

OVERSIGHT COMMITTEE ON PUBLIC RECORDS
Regular Meeting February 24, 2010

10-02-24-01

CALL TO ORDER AND ROLL

A regular meeting of the Oversight Committee on Public Records was held Wednesday, February 24, 2010. The meeting was called to order by Chairperson, Liz Keele, Designee for Todd Rokita, Secretary of State, at 1:30 p.m. in Room 401, Indiana State Library. Members present constituting a quorum: Pam Bennett, Director, Indiana Historical Bureau; Caroline Bradley, Designee for Gerry Weaver, Director, Indiana Office of Technology; Jim Corridan, Director & State Archivist, Indiana Commission on Public Records; John Jacob, Designee for Bruce Hartman, State Examiner, State Board of Accounts; Anita Samuel, Governor's Office; Connie Smith, Designee for Mark W. Everson, Commissioner, Department of Administration. Members absent: Roberta Brooker, Director, Indiana State Library; Andrew Kossack, Public Access Counselor; Nancy Turner, lay member. Commission staff in attendance: Ted Cotterill, Deputy Director; Larry Hummel and Amy Robinson, Records Management; Beverly Stiers, County and Local Government Records Management. Guests in attendance: Jeffrey Bush, Securities Division, Secretary of State's Office.

10-02-24-02

NEXT MEETING

Liz Keele announced the next meeting would be held March 17, 2010 at 1:30 p.m. in Room 401, Indiana State Library.

10-02-24-03

PREVIOUS MEETING

Jim Corridan moved approval of the December 16, 2009 minutes, seconded by Caroline Bradley. Motion carried.

Liz Keele welcomed Connie Smith to the Oversight Committee on Public Records. She is representing Mark Everson, Commissioner of the Department of Administration.

Liz Keele stated the Committee members should have in front of them a letter of resignation from Nancy Turner and Ms. Keele stated she is certainly in our thoughts. Ms. Keele stated she would be sending around a card for everyone to sign after the meeting.

10-02-24-04

OLD BUSINESS

1. FSSA Request for Waiver from OCPD Policy No. 06-01

Jim Corridan stated there is no status change. Mr. Corridan stated they have been working with the FSSA group that determines what is going to happen with all the records that are still sitting in the county offices that have yet to be modernized through their process. Mr. Corridan stated we are waiting to hear back because it sounds like we may not get all 90,000 cubic feet or so of the records, it may be a lesser number. Mr. Corridan stated they are working with both the Department of Administration and FSSA so we can accommodate them should these records end up at the Records Center.

2. County/Local General Retention Schedule

Jim Corridan stated in December, 2009, they distributed to the Oversight Committee the draft of proposed changes to the local retention schedules. Mr. Corridan stated the ones they have seen have not been modified, but there were some that were left out of that packet. Mr. Corridan stated the Public Library Retention Schedule is being modified and will be sent to the Committee. Mr. Corridan stated

they are going to send the retention schedules to the local office holder associations so we can have some input from them before we take a vote on the final schedules. Mr. Corridan stated generally to bring you up to speed the concept here is to try and mimic what the State has done with retention schedules by creating a General Retention Schedule which will probably take care of all the accounting, personnel and administrative functions in all local units of government and then making the specific schedules geared toward records specific to the individual offices, i.e. property records in the Recorder's office. Mr. Corridan stated most of the records in the Auditor's and Treasurer's Retention Schedules will be transferred to the General Retention Schedule, as well as the Clerk Treasurer in towns. Mr. Corridan stated we are also merging the two (2) schedules for cities and towns, one for cities and towns above 5,000 population and the other for towns below 5,000 population. Mr. Corridan stated all that is being done and we are not at this point touching the school retention schedule which needs to be completely revised. Mr. Corridan stated once we have some feedback from the different associations we will take this up at the next meeting we hope.

Caroline Bradley stated the Utility Regulatory Commission retention schedule from last month was supposed to be brought back this month on Record Series 87-43 which did not have a retention on it. Amy Robinson stated she followed Ms. Bradley's suggestion on it and has submitted a draft to the Utility Regulatory Commission. Ms. Robinson stated she had not yet received an answer from them and she just contacted them again yesterday. Ms. Robinson stated we should be seeing that back before the Oversight Committee as soon as it makes it way through the sign-off process. Ms. Bradley asked if this should be listed under Old Business on next month's agenda and Mr. Corridan stated we may want to wait until we actually get the schedule back.

