

OVERSIGHT COMMITTEE ON PUBLIC RECORDS
Regular Meeting December 18, 2013

13-12-18-01

CALL TO ORDER AND ROLL

A regular meeting of the Oversight Committee on Public Records was held Wednesday, December 18, 2013. The meeting was called to order by Chairman John Jacob, Designee for Paul Joyce, State Examiner, State Board of Accounts at 1:30 p.m. in Conference Room 10 Indiana Government Center South-First Floor. Members present constituting a quorum: Pam Bennett, Director, Indiana Historical Bureau; Caroline Bradley, Designee for Paul Baltzell, 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 Paul Joyce, State Examiner, State Board of Accounts; Mallory Wilson, Designee for Connie Lawson, Secretary of State. Members absent: Luke Britt, Public Access Counselor; Connie Smith, Designee for Jessica Robertson, Commissioner, Department of Administration. Commission staff in attendance: Ted Cotterill, Deputy Director; Amy Robinson, Records Management; Beverly Stiers, County and Local Government Records Management. Guests in attendance: Connie Bruder, Indiana State Library; Christi Cloud and Andrew Manna, Carmel-Clay Schools; Mara Snyder, Indiana Department of Homeland Security.

13-12-18-02

NEXT MEETING

John Jacob announced the next meeting would be held January 15, 2014 at 1:30 p.m. in Conference Room 10, Indiana Government Center South, 1st Floor.

13-12-18-03

PREVIOUS MEETING

Pam Bennett moved approval of the November 20, 2013 minutes as presented, seconded by Jim Corridan. John Jacob stated that he was now the designee for Paul Joyce, State Examiner, State Board of Accounts. A vote was then taken and motion carried.

John Jacob stated we were going to move the Agenda around a little bit and now go to Items No. 1 and 2 under AGENCY REQUESTS-RECORDS RETENTION AND DISPOSITION SCHEDULES(S). Mr. Jacob stated we have a representative from Homeland Security and Amy Robinson introduced Mara Snyder.

Item No 1. DEPARTMENT OF HOMELAND SECURITY

Fire Prevention and Building Safety Commission

A motion was made by Caroline Bradley and seconded by Jim Corridan to approve Schedule No. 1 as submitted. Motion carried.

Item No 2. DEPARTMENT OF HOMELAND SECURITY

Local Emergency Planning Committees

A motion was made by Pam Bennett and seconded by Roberta Brooker to approve Schedule No. 2 as submitted. Jim Corridan stated this is an organization that is half local and half State, and it was put under the Department of Homeland Security. A vote was then taken and motion carried.

13-12-18-04

OLD BUSINESS

None

John Jacob then introduced the guests from Carmel-Clay High School, Christi Cloud and Andrew Manna. Jim Corridan stated there has been some correspondence. Luke Britt, Public Access Counselor, had a conversation with Andrew at a conference about concerns that the Hamilton County School Corporation might have with retention of electronic records. Mr. Corridan reviewed a letter included in the members' packet from Peggy Beaver, Hamilton County Clerk, and Dr. Libbie Conner, Noblesville Schools Superintendent, as well as his response. Andrew Manna stated he is a law partner at Church, Church, Hittle and Antrim in Noblesville and they represent several area school districts. Mr. Manna stated they often run into difficulties with requests for emails. He came down a year and a half ago, met with Mr. Corridan and asked him questions because they are struggling in the public school setting to figure out email retention and email management. Mr. Manna stated the retention schedule from their clients' perspectives does not work in a practical manner because you cannot pull out the content and know how to separate them when dealing with e-mail. Mr. Manna stated that perhaps email should be a retention category with retention of three (3) years or some appropriate timeframe.

Christi Cloud stated if you think about the retention schedule, a teacher may send today an email that goes out to a student and the retention schedule says to keep for the length of the student's enrollment, and that student may leave tomorrow, therefore the retention schedule would end tomorrow but for any other student it might last for another 10 years, 15 years. Ms. Cloud stated if that document were related to a board meeting, would it relate to the first retention schedule, to financial information, to a different retention schedule and it is really next to impossible to classify and would have to end up archiving everything because we do not want to be caught without the proper information and then when we go to formal records requests.

