficiently compelling to override the strong public policy of open government and cannot be accomplished without the exception and if the exception:

(A) Allows the effective and efficient administration of a governmental program, which administration would be significantly impaired without the exception;
(B) protects information of a sensitive personal nature concerning individuals, the release of which information would be defamatory to such individuals or cause unwarranted damage to the good name or reputation of such individuals or would jeopardize the safety of such individuals. Only information that would identify the individuals may be excepted under this paragraph; or
(C) protects information of a confidential nature concerning entities, including, but not limited to, a formula, pattern, device, combination of devices, or compilation of information which is used to protect or further a business advantage over those who do not know or use it, the disclosure of which information would injure the affected entity in the marketplace.

(3) Records made before the date of the expiration of an exception shall be subject to disclosure as otherwise provided by law. In deciding whether the records shall be made public, the legislature shall consider whether the damage or loss to persons or entities uniquely affected by the exception of the type specified in paragraph (2)(B) or (2)(C) of this subsection (h) would occur if the records were made public.

History: L. 2000, ch. 156, sec. 1; July 1.

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.

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:
(l) "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.

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**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.

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**RECORDS OFFICER DUTIES**

**K.A.R. 53-4-1**

53-4-1. **Records Officer.** (a) A staff member shall be appointed by the director of each state agency to the position of agency records officer; a separate records officer for each major organizational subdivision may be appointed by directors of larger agencies. The duties of the records officer shall be to:

(1) Maintain a liaison between the agency, the state records board, and the state historical society's department of archives;
(2) prepare and maintain an inventory of each record series in the custody of the agency in cooperation with the archives staff;
(3) prepare and submit retention and disposition schedules for the state agency's records for approval or modification to the state records board in cooperation with the archives staff;

(4) periodically review the agency's records retention and disposition schedules, and submit requests for any needed modifications to the state records board;

(5) disseminate pertinent information regarding records management to appropriate staff members within the state agency; and

(6) formulate and oversee implementation of agency records management policies and procedures with the assistance of the archives staff to ensure compliance with all applicable federal and state statutes and regulations. These policies and procedures shall include:

(A) Precautions against the destruction or other disposition of agency records without authorization of the state records board, except that these records may be transferred to the state archives with the consent of the state archivist under K.S.A. 45-405;

(B) storage conditions and procedures for handling agency records with enduring value that will minimize damage and deterioration;

(C) security arrangements that prevent loss, defacement or destruction of agency records due to theft or vandalism; and

(D) procedures to ensure that all microfilm copies of records with enduring value meet the requirements of K.S.A. 75-3506 and K.S.A. 45-412.

(b) At the discretion of each agency director, the records officer may be responsible for ensuring adequate public access to agency records as required by the open records act, K.S.A. 45-201 et seq., and for ensuring that satisfactory safeguards exist against unauthorized disclosure of confidential records.

(c) Each records officer shall be a staff member holding an administrative or professional position. The duties of the records officer may be collateral duties to an existing position in the agency. (Authorized by and implementing K.S.A. 75-3504 amended by L. 1988, ch. 366; effective Dec. 5, 1988.)

GENERAL RECORDS RETENTION AND DISPOSITION SCHEDULE

K.A.R. 53-3-1

53-3-1. General records retention and disposition schedule for state agencies. (a) A general schedule for the retention and disposition of state government records, as approved by the State Records Board on October 13, 1988, is adopted by reference. Each state agency shall abide by this schedule in the retention and disposition of records in its custody except that:

(1) Agencies may elect to retain records for longer periods of time than as stated in the general schedule.

(2) When other federal or state regulations require longer retentions for specific records, the longer period shall prevail.

(3) Records required for state or federal audits shall be maintained until those audits are completed regardless of the retention periods appearing in the general schedule.

(b) The disposition of any state government records not included in the general schedule shall require authorization by the State Record Board unless that disposition involves transfer of records to the state archives. Any agency requesting disposition authorization shall submit the request through the state archivist.

(c) Copies of the general schedule for retention and disposition of state government records, as well as other schedules approved by the State Records Board
This act repeals and adds a number of statutes relating to information technology:

- Repeals K.S.A. 75-3739 and the Kansas Information Resource Council;
- permit sole source procurement when the acquisition is determined to be in the best interest of the state or when compatibility with existing contractual services, supplies, or equipment is the overriding consideration or when a used item becomes available and is subject to immediate sale;
- increase the dollar amount of purchases that can be bid by telephone, fax, or sealed bids from $5,000 to $25,000;
- authorize posting of public notices on a bulletin board for three days as a means to solicit bids for purchases between $25,000 and $50,000, rather than $5,000 and $10,000, under the previous law; and
- allow the Director of Purchases to delegate authority to any state agency to make direct purchases of less than $25,000.

Under the last item, if the acquisition is funded in part or entirely by a grant, the delegated purchasing authority would have no dollar limit. Also, the requirement that notices be published in the Kansas Register to solicit bids is continued, but the dollar threshold is increased from $10,000 to $50,000.

The Director of Purchases would be required to make reports to the Legislative Coordinating Council, the Chairpersons of the Senate Ways and Means Committee and the House Appropriations Committee, and the Chairperson of the Kansas Performance Review Board. These reports would include a list of all contracts over $5,000 entered into competitive bids, a list of agencies with delegated purchasing authority, and a list of instances in which the Director waived publication of the notice of bid solicitations in the Kansas Register. The bill would also authorize the Director of Purchases to conduct a cooperative purchasing agreement or consortium for purchase of supplies, materials, equipment, or contractual services. This consortium could be with federal agencies or agencies of other states or local units of government.
K.S.A. 75-7201 Definitions

75-7201. Definitions. As used in K.S.A. 1998 Supp. 75-7201 through 75-7212, and amendments thereto:

(a) “Cumulative cost” means the total expenditures, from all sources, for any information technology project by one or more state agencies to meet project objectives from project start to project completion or the date and time the project is terminated if it is not completed.

(b) “Executive agency” means any state agency in the executive branch of government.

(c) “Information technology project” means a project for a major computer, telecommunications or other information technology improvement with an estimated cumulative cost of $250,000 or more and includes any such project that has proposed expenditures for: (1) New or replacement equipment or software; (2) upgrade improvements to existing equipment and any computer systems, programs or software upgrade therefor; or (3) data or consulting or other professional services for such a project.

(d) “Information technology project change or overrun: means any of the following:

(1) Any change in planned expenditures for an information technology project that would result in the total authorized cost of the project being increased above the currently authorized cost of such project, whichever is lower;

(2) any change in the scope of an information technology projects, as such scope was presented and reviewed by the joint committee or the chief information technology officer to whom the project was submitted pursuant to K.S.A. Supp. 75-7509 and amendments thereto; or

(3) any change in the proposed use of any new or replacement information technology equipment or in the use of any existing information technology equipment that has been significantly upgraded.

(e) “Joint committee” means the joint committee on information technology.

(f) “Judicial agency” means any state agency in the judicial branch of government.

(g) “Legislative agency” means any state agency in the legislative branch of government.

(h) “Project” means a planned series of events or activities that is intended to accomplish a specified outcome in a specified time period, under consistent management direction within a state agency or shared among two or more state agencies, and that has an identifiable budget for anticipated expenses.

(i) “Project completion” means the date and time when the head of a state agency having primary responsibility for an information technology project certifies that the improvement being produces or altered under the project is ready for operational use.

(j) “Project start” means the date and time when a state agency begins a formal study of a business process or technology concept to assess the needs of the state agency, determined project feasibility or prepares an information technology project budget estimate under K.S.A. Supp. 75-7509 and amendments thereto.

(k) “State agency” means any state office or officer, department, board, commission, institution or bureau, or any agency, division or unit thereof.

History: L. 1998, ch. 182, sec. 2; May 21.

K.S.A. 75-7202

Information technology executive council; membership and organization.

75-7202. Information technology executive council; membership and organization. (a) There is hereby established the information technology executive council which shall be attached to the department of administration for purposes of administrative functions.
(b) The council shall be composed of 17 voting members as follows: The secretary of administration; two cabinet agency head; one non-cabinet agency head; the director of the budget; the executive chief information technology and the judicial administrator of the Kansas supreme court; the executive director of the Kansas board of regents; the commission of education; one representative of cities; one representative of counties; the network manager of the information network of Kansas (INK); and three representatives from the private sector who are chief executive officers or chief information technology officers. The chief information technology architect shall be a nonvoting member of the council. The two cabinet agency heads, the non-cabinet agency head, the representative of cities, the representative of counties and the representatives from the private sector shall be appointed by the governor for a term not to exceed months. Upon expiration of an appointed members’ term, the member shall continue to hold office until the appointment of a successor. Non-appointed members shall serve ex officio.

(c) The secretary of administration shall serve as the chairperson the council.

(d) The council shall hold meetings and hearings in the city of Topeka or at such other places as the council designates, on call of the chairperson or on request of four or more members.

(e) Members of the council may not appoint an individual to represent them on the council and only members of the council may vote.

(f) Members of the council shall not be eligible for compensation, subsistence allowances, mileage or other expenses as provided in K.S.A. 75-3223 and amendments thereto for attendance at any meeting of the council or any subcommittee meeting authorized by the council, except that agencies may pay subsistence, mileage and other expenses to their representatives on the council.

History: L. 1998, ch. 182, sec. 2; May 21.
Source or Prior Law:
75-4740

K.S.A 75-7203 Same; powers and duties

75-7203. Same; powers and duties. (a) The information technology executive council is hereby authorized to adopt such policies and rules and regulations as necessary to implement, administer and enforce the provisions of this act. (b) The council shall:

1. Adopt: (A) Information technology resource policies and procedures and project management methodologies for all state agencies; (B) an information technology architecture, including telecommunications systems, networks and equipment, that covers all state agencies; (C) standards for data management for all state agencies; and (D) a strategic information technology management plan for the state;  
2. provide direction and coordination for the application of the state’s information technology resources;  
3. designate the ownership of information resource processes and the lead agency for implementation of new technologies and networks shared by multiple agencies in different branches of state government; and  
4. perform such other functions and duties as necessary to carry out the provisions of this act.

History: L. 1998, ch. 182, sec. 3; May 21.

K.S.A. 75-7204 Chief information technology architect

75-7204 Chief information technology architect. (a) There is hereby established, within and as a part of the department of administration, the office of chief information technology architect, the head of which shall be the chief information technology architect. Under the supervision of the secretary of
administration, the chief information technology architect shall administer the office of chief information technology architect. The chief information technology architect shall be in the unclassified service under the Kansas civil service act, shall be appointed by the secretary of administration, subject to approval of the governor and shall receive compensation in the amount fixed by the secretary of administration, subject to approval of the governor.

(b) The chief information technology architect shall:

(1) Propose to the information technology executive council: (A) Information technology resource policies and procedures and project management methodologies for all state agencies; (B) an information technology architecture, including telecommunication systems, networks and equipment, that covers all state agencies; (C) standards for data management for all state agencies; and (D) a strategic information technology management plan for the state;

(2) serve as secretary to the information technology executive council; and

(3) perform such other functions and duties as provided by law or as directed by the secretary of administration.

History: L. 1998, ch. 182, sec. 4; May 21.

Source or Prior Law:
75-4742, 75-4743

K.S.A. 75-7205 Executive chief information technology officer

75-7205. Executive chief information technology officer. (a) There is hereby established within and as a part of the department of administration the position of executive chief information technology officer. The executive chief information technology officer shall be in the unclassified service under the Kansas civil service act, shall be appointed by the secretary of administration, subject to approval of the governor, and shall receive compensation in an amount fixed by the secretary of administration, subject to approval of the governor. The executive chief information technology officer shall maintain a presence in any cabinet established by the governor and shall report to both the governor and the secretary of administration.

(b) The executive chief information technology officer shall:

(1) Review and consult with each executive agency regarding information technology plans, deviations from the state information technology architecture, information technology project estimates and information technology project changes and overruns submitted by such agency pursuant to K.S.A 1998 Supp. 75-7209 and amendments thereto to determine whether the agency has complied with: (A) The information technology resource policies and procedures and project management methodologies adopted by the information technology executive council; (B) the information technology architecture adopted by the information technology executive council; (C) the standards for data management adopted by the information technology executive council; and (D) the strategic information technology management plan adopted by the information technology executive council;

(2) report to the chief information technology architect all deviations from the state information architecture that are reported to the executive information technology officer by executive agencies;

(3) submit recommendations to the division of the budget as to the technical and management merit of information technology project estimates and information technology projects changes and overruns submitted by executive agencies pursuant to K.S.A. 1998 Supp. 75-7209 and amendments thereto, based on the determinations pursuant to subsection (b)(1);

(4) monitor executive agencies’ compliance with: (A) The information technology resource policies and procedures and project management
methodologies adopted by the information technology executive council; (B) the information technology architecture adopted by the information technology executive council; (c) the standards for data management adopted by the information technology executive council; and (D) the strategic information technology management plan adopted by the information technology executive council;

(5) coordinate implementation of new information technology among executive agencies and with the judicial and legislative chief information technology officers;

(6) designate the ownership of information resource processes and the lead agency for implementation of new technologies and networks shared by multiple agencies within the executive branch of state government; and

(7) perform such other functions and duties as provided by law or as directed by the secretary of administration.

History: L. 1998, ch. 182, sec. 5; May 21.

75-7206. Judicial chief information technology officer. (a) There is hereby established within and as a part of the state judicial administrator the position of judicial chief information technology officer. The judicial chief information technology officer shall be appointed by the judicial administrator, subject to approval of the chief justice, and shall receive compensation in an amount fixed by the judicial administrator, subject to approval of the chief justice. (b) The executive chief information technology officer shall:

(1) Review and consult with each judicial agency regarding information technology plans, deviations from the state information technology architecture, information technology project estimates and information technology project changes and overruns submitted by such agency pursuant to K.S.A 1998 Supp. 75-7209 and amendments thereto to determine whether the agency has complied with: (A) The information technology resource policies and procedures and project management methodologies adopted by the information technology executive council; (B) the information technology architecture adopted by the information technology executive council; (C) the standards for data management adopted by the information technology executive council; and (D) the strategic information technology management plan adopted by the information technology executive council;

(2) report to the chief information technology architect all deviations from the state information architecture that are reported to the judicial information technology officer by judicial agencies;

(3) submit recommendations to the judicial administrator as the technical and management merit of information technology project estimates and information technology projects changes and overruns submitted by judicial agencies pursuant to 1998 Supp. 75-7209 and amendments thereto, based on the determinations pursuant to subsection (b)(1);

(4) monitor judicial agencies’ compliance with: (A) The information technology resource policies and procedures and project management methodologies adopted by the information technology executive council; (B) the information technology architecture adopted by the information technology executive council; (c) the standards for data management adopted by the information technology executive council; and (D) the strategic information technology management plan adopted by the information technology executive council;
(5) coordinate implementation of new information technology among judicial agencies and with the executive and legislative chief information technology officers;  
(6) designate the ownership of information resource processes and the lead agency for implementation of new technologies and networks shared by multiple agencies within the judicial branch of state government; and  
(7) perform such other functions and duties as provided by law or as directed by the judicial administrator.

History: L. 1998, ch. 182, sec. 6; May 21.

K.S.A. 75-7207
Legislative chief information technology officer

75-7207. Legislative chief information technology officer. (a) There is hereby established the position of legislative chief information technology officer under the legislative coordinating council.

(b) The legislative chief information technology officer shall be appointed by the legislative coordinating council. The joint committee may recommend one or more persons for consideration by the legislative coordinating council in making the appointment.

(c) The legislative chief information technology officer shall receive such compensation as determined by the legislative coordinating council and may be removed by a vote of five members of the legislative coordinating council taken at any regular meetings of the council.

(d) The legislative chief information technology office shall receive expenses and allowances for in-state and out-of-state travel as in provided by law for members of the legislature. The provisions of K.S.A. 75-3208 and amendments thereto shall not apply to any such travel.

(e) The legislative chief information technology office shall be in the unclassified service under the Kansas civil service act.

History: L. 1998, ch. 182, sec. 7; May 21.