10-02-24-05

DIRECTOR'S REPORT

Jim Corridan stated the written reports in the packet are the highlights. Mr. Corridan stated they are planning to attend a number of local office holder association meetings. Mr. Corridan stated he will be attending the Clerks' Southern District Meeting on March 9, 2010, the Recorders' Annual Conference in April, and we are working with the State Board of Accounts so we can be scheduled to go to these meetings and explain all the changes in the retention schedules.

10-02-24-06

AGENCY REQUESTS-RECORDS RETENTION AND DISPOSITION SCHEDULES(S)

The Oversight Committee on Public Records took the following action regarding retention and disposition schedules.

1. DEPARTMENT OF LABOR.....01-19-10
Commissioner's Office

In regard to this schedule, there were no questions or comments. A motion was made by Pam Bennett and seconded by Anita Samuel to approve Schedule No. 1 as submitted. Motion carried.

2. STATE DEPARTMENT OF HEALTH.....01-21-10
Office of Legal Affairs

In regard to this schedule, there were no questions or comments. A motion was made by Caroline Bradley and seconded by John Jacob to approve Schedule No. 2 as submitted. Motion carried.

3. SECRETARY OF STATE.....02-02-10
Securities Division

Larry Hummel introduced Jeffrey Bush from this Agency. In regard to this schedule, a motion was made by Jim Corridan and seconded by Pam Bennett to approve Schedule No. 3 as submitted. Caroline Bradley

stated there were two (2) general things she would like to bring up. The first one is on the combination of Record Series 78-601 and 96-02 which is on page 8. Ms. Bradley stated it used to be an archival record and it now states to destroy five (5) years after termination of the registration. Jeff Bush stated records under 96-02 are no longer created. Jim Corridan asked Mr. Bush if they would transfer those records to the State Archives, the ones that exist.

Ms. Bradley's second question has to do with several items throughout the schedule that are now being scanned. The item numbers are 38, 40, 45, 59, and 61 that are now being scanned. Ms. Bradley stated these appear to be electronic records that are created and then they are destroyed five (5) calendar years after termination, but the life of the record itself is interminable since we have a limit on scanned records of 10 years. Ms. Bradley stated she believes that might go outside that requirement, at least on some of the records. Jeff Bush stated that Item 40 is now Securities Registrations and it is not a license from the Securities Division, it is a license to sell these specific securities, so that license is good for one year. Mr. Bush stated in regard to Item No. 38, Broker/Dealer Files, they are files that are created online, so the actual applications are submitted online and same with No. 45, Investment Advisor Files, which is a database controlled by the Federal Government. Mr. Corridan asked, are these are born digital documents and Mr. Bush said yes. Mr. Corridan asked about No. 59, Continuing Care Registration Files, and Mr. Bush said that one is not, it is a scanned document. Mr. Corridan asked if Mr. Bush could give them a brief on this, and Mr. Bush stated these are facilities that offer what is called continuing care contract and a fee is paid to the facility at the time of the signing of the contract. Over the life of the contract, the fee is reduced. At the time of death or when the person leaves, the remainder is refunded. Mr. Bush stated this is a specific type of facility that offers a specific type of contract. Ms. Bradley stated the last one was No. 61, Loan Broker Registration Files. Mr. Bush stated this is a type of entity that - it is basically a middle entity between a borrower and a lender, assisting the borrower in filling out the application. Mr. Bush stated this is also a different online conventional system that's not fully there yet, but will be within the next ten years; the application will be fully online. Ms. Bradley asked if they are born electronically, and Mr. Bush stated it is a combination. They will be electronic within the next ten years.

