

OVERSIGHT COMMITTEE ON PUBLIC RECORDS
Regular Meeting September 16, 2009

09-9-16-01

CALL TO ORDER AND ROLL

A regular meeting of the Oversight Committee on Public Records was held Wednesday, September 16, 2009. Elizabeth Lerch stated that notice of the meeting was provided more than 48 hours in advance of this meeting excluding Saturdays, Sundays and holidays pursuant to the Open Door Law. The meeting was called to order by Vice Chairperson, Elizabeth Lerch, Designee for Mark W. Everson, Commissioner, Department of Administration, at 1:30 p.m. in Room E418, State Board of Accounts. Members present constituting a quorum: Caroline Bradley, Designee for Gerry Weaver, Director, Indiana Office of Technology; Roberta Brooker, Director, Indiana State Library; Jim Corridan, Director & State Archivist, Indiana Commission on Public Records; John Jacob, Designee for Bruce Hartman, State Examiner, State Board of Accounts; Liz Keele, Designee for Todd Rokita, Secretary of State; Andrew Kossack, Public Access Counselor; Nancy Turner, lay member. Members absent: Pam Bennett, Director, Indiana Historical Bureau; Anita Samuel, Governor's Office. Commission staff in attendance: Chuck McLean, Deputy Director; Larry Hummel and Amy Robinson, Records Management; Beverly Stiers, County and Local Government Records Management. Guests in attendance: Melissa Farrington and Niles M. Parker, Indiana Department of Environmental Management; Rudy Cansino, Indiana State Department of Health; Amy Miller, Office of the Public Access Counselor.

09-09-16-02

NEXT MEETING

Elizabeth Lerch announced the next meeting would be held October 21, 2009 at 1:30 p.m. in E418, Indiana Government Center South.

09-09-16-03

PREVIOUS MEETING

Liz Keele made a motion to approve the minutes of the August 19, 2009 meeting as submitted, seconded by John Jacob. Caroline Bradley stated on page 3, in the Indiana Department of Revenue Return Processing Center Retention Schedule, fifth line down, it states 10 year statute of limitations in regard to State audit and this should be State contract. Caroline Bradley moved the minutes of the August 19, 2009 meeting be approved as amended, seconded by Jim Corridan. Motion passed.

09-09-16-04

OLD BUSINESS

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

Jim Corridan stated this is still being worked on.

2. County/Local General Retention Schedule

Jim Corridan stated this is still being worked on.

3. Department of Child Services, Child Welfare Division Retention Schedule – Jim Corridan stated this is a retention schedule that was talked about before. Larry Hummel contacted Michael Sturm about the meeting. Mr. Hummel stated he did update this schedule and met with Mr. Sturm about the questions from last month's meeting and made some changes and it is being submitted. Caroline Bradley stated it still says electronic records for 22 years. Ms. Bradley stated the retention schedule states all records are now created electronically. Mr. Corridan stated that is the issue, so when Agencies have moved their information to a completely digital climate, we are not going to require them to work

backwards. Ms. Bradley stated she thought we were requiring some other Agencies to microfilm. Mr. Corridan stated when they digitize we are. Mr. Corridan stated at this point what he would recommend is that we go ahead and approve this because Mr. Corridan stated there are really two (2) issues being discussed, a direct and indirect one under No. 3 of Old Business. Mr. Corridan stated what was indirectly being discussed was that currently if you have digitized records that they are required to be microfilmed if the length of time they are to be retained is more than 10 years. Mr. Corridan stated there is broad consensus on that. Mr. Corridan stated the secondary issue which is really pertinent to the issue raised here is that these are not records that are being digitized, these are records that are born digital, and what was proposed at last month's meeting was that the Public Access Counselor, the Director of the Commission on Public Records and he is not sure who "I" is in that sentence and he thought there was a third person or they would look for another person to also serve on this committee to flesh out how this needs to be addressed, this born digital issue. Mr. Corridan stated that is where they were headed at the meeting and asked if that was everyone's recollection. Ms. Bennett stated that sounds very good. Mr. Corridan moved they amend the record to reflect that conversation, seconded by Pam Bennett. Motion passed.

Caroline Bradley made a motion to accept the Department of Child Services, Child Welfare Division Retention Schedule that we previously tabled, Item No. 20 on this Schedule, seconded by Jim Corridan. Motion passed.

Item No. 4 – Department of Revenue, Returns Processing Center Retention Schedule – Caroline Bradley stated she and Amy Robinson did not get to meet on this and suggested it be put on next month's agenda.

09-09-16-05

DIRECTOR'S REPORT

Jim Corridan stated he did not remember if he had said anything about this at the last meeting, but they have had a little push back from the County Recorders regarding the OCPR Policy No. 2009-01 which required local officials who have records on microfilm to transfer the master to the State Archives. Mr. Corridan had a meeting with David Bottorff, Association of Indiana Counties, Andrew Kossack, Public Access Counselor, Sue Anne (Susie) Misiniac, President of the Recorders' Association, and Martha Breeze, Treasurer of the Recorders' Association, a staff person from the Association of Indiana Counties, and Beverly Stiers, Commission on Public Records, to discuss the issues. Mr. Corridan stated the record holder should have a public copy for inspection, so people should not be coming to the State Archives for the public access copy of official records, they should be going to the office holder that generated or created the record.