K.S.A. 75-7208 Same; powers and duties

75-7208. Same; powers and duties. The legislative chief information technology officer shall:

(a) Review and consult with each legislative agency regarding information technology plans, deviations from the state information technology architecture, information technology project estimates and information technology project changes and overruns submitted by such agency pursuant to 1998 Supp. 75-7209 and amendments thereto to determine whether the agency has complied with: (1) The information technology resource policies and procedures and project management methodologies adopted by the information technology executive council; (2) the information technology architecture adopted by the information technology executive council; (3) the standards for data management adopted by the information technology executive council; and (4) the strategic information technology management plan adopted by the information technology executive council;

(b) report to the chief information technology architect all deviations from the state information architecture that are reported to the legislative information technology officer by legislative agencies;

(c) submit recommendations to the legislative coordinating council as to the technical and management merit of information technology project estimates and information technology project changes and overruns submitted by legislative agencies pursuant to 1998 Supp. 65-7209 and amendments thereto, based on the determinations pursuant to subsection (a);

(d) monitor legislative agencies’ compliance with: (1) The information technology resource policies and procedures and project management...
(2) the information technology project including the architecture adopted by the information technology executive council; (3) the standards for data management adopted by the information technology executive council; and (4) the strategic information technology management plan adopted by the information technology executive council;

(e) coordinated implementation of new information technology among legislative agencies and with the executive and judicial chief information technology officers;

(f) designated the ownership of information resource processes and the lead agency for implementation of new technologies and networks shared by multiple agencies within the legislative branch of state government;

(g) serve as staff of the joint committee; and

(h) perform such other functions and duties and provided by law or as directed by the legislative coordinating council or the joint committee.


75-7209. Information technology project; procedures. (a) Whenever an agency proposes an information technology project, such agency shall prepare and submit to the chief information technology officer of the branch of state government of which the agency is a part of a project budget estimate therefor, and for each amendment or revision thereof, in accordance with this section. Each information technology project budget estimate shall be in such form as required by the director of the budget, in consultation with the chief information technology architect, and by this section. In each case, the agency shall prepare and include as a part of such project budget estimate a plan consisting of a written program statement describing the project. The program statement shall:

(1) Include a detailed description of and justification for the project including:
(A) An analysis of the programs, activities and other needs and intended uses for the additional or improved information technology; (B) a statement of project scope including identification of the organizations and individuals to be affected by the project and definition of the functionality to result from the project; and (C) an analysis of the alternative means by which such information technology needs and used could be satisfied;

(2) describe the tasks and schedule for the project and for each phase of the project, if the project is completed in more than one phase;

(3) include a financial plan showing: (A) The proposed source of funding and categorized expenditures for each phase of the project; and (B) cost estimates for any needs analyses or other investigations, consulting or other professional services, computer programs, data, equipment, buildings or major reports or improvements to buildings and other items or services necessary for the project; and

(4) include a cost-benefit statement based on an analysis of qualitative as well as financial benefits.

(b) (1) Before one or more state agencies proposing an information technology project begin implementation of the project, the project plan including the architecture and the cost-benefit analysis, shall be approved by the head of each state agency proposing the project and by the chief information technology officer of each branch of state government of which the agency or agencies are a part. Approval of those projects that involve telecommunications services shall also be subject to the provisions of K.S.A. 75-4709, 75-4710 and 75-4712, and amendments thereto.

(2) All specifications for bids or proposals related to an approved information technology project of one or more state agencies shall be reviewed by the chief
information technology officer of each branch of state government of which the agency or agencies are a part.

(c) Annually at the time specified by the chief information technology officer of the branch of state government of which the agency is a part, each agency shall submit to such officer:

(1) A copy of a three-year strategic information technology plan that set forth the agency’s current and future information technology needs and utilization plans for the next three ensuring fiscal years, in such form and containing such additional information as prescribed by the chief information technology officer; and

(2) any deviations from the state information technology architecture adopted by the information technology executive council.

(d) The provisions of this section shall not apply to the information network of Kansas (INK).

History: L. 1998, ch. 182, sec. 9; May 21.

K.S.A. 75-7210 Same; reports to legislative branch

75-7210. Same; reports to legislative branch. (a) Not later than July 1 of each year, the executive judicial and legislative chief information technology officers shall submit to the joint committee and to the legislative research department all information technology project budget estimates and amendments and revisions thereto, all three-year plans and all deviations from the state information technology architecture submitted to such officers pursuant to 1998 Supp. 75-7209 and amendments thereto. The legislative chief information technology officer shall review all such estimates and amendments and revisions thereto, plans and deviations and shall make recommendations to the joint committee regarding the merit thereof and appropriations therefor.

(b) The executive and judicial chief information technology officers shall report to the legislative chief information technology officer, at times agreed upon by the three officers:

(1) Progress regarding implementation of information technology projects of state agencies within the executive and judicial branches of state government; and

(2) all proposed expenditures, for the current fiscal year and for ensuing fiscal years.

History: L. 1998, ch. 182, sec. 10; May 21.

K.S.A. 75-7211 Same; legislative oversight

75-7211. Same; legislative oversight. (a) The legislative chief information technology officer under the direction of the joint committee, shall monitor state agency execution of information technology projects and, at times agreed upon by the three chief information technology officers, shall report progress regarding the implementation of such projects and all proposed expenditures for the current fiscal year and for ensuing fiscal years.

(b) The head of a state agency with primary responsibility for an information technology project may authorize or approve, with out prior consultation with the joint committee, any change in planned expenditures for an information technology project that would result in the total cost of the project being increased above the currently authorized cost of such project but that increases the total cost of such project by less than the lower of either $1,000.00 or 10% of the currently authorized cost and any change in planned expenditures for an information technology project involving a cost reduction, other than a change in the proposed use of any new or replacement information technology equipment or in the use of any existing information technology equipment that has been significantly upgraded.
(c) The head of a state agency with primary responsibility for an information technology project shall not authorize or approve, without first advising and consulting with the joint committee any information technology project change or overrun. The joint committee shall report all such changes and overruns to the senate standing committee on ways and means and the house standing committee on appropriations.

History: L. 1998, ch. 182, sec. 11; May 21.

K.S.A. 75-7212 Abolition of KIRC and CIA

75-7212. Abolition of KIRC and CIA. (a) The Kansas information resources council established by K.S.A. 75-4740 and the office of the chief information architect established by K.S.A. 75-4742 are hereby abolished.

(b) The unexpended budgeted balance of any appropriation for the Kansas information resources council as a result of any abolishment by this section shall be and is hereby transferred to the information technology executive council created by this act. The unexpended budgeted balance of any appropriation for the position of chief information architect as a result of any abolishment by this section shall be and is hereby transferred to the legislative coordinating council - operations account.

(c) Whenever the Kansas information resources council is referred to or designated by a statue, contract or other document, such reference or designation shall be deemed to apply to the information technology executive council created by this act. Whenever the position of chief information architect or the office of the chief information architect is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the position of chief information technology architect or the office of the chief information technology architect created by this act or to the position of executive chief information technology officer, as determined appropriate in accordance with the provisions of this act.

(d) The information technology executive council created by this act shall succeed to all property and records that were used for, or pertain to, the performance of the powers, duties and functions of the Kansas information resources council abolished by this act. The office of the chief information technology architect created by this act shall succeed to all of the powers, duties and functions of the office of the chief information architect abolished by this act. Any conflict as to the proper disposition of such property or records arising under this section and resulting from the transfer or abolishment of any existing state agency, or the powers, duties and functions thereof, shall be determined by the governor, whose decision shall be final.

(e) Any conflict as to the disposition of any power, function or duty as a result of any abolishment, transfer, attachment or other change made by this act, or under authority of this act, shall be resolved by the governor, and the decision of the governor shall be final.

(f) No suit, action, or other proceeding, judicial or administrative lawfully commenced, or that could have been commenced, by or against the Kansas information resources council, or by or against the office of the chief information architect or the chief information architect in the official duties, shall abate by reason of the provisions of this act. The court may allow any such suit, action or other proceeding to maintained by or against the information technology executive council, the office of the chief information technology architect or the chief information technology architect.

(g) No criminal action commenced or that could have been commenced by the state shall abate by the taking effect of this act.

K.S.A. 46-2101 Joint Committee on Information Technology

46-2101. Establishment of joint committee. (a) There is hereby established the joint committee on information technology which shall be within the legislative branch of state government and which shall be composed of three senators and three members of the house of representatives. One of the senate members shall be appointed by the president of the senate, one of the senate members shall be appointed by the minority leader of the senate and one of the senate members shall be appointed by the chairperson of the committee on ways and means of the senate. One of representative members shall be appointed by the speaker of the house of representatives, on of the representative members shall be appointed by the minority leader of the house of representatives and one of the representative members shall be appointed by the chairperson of the committee on appropriations of the house of representatives. The members of the joint committee on information technology and the chairperson and vice-chairperson serving in such capacities on the effective date of this act shall continue serving as members and in such capacities, respectively, subject to the other provisions of this section.

(b) All members of the joint committee on information technology shall serve for terms ending on the first day of the regular legislative session in odd-numbered years. The joint committee shall organize annually and elect a chairperson and vice-chairperson in accordance with this subsection. The chairperson and vice-chairperson serving on the effective date of this act shall continue to serve in such capacities through June 30, 1998, On and after July 1, 1998, and until the first day of the 1999 regular legislative session, the chairperson shall be one of the senate members of the joint committee elected by the members of the joint committee and the vice-chairperson shall be one of the representative members of the joint committee elected by the members of the joint committee. Thereafter, on and after the first day of the regular legislative session in odd-numbered years, the chairperson shall be one of the representative members of the joint committee elected by the members of the joint committee and the vice-chairperson shall be one of the senate members elected by the members of the joint committee and, after the first day of the regular legislative session in even-numbered years, the chairperson shall be one of the senate members of the joint committee and the vice-chairperson shall be one of the representative members of the joint committee elected by members of the joint committee. The chairperson and vice-chairperson the joint committee shall serve in such capacities until the first day of the regular legislative session in the ensuing year. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson. If a vacancy occurs in the office of chairperson or vice-chairperson, a member of the joint committee, who is member of the same house as the member who vacated the office, shall be elected by the members of the joint committee to fill such vacancy.

(c) A quorum of the joint committee on information technology shall be four. All actions of the joint committee shall be taken by a majority of all of the members of the joint committee.

(d) The joint committee on information technology may meet at any time and at any place within the state on the call of the chairperson.

(e) The provisions of the acts contained in article 12 of chapter 46 of the Kansas Statutes Annotated, and amendments thereto, applicable to special committees shall apply to the joint committee on information technology to the extent that the same do no conflict with specific provisions of this applicable to the joint committee.
(f) In accordance with K.S.A. 46-1204 and amendments thereto, the legislative coordinating council may provide for such professional services as may be requested by the joint committee on information technology.

(g) The joint committee on information technology may introduce such legislation as it deems necessary in performing its functions.

(h)(1) On the effective date of this act the joint committee on computers and telecommunications shall be and is hereby officially designated as the joint committee on information technology.

(2) On and after the effective date of this act, whenever the joint committee on computers and telecommunications, or works of like effect, is referred to or designated by a statute, contract or other documents created before the effective date of this act, the reference or designation shall mean and apply to the joint committee on information technology.

(3) Nothing in this act shall be construed as abolishing or reestablishing the joint committee on computers and telecommunications.


46-2102. Same; powers and duties; annual report. In addition to other powers and duties authorized or prescribed by law or by the legislative coordinating council, the joint committee on information technology shall:

(a) Study the use by state agencies and institutions of computers, telecommunications and other information technologies;

(b) review new governmental computer hardware and software acquisition, information storage, transmission, processing and telecommunications technologies proposed by state agencies and institutions, and the implementation plans therefor, including all information technology project budget estimates and three-year strategic information technology plans that are submitted to the joint committee pursuant to section 10 and amendments thereto;

(c) make recommendations on all such implementation plans, budget estimates and three-year plans to the ways and means committee of the senate and committee on appropriations of the house of representatives;

(d) study the progress and results of all newly implemented governmental computer hardware and software, information storage, transmission, processing and telecommunications technologies of state agencies and institutions including all information technology projects for which there have been authorized or for which appropriations have been approved by the legislature; and

(e) make an annual report to the legislative coordinating council as provided in K.S.A. 46-1207 and amendments thereto and such special reports to committees of the house of representatives and senate as are deemed appropriated by the joint committee.


75-4703. Rules and regulations concerning rates and charges; priorities for services, standards for data submission and security. The secretary of administration may adopt rules and regulations as provided in K.S.A. 75-3706, and amendments thereto, relating to the following:

(a) Establishment of rates and charges for services performed by the division of information systems and communications for any other division, department, state agency or governmental unit. Such rates and charges shall be maintained by a cost system in accordance with generally accepted accounting principles. In determining cost rates for billing to agencies or governmental units, overhead expenses shall include but not be limited to light, heat, power, insurance, labor
and deprecation. Billings shall include direct and indirect costs and shall be based on the foregoing cost accounting practices.

(b) For determination of priorities for services performed by the division of information systems and communications, including authority to decline new projects under specified conditions.

(c) Specification of standards for submission of data to be processed by the division of information systems and communications and the programs for processing the data, including authority to decline to process computer programs and projects not conforming to published standards. Such standards and measures shall be consistent with the standards and polices adopted by the information technology executive council under section 3 and amendments thereto.


K.S.A. 75-4707 Contracts for information processing equipment

Subject to the provision of K.S.A. 1998 Supp. 75-7209 and amendments thereto, state agencies using information processing equipment under lease are hereby authorized to enter into contracts with leasing service companies for purchase by the agency of such equipment with non-state funds furnished by such leasing service companies and transfer of title to such equipment by the agency to such leasing service for lease back to the agency.


K.S.A. 75-4709 Telecommunications services of certain state agencies; extension to certain private, nonprofit agencies or governmental entities; records of services

(a) The secretary of administration shall provide for and coordinate all telecommunications services for all divisions, department and agencies of the state pursuant to policies established by the information technology executive council. The secretary of administration shall have the authority to control the acquisitions, retention and use of all telecommunications services for all divisions, departments and agencies of the state, and to develop and review plans and specifications for telecommunications services throughout the state.

(b) The secretary of administration, when feasible, may enter into agreements with any entity defined in this subsection extending to such entity the use of all intercity telecommunications facilities and services under the control of the secretary.

As used in this subsection, an “entity” means:

(1) Any governmental unit, including any state agency, taxing subdivision of the state or municipality; or

(2) any hospital or nonprofit corporation which the secretary determines to be performing any state function on an ongoing basis through agreement or otherwise, or any function which will assist a governmental unit in attaining an objective or goal, bearing a valid relationship to powers and functions of such unit.

(c) Every record made, maintained or kept by the secretary of administration or the division of information systems and communications, or any agency or instrumentality thereof, which related to the acquisition, retention or use of telecommunications services provided to any division, department or agency of the state, state officer or governmental unit and which pertains to individually identifiable individuals using such telecommunications services shall constitute for purposes of the open records act a record of the division, department or agency
of the state, state officer or governmental unit to which such records related. The
official custodian of such records for the purposes of the open records act shall be
the official custodian of the records of such division, department or agency of the
state, state officer or governmental units.

History: L. 1974, ch. 399, sec. 1; L. 1978, ch. 362, sec. 1; L. 1992, ch. 228,
17; May 21.

75-5147. Automated tax system; acquisition, negotiated contract;
payment, fee based on collection authorized; reports of collections to legislative committees. The secretary of revenue is hereby authorized to enter
into contracts to acquire automated tax systems, including computer hardware and
software therefor, for use in the registration of taxpayers, processing of remittances
and returns, and collection of delinquent taxes and any interest and penalties
thereon. Any contracts entered into between the secretary of revenue and vendors
of automated tax systems shall provide (1) for payment of fees for the automated
tax system on the basis of a percentage of the increase in the amount of taxes,
interest and penalties collected which is attributable to the implementation of the
automated tax systems as specified by the joint consensus of the director of the
budget and the director of the legislative research department under this section
or (2) for payment of fees for the automated tax system on a fixed fee contract
basis, such fees to be paid from the increase in the amount of taxes, interest and
penalties collected which is attributable to the implementation of the automated
tax systems as specified by the joint consensus of the director of the budget and the
director of the legislative research department under this section. All contracts
entered into under this section shall be entered into pursuant to procurement
negotiating committee procedure as provided in K.S.A. 75-37,102 and
amendments thereto. Prior to publishing or distributing a request for proposal,
such request for proposals shall be reviewed by the joint committee on information
technology. During each regular session of the legislature, the secretary of
revenue shall submit a report to the committee on ways and means of the senate
and the committee on appropriations of the house of representatives. Such report
shall include detailed information on the costs and benefits of implementing
automated tax systems during the fiscal year immediately preceding the
submission of the report. The report required hereunder shall be made annually
until two complete fiscal years have elapsed following full implementation of
automated tax systems by the secretary of revenue. In addition, the director of the
budget and the director of the legislative research department shall prepare
annually a joint consensus on the amount of increased tax, interest and penalty
collections which are attributable to the automated tax system and shall report
their finding during each regular session of the legislature to the committee on
ways and means of the senate and the committee on appropriations of the house
of representatives. Nothing in this section shall prohibit the secretary of revenue
from acquiring any goods or services through appropriations for any department
of revenue function or program not specifically included in any contract entered
into pursuant to this section.

History: L. 1988, ch. 437, sec. 1; L. 1993, ch. 290, sec. 1; L. 1998, ch. 182,
sec. 18; May 21.

