

OVERSIGHT COMMITTEE ON PUBLIC RECORDS
Regular Meeting June 27
June 27, 2012

12-06-27-01

CALL TO ORDER AND ROLL

A regular meeting of the Oversight Committee on Public Records was held Wednesday, June 27, 2012. The meeting was called to order by Chairperson Joe Hoage, Public Access Counselor, at 1:30 p.m. in Room 401, Indiana State Library. Members present constituting a quorum: Pam Bennett, Director, Indiana Historical Bureau; Jerry Bonnet, Designee for Connie Lawson, Secretary of State; Caroline Bradley, Designee for Brian Arrowood, Chief Information Officer, 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; Connie Smith, Designee for Robert D. Wynkoop, Commissioner, Department of Administration; and Micah Vincent, Governor's Office.

Members absent: None. Commission staff in attendance: Ted Cotterill, Deputy Director; Amy Robinson, Records Management; Beverly Stiers, County and Local Government Records Management. Guests in attendance: Sue Overstreet, Indiana Finance Authority; Taylor Denson, Bingham, Greenbaum, Doll; and Lisa Berry-Tayman, Information Consulting.

12-06-27-02

NEXT MEETING

Joe Hoage announced the next meeting would be held July 11, 2012 at 1:30 p.m. in Room 401, Indiana State Library. This is a change in date from the regular meeting date of July 18, 2012.

12-06-27-03

PREVIOUS MEETING

Pam Bennett moved approval of the April 18, 2012 minutes as presented, seconded by Caroline Bradley. Motion carried.

12-06-27-04

OLD BUSINESS

None

12-06-27-05

DIRECTOR'S REPORT

Jim Corridan stated a written report was sent in the packets to the OCPR Committee. Mr. Corridan stated the Commission on Public Records is in the process of taking on the Department of Revenue's 40,000 to 50,000 boxes of records being sent from the Ameriplex facility on the south side of Indianapolis back into the Records Center. Mr. Corridan stated maybe a decade or so ago all those records were housed by the State and were moved out and now they are coming back.

Mr. Corridan stated the other important thing to discuss is a draft version of the Electronic Records Policy which had been given to the members today. Mr. Corridan stated it will be posted on the website today as a draft. Mr. Corridan wanted the OCPR members to have an opportunity to look this over and he is pretty confident at this point is what they will be looking at doing is having this or some version of this adopted at the July, 2012 OCPR meeting. Mr. Corridan stated they will probably also bring forward the Email Policy that had been adopted in 2005 ([05-01: E-Mail Retention Policy](#)) by the Oversight Committee on Public Records and probably tweaking it, bringing it up to date and adopting

it again. Mr. Corridan stated the reason they are asking that this be done is because this policy is really guidance for Agencies asking them to adopt certain procedures. Mr. Corridan stated with the change in the statute adopted by the Legislature last session he thinks what he wants to do is have that policy go into effect across the State for both local/county entities and State Agencies and instead of asking them to adopt certain requirements, he thinks they will write that Email Policy so they define clearly and it applies across the State transitory email is X which is an issue. If you do not have a policy in place you really don't identify what transitory email is and for those of you who do not know, transitory email could be messages such as thanks for taking me to lunch yesterday or do you want me to stop by on the way home and pick up milk – all that kind of non-governmental items, which can be deleted under current processes, if you adopt an email policy that says so. Mr. Corridan stated because most local governments have not done so and many Agencies have not done so, we want to adopt it so that it becomes a State-wide policy and set out the parameters. Agencies and local units will still probably have some responsibility to adopt policies that explain where do I go to access records that are electronic, do I go to the central IT office in Hamilton County or do I go to the office holder, and how it is all handled in each different location. Mr. Corridan stated we want to create a framework across the State for electronic records and then another one, probably a separate policy for email, but we may merge the two (2) together. Mr. Corridan stated what is contained in the handout today is the gist to define the expectation that if you are using electronic records there are certain requirements of what needs to be in place, i.e. that they have to be kept in an authentic and reliable format and there is integrity around the records so they have not been tampered with, and that they are useable, so the format that is in the system will allow it, if the records are to be kept for 50 or 100 years or forever, there has to be a way for you to be able to migrate those even if they are in a proprietary format, so there will not be undue hardships on citizens to get access to those records. Mr. Corridan asked the OCPR members to review this policy and they would discuss it at the July meeting.