Jim Corridan reported the other major item is you might have hit the splash page for IN.gov – last week or the week before it talked about forms on IN.gov and that went live with about 2,000 State forms on it and the new forms catalog and in the next few weeks we will starting going out and meeting with Agencies to get all their rogue forms in and flush that out. Mr. Corridan stated this should make it much more user friendly.

09-09-16-06

AGENCY REQUESTS-RECORDS RETENTION AND DISPOSITION SCHEDULES(S)

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

1. GOVERNOR'S OFFICE..... 08-03-09
Main Agency Schedule

In regard to this schedule, there were no questions or comments. A motion was made by John Jacob and seconded by Caroline Bradley to approve Schedule No. 1 as submitted. Motion carried.

2. GOVERNOR’S OFFICE.....08-03-09
Commission on Indiana’s Utility Future

In regard to this schedule, there were no questions or comments. A motion was made by Nancy Turner and seconded by Jim Corridan to approve Schedule No. 2 as submitted. Motion carried.

3. GOVERNOR’S OFFICE.....08-03-09
Commission on Youth Employment

In regard to this schedule, Amy Robinson distributed a replacement page for this schedule and explained there were several items missing at the end of the schedule which was mailed to the OCPR Committee earlier and this page contains all of them. It was noted that everything in this retention schedule is being deleted in its entirety. In regard to this schedule, there were no questions or comments. A motion was made by Caroline Bradley and seconded by Nancy Turner to approve Schedule No. 3 as submitted. Motion carried.

4. GOVERNOR’S OFFICE.....08-03-09
Governor’s Residence Commission

In regard to this schedule, there were no questions or comments. A motion was made by Nancy Turner and seconded by John Jacob to approve Schedule No. 4 as submitted. Motion carried.

5. DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.....08-10-09
Office of Land Quality

In regard to this schedule, Amy Robinson introduced Melissa Farrington and Niles M. Parker from this Agency. A motion was made by Nancy Turner and seconded by Caroline Bradley to approve Schedule No. 5 as submitted. Caroline Bradley stated she did not have a problem with any of the items, but it just seemed there was an inconsistency in how it stated on page 3 of 16, Items 2 and 3 image according to ICPR standards and microfilm according to 60 IAC 2 and sometimes we have talked about the destruction of electronic records and sometimes we did not. Ms. Bradley said it was inconsistent throughout that and she stated she did not know if it should be there or not be there. Ms. Bradley stated on page 3 of 16 it talks about imaging and then microfilming and it talks about the microfilm going to the State Archives and then on page 5 of 16, item 7, it talks about the same. Amy Robinson stated this is a situation where the Agency wanted to be able to keep those individual items after specific archival, the rest of them they plan to keep forever. The motion made by Nancy Turner and seconded by Caroline Bradley then carried.

6. DEPARTMENT OF CHILD SERVICES.....08-25-09
Child Welfare Division

Larry Hummel stated shortly after the Records Coordinator and he started working on the old business, he was contacted to make some amendments to other record series within this schedule. Mr. Hummel stated the timeframe was thought to be inadequate, but they did want alterations to the retention instructions. In regard to this schedule, a motion was made by Jim Corridan and seconded by Liz Keele to approve Schedule No. 6 as submitted. Motion carried.

7. PROFESSIONAL LICENSING AGENCY.....08-28-09

In regard to this schedule, there were no questions or comments. A motion was made by John Jacob and seconded by Nancy Turner to approve Schedule No. 7 as submitted. Motion carried.

8. STATE DEPARTMENT OF HEALTH.....08-28-09
Division of Public Health Statistics

Larry Hummel introduced Rudy Cansino from this Agency. In regard to this schedule, there were no questions or comments. A motion was made by Caroline Bradley and seconded by Liz Keele to approve Schedule No.8 as submitted. Motion carried.

09-09-16-07

NEW BUSINESS

1. Election of Chairman of the Oversight Committee on Public Records

Elizabeth Lerch stated before they move on to the nominations and election, she recommended that they do not nominate her as she has tentatively accepted a job with INDOT, which means she will no longer be eligible to serve on behalf of the Department of Administration. Liz Keele stated she would be eligible to serve as Chairman. Liz Keele was nominated by the group and Jim Corridan moved to close nominations, seconded by Caroline Bradley. Jim Corridan moved to accept Liz Keele as the Chairman of the Oversight Committee on Public Records, seconded by Caroline Bradley. Motion carried.

Everyone then introduced themselves to Andrew Kossack, the new Public Access Counselor and member of the Oversight Committee on Public Records and welcomed him.

09-09-16-08

ADJOURNMENT

There being no further business, Nancy Turner moved that the meeting be adjourned. Jim Corridan seconded. Motion carried. Meeting adjourned at 1:55 p.m.