76-3,100 University of Kansas procedures for acquisitions of data
processing hardware and software for university hospital information
Each acquisition of data processing hardware or software by the university of Kansas medical center for the university hospital information systems shall be exempt from the provisions of K.S.A. 75-4705, 75-4706, 75-4704, 75-4709 and 75-3739 and amendments thereto and shall not be subject to approval under any statute other than those contained in article 3 or article 7 of chapter 76 of the Kansas Statutes annotated. In addition to other procedures, the university of Kansas medical center is hereby authorized to acquire data processing hardware and software for the university of Kansas medical center shall file with the director of purchases of the department of administration and shall update periodically a plan for future acquisitions under this section. The university of Kansas medical center shall submit a written report in each calendar quarter to the secretary of administration, the to the chairperson of the senate committee on ways and means and the house of representatives committee on appropriations and to the joint committee on information technology on all contracts for acquisition of data processing hard and software entered into under this section during such calendar quarter.


K.S.A. 75-2935f Classified and unclassified services

75-2935f, Classified and unclassified services. [See Revisor's Note] The civil service of the state of Kansas is hereby divided into the unclassified and the classified services.

(1) The unclassified service comprises positions held by state officer or employees who are:

(a) Chosen by election or appointment to fill an elective office;
(b) members of boards and commissions, heads of departments required by law to be appointed by the governor or any other elective officers, and the executive or administrative heads of offices, departments, divisions and institutions specifically established by law;
(c) except as otherwise provided under this section, one personal secretary to each elective officer of this state, and in addition thereto, 10 deputies, clerks or employees designated by such elective officer;
(d) all employees in the office of the governor;
(e) officers and employees of the senate and house of representatives of the legislature and of the legislative coordinating council and all officers and employees of the office of revisor of statutes, of the legislative research department, of the division of legislative administrative services, of the division of post audit and the legislative counsel;
(f) chancellor, president, deans, administrative officers, student health service physicians, pharmacists, teaching and research personnel, health care employees and student employees in the institutions under the state board of regents, the executive officer of the board of regents and the executive officer’s employees other than clerical employees, and, at the discretion of the state board of regents, directors or administrative officers of departments and divisions of the institution and county extension agents, except that this subsection (1)(f) shall not be construed to include the custodial, clerical or maintenance employees, or any employee performing duties in connection with the business operations of any such institution, except administrative officers and directors; as used in the this subsection (1)(f), “health care employees” means employees of the university of Kansas medical center who provide health care services at the university of Kansas medical center and who are medical technicians or technologist or respiratory therapists, who are licensed professional nurses or licensed practical nurses, or who are in job classes which are designated for this purpose by the chancellor of the university of Kansas upon finding by the chancellor that such designation is
required for the university of Kansas medical center to recruit or retain personnel for positions in the designated job classes; and employees of any institution under the state board of regents who are medical technologist;

(g) operations, maintenance and security personnel employed to implement agreements entered into by the adjutant general and the federal national guard bureau, and officers and enlisted person in the national guard and naval militia;

(h) persons engaged in public work for the state but employed by contractors when the performance of such contract is authorized by the legislature or other competent authority;

(I) persons temporarily employed or designated by the legislature or by a legislative committee or commission or other competent authority to make or conduct a special inquiry, investigation, examination or installation;

(j) officers and employees in the office of the attorney general and special counsel to state department appointed by the attorney general, except that officers and employees of the division of the Kansas bureau of investigation shall be in the classified or unclassified services as provided in K.S.A. 75-711 and amendments thereto;

(k) all employees of courts;

(l) client, patient and inmate help in any state facility or institution;

(m) all attorneys for boards, commissions and departments;

(n) the secretary and assistant secretary of the Kansas state historical society;

(o) physician specialists dentist, dental hygienists, pharmacists, medical technologists and long term care workers employed by the department of social and rehabilitation services;

(p) physician specialists, dentists, and medical technologists employed by any board, commission or department or by any institution under the jurisdiction thereof;

(q) student employees enrolled in public institutions of higher learning;

(r) administrative officers, directors and teaching personnel of the state board of education and the state department of education and of any institution under the supervision and control of the state board of education, except that this subsection (1)(r) shall not be construed to include the custodial, clerical or maintenance employees, or any employees performing duties in connection with the business operations of any such institution, except administrative officer and directors;

(s) all officers and employees in the office of the secretary of state;

(t) one personal secretary and one special assistant to the following: The secretary of administration, the secretary on aging, the secretary of agriculture, the secretary of commerce and housing, the secretary of corrections, the secretary of health and environment, the superintendent of the Kansas highway patrol, the secretary of human resources, the secretary of revenue, the secretary of social and rehabilitation services, the secretary of transportation and the secretary of wildlife and parks;

(u) one personal secretary on special assistant to the chancellor and presidents of institutions under the state board of regents;

(v) one personal secretary on special assistant to the executive vice chancellor of the university of Kansas medical center;

(w) one public information officer and one chief attorney for the following: The department of administration, the department on aging, the department of agriculture, the department of commerce and housing, the department of corrections, the department of health and environment, the department of human resources, the department of revenue, the department of social and rehabilitation services, the department of transportation and the Kansas department of wildlife and parks;
(x) civil service examination monitors;
(y) one executive director, one general counsel and one director of public affairs and consumer protection in the office of the state corporation commission;
(z) specifically designated by law as being the unclassified service;
(aa) all officers and employees of Kansas, Inc. and the Kansas technology enterprise corporation and
(bb) any position that is classified as a position in the information resource manager job class series, that is the chief position responsible for all information resources management for a state agency, and that becomes vacant on or after the effective date of this act. Nothing in this section shall affect the classified status of any employee in the classified services who is employed on the date immediately preceding the effective date of this act in any position that is a classified position in the information resource manager job class series and the unclassified status as prescribed by this subsection shall apply only to a person appointed to any such position on or after the effective date of this act that is the chief positions responsible for all information resources management for a state agency.

(2) The classified service comprises all positions now existing or hereby created which are not included in the unclassified service. Appointments in the classified service shall be made according to merit and fitness from eligible pools which so far as practicable shall be competitive. No person shall be appointed, promoted, reduced or discharged as an officer, clerk, employee or laborer in the classified service in any manner or any means other than those prescribed in the Kansas civil service act and the rule adopted in accordance therewith.

(3) For positions involving unskilled, or semiskilled duties, the secretary of administration, as provided by law, shall establish rules and regulations concerning certification, appointments, layoffs and reemployment which may be different from the rules and regulations established concerning these processes for other positions in the classified service.

(4) Officers authorized by law to make appointments to positions in the unclassified service, and appointing officers of department or institutions whose employees are exempt from the provisions of the Kansas civil service act because of the constitutional status of such departments or institutions shall be permitted to make appointments from appropriate pools of eligibles maintained by the division of personnel services.


Revisor’s note:
Section was amended twice in the 1998 session, see also 75-2935.

75-3739. Competitive bids, exceptions; reports of purchases without bids, waivers of bid solicitation publication and delegations of purchasing authority; highway contracts exemption, state agency contracts exemption; prior approval of real property leases. In the manner as provided in this act and rules and regulations established thereunder:
(a) All contracts for construction and repairs, and all purchases of and contracts for supplies, materials, equipment and contractual services to be acquired for state agencies shall be based on competitive bids, except that competitive bids need not be required in the following instances:

1. For contractual services, supplies, materials, or equipment when in the judgment of the director of purchases, no competition exists;
2. When, in the judgment of the director of purchases, chemicals and other material or equipment for use in laboratories or experimental studies by state agencies are best purchased without competition, or where rates are fixed by law or ordinance;
3. When, in the judgment of the director of purchases, an agency emergency requires immediate delivery of supplies, materials, or equipment, or immediate performance of services;
4. When any statute authorized another procedure or provides an exemption from the provisions of this section;
5. When compatibility with existing contractual services, supplies, materials or equipment is the overriding consideration;
6. When a used item becomes available and is subject to immediate sales; or
7. When in the judgment of the director of purchases and the head of the acquiring state agency, not seeking competitive bids is in the best interest of the state.

When the director of purchases approves a purchase of or contract for supplies, materials, equipment, or contractual services in any instance specified in this subsection, the director may delegate authority to make the purchase or enter the contract under conditions and procedures prescribed by the director.

The director of purchases shall prepare a detailed report at least once in each calendar quarter of all contracts over $5,000 entered into without competitive bids under subsection (a)(1), (2), (3), (5), (6) or (7). The director shall submit the report to the legislative coordinating council, the chairperson of the committee on ways and means of the senate, the chairperson of the committee on appropriations of the house of representatives and the chairperson of the Kansas performance review board.

(b) (1) If the amount of the purchase is estimated to exceed $50,000, sealed bids shall be solicited by notice published once in the Kansas register not less than 10 days before the date stated in the notice for the opening of the bids. The director of purchases may waive this publication of notice requirement when the director determines that a more timely procurement is in the best interest of the state. The director of purchases also may designate a trade journal for the publication. The director also shall solicit such bids by sending notices by mail to prospective bidders and by posting the notice on a public bulletin board for at least 10 business days before the date stated in the notice for the opening of the bids unless otherwise provided by law. All bids shall be sealed when received and shall be opened in public at the hour stated in the notice.

2. The director of purchases shall prepare a detailed report at least once in each calendar quarter of all instances in which the director waived publication of the notice of bid solicitations in the Kansas register as provided in this subsection. The director shall submit the report to the legislative coordinating council, the chairperson of the committee on ways and means of the senate, the chairperson of the committee on appropriations of the house of representatives and the chairperson of the Kansas performance review board.

(c) All purchases estimated to exceed approximately $25,000 but not more than $50,000, shall be made after receipt of sealed bids following at least three days’ notice posted on a public bulletin board.
(d) All purchases estimated to be more than $5,000 but less than $25,000, may be made after the receipt of three or more bid solicitation by telephone, telephone facsimile or sealed bid following at least three days’ notice posted on a public bulletin board. Such bids shall be recorded as provided in subsection (e) of K.S.A. 75-3740 and amendments thereto. Any purchase that is estimated to be less $5,000 may be purchased under conditions and procedures prescribed by the director of purchases. Purchases made in compliance with such conditions and procedures shall be exempt from other provisions of this section.

(e) With the approval of the secretary of administration, the director of purchases may delegate authority to any state agency to make purchases of less than $25,000 under certain prescribed conditions and procedures. The director of purchases shall prepare a report at least once in each calendar quarter of all current and existing delegations of authority to state agencies as provided in this subsection. The director shall submit the report to the legislative coordinating council, the chairperson of the committee on ways and means of the senate, the chairperson of the committee on appropriations of the house of representatives and the chairperson of the Kansas performance review board.

(f) Subject to the provisions of subsection (e), contracts and purchases shall be based on specifications approved by the director of purchases. When deemed applicable and feasible by the director of purchases, such specifications shall include either energy efficiency standard or appropriate life cycle cost formulas, or both, for all supplies, materials, equipment and contractual services to be purchased by the state. The director of purchases may reject a contract or purchase on the basis that a product is manufactured or assembled outside the United States. No such specifications shall be fixed in manner to effectively exclude any responsible bidder offering comparable supplies, materials, equipment or contractual services.

(g) Notwithstanding anything herein to the contrary, all contracts with independent construction concerns for the construction, improvement, reconstruction and maintenance of the state highway system and the acquisition of rights-of-way for state highway purposes shall be advertised and let as now or hereafter provided by law.

(h) The director of purchases may authorize state agencies to contract for services and materials with other state agencies, or with federal agencies, political subdivisions of Kansas, agencies of other states or subdivisions thereof, or private nonprofit educational institutions, without competitive bids.

(i) The director of purchases may participate in, sponsor, conduct, or administer a cooperative purchasing agreement or consortium for purchases of supplies, materials, equipment, and contractual services with federal agencies or agencies of other state or local units of government. Cooperative purchasing agreements entered into under this subsection shall not be subject to K.S.A. 75-3739 through 75-3740a, and amendments thereto.

(j) The director of purchases may delegate authority to any state agency to make purchases under certain prescribed conditions and procedures when the acquisition is funded, in whole or in part, from a grant. Purchases made in compliance with such conditions and procedures shall be exempt from other provisions of this section. As used in this subsection the term “grant” means a disbursement made from federal or private funds, or a combination of these sources to a state agency.

(k) The director of purchases shall prepare a detailed report at least once each calendar quarter of all contracts for services, supplies, materials or equipment entered into pursuant to subsection (h), (i), or (j) and submit it to the legislative coordinating council, the chairperson of the committee on ways and means of the
senate, the chairperson of the committee on appropriations of the house of representatives and the chairperson of the Kansas performance review board.

(l) Except as otherwise specifically provided by law, no state agency shall enter into any lease of real property without the prior approval of the secretary of administration. A state agency shall submit to the secretary of administration such information relating to any proposed lease of real property as the secretary may require. The secretary of administration shall either approved, modify and approve or reject any such proposed lease.

(m) The director of purchases shall required all bidders on state contracts to disclose all substantial interests held by the bidder in the state.


Source or Prior Law:
Uniform Electronic Transactions Act

K.S.A. 16-1601 THROUGH 16-1620

K.S.A. 16-1601 Short Title

16-1601. Short title. This act shall be known and may be cited as the uniform electronic transaction act.

History: L. 2000, ch. 120, sec. 1; July 1.

K.S.A. 16-1602 Definitions

16-1602. Definitions. In this act:

(a) "Agreement" means the bargain of the parties in fact, as found in their language or inferred from other circumstances and from rules, regulations, and procedures given the effect of agreements under laws otherwise applicable to a particular transaction.

(b) "Automated transaction" means a transaction conducted or performed, in whole or in part, by electronic means or electronic records, in which the acts or records of one or both parties are not reviewed by an individual in the ordinary course in forming a contract, performing under an existing contract or fulfilling an obligation required by the transaction.

(c) "Computer program" means a set of statements or instructions to be used directly or indirectly in an information processing system in order to bring about a certain result.

(d) "Contract" means the total legal obligation resulting from the parties' agreement as affected by this act and other applicable law.

(e) "Digital signature" means a type of electronic signature consisting of a transformation of an electronic message using an asymmetric crypto system such that a person having the initial message and the signer's public key can accurately determine whether:

1. The transformation was created using the private key that corresponds to the signer's public key; and
2. The initial message has not been altered since the transformation was made.

(f) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

(g) "Electronic agent" means a computer program or an electronic or other automated means used independently to initiate an action or respond to electronic records or performances in whole or in part, without review or action by an individual.

(h) "Electronic record" means a record created, generated, sent, communicated, received or stored by electronic means.

(i) "Electronic signature" means an electronic sound, symbol or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(j) "Governmental agency" means an executive, legislative, or judicial agency, department, board, commission, authority, institution or instrumentality of the federal government or of a state or of a county, municipality or other political subdivision of a state.

(k) "Information" means data, text, images, sounds, codes, computer programs, software, databases or the like.

(l) "Information processing system" means an electronic system for creating, generating, sending, receiving, storing, displaying or processing
K.S.A. 16-1603 Scope

(a) Except as otherwise provided in subsection (b), this act applies to electronic records and electronic signatures relating to a transaction.

(b) This act does not apply to a transaction to the extent it is governed by:

(1) A law governing the creation and execution of wills, codicils or testamentary trusts; and

(2) the uniform commercial code, other than K.S.A. 84-1-107 and 84-1-206 and articles 2 and 2a of chapter 84 of the Kansas Statutes Annotated, and amendments thereto.

(c) This act applies to an electronic record or electronic signature otherwise excluded from the application of this act under subsection (b) to the extent it is governed by a law other than those specified in subsection (b).

(d) A transaction subject to this act is also subject to other applicable substantive law.

History: L. 2000, ch. 120, sec. 3; July 1.

K.S.A. 16-1604

Prospective application

This act applies to any electronic record or electronic signature created, generated, sent, communicated, received or stored on or after the effective date of this act.

History: L. 2000, ch. 120, sec. 4; July 1.
16-1605. Use of electronic records and electronic signatures. (a) This act does not require a record or signature to be created, generated, sent, communicated, received, stored or otherwise processed or used by electronic means or in electronic form.

(b) This act applies only to transactions between parties each of which has agreed to conduct transactions by electronic means. Whether the parties agree to conduct a transaction by electronic means is determined from the context and surrounding circumstances, including the parties' conduct.

(c) A party that agrees to conduct a transaction by electronic means may refuse to conduct other transactions by electronic means. The right granted by this subsection may not be waived by agreement.

(d) Except as otherwise provided in this act, the effect of any of its provisions may be varied by agreement. The presence in certain provisions of this act of the words "unless otherwise agreed", or words of similar import, does not imply that the effect of other provisions may not be varied by agreement.

(e) Whether an electronic record or electronic signature has legal consequences is determined by this act and other applicable law.

(f) This act does not require any person to use or permit the use of electronic or digital signatures.