Jerry Bonnet asked if the Commission on Public Records have a subject matter expert or resource for Agencies to work through and Mr. Corridan stated yes and part of this draft states you can go to the Commission on Public Records and they are working to put up a website specifically on electronic records, so that there is some guidance there. Mr. Corridan stated one of the concerns they have is that when electronic records are being stored for long periods of time, more than five (5) years, let's say, there could be an issue depending on how they are stored with the materials degrading over time. Mr. Corridan stated they are suggesting, not requiring, that they may want to use open free software that will allow you to check them against the file, so that the file is verified today, it looks like this and five (5) years later they look at it again to make sure it has not been tampered with and it is still the same file. Mr. Corridan stated from a legal custody issue – key, from the degradation of the data – key, so that is some of the items that will be put up on the website.

Micah Vincent asked what it is the existing rule and Mr. Corridan stated for electronic records we do not have one in place, which is why we are now doing this. Mr. Corridan stated he should share that seven (7) years ago when Governor Kernan left office the Commission on Public Records received two (2) CD's holding his emails and under this administration, they are expecting in the transition a measurement probably in terabytes of data which is exponentially larger. Mr. Corridan stated Mississippi went through a transition six (6) months ago with their Governor and the Governor before that, and they saw a multitude of 300 times more data coming in electronically than what they saw before.

Joe Hoage stated he thought it was good that the draft policy was being posted online and they are taking comments from the public, press, or anyone. Mr. Hoage stated they have already reached out already to a couple of members, the Hoosier State Press Association, for any comments that they might have and they would welcome any guidance, expertise, or anything else anyone would have to say on the policy before they move to its adoption.

Jim Corridan wanted to also add that what they are looking at doing initially is putting in place a policy, not an Administrative Rule and seeing how that plays out and the ramifications it may have, and then working to adopt an Administrative Rule. Mr. Corridan stated they do not want to jump to a rule now because there are so many unknowns at this time, and even if they went to the regular rule making process and took comments. Mr. Corridan stated they want to make sure they have done this right so they are using this policy process as an opportunity to determine the impact of the policy before adopting a rule.

Pam Bennett asked in the numbering of the policy, they are using calendar year versus fiscal year. Mr. Corridan stated he thinks it is the actual year it is adopted. Amy Robinson stated it is probably calendar year. Mr. Corridan stated he believes it is calendar year and this is just a draft.

12-06-27-06

AGENCY REQUESTS-RECORDS RETENTION AND DISPOSITION SCHEDULES(S)

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

1. ATTORNEY GENERAL

Tobacco Enforcement Section

A motion was made by Pam Bennett and seconded by Connie Smith to approve Schedule No. 1 as submitted. Motion carried.

2. DEPARTMENT OF REVENUE

Controller

A motion was made by Caroline Bradley and seconded by John Jacob to approve Schedule No. 2 as submitted. Motion carried.

3. DEPARTMENT OF INSURANCE

Health Issues

A motion was made by Connie Smith and seconded by Pam Bennett to approve Schedule No. 3 as submitted. Motion carried.

4. DEPARTMENT OF INSURANCE

Surplus Lines

A motion was made by Pam Bennett and seconded by Caroline Bradley to approve Schedule No. 4 as submitted. Motion carried.

5. DEPARTMENT OF REVENUE

All Divisions – PR-2

A motion was made by Caroline Bradley and seconded by Connie Smith to approve Schedule No. 5 as submitted. Jim Corridan explained that we do not often see these but this PR-2 is a one-time change for approval to allow them to do some imaging. Amy Robinson explained that it had to do with them moving their records to the Records Center. Motion carried.