Jim Corridan asked with student emails are you also storing that or are you deleting them. Christi Cloud stated they actually do not have student emails so she cannot speak for that in Carmel-Clay, but she knows other districts that have put student emails in place and are attempting to learn about that. Christi Cloud stated they are just dealing with employee emails which are astronomical. Andrew Manna stated those are the different pieces of feedback and he knows there are many different pieces of policy and things you are looking at, but if they could in the future provide more practical examples of feedback, they would be happy to do that.

Jim Corridan stated he thinks the Oversight Committee understands the issue, and it is probably not practical to simply say all emails will be kept for three (3) years, because if you are the Governor of Indiana or the Superintendent of the School Corporation and you are setting policy in an email and it is destroyed, that is a big problem. Mr. Manna stated part of that is making the user responsible to keep a hard copy when the Superintendent sends something that needs to be kept. Mr. Corridan the practicality is no one sits there and says I need to drop this in my 5 year bucket, my 10 year bucket, or contract bucket or personnel bucket. Mr. Corridan said that is the issue, as he shared in his letter to the County Clerk and the Superintendent, they are working at trying to figure out ways to resolve some of that by maybe looking at the National Archives who is saying maybe take the top layer of executives of different organizations, the principals, assistant principals, guidance counselors, superintendents and your email has to be stored for x number of years. We are just not at a point to implement that and there are other possibilities, but at this point, we are stuck where we are stuck and he does not know what a better answer is without jeopardizing the public's right to access.

Mr. Manna stated several schools have asked transparency and access at what cost, because Ms. Cloud needs to hire a full time person to do responses to email requests and he thinks that is why they are suggesting that some limitation has to be feasible, maybe it is more than three (3) years, maybe it is a number beyond that. Mr. Manna said people have a responsibility to keep a hard copy and you

mentioned categorizing and he does not know how many retention schedule categories or buckets there would actually be but don't know how an elementary teacher sitting there and he does not know how she ends up clicking every time she sends an email on a certain category. Ms. Cloud stated it is literally beyond every single student not knowing when they graduate or leave the school district to know where you are going to categorize those and then you look to get rid of them at the appropriate time. Ms. Cloud said she is not aware of an option to do that for us. Mr. Manna stated you mentioned you have the same issue at the State level and we just wanted to at least let you be aware of this.

Jim Corridan stated seeking out the right solution that is going to safeguard everyone's rights because if you were to delete everything after three (3) years, let's just say, and then some parent says, well the teacher told us four (4) years ago and your records are gone, and they have the email, you do not want to be in that situation and possibly get sued. Mr. Manna stated as a Counsel what he would say is if there is something important enough that the teacher told the parent, then yes they should have a separate hard copy or electronic folder for that and the district can get rid of it, but the teacher should be responsible if they told the parent x, y, z, but the district should not have to back it up forever. Jim Corridan stated they do appreciate them taking the time to let us know about their concerns and we will follow up on it, and thanked them for their visit.

13-12-18-05

DIRECTOR'S REPORT

Jim Corridan stated a copy of the Director's Report was given to the OCPR Committee with their packet. Mr. Corridan stated the Commission on Public Records has submitted a Request for Proposal to Shelby County, Indiana who is working on a State digitization project. Mr. Corridan stated they are hopeful they end up winning that business and this will generate revenue for the Micrographics Division. Mr. Corridan stated revenue is short right now in the Commission and they are trying to work through those issues.

Jim Corridan stated they are now working with the Supreme Court to eventually transfer the Supreme Court's records from about 1941 to 1991 to the Records Center at the State Archives, so they can go through them and inventory them. Mr. Corridan stated there are probably almost 2,000 boxes of cases that are completely unfindable and so we are looking at creating a project to go through and inventory all of them so they can be located.