(g) Any state agency may adopt rules and regulations governing the agency's use of digital signatures as long as the rules and regulations meet or exceed those adopted by the secretary.

History: L. 2000, ch. 120, sec. 5; July 1.

16-1606. Construction and application. This act must be construed and applied:

(a) To facilitate electronic transactions consistent with other applicable law;

(b) to be consistent with reasonable practices concerning electronic transactions and with the continued expansion of those practices; and

(c) to effectuate its general purpose to make uniform the law with respect to the subject of this act among states enacting it.

History: L. 2000, ch. 120, sec. 6; July 1.

16-1607. Legal recognition of electronic records; electronic signatures and electronic contracts. (a) A record or signature may not be denied legal effect or enforceability solely because it is in electronic form.

(b) A contract may not be denied legal effect or enforceability solely because an electronic record was used in its formation.

(c) If a law requires a record to be in writing, an electronic record satisfies the law.

(d) If a law requires a signature, an electronic signature satisfies the law.

History: L. 2000, ch. 120, sec. 7; July 1.

16-1608. Provision of information in writing; presentation of records. (a) If parties have agreed to conduct a transaction by electronic means and a law requires a person to provide, send or deliver information in writing to another person, the requirements is satisfied if the information is provided, sent or delivered, as the case may be, in an
electronic record capable of retention by the recipient at the time of receipt. An electronic record is not capable of retention by the recipient if the sender or its information processing system inhibits the ability of the recipient to print or store the electronic record.

(b) If a law other than this act requires a record (1) to be posted or displayed in a certain manner, (2) to be sent, communicated or transmitted by a specified method, or (3) to contain information that is formatted in a certain manner, the following rules apply:
   (A) The record must be posted or displayed in the manner specified in the other law.
   (B) Except as otherwise provided in subsection (d)(2), the record must be sent, communicated or transmitted by the method specified in the other law.
   (C) The record must contain the information formatted in the manner specified in the other law.
   (c) If a sender inhibits the ability of a recipient to store or print an electronic record, the electronic record is not enforceable against the recipient.
   (d) The requirements of this section may not be varied by agreement, but:
      (1) To the extent a law other than this act requires information to be provided, sent or delivered in writing but permits that requirement to be varied by agreement, the requirement under subsection (a) that the information be in the form of an electronic record capable of retention also may be varied by agreement; and
      (2) a requirement under a law other than this act to send, communicate or transmit a record by first-class mail, may be varied by agreement to the extent permitted by the other law.

History: L. 2000, ch. 120, sec. 8; July 1.

K.S.A. 16-1609 Attribution and effect of electronic records and electronic signatures

16-1609. Attribution and effect of electronic records and electronic signatures. (a) An electronic record or electronic signature is attributable to a person if it was the act of the person. The act of the person may be shown in any manner, including a showing of the efficacy of any security procedure applied to determine the person to which the electronic record or electronic signature was attributable.
   (b) The effect of an electronic record or electronic signature attributed to a person under subsection (a) is determined from the context and surrounding circumstances at the time of its creation, execution or adoption, including the parties' agreement, if any, and otherwise as provided by law.

History: L. 2000, ch. 120, sec. 9; July 1.

K.S.A. 16-1610 Effect of change or error

16-1610. Effect of change or error. If a change or error in an electronic record occurs in a transmission between parties to a transaction, the following rules apply:
   (a) If the parties have agreed to use a security procedure to detect changes or errors and one party has conformed to the procedure, but the other party has not, and the nonconforming party would have detected the change or error had that party also conformed, the conforming party may avoid the effect of the changed or erroneous electronic record.
   (b) In an automated transaction involving an individual, the individual may avoid the effect of an electronic record that resulted from an error...
made by the individual in dealing with the electronic agent of another person if the electronic agent did not provide an opportunity for the prevention or correction of the error and, at the time the individual learns of the error, the individual:

(1) Promptly notifies the other person of the error and that the individual did not intend to be bound by the electronic record received by the other person;

(2) takes reasonable steps, including steps that conform to the other person's reasonable instruction, to return to the other person or, if instructed by the other person, to destroy the consideration received, if any, as a result of the erroneous electronic record; and

(3) has not used or received any benefit or value from the consideration, if any, received from the other person.

(c) If neither paragraph (a) nor paragraph (b) applies, the change or error has the effect provided by other law, including the law of mistake, and the parties' contract, if any.

(d) Subsections (b) and (c) may not be varied by agreement.

History: L. 2000, ch. 120, sec. 10; July 1.

K.S.A. 16-1611 Notarization and acknowledgment

If a law requires a signature or record to be notarized, acknowledged, verified or made under oath, the requirement is satisfied if the electronic signature of the person authorized to perform those acts, together with all other information required to be included by other applicable law, is attached to or logically associated with the signature or record.

History: L. 2000, ch. 120, sec. 11; July 1.

K.S.A. 16-1612 Retention of electronic records; originals

(a) If a law requires that a record be retained, the requirement is satisfied by retaining an electronic record of the information in the record which:

(1) Accurately reflects the information set forth in the record after it was first generated in its final form as an electronic record or otherwise; and

(2) remains accessible for later reference.

(b) A requirement to retain a record in accordance with subsection (a) does not apply to any information the sole purpose of which is to enable the record to be sent, communicated or received.

(c) A person may satisfy subsection (a) by using the services of another person if the requirements of that subsection are satisfied.

(d) If a law requires a record to be presented or retained in its original form, or provides consequences if the record is not presented or retained in its original form, that law is satisfied by an electronic record retained in accordance with subsection (a).

(e) If a law requires retention of a check, that requirement is satisfied by retention of an electronic record of the information on the front and back of the check in accordance with subsection (a).

(f) A record retained as an electronic record in accordance with subsection (a) satisfies a law requiring a person to retain a record for evidentiary, audit or like purposes, unless a law enacted after the effective date of this act specifically prohibits the use of an electronic record for the specified purpose.

History: L. 2000, ch. 120, sec. 11; July 1.
(g) This section does not preclude a governmental agency of this state from specifying additional requirements for the retention of a record subject to the agency's jurisdiction.

History: L. 2000, ch. 120, sec. 12; July 1.

16-1613. Admissibility in evidence. In a proceeding, evidence of a record or signature may not be excluded solely because it is in electronic form.

History: L. 2000, ch. 120, sec. 13; July 1.

16-1614. Automated transactions. In an automated transaction, the following rules apply:

(a) A contract may be formed by the interaction of electronic agents of the parties, even if no individual was aware of or reviewed the electronic agents' actions or the resulting terms and agreements.

(b) A contract may be formed by the interaction of an electronic agent and an individual, acting on the individual's own behalf or for another person, including by an interaction in which the individual performs actions that the individual is free to refuse to perform and which the individual knows or has reason to know will cause the electronic agent to complete the transaction or performance.

(c) The terms of the contract are determined by the substantive law applicable to it.

History: L. 2000, ch. 120, sec. 14; July 1.

16-1615. Time and place of sending and receipt. (a) Unless otherwise agreed between the sender and the recipient, an electronic record is sent when it:

(1) Is addressed properly or otherwise directed properly to an information processing system that the recipient has designated or uses for the purpose of receiving electronic records or information of the type sent and from which the recipient is able to retrieve the electronic record;

(2) is in a form capable of being processed by that system; and

(3) enters an information processing system outside the control of the sender or of a person that sent the electronic record on behalf of the sender or enters a region of the information processing system designated or used by the recipient which is under the control of the recipient.

(b) Unless otherwise agreed between a sender and the recipient, an electronic record is received when:

(1) It enters an information processing system that the recipient has designated or uses for the purpose of receiving electronic records or information of the type sent and from which the recipient is able to retrieve the electronic record; and

(2) it is in a form capable of being processed by that system.

(c) Subsection (b) applies even if the place the information processing system is located is different from the place the electronic record is deemed to be received under subsection (d).

(d) Unless otherwise expressly provided in the electronic record or agreed between the sender and the recipient, an electronic record is deemed to be sent from the sender's place of business and to be received at the recipient's place of business. For purposes of this subsection, the following rules apply:

(1) If the sender or recipient has more than one place of business, the place of business of that person is the place having the closest relationship to the underlying transaction.
(2) If the sender or the recipient does not have a place of business, the place of business is the sender's or recipient's residence, as the case may be.

(e) An electronic record is received under subsection (b) even if no individual is aware of its receipt.

(f) Receipt of an electronic acknowledgment from an information processing system described in subsection (b) establishes that a record was received but, by itself, does not establish that the content sent corresponds to the content received.

(g) If a person is aware that an electronic record purportedly sent under subsection (a), or purportedly received under subsection (b), was not actually sent or received, the legal effect of the sending or receipt is determined by other applicable law. Except to the extent permitted by the other law, the requirements of this subsection may not be varied by agreement.

History: L. 2000, ch. 120, sec. 15; July 1.

16-1616. Transferable records. (a) In this section, "transferable record" means an electronic record that:

(1) Would be a note under article 3 of chapter 84 of the Kansas Statutes Annotated, and amendments thereto or a document under article 7 of chapter 84 of the Kansas Statutes Annotated, and amendments thereto if the electronic record were in writing; and

(2) the issuer of the electronic record expressly has agreed is a transferable record.

(b) A person has control of a transferable record if a system employed for evidencing the transfer of interests in the transferable record reliably establishes that person as the person to which the transferable record was issued or transferred.

(c) A system satisfies subsection (b), and a person is deemed to have control of a transferable record, if the transferable record is created, stored and assigned in such a manner that:

(1) A single authoritative copy of the transferable record exists which is unique, identifiable, and, except as otherwise provided in paragraphs (4), (5) and (6), unalterable;

(2) the authoritative copy identifies the person asserting control as:

(A) The person to which the transferable record was issued; or

(B) if the authoritative copy indicates that the transferable record has been transferred, the person to which the transferable record was most recently transferred;

(3) the authoritative copy is communicated to and maintained by the person asserting control or its designated custodian;

(4) copies or revisions that add or change an identified assignee of the authoritative copy can be made only with the consent of the person asserting control;

(5) each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and

(6) any revision of the authoritative copy is readily identifiable as authorized or unauthorized.

(d) Except as otherwise agreed, a person having control of a transferable record is the holder, as defined in K.S.A. 84-1-201(20), and amendments thereto, of the transferable record and has the same rights and defenses as a holder of an equivalent record or writing under the uniform commercial code, including, if the
applicable statutory requirements under K.S.A. 84-3-302(a), 84-7-501, or 84-9-308, and amendments thereto are satisfied, the rights and defenses of a holder in due course, a holder to which a negotiable document of title has been duly negotiated, or a purchaser, respectively. Delivery, possession, and indorsement are not required to obtain or exercise any of the rights under this subsection.

(e) Except as otherwise agreed, an obligor under a transferable record has the same rights and defenses as an equivalent obligor under equivalent records or writings under the uniform commercial code.

(f) If requested by a person against which enforcement is sought, the person seeking to enforce the transferable record shall provide reasonable proof that the person is in control of the transferable record. Proof may include access to the authoritative copy of the transferable record and related business records sufficient to review the terms of the transferable record and to establish the identity of the person having control of the transferable record.

History: L. 2000, ch. 120, sec. 16; July 1.

16-1617. Registered certification authorities. (a) Any person, before entering upon the duties of a registered certification authority, shall:

(1) Register with the secretary on forms approved and provided by the secretary;

(2) pay to the secretary an annual filing fee of $1,000;

(3) file with the secretary a good and sufficient surety bond, certificate of insurance or other evidence of financial security in the amount of $100,000; and

(4) be approved by the secretary as meeting the requirements of any rules and regulations adopted by the secretary, as the secretary determines appropriate, to ensure the person's financial responsibility and condition, character, qualifications and fitness to be a registered certification authority.

(b) A registered certification authority shall create, maintain and preserve all records that are necessary to demonstrate compliance with rules and regulations adopted by the secretary.

(c) If any person who is approved and registered with the secretary as a registered certification authority fails to maintain any of the qualifications listed in subsection (a) and (b) or otherwise required by rules and regulations of the secretary, the person's registration shall be deemed lapsed.

(d) Any person who violates or fails to comply with this section and any provision related to registered certification authority and the rules and regulations of the secretary promulgated pursuant to section 18, and amendments thereto, upon notice and hearing, shall be subject to a civil penalty not to exceed $10,000 per failure or violation.

History: L. 2000, ch. 120, sec. 16; July 1.

16-1618. Rules and regulations. The secretary may adopt rules and regulations to implement the provisions of sections 17 and 19, and amendments thereto, and related provisions thereto.

History: L. 2000, ch. 120, sec. 17; July 1.
**16-1619. Reciprocity with other jurisdictions.** The secretary shall have the authority to establish reciprocity with other states and nations for purposes of sections 17 and 18, and amendments thereto, and related provisions thereto.

*History:* L. 2000, ch. 120, sec. 19; July 1.

**16-1620. Severability.** If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

*History:* L. 2000, ch. 120, sec. 20; July 1.
KANSAS STATE

RECORDS MANAGEMENT

MANUAL

RECORDS SURVEYS

KANSAS
State Historical Society

Library and Archives Division
Records Management Section
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Definition</td>
<td>S-1</td>
</tr>
<tr>
<td>Statutory/Regulatory Requirements</td>
<td>S-1</td>
</tr>
<tr>
<td>Survey Methods</td>
<td>S-1</td>
</tr>
<tr>
<td>Elements of a Records Survey</td>
<td>S-2</td>
</tr>
<tr>
<td>Management Support</td>
<td>S-2</td>
</tr>
<tr>
<td>Personnel Selection &amp; Training</td>
<td>S-2</td>
</tr>
<tr>
<td>Data to be Collected</td>
<td>S-3</td>
</tr>
<tr>
<td>Completing the Survey Form</td>
<td>S-4</td>
</tr>
<tr>
<td>Interviewing Records Custodians</td>
<td>S-8</td>
</tr>
<tr>
<td>Summary</td>
<td>S-8</td>
</tr>
<tr>
<td>State Government Records Survey Form</td>
<td>S-9</td>
</tr>
</tbody>
</table>
RECORDS SURVEYS

DEFINITION
A records survey is a complete inventory of an agency's records holdings. It identifies all records, where they are located, and in what quantity. The survey includes all media types including paper records, diskettes, magnetic tapes, microfilm, maps, and drawings. An essential first step in the development of a records management program, the survey becomes the working document for preparing a records retention and disposition schedule.

LAW OF THIRDS
AFTER COMPLETING A RECORDS SURVEY, AGENCIES USUALLY DISCOVER THAT MANY RECORDS CAN BE DESTROYED OR MOVED TO INACTIVE STORAGE, UPON THE APPROVAL OF THE STATE RECORDS BOARD. AGENCIES OFTEN FIND THAT APPROXIMATELY 1/3 OF THE TOTAL VOLUME OF RECORDS CAN BE DESTROYED, 1/3 TRANSFERRED TO THE STATE RECORDS CENTER, AND 1/3 RETAIN IN THE ACTIVE FILES.

STATUTORY/ REGULATORY REQUIREMENTS
K.A.R. 53-4-1(2) requires records officers for Kansas state agencies to "prepare and maintain an inventory of each record series in the custody of the agency in cooperation with the archives staff."

SURVEY METHODS
The methods used to gather records survey data can vary depending upon the size and structure of the agency. In all cases, it is recommended that agencies base their records survey method upon a direct physical examination of records followed by the completion of a survey form for each record series. The physical inventory should be supplemented with interviews with records custodians 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 survey of agency records.
ELEMENTS OF A RECORDS SURVEY

The survey should include the following steps, details of which will be discussed below:

- Obtaining management support.
- Selecting and training personnel to perform the survey.
- Examining records and completing a survey form for each series.
- Interviewing records custodians.

MANAGEMENT SUPPORT

Management support is critical to the success of the survey project and to the entire records management program. Before initiating a survey, an agency records officer should obtain a written commitment from the agency head authorizing them to proceed, granting them access to all records, and requiring agency wide cooperation. A directive should be sent to middle management or to the entire staff describing the objectives of the survey and requesting the participation of everyone concerned. Management support legitimizes and establishes priority for the records management program overall, and the program starts with the survey.

PERSONNEL SELECTION & TRAINING

Records officers for small agencies may choose to perform the records survey themselves. In larger agencies, however, it is often most effective to designate one or more staff members from each subunit to conduct the survey with the records officer serving as the project coordinator.

A key element in the success of the survey is adequate training for the individual(s) selected to carry out the project. To ensure that complete data is gathered in a uniform way, survey staff should receive detailed instructions on survey techniques as well as background information on records management terminology. The Historical Society's Records Management Section staff are available to advise agencies on approaches to staffing a survey project and to provide training for records survey personnel.
Survey data should be recorded on a standard form or worksheet. A separate form should be completed for each record series. Although an agency may design its own form, the Historical Society's Records Management Section has designed a survey form which is available for state agency use. A copy of this survey form is included at the end of this chapter.