6. FINANCE AUTHORITY

State Revolving Loan Fund

A motion was made by Pam Bennett and seconded by Jim Corridan to approve Schedule No. 6 as submitted. Amy Robinson introduced Sue Overstreet from this Agency. Pam Bennett stated she had a question concerning the fact that the first sentence states “Image according to ICPR imaging standards upon final disbursement of loan. Transfer hard copies to the Records Center after verification of images for completeness and legibility. Transfer to the Commission on Public Records, etc.” – is that

still the hard copy. Amy Robinson stated that is correct, because the electronic records are covered in the last sentence. Jim Corridan stated for clarity sake, they would insert the words "Transfer paper". Pam Bennett then stated in the last line "Delete electronic records twenty (20) years from final disbursement of loan" – where are these electronic records. Sue Overstreet stated they are in IDEM virtual file cabinet. Jim Corridan stated so these funds are given to IDEM and then IDEM has the records and Ms. Overstreet stated IDEM has them in a virtual file cabinet. Motion was amended to add "Transfer hard copies to the Commission on Public Records." Motion carried.

7. LOTTERY COMMISSION

A motion was made by Jim Corridan and seconded by Connie Smith to approve Schedule No. 7 as submitted. Jerry Bonnet stated in Item No. 21 on page 4 of 9, On-Line Drawing Reports and Video Record of Drawing, it states electronically transfer to the Commission on Public Records. Amy Robinson stated that was not changed, that it the way it has been. Mr. Bonnet asked is there is a protocol for that somewhere or policy that states how that is done. Jim Corridan stated they will check on that. Mr. Bonnet then stated on Item No. 61 on page 9 of 9, Retailer Hearing Records, it states these records are electronically scanned and destroy the paper records and this is another one he is not familiar with the policy or procedure. Jim Corridan stated the Commission on Public Records and the Oversight Committee on Public Records adopted a policy #06-01 that allows a record with a 10 year or less retention to be scanned and destroy the paper records and then delete scanned images within that 10 year timeframe. Mr. Corridan stated if the retention is longer than 10 years, then you cannot do that. After discussion, a vote was taken and motion carried.

8. STATE DEPARTMENT OF HEALTH

Indiana Lead and Healthy Homes

A motion was made by Jim Corridan and seconded by John Jacob to approve Schedule No. 8 as submitted. Motion carried.

9. STATE DEPARTMENT OF HEALTH

Environmental Labs

A motion was made by Caroline Bradley and seconded by Pam Bennett to approve Schedule No. 9 as submitted. Motion carried.

12-06-27-07

NEW BUSINESS

Jim Corridan stated the Commission on Public Records is the recipient of a program from COPE, which was the Commission on Proprietary Education, which is being merged into the Commission on Higher Education, of a number of records and a staff person. The staff person has been responsible or continues to be responsible for providing transcripts from for profit closed universities. Mr. Corridan stated they want to establish a fee to make certified copies of the transcripts for educational institutions that fall under that category and they are proposing a \$10.00 fee for transcripts effective July 1, 2012. Mr. Corridan stated they determined there are 162 transcripts per year, so they are not talking about a lot of revenue. Mr. Corridan then made a motion to establish a \$10.00 fee for transcripts effective July 1, 2012, seconded by Pam Bennett. Caroline Bradley asked how this fee is comparable to what other states are charging. Mr. Corridan stated he could not answer that but that private universities are charging between \$15 and \$25, and we are not covering our costs. Mr. Corridan said he is struggling with the number because he thought it was going to generate \$8,000.

Mr. Corridan stated when we provide certified copies of other documents from the Archives, there is a fee associated with that, so we want to make sure we set a specific fee for transcripts and this is for records from institutions that have been closed and we have the records. After the discussion, a vote was taken and motion passed.

12-06-27 -08

ADJOURNMENT

There being no further business, John Jacob moved that the meeting be adjourned. Connie Smith seconded. Motion carried. Meeting adjourned at 1:55 p.m.