Jim Corridan stated they continue to move forward on the Bicentennial and there are two (2) big projects on which the Commission is working. One is because of the Commission's role with the Constitution; they are working on identifying all the information possible from the original signers of the 1816 Constitution. Mr. Corridan stated they are going to be holding a wreath placing ceremonial in June, 2016 at the burial sites of those 42 men. Mr. Corridan stated they will be including local representatives and hope to have the Governor, Boy Scouts, Girl Scouts, youngsters so there is a group of people involved in this. Mr. Corridan stated the Indiana Pioneers may be partners with the State Archives in the wreath laying project.

Jim Corridan stated they have found enough new information on these people that he thinks they will work on publishing a book and make available to the public hopefully in 2015-2016. Mr. Corridan stated there are mysteries where people never knew where some of them are buried and they have been identifying about every one of the delegate's death places which have been unknown. Mr. Corridan stated there is a handful that are not buried in Indiana, they moved away or were working out of State and there are three (3) or four (4) that we know approximately where they are. Mr. Corridan stated there is an extremely large number who actually do not have tombstones, there is nothing

marking their grave, some of them are U. S. Senators, so they are also going to see if they can collect revenue to have some sort of marker made for them.

Jim Corridan stated the other project is working with the State Library, Historical Bureau, State Museum, War Memorial, Grouseland Foundation in Vincennes and others to have a travelling exhibit of the State's high profile artifacts. Mr. Corridan stated the original 1915 State flag now in the custody of the Historical Bureau, the Constitutions and territorial documents will travel with the exhibit as well as the flag from the African-American 28th Indiana Civil War Regiment. Mr. Corridan stated the Library has some 1816 Constitutional Convention documents that could be included and the whole purpose is to help people understand more about Indiana and get these items held in Indianapolis and out into the field. Mr. Corridan stated they are working on having about 8 locations, first in Vincennes in May, second in Corydon in June and by December be back in Indianapolis for the final 2016 program.

13-12-18-06

AGENCY REQUESTS-RECORDS RETENTION AND DISPOSITION SCHEDULES(S)

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

3. INDIANA BOARD OF TAX REVIEW

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

4. STATE POLICE

Continuous Improvement Unit

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

5. STATE POLICE

Fiscal

A motion was made by Jim Corridan and seconded by Pam Bennett to approve Schedule No. 5 as submitted. Motion carried.

6. STATE POLICE

Information Technology

A motion was made by Pam Bennett and seconded by Caroline Bradley to approve Schedule No. 6 as submitted. Motion carried.

7. STATE POLICE

Motor Carrier

A motion was made by Jim Corridan and seconded by Pam Bennett to approve Schedule No. 7 as submitted. Motion carried.

8. TREASURER'S OFFICE

Agency Wide

A motion was made by Caroline Bradley and seconded by Pam Bennett to approve Schedule No.8 as submitted. Motion carried.

9. VETERANS' AFFAIRS

Indiana Veterans' Home

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

13-12-18-07

NEW BUSINESS

Election of Chairman

Jim Corridan stated there will be a significant turnover at the next meeting. Roberta Brooker and John Jacob will be leaving, and the Governor's office expects to appoint the two (2) lay members and their own designee.

Pam Bennett nominated Caroline Bradley as Chairman, seconded by Jim Corridan. A motion was made by Pam Bennett to close nominations, seconded by Jim Corridan. A vote was then taken to close nominations and Caroline Bradley was elected by acclamation.

Caroline Bradley nominated Connie Smith as Vice-Chair, seconded by Jim Corridan. A motion was made by Pam Bennett to close nominations, seconded by Jim Corridan. A vote was then taken to close nominations and Connie Smith was elected by acclamation.

13-12-18-08

ADJOURNMENT

There being no further business, Roberta Brooker moved that the meeting be adjourned. Pam Bennett seconded. Motion carried. Meeting adjourned at 1:02 p.m.