Regardless of the form used by an agency, the survey worksheet must contain several vital pieces of information about a record series including:

- Agency and subunit names
- Record series title
- Inclusive dates
- Description of the records series
- Physical format (paper, microfilm, magnetic tape, etc.)
- Quantity of records in the series
- Public access restrictions

**RECORD**—Any documentary material regardless of physical form or characteristic 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 the agency.

**NON-RECORD**—Certain kinds of materials maintained by agencies are not considered records. These materials include blank forms, published items acquired and used exclusively for reference purposes, and convenience copies of documents produced solely for ease of reference. Non-record material should not be included in the records survey.

**RECORD SERIES**—A record series is a group of records normally used or filed as a unit that relate to a particular subject or result from the same activity. An easy way to understand the record series concept is to consider the progression of information units in records management. The smallest unit is the individual page or document. The next largest unit is the file, which consists of related documents. The record series—groups of related files—is the largest unit and is the level at which records surveys are performed.
Survey personnel may use self-designed or other survey forms, but the survey worksheet included at the end of this chapter works well in most applications, and can be reproduced for use by state agencies. By using this form a surveyor may answer most, if not all, pertinent questions regarding a record series. Not all portions of the form will always require completion, but the more complete a form is, the more useful it is.

Each space for information on the form is called a field. The fields are numbered for ease of identification. A brief description of the information that should be recorded in each field is outlined below.

1-3 Agency/Division/Other Organizational Unit: List the agency maintaining the records subdividing the agency by appropriate division, bureau, section, etc.

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 ranks 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 survey form, so long as the quantity and dates of the records in each location are noted on the survey form (use the back of the form if necessary). However, it is recommended for similar record series located in different places that they be listed on separate survey forms and merged together later. Additionally, similar records generated by two different divisions or subdivisions must also be surveyed 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 survey. 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, an agency staff member may have several responsibilities yet 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 survey 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. The surveyor also should 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.", which is an abbreviation for circa.
meaning "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 exists 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.). If there is a combination of several types of organization, check the appropriate boxes and briefly explain after "By" (e.g. chronological by year received thereunder alphabetical by name of correspondent). Indicate after "Other" any type of arrangement not covered by the chronological, alphabetical, or numerical categories. Records often are found in no particular order, and 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 annual accumulation.
14 **Estimated Activity Per File Drawer:** This field contains 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 less expensive offsite storage at the State Records Center. A usage rate of less than once a month generally demonstrates the need to transfer the records to the State Records Center.

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 survey 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 at the State Records Center.

19 **Recommended Final Disposition:** Note whether the records custodian recommends destruction of the series or its transfer to the State Archives.

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 **Surveyor's Name:** List the name of the person who filled out the survey form. Avoid the use of initials.

23 **Telephone:** Include the telephone number of the surveyor.

24 **Date of Survey:** Record the date the surveyor completed the survey form.

---

**INTERVIEWING RECORDS CUSTODIANS**

Survey personnel are advised to consult with records custodians both during and after the physical examination of the records. Interviews with the individuals who create and use a record series can provide surveyors with important information about the nature and purpose of the series, file usage rates, potential public access restrictions, and current retention practices.

**SUMMARY**

The comprehensive records survey serves as the foundation of an agency’s records management program. A well executed survey will result in the development of a records retention and disposition schedule, the identification of vital records, and the appropriate use of the State Records Center. The success of a records management program is related directly to the accuracy and completeness of the records survey. The time you spend on your survey is time well spent.
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<th>1. AGENCY</th>
<th>2. SUB-AGENCY</th>
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<th>3. OTHER ORGANIZATIONAL UNIT (section, bureau )</th>
<th>4. LOCATION OF RECORDS</th>
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<tr>
<th>8. RECORDS SERIES DESCRIPTION (Nature and purpose, types of information or documents. Continue on reverse if necessary. )</th>
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<tr>
<td>THRU</td>
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</tr>
<tr>
<td></td>
<td>ELECTRONIC (specify )</td>
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<td>ALPHA</td>
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<td>ANNUAL ACCUMULATION (in cubic feet)</td>
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<th>14. ESTIMATED ACTIVITY PER FILE DRAWER</th>
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<tbody>
<tr>
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<td>MEDIUM (Weekly to Monthly)</td>
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<tr>
<td>LOW (Less Than Once a Month)</td>
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<tr>
<th>15. STATUS</th>
<th>16. PUBLIC ACCESS RESTRICTIONS?</th>
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<tr>
<td>RECORD COPY?</td>
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<tr>
<td>CONVENIENCE COPY?</td>
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<tr>
<td>IS INFORMATION DUPLICATED ELSEWHERE?</td>
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<td>LEGAL AUTHORITY</td>
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<th>17. RELEVANT STATUTES/REGULATIONS</th>
<th>18. RECOMMENDED RETENTION</th>
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<th>22. SURVEYOR'S NAME</th>
<th>23. TELEPHONE/EMAIL</th>
<th>24. DATE</th>
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KANSAS STATE
RECORDS MANAGEMENT
MANUAL

RECORDS RETENTION AND
DISPOSITION SCHEDULES

Library and Archives Division
Records Management Section
RECORDS RETENTION AND DISPOSITION SCHEDULES

DEFINITION

A records retention and disposition schedule is a timetable that identifies the minimum length of time a record series must be retained before it is destroyed or transferred to the State Archives. Developed directly from the records survey, the schedule lists, by record series title, every record series created and maintained by the agency. Record series titles remain the same throughout the life cycle of the record series, from creation to disposition. The schedule also provides for the periodic transfer and disposition of all agency records.

NOTE: the term disposition refers to the treatment of a record series at the end of the life cycle -- either destruction or transfer to the state archives.

STATUTORY/REGULATORY REQUIREMENTS

K.S.A. 45-403 provides that

"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 part, except as provided by law, or as may be authorized in the retention and disposition schedules."

K.S.A. 45-404 grants the state records board the authority to "approve or modify retention and disposition schedules . . ." The statute also provides that "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."

K.A.R. 53-4-1(3) requires records officers for Kansas state agencies to "prepare and submit retention and disposition schedules for the state agency's records for approval or modification to the state records board" in cooperation with the Historical Society staff.
OBJECTIVES OF A RETENTION AND DISPOSITION SCHEDULE

The objectives of a records retention and disposition schedule are:

! To transfer inactive records to the State Records Center until administrative, fiscal, and legal retention requirements are met.

! To destroy records that no longer have administrative, fiscal, legal, or historical value.

! To transfer to the State Archives noncurrent records that have enduring value.

! To minimize requirements for filing equipment and space.

! To ensure compliance with the Kansas Open Records Act.

! To assure the identification and protection of vital records.

ELEMENTS OF A SCHEDULE

Records retention and disposition schedules include several key pieces of information about every record series used by an agency:

! Record series title and description
! Minimum retention period
! Final disposition requirements
! Access restrictions
! Vital record identification
These retention and disposition schedule elements are developed through an analysis of the data gathered during the comprehensive records survey.

**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 survey. 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 the State Records Center.

Records survey 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 and not for as long as they are wanted.

Maintaining records uses 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.

**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 before destroying the records.
When determining minimum retention periods and final disposition requirements, the value of records can be broken down into four categories:

- Administrative value
- Fiscal value
- Legal value
- Historical value

**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.

Records with administrative value can be **policy records** that document how an organization functions and how it is organized. 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 the State Archives.

Legal value can also take the form of statutes and regulations--state and federal--that 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 the State Archives. Historical Society staff will work closely with agency personnel in appraising the historical value of records.
A records retention and disposition schedule also contains information about any access restrictions that apply to a record series. The Kansas Open Records Act requires most government records to be open to public inspection. Certain categories of records, however, may be closed. Specific federal or state statutes and regulations may restrict public access to certain records. Access restriction information should be available from records survey forms. Agencies are advised to have their legal counsel review all access restrictions noted on the retention and disposition schedule.

The records retention and disposition schedule identifies whether an agency considers a record series to be a vital record. Information on whether a record series would be vital to an agency's ability to continue functioning during a disaster and/or to reestablish operations following a disaster should be available from the records survey form.

The schedule approval process in the state of Kansas involves close cooperation between agency personnel, Historical Society staff, and the State Records Board. Once the comprehensive records survey is complete, survey forms should be submitted to the Records Management Section of the Historical Society. Records Management Section staff, working with State Archives personnel, will use the survey data to prepare a draft records retention and disposition schedule. The draft will be returned to the agency records officer who will coordinate an internal agency review of the schedule. Agencies 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. Records Management Section staff will incorporate into a revised draft of the schedule all modifications generated by the agency review. The final schedule, which represents the product of cooperation between agency staff and the Historical Society, will then be presented to the State Records Board for consideration at a quarterly meeting. The agency 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 agency representatives may vote on their
agency’s proposed schedule as ad hoc members of the State Records Board. Once the schedule has been approved, an agency may begin implementation immediately.

UPDATING THE SCHEDULE

Records retention and disposition schedules are dynamic documents. Government agencies and the records they create naturally evolve over time. Retention and disposition schedules, if they are to remain effective tools for managing agency records, must be reevaluated and updated periodically to reflect structural and functional changes within the organization. The procedures followed in establishing the agency’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.

IMPLEMENTING THE SCHEDULE

The purpose of a retention and disposition schedule is to establish a pattern for the transfer or destruction of records on a continuing basis. A schedule is of little value, however, unless it is applied regularly. If, after an initial house cleaning, the schedule is ignored, the results will be disappointing and the problem of accumulating unneeded records will remain unsolved.

Careful timing of the destruction and transfer of records reduces handling costs both in the agency and in the State Records Center. Records become ready for destruction or transfer every day of the year; however, to dispose of them so often would be impractical and inefficient. Experience has shown that normally records should be destroyed or transferred to the records center once a year. Deviations from an annual timetable may be justified if records accumulate so rapidly that more frequent disposition is necessary. Management support for schedule implementation is essential to an effective records management program. Agency staff must be given the time and authority to conduct the recommended annual evaluation and purge of their records. It is also important that the records officer provide training to agency personnel to ensure that all staff members understand schedule implementation procedures.
SUMMARY

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 agency 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 an agency to more effectively manage records as a valuable and expensive resource. 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.
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>GS-1</td>
</tr>
<tr>
<td>Application of the General Schedule</td>
<td>GS-1</td>
</tr>
<tr>
<td>Modification and Additions</td>
<td>GS-2</td>
</tr>
<tr>
<td>Accounts Payable Records</td>
<td>GS-3</td>
</tr>
<tr>
<td>Accounts Receivable Records</td>
<td>GS-3</td>
</tr>
<tr>
<td>Activity Report Records</td>
<td>GS-3</td>
</tr>
<tr>
<td>Adding Machine or Calculator Tapes</td>
<td>GS-3</td>
</tr>
<tr>
<td>Annual and Special Reports</td>
<td>GS-3</td>
</tr>
<tr>
<td>Applications for Examination</td>
<td>GS-4</td>
</tr>
<tr>
<td>Architectural Plans, Drawings, Maps, and Specifications</td>
<td>GS-4</td>
</tr>
<tr>
<td>Audit Reports</td>
<td>GS-4</td>
</tr>
<tr>
<td>Banking Records</td>
<td>GS-5</td>
</tr>
<tr>
<td>Batch Transmittal Forms</td>
<td>GS-5</td>
</tr>
<tr>
<td>Bid Records</td>
<td>GS-5</td>
</tr>
<tr>
<td>Budget Preparation Files, Annual</td>
<td>GS-6</td>
</tr>
<tr>
<td>Budget Requests and Appeals, Annual</td>
<td>GS-6</td>
</tr>
<tr>
<td>Building and Grounds Maintenance Records</td>
<td>GS-7</td>
</tr>
</tbody>
</table>
Capital Improvement Projects Files ......................................................... GS-7
CASK Reports: Daily Financial ................................................................. GS-7
CASK Reports: Monthly Financial ......................................................... GS-7
CASK Reports: Yearly Financial ............................................................. GS-8
Committee and Conference Files .......................................................... GS-8
Computer System Documentation .......................................................... GS-9
Contracts ................................................................................................. GS-9
Correspondence - Routine ................................................................. GS-9
Correspondence - Policy Related .......................................................... GS-10
Deeds for Real Estate ................................................................................... GS-10
Employee Personnel Files ........................................................................... GS-10
Employee Personnel Files - Office Copies .................................................. GS-10
Employee Position Descriptions ............................................................. GS-11
Employee Time Report Records ............................................................. GS-11
Employee Training Course Materials ...................................................... GS-11
Employee Training Records ....................................................................... GS-12
Employee Withholding Allowance Certificates ......................................... GS-12
Employment Applications - Not Hired ....................................................... GS-12
Equal Employment Opportunity Grievance Files .................................... GS-13
Equal Employment Opportunity Plans .................................................. GS-13
Equipment Maintenance and Ownership Records ..................................... GS-13
Equipment Operation Records .................................................................. GS-14
Expendable Items Supply Requests, Internal .............................................. GS-14
Grant Files ........................................ GS-14
Hearing and Meeting Transcripts and Electronic Media Recordings ........ GS-15
Imprest Fund ...................................... GS-15
Inventory Records, Expendable Property ................................ GS-15
Inventory Records, Non-Expendable Property ........................ GS-16
Kansas Public Disclosure Commission Statements of Substantial Interest GS-16
KIPPS Reports ..................................... GS-16
Leases, Real Property and Capital Equipment ...................... GS-17
Leave Requests ..................................... GS-17
Ledgers, General .................................... GS-17
Legislation Reference Files ................................ GS-17
Mailing Lists ....................................... GS-18
Material Safety Data Sheets ................................ GS-18
Memoranda of Understanding or Agreement, Inter-Agency ........... GS-18
Minutes ......................................... GS-19
Organizational Charts and Reorganization Studies .................... GS-19
Payroll Adjustment Records ................................ GS-19
Payroll Deduction Authorization Records, General ................ GS-20
Payroll Direct Deposit Authorization Records ........................ GS-20
Payroll Warrant Registers ................................ GS-20
Petty Cash Records ................................... GS-21
Photographic and Video Materials .............................. GS-21
Policy and Procedures Manuals and Statements .......................... GS-21
Postal Records ......................................................... GS-22
Press Releases ........................................................... GS-22
Programs and Invitations ............................................. GS-22
Property Disposition Records, Non-Expendable ..................... GS-23
Publications .............................................................. GS-23
Purchase Requests, Internal ........................................... GS-23
Purchasing Records ...................................................... GS-24
Receipts Records, Cash .................................................. GS-24
Records Management Records ....................................... GS-24
Recruitment Files ....................................................... GS-25
Request for Access to Records ....................................... GS-25
Schedules, Office Activities .......................................... GS-25
Scrapbooks and Albums ............................................... GS-25
SHaRP Reports ......................................................... GS-26
Speeches and Writings .................................................. GS-26
STARS Reports: Daily Financial ...................................... GS-26
STARS Reports: Monthly Financial .................................. GS-27
STARS Reports: Yearly Financial ..................................... GS-27
Statements of Lost Warrants ......................................... GS-27
Technical Reference Files ............................................. GS-27
Telecommunications Logs .............................................. GS-28
Travel Request and Authorization Records ........................... GS-29
Vehicle Maintenance and Ownership Records ........................................ GS-29
Vehicle Operation Records .......................................................... GS-29
Vendor Files .............................................................................. GS-30
Visitors Logs ............................................................................. GS-30
Vouchers and Requisitions, Purchase ........................................ GS-30
Vouchers, Journal ....................................................................... GS-31
Vouchers, Receipts ...................................................................... GS-31
Vouchers, Travel ......................................................................... GS-31
Word Processing Files ............................................................... GS-32
Work Orders and Logs ............................................................... GS-32
INTRODUCTION

The General Records Retention and Disposition Schedule that follows this discussion has been authorized by the State Records Board in accordance with KSA 75-3504 and has been adopted by the board as **K.A.R. 53-3-1**, an administrative regulation having the force of law. The full text of this regulation is included in this chapter. It is recommended that records officers and agency personnel become familiar with the entire contents of the regulation before implementing the retention and disposition schedule within it.

APPLICATION OF THE GENERAL SCHEDULE

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

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

**NOTE**

*Although this general schedule will apply to many of those records found in agencies, there are many types of records not included in this schedule because they are unique to particular agencies. Because of this, it is important for agencies to develop their own records retention and disposition schedules for these special records.*
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, agencies should have an attorney examine the specific statutory language containing the potential restriction before limiting public access to records.