Jim Corridan asked to amend his motion. Mr. Corridan stated that we insert language in item 59 after the scanning information, we also say and microfilm according to 60 IAC Standards. Mr. Corridan stated these could be fairly long-term records, so it would be necessary to microfilm as well as scan those records. Items No. 38 and 45 are not created as scanned records. Mr. Corridan then stated the remaining items raised by Ms. Bradley appear acceptable with Mr. Bush's explanations. Ms. Bradley stated she did not know if they needed to change them since they are not actually scanned, they are an electronic record, and we usually use different language. Amy Robinson stated 59 is the one that is not an electronic record. Ms. Bradley stated the others ones would be. Mr. Corridan stated he is leaving them untouched at this point. Ms. Bradley stated we are saying we are scanning on receipt where we are actually not scanning, all the other ones, we are not creating those as a scanned records, we use different language. Ms. Bradley is saying we are not really seeing anything to scan, the records are born digitally, are there things we are then adding to the file to get into the National database? Mr. Bush replied no. Mr. Corridan asked if they are comfortable with cleaning up the language so we are not referring to scanning, it is just an electronic record. Ms. Bradley stated that scanning leads you to believe that it starts as a paper document. Mr. Corridan stated we are o.k. on No. 59, but the other items where we are not really scanning, they are born digital, he requests that the language be amended to reflect ICPR's standard language for born digital documents, seconded by Pam Bennett. Amy Robinson stated what they could probably do is just strike the scan on receipt line and then you have delete electronic records five (5) calendar years after and that lets us know right away they are electronic records. Ms. Bradley asked what about Item No. 61, let these go within 10 years. Mr. Corridan stated he was sure the minutes will reflect all that accurately and Ms. Bradley stated she will get an email on that. Ms. Keele asked for a vote on Mr. Corridan's amendment motion, motion passed. The original motion, as now amended, made by Jim Corridan, seconded by Pam Bennett then carried.

4. STATE DEPARTMENT OF HEALTH.....02-01-10
Indoor Air and Radiological Health

In regard to this schedule, there were no questions or comments. A motion was made by Caroline Bradley and seconded by Jim Corridan to approve Schedule No. 4 as submitted. Motion carried.

5. CRIMINAL JUSTICE INSTITUTE.....02-02-10
All Divisions

In regard to this schedule, there were no questions or comments. A motion was made by Pam Bennett and seconded by John Jacob to approve Schedule No. 5 as submitted. Motion carried.

6. STATE DEPARTMENT OF HEALTH.....01-22-10
Medical Radiological Services Division

In regard to this schedule, a motion was made by John Jacob and seconded by Pam Bennett to approve Schedule No. 6 as submitted. Caroline Bradley had some questions in regard to Items 2 and 4 as amended, the records are destroyed when the individual is deceased. Ms. Bradley is a little concerned about how we would be notified when this happens and how we would deal with that. Ms. Bradley stated she does not know if there is a reason for this and it does not give a statutory site. Jim Corridan asked Larry Hummel why these retention periods have been extended so long and Mr. Hummel stated it is an Agency request and it was originally called Indoor Air and Radiological Health and that was split into actually three (3) areas, part of State Department of Health, Indoor Air and Radiological Health and a new section created called Medical Radiological Services Division. Jim Corridan made a motion that this Retention Schedule be tabled for 30 days so we could check with the State Department of Health before we take final action, seconded by Caroline Bradley. Motion carried.

7. STATE DEPARTMENT OF HEALTH.....02-02-10
Environmental Lab

In regard to this schedule, a motion was made by Anita Samuel and seconded by Pam Bennett to approve Schedule No. 7 as submitted. Caroline Bradley stated in the interest of reducing the number of record series, Item No. 79-3633, Chemical Inventory, this is an electronic record and an ever-changing document but she would request we go back to the Agency on this. Larry Hummel stated Jim Corridan had asked him about this and he went back to the Agency and provided that response and they accepted it. Ms. Bradley stated if they are comfortable with that she will accept it. Motion carried.

10-02-24-07

NEW BUSINESS

Jim Corridan stated the proposed schedule for the dates of the Oversight Committee on Public Records meetings for the remainder of the calendar year was distributed, which he did not think they had voted on. Ms. Keele asked if it was necessary to vote on when they were meeting and Mr. Corridan stated he thinks they are supposed to have it set. It was brought up that the meeting date was February 24 and not February 17 as shown on this list, because that meeting had been postponed from the regular meeting date. Mr. Corridan stated this should be shown as February 24. Caroline Bradley moved this list be accepted, seconded by Pam Bennett. Motion carried.

10-02-24-08

ADJOURNMENT

There being no further business, Anita Samuel moved that the meeting be adjourned. Pam Bennett seconded. Motion carried. Meeting adjourned at 1:52 p.m.