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 state government is so large, it is impractical to consult with every agency or major division 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: 003 fisc yrs          Disposition: destroy
Comments: See also Ledgers - General, Vouchers and Requisitions-Purchase, Vendor Files, Bid Records, and Purchasing Records.
Restrictions: None
Date of Entry: 07/14/88

Accounts Receivable Records

Documents related to the collection of payments due the agency: copies of invoices, correspondence, DA forms 32, etc.
Minimum Retention: 003 fisc yrs          Disposition: destroy
Comments: See also Vouchers, Receipts.
Restrictions: None
Date of Entry: 07/14/88

Activity Report Records

Internal documents used to compile statistics on agency activities: traffic reports, activity logs, etc.
Minimum Retention: 002 fisc yrs          Disposition: destroy
Comments: See also Employee Time Report Records.
Restrictions: None
Date of Entry: 07/14/88

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 of Entry: 07/14/88

Annual and Special Reports

General and specific reports on agency activities.
Minimum Retention: see comments          Disposition: archives
Comments: Retain until no longer useful, then transfer to the archives.
Restrictions: None

Date of Entry: 07/14/88

Applications for Examination

Standardized form developed by the Department of Administration-Division of Personnel Services to determine if an applicant is qualified to take an examination for a specific classified position.

Minimum Retention: 003 cldr yrs Disposition: destroy

Comments:

Restrictions: None

Date of Entry: 10/17/91

Architectural Plans, Drawings, Maps, and Specifications

Records documenting the physical plant of the agency.

Minimum Retention: see comments Disposition: archives

Comments: Retain until no longer useful, then transfer to the archives for purging.

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

Date of Entry: 07/14/88

Audit Reports

Results of audits conducted by the Legislative Division of Post-Audit and other state and/or federal auditing agencies.

Minimum Retention: 005 fisc yrs Disposition: archives

Comments:
Restrictions: None
Date of Entry: 07/14/88

Banking Records

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

Minimum Retention: 003 fisc yrs  Disposition: destroy

Comments:

Restrictions: None
Date of Entry: 07/14/88

Batch Transmittal Forms

Completed forms used to transmit documents for mass computer input - includes both DA forms 199 and/or equivalent internal documents.

Minimum Retention: see comments  Disposition: destroy

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

Restrictions: None
Date of Entry: 07/14/88

Bid Records

Documents related to bids, quotations, or estimates.

Minimum Retention: 005 fisc yrs  Disposition: destroy

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

Restrictions: None
Date of Entry: 07/14/88

GS - 5
Budget Preparation Files, Annual

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

Minimum Retention: 005 fisc yrs  Disposition: see comments

Comments: Contact the archives for appraisal - if not accepted for transfer to the archives, then destroy.

Restrictions: None

Date of Entry: 07/14/88

Budget Requests and Appeals, Annual

Copies of budgets submitted yearly to the state legislature for approval and subsequent appeals: DA forms 400 thru 518 and associated supporting documents.

Minimum Retention: 005 fisc yrs  Disposition: archives

Date of Entry: 07/14/88

Building and Grounds Maintenance Records

Documents associated with repairs and other maintenance to the physical plant of agency - 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 for 10 fiscal years, then contact the archives for appraisal - if not accepted for transfer to the archives, then destroy.

Restrictions: None
Date of Entry: 07/14/88

Capital Improvement Projects Files

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

Minimum Retention: see comments            Disposition: archives

Comments: Retain until no longer useful, then transfer to the archives for purging. See also Architectural Plans, Drawings, and Specifications.

Restrictions: None

Date of Entry: 07/14/88

CASK Reports: Daily Financial

Computer reports regarding agency financial status issued on a daily basis from the Division of Accounts and Reports to agencies in the Central Accounting System - Kansas.

Minimum Retention: see comments            Disposition: destroy

Comments: Retain until no longer useful, then destroy. Includes DAD001, DAD002, DAD003, DAD004, DAD005, DAD006, DAD007, DAD011, DAD013, and DAD014. Schedule does not apply to originals maintained at Accounts and Reports.

Restrictions: None

Date of Entry: 07/14/88

CASK Reports: Monthly Financial

Computer reports regarding agency financial status issued on a monthly basis from the Division of Accounts and Reports to agencies in the Central Accounting System - Kansas.

Minimum Retention: see comments            Disposition: destroy

Comments: Retain until no longer useful, then destroy. Includes: DAM001, DAM002, DAM004, DAFPMO4, DAM005, DAM010, DAM0011, DAM013, DAM014, DAM116A, and DAM2XX series. Schedule does not apply to originals at Accounts & Reports.
Restrictions: None

Date of Entry: 07/14/88

CASK Reports: Yearly Financial

Computer reports regarding agency financial status issued on a yearly basis from the Division of Accounts and Reports to agencies in the Central Accounting System - Kansas.

Minimum Retention: see comments  Disposition: destroy

Comments: Retain until no longer useful, then destroy. Includes DAY025, DAY068, DAY201, and DAY202. Schedule does not apply to original reports maintained at Accounts and Reports.

Restrictions: None

Date of Entry: 07/14/88

Committee and Conference Files

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

Minimum Retention: 003 cldr yrs  Disposition: archives

Comments: Retain 3 calendar years, then transfer to the archives for purging.

Restrictions: None

Date of Entry: 01/18/1996
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.

Restrictions: None

Date of Entry: 07/14/88

Contracts

Legal agreements with individuals and organizations. Includes all associated documents, eg. DA-146 series.

Minimum Retention: see comments  Disposition: destroy

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

Restrictions: None

Date of Entry: 07/14/88

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 of Entry: 01/18/1996
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 agency.

Minimum Retention: 005 cldr yrs  Disposition: archives

Comments: Retain in office 5 calendar years, then transfer to the archives for purging.

Restrictions: None

Date of Entry: 01/18/1996

Employee Personnel Files

Documents associated with the employment of specific personnel: employee evaluation forms, applications for employment, INS Residence Status forms, 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 the records center for 62 calendar years, then destroy.

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

Date of Entry: 04/18/96

Employee Personnel Files - Office Copies

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

Minimum Retention Period: see comments  Disposition: destroy

Comments: Retain for length of employee's tenure plus 5 calendar years, then destroy.

Restrictions: KSA 45-221(a)(4)
Date of Entry: 04/15/93

Employee Position Descriptions

Formal descriptions of duties and other characteristics of particular employment positions: DA forms 281-2 and supporting documents.

Minimum Retention: see comments  Disposition: destroy

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

Restrictions: None

Date of Entry: 10/17/91

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: 003 fisc yrs  Disposition: destroy

Comments: Internal agency forms. See also Leave Requests.

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

Date of Entry: 01/13/94

Employee Training Course Materials

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

Minimum Retention: see comments  Disposition: archives

Comments: Retain until training program is obsolete, then transfer one copy of each manual, syllabus, and textbook to the archives, destroy the remainder. See also Employee Training Records.

Restrictions: None
Date of Entry: 01/18/1996

Employee Training Records

Correspondence, reports, and other records relating to the operation of agency 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 of Entry: 01/18/1996

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 of Entry: 07/14/88

Employment Applications - Not Hired

DA forms 203 and supplementary materials submitted by unsuccessful applicants for employment.

Minimum Retention: 003 cldr yrs  Disposition: destroy

Comments:

Restrictions: KSA 45-221(a)(4)
Date of Entry: 01/13/94

Equal Employment Opportunity Grievance Files

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

Minimum Retention: see comments Disposition: archives

Comments: Retain 5 years after grievance is settled, then transfer to the archives.

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

Date of Entry: 10/17/91

Equal Employment Opportunity Plans

Documents related to agency compliance with laws and regulations concerning EEO/AA plans including the agency characteristic plan.

Minimum Retention: 005 cldr yrs Disposition: archives

Comments:

Restrictions: None

Date of Entry: 10/17/91

Equipment Maintenance and Ownership Records

Documents related to the legal ownership and maintenance of agency 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 of Entry: 07/14/88

Equipment Operation Records

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

Minimum Retention: 003 fisc yrs  Disposition: destroy

Comments: See also Equipment Ownership and Maintenance Records.

Restrictions: None

Date of Entry: 07/14/88

Expendable Items Supply Requests, Internal

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

Minimum Retention: 003 fisc yrs  Disposition: destroy

Comments:

Restrictions: None

Date of Entry: 07/14/88

Grant Files

Variety of documents relating to applications for federal, state, and private grants and to 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 the archives for purging, destroy remaining documents.

Restrictions: None
Date of Entry: 01/18/1996

Hearing and Meeting Transcripts and Electronic Media Recordings

Records of agency hearings and other meetings: transcripts, audiotapes, videotapes, notes, etc.

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 of Entry: 07/14/88

Imprest Fund

Documents related to the administration and accounting of the imprest fund which allows an agency to use a local bank account as authorized by statute: DA form 152-"Checkbook Record--Imprest Fund."

Minimum Retention: 003 fisc yrs  Disposition: destroy

Comments:

Restrictions: None

Date of Entry: 10/17/91

Inventory Records, Expendable Property

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

Minimum Retention: 003 fisc yrs  Disposition: destroy

Comments:

Restrictions: None
Date of Entry: 07/14/88

Inventory Records, Non-Expendable Property

Records related to capital equipment inventory management: DA forms 80 thru 83, computer reports from the Department of Administration, 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 of Entry: 07/14/88

Kansas Public Disclosure Commission Statements of Substantial Interest

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

Minimum Retention: 001 cldr yr  Disposition: destroy

Comments:

Restrictions: None

Date of Entry: 10/17/91

KIPPS Reports

Computer reports concerning agency payroll issued on a periodic basis from the Division of Accounts and Reports to agencies in the Kansas Integrated Payroll System.

Minimum Retention: 003 fisc yrs  Disposition: destroy

Comments: See also Payroll Warrant Register, Time & Leave Reports, Agency Payroll Charges Reports, Funding Charges for Adjustments, and Annual & Sick Leave Reports. Not applicable to the Division of Accounts & Reports.

Restrictions: None
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 of Entry: 07/14/88

Leave Requests

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

Minimum Retention: 003 fisc yrs  
Disposition: destroy

Comments: See also Employee Time Report Records.

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

Date of Entry: 01/13/94

Ledgers, General

General records maintained by agencies of financial receipts and expenditures normally used to monitor, manage, and verify agency budget.

Minimum Retention: 003 fisc yrs  
Disposition: archives

Comments: This series includes only internal documents.

Restrictions: None

Date of Entry: 07/14/88

Legislation Reference Files
GENERAL RETENTION/DISPOSITION SCHEDULE

Copies of bills, drafts of legislation, copies of statutes, notes, correspondence, and other miscellaneous documents related to various legislative 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 of Entry: 07/14/88

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 of Entry: 07/14/88

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 of Entry: 04/18/96

Memoranda of Understanding or Agreement, Inter-Agency

Formal agreements reached between state, local, and/or federal agencies.
GENERAL RETENTION/DISPOSITION SCHEDULE

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

**Comments:** Retain until agreement becomes inactive plus 5 calendar years, then contact the archives for appraisal - if not accepted for transfer to the archives, then destroy.

**Restrictions:** None

**Date of Entry:** 07/14/88

**Minutes**

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

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

**Comments:** Retain until no longer useful, then transfer to the archives.

**Restrictions:** None

**Date of Entry:** 07/14/88

**Organizational Charts and Reorganization Studies**

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

**Minimum Retention:** 003 cldr yrs  
**Disposition:** archives

**Comments:**

**Restrictions:** None

**Date of Entry:** 01/18/1996

**Payroll Adjustment Records**

Copies of documents and supporting materials used to make adjustments in agency payroll accounts: forms AR-9, AR-10, DA-10, DA-10A, DA-21 series, DA-171 thru 177, DA-251 thru 262.

**Minimum Retention:** 003 fisc yrs  
**Disposition:** destroy
Comments: This schedule does not apply to copies of these records maintained by the Division of Accounts and Reports. See also Payroll Deduction Authorization Records.

Restrictions: None

Date of Entry: 07/14/88

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 of Entry: 07/14/88

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 of Entry: 07/14/88

Payroll Warrant Registers

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

Minimum Retention: 003 fisc yrs Disposition: destroy
Comments:

Restrictions: None

Date of Entry: 10/17/91

Petty Cash Records

Documents related to petty cash accounting: DA-71 thru 73.

Minimum Retention: 003 fisc yrs Disposition: destroy

Comments:

Restrictions: None

Date of Entry: 07/14/88

Photographic and Video Materials

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

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 of Entry: 07/14/88

Policy and Procedures Manuals and Statements

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

Minimum Retention: see comments Disposition: archives

Comments: Retain until superseded or no longer in effect, then transfer to the archives.

Restrictions: None
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: 003 fisc yrs  Disposition: destroy

Comments:

Restrictions: None

Date of Entry: 07/14/88

Press Releases

Public information issued to the news media.

Minimum Retention: see comments  Disposition: archives

Comments: Retain until no longer useful, then transfer to the archives.

Restrictions: None

Date of Entry: 07/14/88

Programs and Invitations

Documents related to official agency functions.

Minimum Retention: see comments  Disposition: archives

Comments: Retain until no longer useful, then transfer to the archives.

Restrictions: None

Date of Entry: 07/14/88

Property Disposition Records, Non-Expendable
GENERAL RETENTION/DISPOSITION SCHEDULE

Copies of DA forms 110 and supporting documents used to remove capital equipment from the agency inventory.

**Minimum Retention:** 003 fisc yrs  
**Disposition:** destroy

**Comments:**

**Restrictions:** None

**Date of Entry:** 07/14/88

**Publications**

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

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

**Comments:** Retain in office 1 year, then transfer 2 copies to the archives and destroy the remainder.

**Restrictions:** None

**Date of Entry:** 01/18/1996

**Purchase Requests, Internal**

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

**Minimum Retention:** 003 fisc yrs  
**Disposition:** destroy

**Comments:** Retain for 5 fiscal years if record is subject to KSA 75-3740(e).

**Restrictions:** None

**Date of Entry:** 07/14/88

GS - 23
Purchasing Records

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

Minimum Retention: 003 fisc yrs  Disposition: destroy

Comments: Retain for 5 fiscal years if record is subject to KSA 75-3740(e). See also Vouchers & Requisitions, Accounts Payable Records, Bid Records, Contracts, Ledgers - General, and Vendor Files.

Restrictions: None

Date of Entry: 07/14/88

Receipts Records, Cash

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

Minimum Retention: 003 fisc yrs  Disposition: destroy

Comments:

Restrictions: None

Date of Entry: 07/14/88

Records Management Records

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

Minimum Retention: see comments  Disposition: destroy

Comments: Retain survey forms and inventories until superseded, then contact the archives for appraisal of other documents - if not accepted for transfer to the archives, then destroy.

Restrictions: None

Date of Entry: 07/14/88
Recruitment Files

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

Minimum Retention: 003 cldr yrs  Disposition: destroy

Comments:

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

Date of Entry: 01/18/1996

Request for Access to Records

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

Minimum Retention: see comments  Disposition: destroy

Comments: Retain until no longer useful, then destroy.

Restrictions: None

Date of Entry: 04/15/93

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 of Entry: 07/14/88

Scrapbooks and Albums
Collection of miscellaneous documents regarding agency 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 of Entry:** 07/14/88

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**SHaRP Reports**

Computer reports concerning agency payroll issued on a periodic basis from the Division of Accounts and Reports to agencies in the Statewide Human Resources and Payroll Project.

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

**Comments:** Retain electronic or paper copy 3 fiscal years, then destroy. Not applicable to the Division of Accounts and Reports.

**Restrictions:** None

**Date of Entry:** 01/18/1996

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**Speeches and Writings**

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

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

**Comments:** Retain until no longer useful, then transfer to the archives.

**Restrictions:** None

**Date of Entry:** 07/14/88

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**STARS Reports: Daily Financial**

Computer reports regarding agency financial status issued on a daily basis from the Division of Accounts and Reports to agencies in the Statewide Accounting and Reporting Systems.

**Minimum Retention:** see comments  
**Disposition:** destroy
Comments: Retain until no longer useful, then destroy. Schedule does not apply to originals maintained at Accounts and Reports. Replaces the old CASK Reports. Includes: DAFR8010, DAFR8120, DAFR8210, DAFR8420, DAFR8101, etc.

Restrictions: None

Date of Entry: 10/17/91

STARS Reports: Monthly Financial

Computer reports regarding agency financial status issued on a monthly basis from the Division of Accounts and Reports to agencies in the Statewide Accounting and Reporting Systems.

Minimum Retention: see comments Disposition: destroy

Comments: Retain until no longer useful, then destroy. Schedule does not apply to originals maintained at Accounts and Reports. Replaces the old CASK Reports. Includes: DAFR8290, DAFR8300, DAFR8280, DAFR8070, DAFR8101, etc.

Restrictions: None

Date of Entry: 10/17/91

STARS Reports: Yearly Financial

Computer reports regarding agency financial status issued on a yearly basis from the Division of Accounts and Reports to the Statewide Accounting and Reporting Systems.

Minimum Retention: see comments Disposition: destroy

Comments: Retain until no longer useful, then destroy. Schedule does not apply to originals maintained at Accounts and Reports. Replaces the old CASK Reports. Includes: DAFR8290, DAFR8101, DAFR7680, DAFR8120, DAFR8210, etc.

Restrictions: None

Date of Entry: 10/17/91
Statements of Lost Warrants

Copies of DA form 6 used to request re-issues of lost warrants.

Minimum Retention: curr fisc yr      Disposition: destroy

Comments:

Restrictions: None

Date of Entry: 07/14/88

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 of Entry: 01/18/1996

Telecommunications Logs

Registers recording incoming and outgoing telephone calls and fax transmissions.

Minimum Retention: 6 months      Disposition: destroy

Comments:

Restrictions: None

Date of Entry: 01/18/1996

Telephone Billing Records, KANS-A-N
Copies of computer billings received from the Department of Administration and supporting documents concerning the use of the KANS-A-N telephone service.

Minimum Retention: 003 fisc yrs  Disposition: destroy

Comments:

Restrictions: None

Date of Entry: 07/14/88

Travel Request and Authorization Records

Records related to employee travel: DA forms 25 (Request for Out of State Travel) and various internal documents.

Minimum Retention: 003 fisc yrs  Disposition: destroy

Comments: See also Travel Vouchers and Vehicle Operation Records.

Restrictions: None

Date of Entry: 07/14/88

Vehicle Maintenance and Ownership Records

Documents related to the legal ownership and maintenance of agency 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 of Entry: 07/14/88

Vehicle Operation Records

Documents related to the use of state-owned motor vehicles: MP forms 1a, 2c, 3a, 3b, 10, 20, and internal agency forms.
Vendor Files

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

Minimum Retention: 003 fisc yrs  Disposition: destroy

Comments: Retain for 5 fiscal years if record is subject to KSA 75-3740(e). See also Vouchers & Requisitions, Purchasing Records, Bid Records, Contracts, and Accounts Payable Records.

Restrictions: None

Date of Entry: 07/14/88

Visitors Logs

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

Minimum Retention: see comments  Disposition: destroy

Comments: Retain until no longer useful, then destroy.

Restrictions: None

Date of Entry: 01/18/1996

Vouchers and Requisitions, Purchase

Copies of documents used to order and pay for goods and services: DA forms 100 thru 109 and DA 120.
Minimum Retention: 003 fisc yrs  Disposition: destroy

Comments: Retain for 5 fiscal years if record is subject to KSA 75-3740(e). This schedule includes all variations of the above forms mentioned, eg. DA-120 and DA-120P.

Restrictions: None

Date of Entry: 07/14/88

Vouchers, Journal

DA forms 35 series used to adjust financial account balances.

Minimum Retention: 003 fisc yrs  Disposition: destroy

Comments:

Restrictions: None

Date of Entry: 07/14/88

Vouchers, Receipts

Copies of documents used to transfer funds received by agencies from individuals and organizations into their particular accounts: forms DA-3 series.

Minimum Retention: 003 fisc yrs  Disposition: destroy

Comments:

Restrictions: None

Date of Entry: 07/14/88

Vouchers, Travel

Copies of documents used to certify the validity of claims for the reimbursement of travel expenses: DA forms 121, 122, and 123.

Minimum Retention: 003 fisc yrs  Disposition: destroy

Comments: Includes all variations of forms, eg. DA-121E and 121R, etc.
TABLE OF CONTENTS

Introduction .......................... AS-1

Agency Retention and Disposition Schedule .................. AS-2
Restrictions: None

Date of Entry: 07/14/88

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 on an approved schedule. When used to produce hard copy that is maintained according to approved schedule - delete when no longer useful.

Restrictions: None

Date of Entry: 10/17/91

Work Orders and Logs

Internal documents used to request and record requests for the performance of maintenance or other services.

Minimum Retention: 003 fisc yrs  Disposition: destroy

Comments:

Restrictions: None

Date of Entry: 07/14/88
Introduction .............................................. AS-1

Agency Retention and Disposition Schedule .......................... AS-2
INTRODUCTION

Although the general schedule applies to many record series in the custody of state agencies, it does not address records specific to your agency. The agency retention and disposition schedule included in this chapter contains retention and disposition requirements for those record series that are unique to your organization. The agency schedule and the general schedule should be used in conjunction for maximum results. If your organization does not have an established agency schedule, a records surveying and scheduling project should be undertaken as soon as possible.

An agency schedule is a living document which should be reviewed and updated periodically to reflect any new or obsolete record series. To revise or to initiate an agency schedule, contact the Historical Society's Records Management Section at:

Records Management Section
Library and Archives Division
Kansas State Historical Society
6425 SW 6th Ave.
Topeka, KS  66615-1099
Phone:  (785) 272-8681
FAX:  (785) 272-8682
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>RC-1</td>
</tr>
<tr>
<td>Using the Records Center: An Overview</td>
<td>RC-1</td>
</tr>
<tr>
<td>Transferring Records</td>
<td>RC-3</td>
</tr>
<tr>
<td>Authorizing Access to Records</td>
<td>RC-8</td>
</tr>
<tr>
<td>Requesting Records</td>
<td>RC-8</td>
</tr>
<tr>
<td>Disposition of Records</td>
<td>RC-9</td>
</tr>
<tr>
<td>Other Services</td>
<td>RC-10</td>
</tr>
<tr>
<td>Sample Forms</td>
<td>RC-11</td>
</tr>
</tbody>
</table>
INTRODUCTION

The Kansas State Records Center provides centralized, efficient, and secure storage for inactive and semi-active state government records. Authorized by the legislature in 1957 and funded in 1992, the State Records Center offers agencies controlled access to their records until administrative, fiscal, and legal retention requirements are met.

There are several advantages to using the State Records Center. Agencies will save money by transferring materials to the records center in a timely fashion, thereby freeing up prime office space for more active use and reducing the need to purchase additional high cost filing equipment. The records center provides control of records in a clean, well-lit structure which eliminates the use of attics, sub-basements or similar inadequate storage areas. Finally, and most beneficial, staff will no longer have to devote valuable time to extensive searches through cramped storage areas for semi-active and inactive files. The State Records Center offers prompt and courteous document retrieval within 24 hours. There is no charge to agencies for these services as long as the legislature continues funding at the necessary level.

While the records center is administered by the Library and Archives Division of the Kansas State Historical Society, it is separate from the State Archives, which houses the noncurrent state and local government records with enduring value. The records center and the archives cooperate to insure the proper management of the state's valuable records and information resources. The records center is located at 2331 NW Furman Road, telephone number (785) 232-1123, FAX (785) 232-9330. Hours of operation are 8:00 a.m.- 5:00 p.m., Monday-Friday.

USING THE RECORDS CENTER: AN OVERVIEW

In order to store records at the records center:

1. The agency must have both a completed records survey and a retention and disposition schedule approved by the State Records Board. If these are not in place or if the schedule needs revising, contact the state records manager or the state records specialist at (785) 272-8681 about setting up a time to do so.

2. Only semi-active or inactive records will be stored in the records center. Records are considered semi-active or inactive when an agency refers to them less than once a month.
3. The agency must have an assigned records officer as specified in K.A.R. 53-4-1. This person is the liaison between the agency and the Historical Society. Responsibilities of records officers include, but are not be limited to, the following:

   a. Obtaining storage boxes and forms from the records center.
   b. Supervising the placement of records in the boxes and completing all forms necessary for the transfer of records. Agency indexes or finding aids should be included whenever possible.
   c. Labeling and numbering the boxes.
   d. Providing an Authorization for Access list of personnel who are allowed to request agency records stored at the records center.
   e. Communicating with the records center staff as needed.

All records are property of the state (see K.S.A. 45-403), but the agency retains custody of their records stored in the records center. The State Archives becomes custodian of any records transferred from the records center to the archives.

K.S.A. 75-3511 prohibits the use of state agency records stored at the records center without the approval of the originating agency. In accordance with this statutory requirement, the records center will protect the agency's records from unauthorized access by allowing only individuals with written permission to request records. An Authorization for Access form will be sent to all agencies and only those included on the list will be granted access. If someone is not on the list and needs access, a letter from the records officer noting the effective period of authorization will be acceptable. The public will not be allowed to use the records center for research.
TRANSFERRING RECORDS

Request Boxes & Labels

The first step in transferring records is to contact the records center staff and request the necessary boxes. Only standard sized cartons will be accepted. Odd size boxes do not fit on the shelves properly which wastes space and defeats the purpose of providing efficient and economical storage. The standard size box is 12" wide x 15" long x 10" high and will accommodate one cubic foot of material. These cartons will store both letter and legal size files. (See the table above to calculate the number of boxes needed.) There is no charge to agencies for the boxes. Requests for additional cartons will not be honored until all previous allotments are accounted for.

Pack Boxes

Upon receipt of the cartons, observe the following guidelines to properly pack the boxes:

1. It is strongly suggested that a box be limited to just one record series. If it is necessary to place multiple record series in a box, the carton should be limited to records with the same retention period and disposition requirements.

2. Files in a record series should be cut off periodically to ease the transfer of records in uniform chronological blocks. This is referred to as "breaking" files and means that on a given date a new set of files is established for the following period. Files can be broken annually, biennially, or at longer intervals depending upon the rate of accumulation. The time frame for breaking a records series may depend upon the occurrence of an event such as the termination of a contract.

<table>
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<th>CUBIC FOOT EQUIVALENTS</th>
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<tbody>
<tr>
<td>1 letter-size file drawer</td>
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<td>1 legal-size file drawer</td>
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<td>3&quot; x 5&quot; cards, ten 12&quot; rows</td>
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<td>5&quot; x 8&quot; cards, four 12&quot; rows</td>
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or benefit. Using color coded folder labels can be helpful in distinguishing periods.

3. When packing the boxes, leave the records in their original order and file folders. Make sure that the folders are clearly labeled. The records center staff must be able to locate a single file within a box, and they will not be familiar with the records.

4. Be sure that the file folders are not too full. Ideally, folders should be limited to 25 pages and they should never contain more than 50 pages.

5. Please do not put hanging file folders in the boxes--the lid will not fit properly. Place all documents (with the exception of oversize materials) in accurately labeled standard file folders.

6. Place letter size records in the box facing the front. Place legal size records in the box sideways starting from left to right. Stack computer printouts and ledgers flat, but do not stack them past the hand-holes.

7. Do not overfill boxes--there should be room to remove files without difficulty. If the cartons are too full the lids will not fit securely, the boxes will not fit on the shelving, the box sides and bottoms will tear, and the possibility of damage to the records increases.

8. Make sure that all box hand hole cutouts are pushed out, away from the box.

9. Notify the staff of any oversize materials ahead of time.

10. Record quantities of less than a cubic foot need to be retained by the agency until the record series accumulates to at least one cubic foot.
Complete Records Transfer Form

An agency seeking to transfer materials to the records center must complete a Records Transfer form. It serves as a shipping manifest, receipt, and retrieval tool. The records center staff will review the completed transfer forms for accuracy. The following information should be typed or printed on all Records Transfer forms (See Sample Forms, p. RC-12 for a sample form):

1. **Agency Code**: Enter the appropriate three digit agency code number. (Agency codes are listed in the Communication Services Directory.)

2. **Telephone Number**: Enter the telephone number for the records officer.

3. **Date**: Enter the current date.

4. **Agency/Division/Other Organizational Unit**: Enter the name of the agency, the division, and any other organizational unit necessary for complete identification.

5. **Agency Address**: Enter the full mailing address for the agency/division and other organizational unit.

6. **Records Officer or Transferred By**: Enter the name of the records officer or other individual authorizing the records transfer.

7. **Filing Equipment Emptied**: Indicate the quantity of agency filing equipment emptied as a result of the transfer. Space is provided to show the number of cabinets, linear feet of shelving, or other specialized equipment emptied. If the equipment is "other", please list type.

8. **Type of Final Disposition**: Using data from the agency retention/disposition schedule, indicate whether the records will be destroyed or transferred to the State Archives when the disposition date has been reached. Please **DO NOT** include records with different final disposition requirements on the same Records Transfer form.

9. **Agency Box Number**: Enter the agency box number for each carton being transferred. Boxes should be numbered
sequentially beginning with number "1". Each new transmittal should begin with number "1".

10. **Description of Records**: The description of records being transferred should contain enough information so agency staff can request a single file from a specific box. For each box being transferred please include: the record series title(s) exactly as it appears in the agency retention/disposition schedule, the inclusive dates of the records, and a brief description of the box contents. Retrieval service will be facilitated if the box content description includes the numerical or alphabetical coverage of the records in the carton.

11. **Disposition Date**: Use information from the agency retention/disposition schedule to determine the disposition date for the records being transferred. Consult the records retention timetable on pp. 18-19 if necessary.

12. Please submit the completed Records Transfer form to the records center manager for review before scheduling pick-up. Incomplete or incorrect forms will be returned to the records officer for verification of information.

The records center manager will assign a unique records center location number to each box. The original white transfer form is retained by the records center manager. The yellow copy is sent to the records officer and the pink copy goes to the office sending the records. Both copies returned to the agency will have the records center location number so it is important to keep the forms for future reference. The records center location number will be used to request files or boxes from the records center.

**Label & Number Boxes**

Agencies must label and number all boxes prior to their transfer to the records center. Please follow these procedures (See Sample Forms, p. RC-13):

1. Using data from the Records Transfer form, print the following information under the handle on the center of the box:

   a. **Agency/Division/Other Organizational Unit**
   
   b. **Description of Records**
c. **Disposition Date**

d. **Disposition**

2. With a black permanent marker, number the boxes in the correct sequential order on the upper left hand corner of the carton.

Each new transmittal must start with number one. It is essential that the box numbers shown on the transfer form correspond exactly with the numbers written on the cartons.

**Schedule Records Pick-Up**

Once the transfer has been accepted, arrangements need to be made for the records center staff to pick up the cartons ready for transfer. Agency staff may be requested to assist with the transfer of exceptionally large quantities of records (i.e. over 100 cartons). Agencies outside the Topeka area will be responsible for any transfer arrangements. On the day scheduled for pick up by the records center staff, the boxes need to be stacked at the loading dock five boxes high in numerical order. Start each stack with the lowest number on the bottom and the highest number on the top, like this:

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AUTHORIZING ACCESS TO RECORDS

Agencies must complete an Authorization for Access form to designate the individuals who will be allowed access to records stored at the records center. (See Sample Forms, p. RC-14 for a sample form.) Only persons appearing on this form will be given access to the agency's records. This policy applies to both written and telephone requests for records.

If an individual who is not listed on the Authorization for Access form needs access to agency materials at the records center, the records officer must send an authorization letter to the records center manager. The letter must specify the effective period of authorization.

REQUESTING RECORDS

To request records, personnel authorized for access by the agency need either to complete the Records Request form and fax it to the records center or to make brief requests by telephone. (See Sample Forms, p. RC-15 for a sample form.) In the latter case, records center staff will complete the form for proper documentation. Only factual information from records--names, dates, amounts--will be provided over the telephone. Requests for five pages or less can be returned to the agency via fax. The telephone number for the records center is (785) 232-1123. The records center fax number is (785) 232-9330.

Records are pulled at the time of the request. In most cases, requests received before 12:00 p.m will be delivered that afternoon while those received after 12:00 p.m. will be delivered the following morning. Records center staff will hand deliver all materials unless the agency makes other arrangements.

Agency staff will use the transfer form to determine the records center location number to provide the records center staff with the exact box number that contains the needed file. Be as specific as possible when requesting a file including the record series title, file name, records center location number, date of record, and the storage medium.

Files should be returned to the records center as soon as they are no longer needed. They should not be allowed to accumulate. Material can be returned through the central mail system or the records center staff can be notified to pick up the records. Prompt return will insure that files are refilled quickly and accurately. Refile reminder notices will be sent to agencies only for files that are scheduled for transfer to the State Archives. This helps maintain the integrity of the records series with enduring value.
If agency personnel (or an auditor) require access to large quantities of records and it would be more convenient to work in the records center, work space will be provided. Agency personnel visits to the records center must be arranged in advance. The public will not be allowed to use the records center for research.

**DISPOSITION OF RECORDS**

**Records Disposition Form**

Unless otherwise notified, records will be destroyed or transferred to the State Archives according to approved retention and disposition schedules. Thirty days before destruction or transfer, the records center manager will send the agency records officer a Records Disposition form. (See Sample Forms, p. RC-16 for a sample form.) If the agency wants its records retained in the records center beyond the approved disposition date, the records officer must submit a written justification for the extension. The State Records Manager will review extension requests and make the final decision. Space may be a primary consideration when it comes to granting extensions. Agencies will need to make alternative record storage arrangements if their extension request is denied and they choose to keep the records. If the agency does not respond to the Records Disposition Form prior to the official retention date, records will be destroyed or transferred as soon as physically possible.

**Destruction Method**

Recycling is the preferred method of destruction. Confidential records will be shredded prior to disposal. A Records Destruction Certificate will be sent to the agency after confidential materials have been shredded. (See Sample Forms, p. RC-17 for a sample form.) If the agency desires, a representative from that agency may send someone to witness the destruction of any confidential records.
OTHER SERVICES

Security Microfilm Storage

The Records Management Section also offers storage of microfilm security negatives to encourage the protection and preservation of vital and historical records. The agency needs to fill out a Records Transfer form and notify the records center to arrange the transfer.

Records Management Training

Other records management services include training sessions on basic records management techniques; using the records center; records surveys and retention and disposition schedules; and the role of records officers. Contact either the state records manager or the government records archivist for more information at (785) 272-8681.
SAMPLE FORMS
**STATE RECORDS TRANSFER FORM**

**RECORDS CENTER**

**Kansas State Historical Society**

**Library & Archives Division**

**2331 NW Furman Road, Topeka, KS 66618**

**(913) 232-1123**

---

**RECORDS CENTER USE ONLY**

<table>
<thead>
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<th>Agency Code</th>
<th>Telephone Number</th>
<th>Date</th>
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<tbody>
<tr>
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<td>296-9999</td>
<td>1/25/1995</td>
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</table>

**Accession Number**

Department of Meteorology / Tornado Division / Administration Section

**Date Received**

Munchkin Building, Room 101, 456 Yellow Brick Road, Topeka, KS 66612

**Received By**

Records Officer or Transferred By: Dorothy Gale

---

**Cu. Ft. Received**

<table>
<thead>
<tr>
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**Record Center Location No.**

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</tr>
<tr>
<td></td>
<td>A - L, 1985</td>
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<td>Employee Personnel Files</td>
<td>1996</td>
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<tr>
<td></td>
<td>M - R, 1985</td>
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<td>3</td>
<td>Employee Personnel Files</td>
<td>1996</td>
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<tr>
<td></td>
<td>S - Z, 1985</td>
<td></td>
</tr>
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<td>4</td>
<td>Budget Requests and Appeals, Annual 1989</td>
<td>1995</td>
</tr>
<tr>
<td>5</td>
<td>Audit Reports 1988</td>
<td>1994</td>
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**Restrictions:**

- [ ] No
- [x] Yes

Statute: K.S.A. 45-221(a)(4)
I authorize the following individuals, either in person or through a retrieval request, to have access to this agency's records stored at the state records center. This list supercedes all previous authorizations and shall be the sole criterion for determining right of access to these records, except for those records having special restrictions.

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
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</thead>
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<tr>
<td>Henry U. Twister</td>
<td>Cyclone Detector</td>
</tr>
<tr>
<td>Carolyn B. Toto</td>
<td>Communications Officer</td>
</tr>
<tr>
<td>E. S. Crowe</td>
<td>Ground Spotter</td>
</tr>
<tr>
<td>Ferrous W. Hart</td>
<td>Personnel Director</td>
</tr>
<tr>
<td>Frank L. Baum</td>
<td>Technical Writer</td>
</tr>
<tr>
<td>Leo H. Gallante</td>
<td>Disaster Preparedness Director</td>
</tr>
<tr>
<td>Emma J. Aunt</td>
<td>Severe Weather Forecaster</td>
</tr>
</tbody>
</table>

Authorized By:  
(Signature)  

Agency/Division/Other Organizational Unit  
Department of Meteorology/Tornado Division  

Effective Date  
1/20/1995  

Agency/Division/Other Organizational Unit  
Department of Meteorology/Tornado Division  

Effective Date  
1/20/1995  

I authorize the following individuals, either in person or through a retrieval request, to have access to this agency's records stored at the state records center. This list supercedes all previous authorizations and shall be the sole criterion for determining right of access to these records, except for those records having special restrictions.

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Walter T. Wizard</td>
<td>AGENCY HEAD</td>
</tr>
<tr>
<td>Dorothy Gale</td>
<td>AGENCY RECORDS OFFICER</td>
</tr>
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</table>

AGENCY PERSONNEL

<table>
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<tr>
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<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Henry U. Twister</td>
<td>Cyclone Detector</td>
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</tr>
<tr>
<td>Emma J. Aunt</td>
<td>Severe Weather Forecaster</td>
</tr>
</tbody>
</table>

Authorized By:  
(Signature)  

AGENCY HEAD OR RECORDS OFFICER  
DATE 1/20/1995  

RC - 14
To Be Completed By Agency  
Please Type or Print  
Submit By FAX

<table>
<thead>
<tr>
<th>Agency/Division/Other Organizational Unit</th>
<th>Agency Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Meteorology / Tornado Division / Administration Section</td>
<td>123</td>
</tr>
</tbody>
</table>

Description of Records (Include record series title & file(s) needed)

Employee Personnel Files, 1985 -- Glenda Gulch, #11-00-3333

<table>
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<tr>
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<tr>
<td>04-03-04-18</td>
<td>Leo H. Gallante</td>
</tr>
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Agency Address

Munchkin Building, Room 101, 456 Yellow Brick Road, Topeka, KS  66612

<table>
<thead>
<tr>
<th>Phone</th>
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</thead>
<tbody>
<tr>
<td>296-9999</td>
<td>April 21, 1995</td>
</tr>
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To: Dorothy Gale, Records Officer  
Department of Meteorology  
Tornado Division  
Administration Section  
Munchkin Building, Room 101  
456 Yellow Brick Road  
Topeka, KS  66612

Date: May 31, 1995

The following records of your agency, presently stored in the State Records Center, will be destroyed or transferred to the State Archives in accordance with approved records retention/disposition schedules. Unless otherwise notified the records center staff will destroy or transfer the 6 cubic feet of records listed below on July 1, 1995. To request an extension please contact the State Records Manager, Center for Historical Research, 6425 SW 6th St., Topeka, KS 66615-1099, (785) 272-8681.

<table>
<thead>
<tr>
<th>Records Center Location No.</th>
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<td>04-03-04-15</td>
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<td>Property Disposition Records, Non-Expendable, FY 1992</td>
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<td>Travel Request and Authorization Records, FY 1992</td>
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<td>04-03-05-09</td>
<td>47</td>
<td>Budget Preparation Files, Annual, FY 1990</td>
<td>Archives</td>
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<td>04-03-05-13</td>
<td>51</td>
<td>Audit Reports, FY 1990</td>
<td>Archives</td>
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To: Dorothy Gale, Records Officer  
Department of Meteorology  
Tornado Division  
Administration Section  
Munchkin Building, Room 101  
456 Yellow Brick Road  
Topeka, KS 66612  

Date: January 17, 1995

I hereby certify that State Records Center staff shredded the 3 cubic feet of records described below on January 16, 1995 in accordance with approved records retention/disposition schedules.

<table>
<thead>
<tr>
<th>Records Center Location No.</th>
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<td>Tornado Spotter Licensing Exam Files, S - Z, 1984</td>
<td>Destroyed</td>
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Date ___________________________  
Signature ______________________  
State Records Manager
# Micrographics

## Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>MG - 1</td>
</tr>
<tr>
<td>Standards and Guidelines</td>
<td>MG - 1</td>
</tr>
<tr>
<td>Feasibility Study</td>
<td>MG - 2</td>
</tr>
<tr>
<td>Retention Schedule</td>
<td>MG - 2</td>
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<tr>
<td>Needs Assessment</td>
<td>MG - 3</td>
</tr>
<tr>
<td>Analysis of the Records</td>
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<tr>
<td>Cost Analysis</td>
<td>MG - 4</td>
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<tr>
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<td>Micrographics Procedures, Equipment and Analysis</td>
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<td>Document Preparation</td>
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<tr>
<td>Planetary Camera</td>
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<td>Rotary Camera</td>
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<td>Step and Repeat Camera</td>
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<td>Film Processing</td>
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<td>Quality Testing</td>
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<td>Effects of High and Low Humidity</td>
<td>MG - 12</td>
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<td>Vault Storage</td>
<td>MG - 12</td>
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<td>Defects and Problems</td>
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<td>Appendix</td>
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INTRODUCTION

Micrographics is not obsolete as a storage and access media. Not all records can and will be accessible through the use of computers, imaging, CD-ROM, etc. Microfilm is still the proven archival method for retaining records with long retention requirements. When managing information resources, accessibility for present and future needs must be addressed.

STANDARDS AND GUIDELINES

Standards and guidelines have been prepared by the Kansas State Historical Society's Library/Archives Division to implement KSA 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."

KSA 12-122, 19-250 and 75-3506 refer to microfilming standards for records "with enduring value" only. It might be unnecessary to meet all of the standards for records without permanent preservation, however, proper filming techniques are still important.

DEFINITIONS

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 retrievableness.

**Micrographics** encompasses the creation, use, and storage of microforms. **Microform** is a generic term for any film medium which contains miniaturized images. **Microfilming** is the photographic process of creating miniaturized images of records on film.
FEASIBILITY STUDY

The decision to microfilm should be based upon a feasibility study conducted within the agency to determine whether microfilming is a cost and time efficient method of managing information. Careful consideration must be given to the effect of micrographics on agency staffing, funding, costs, and operations. Agency records management needs often change due to growth, new legislation, new technology, or internal policies. A feasibility study should reflect the present and projected needs and may have to be updated when conditions change.

RETENTION SCHEDULE

A decision to microfilm should not be made unless your agency has a records retention and disposition schedule that has been approved by the State Records Board. (See the Retention and Disposition Schedule section for more information on the scheduling approval process.) By using the retention and disposition schedule which is based upon the inventory and appraisal of records,

ADVANTAGES OF MICROGRAPHICS

Space Savings. Microfilm can be stored in less space than the corresponding paper records, requiring fewer filing cabinets to store the same amount of information.

Low-cost Distribution. Film duplicates are inexpensive to produce and can be mailed at a lower cost than the corresponding paper records.

Information Retrieval. Access and retrieval can be improved due to the concentration and ease of manipulation of microfilmed information.

File Integrity. Once records are microfilmed, their order cannot be changed and the chance of losing or misfiling records is eliminated.

Security. The master negative should be stored off-site to protect against loss of information. Any working copies of the microfilmed records will be made from the protected master copy.

Archival Preservation. Microfilmed copies of important records can be used for reference instead of the original document, thus preventing any damage or further deterioration of the original. If filmed and processed properly and maintained to archival specifications, the life span of historically valuable records can be increased by microfilming.

Reversion to Paper. If necessary, a paper copy of the original document can be produced from the microfilm image.

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

Cost saving potential. If well planned and maintained, a microfilm program can produce cost savings through decreased storage costs and increased retrieval efficiency.
informed decisions may be made about which, if any, agency records should be microfilmed.

Microfilmed records can require as little as 2% of the space occupied by paper records but space savings alone is not a reason to microfilm records. A micrographics system will not change poor records management practices into good records management practices. There are many factors that need to be considered when determining its advantages and limitations.

NEEDS ASSESSMENT

A needs assessment can help give direction to the feasibility study. Microfilming can be a very efficient storage and retrieval method, but only if the agency can benefit from its use. A study of the nature of the record in the agency’s custody, and a cost analysis of the application of micrographics in an agency must be carried out. The following facts should be considered when analyzing the records for filming feasibility.

Analysis of the Records

Volume. High volume may suggest that a record series be

LIMITATIONS OF MICROGRAPHICS

Lack of Acceptance. Even though microfilm is a legally accepted medium, many people are hesitant to accept filmed records in lieu of paper. Some people will resist using microfilm, especially if they have not been trained or acquainted with the technology. Though it is a limitation of attitude, not of the microfilm, it still must be considered.

Quality control. Preparation and conversion must be closely monitored so that documents are filmed sequentially without violation of file integrity.

Training. Personnel must be properly trained to detect errors in filming and levels of film quality. Training costs can be substantial.

Specialized Equipment. Since microfilmed records cannot be read with the unaided eye, microfilm readers and reader-printers are necessary to access the images and to make paper copies of the filmed documents. This equipment can be expensive to purchase and maintain. Specialized equipment often dictates that records be viewed only in certain areas.

Cost. While the cost saving potential of microfilm is substantial, the process of microfilming can be expensive. Filming, processing, test, and duplicating are all costly procedures. A poorly planned microfilm program can spend more than it saves in storage costs.

Storage Maintenance. Microfilm requires a more carefully monitored storage environment as it is sensitive to variations in temperature and humidity.
microfilmed for convenience of handling. However, volume should not be used as the only consideration. For example, if a record series has a high volume but a three year retention period, it is usually a waste of resources to film the series. Some agencies may be tempted to base their decision to purchase microfilming equipment on a backlog of records which should be filmed. The danger in this approach lies in justifying the expense and upkeep of the equipment once the conversion from paper to film has been made. The feasibility study incorporates long term as well as short term projections of micrographics needs.

Records Retention. Is there an authorized agency retention and disposition schedule, and if so, what is the retention period listed on it? Can the records be destroyed or transferred to the state archives? Storing inactive hard copy records in the state records center rather than in the office area can result in a significant cost reduction. Thus, it is usually not cost effective to base a decision to microfilm records with short term retention periods solely on the space savings.

Use. How frequently are the records used, by whom, and for what purpose? Would access to the records be improved if the records were on microfilm? What would be the resulting cost savings or cost avoidance? For records that require simultaneous multiple access, microfilming may be a feasible method to accommodate usage demands.

Quantity. How quickly do the records accumulate? How much space and filing equipment could be saved during the retention period if the records were filmed and the paper originals destroyed? To what extent would the cost savings in space and equipment justify the cost of microfilming?

Physical Characteristics. What is the shape, size, and condition of the original records? Will the information be legible on film? Dimensions, degree of fragility, and even color of the records can be a determining factor in the decision making process.

Cost Considerations. If the agency decides to contract with a private service bureau for the filming of records, the cost is usually calculated on a per image basis. A list of possible vendors is available from the records management section with the caveat that no specific vendor is recommended.
If an agency decides to establish an in-house micrographics operation, there are also fiscal considerations that must be included in the feasibility study. Each agency will have its own manner of conducting an economic analysis, and the following elements should be considered.

**Labor.** Several questions can be asked about the labor requirements of an agency's current records management system.

! 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 micrographics 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.

**Maintenance Cost.** There will be maintenance costs associated with the use of micrographic 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

- **Tracking 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 agency decides to establish its own micrographics operation, the cost of having the equipment in prime office space must be considered.

The system should be reviewed at periodic intervals to determine if any changes should be made. The following checklist may be useful:

1) 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?

2) 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 system.

3) Examine the operational policies and procedures. Are they sufficient to insure an effective microfilming operation, or do they need revising or expanding?

4) Evaluate the microfilm staff’s skills. Are they performing tasks for which they are properly trained? Is additional training warranted?

5) Are costs running at the projected rates?

6) Review the system as a whole. Does it meet agency goals?

When considering the microfilming of records, a comparison between contract services and the establishment of an in-house operation should be a prime consideration. It is clear that an agency must carefully analyze the decision to set up an in-house micrographics operation.
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.

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.

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 margin for error.

**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 micropublishing.

**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

After 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 thiosulfate left on the film after processing. Sodium thiosulfate 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 microimage with the unaided eye.

**Light box 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** uses a roll reader for detailed inspecting of the film. 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.

Deduplication

It is highly recommended that all microfilm be duplicated with the duplicate used as the working copy. 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 edited.

Film Storage

After the film has been processed, inspected and duplicated as necessary, it must be properly stored. There are a number of factors that must be considered in determining the correct storage of film.

The American National Standards Institute (ANSI) has recommended the following optimal conditions for archival storage of silver-gelatin type master negative microfilm.

Film should be stored in a vented and fire protective vault, located in a facility remote from where air-entrained or gaseous contaminants may be in harmful concentrations.

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 under 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 over 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.

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.

A vault, affording protection against fire, excessive temperatures, water and other fire-fighting 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, blemished, fogging, fungi, buckling, brittleness, image fade, adhesion or other signs of degradation or deterioration.

Defects are classified as either major or minor. If important information is obliterated, the defect is classified as major. The probable cause should be noted on an inspection report and identification of the affected documents should be recorded on a refilming log.

The affected documents are then refilmed and spliced onto the beginning of the film reel. If information is not obliterated, the defect is classified as minor. The probable cause should be noted on the inspection report.

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 the 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, 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 of 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 tree-like 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.** The images will 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. Insufficient exposure of the sensitized material is due to:
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.

**Water spots.** A defect that usually appears as dots or rings and may be caused by:
1) Deformation of the gelatin layer in an irregular spot pattern. This is caused by water drops on the surface during drying, due to improper pressure.
2) Residue from materials in the wash water.
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.

<table>
<thead>
<tr>
<th>Publication</th>
<th>Description</th>
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<tbody>
<tr>
<td><strong>AIIM MS 42-1989</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>AIIM MS 43-1988</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>AIIM MS 45-1990</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>AIIM MS 48-1990</strong></td>
<td>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,</td>
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</table>
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 microimage 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**