

OVERSIGHT COMMITTEE ON PUBLIC RECORDS
Regular Meeting November 14, 2018

18-11-14-01

CALL TO ORDER AND ROLL

A regular meeting of the Oversight Committee on Public Records was held Wednesday, November 14, 2018. The meeting was called to order by Chairman Luke Britt, Public Access Counselor, at 10:05 a.m. in Conference Room 3, Indiana Government Center South-First Floor.

Members present constituting a quorum: Luke Britt, Public Access Counselor; Cynthia Carrasco, Governor's Designee; Samantha Chapman, Designee for Connie Lawson, Secretary of State; Doug Kowalski, Designee for Paul Joyce, State Examiner, State Board of Accounts; Chandler Lighty, Executive Director, Indiana Archives and Records Administration; Jacob Speer, Director, Indiana State Library.

Members absent: Tammy Glickman, Designee for Leslie Crane, Commissioner, Department of Administration; Graig Lubsen, Designee for Dewand Neely, Chief Information Officer, Office of Technology.

Guests: Larry Molnar and Heather Lynette, Department of Revenue.

IARA staff in attendance: Marilyn Fernandez, Deputy Director; Amy Robinson, Records Management; Beverly Stiers, County and Local Government Records Management.

18-11-14-02

NEXT MEETING

Luke Britt announced the next meeting will be held December 19, 2018 at 9:45 a.m. in Conference Room 3, Indiana Government Center South, 1st Floor.

18-11-14-03

PREVIOUS MEETING

Samantha Chapman stated she had a correction to the September 19, 2018 Minutes. Kendra Leatherman was listed as being in the Secretary of State's office and she is in the State Auditor's office. A motion was made by Jacob Speer and seconded by Samantha Chapman to approve the minutes of the September 19, 2018 meeting as amended. Motion carried.

18-11-14-04

NEW BUSINESS

None

18-11-14-05

DIRECTOR'S REPORT

Chandler Lighty stated copies of the Director's Reports for September and October were sent to the Committee and asked if there were any questions, their being none.

Mr. Lighty stated earlier this year Jim Corridan introduced a new fee schedule and did not give the OCPR Committee much time to review it. Since then, we have been looking at it again and have come up with a new fee schedule which we are sharing with you today. This proposed schedule shows comparisons to different State Agencies as well as other State Archives. Mr. Lighty stated he is not asking for approval of this schedule today. Mr. Lighty also stated the subject of higher cost of our copies has come up before and this is due to the fact that we do not

have a copy machine in the Research room and our staff has to do the copies and that is why we are asking for more money there. Mr. Lighty asked if there were any questions. Cynthia Carrasco asked if it would be possible to move the copy machine to the Research Room and Mr. Lighty stated they would look into this.

Luke Britt asked that this be put on the Agenda for next month.

Chandler Lighty then passed out pictures of records and reported that IARA has been contacted by the managers of the Gary Community Schools asking for permission to destroy these records.

Lighty: I don't know if this needs a vote or not, but we were contacted by the managers of the Gary School system, they have records in a building that's been vacant for several years. They're asking to destroy the records even though they have not reached the end of their retention cycle and some are permanent. They have told us that they are personnel records and not student records, which I know was one of your concerns. You have two emails there, one where they provide more info and one which is SBOA's response. They ask that we provide them a decision by December 4th, which is coming up. SBOA doesn't have a problem satisfying their needs for audits and unsettled charges and Archives staff considers these records as effectively destroyed due to their poor condition. The cost of recovering them would be a lot. What I want to do is go ahead and send them SBOA's and our assessment; is there any objection to that?

Q: Just out of curiosity, what happened there?

Lighty: They abandoned the building in 2016 and it's been sitting vacant.

Britt: Were any of those records digitized?

Lighty: They do have electronic records, but I don't think anything was digitized?

Britt: I'd have to look through the statute, but I don't think at this point they (OCPR) have to do anything, it's all IARA.

Doug Kowalski: that's correct. In the email we outlined two statues 5-15-6-3 is specific to financial records and allows SBOA to allow for destruction if the exceptions set out in report are satisfied. The language used in Gary and the state is "exceptions" and "unsettled charges." These are distinct terms in the audit world, they are two different things. 15-6-3 only applies prior to the retention schedule. I don't know if it causes an issue with the language we have currently approved, but it's the reason that SBOA can't approve destruction and it falls on IARA.

At the end of the discussion, Lighty said that he would follow up by forwarding SBOA's response, and a response from IARA acknowledging that while these records have not reached their destruction date per the county retention schedule, their current condition effectively renders them useless. IARA would have no further objection regarding their plans.

18-11-14-06

AGENCY REQUESTS-RECORDS RETENTION AND DISPOSITION SCHEDULE(S)

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

1. LOTTERY COMMISSION

Agency-wide Schedule

Doug Kowalski noted that the situation-dependent retention period of Record Series 2007-97 was ambiguous in its requirements, and suggested that "whichever is later," be added. Amy Robinson pointed out that this series was already approved with the previous language and didn't have a proposed amendment, but concurred that "whichever is later" could improve reader comprehension.

A motion was made by Samantha Chapman and seconded by Doug Kowalski to adopt Schedule No. 1 as amended. Motion carried.

2. PROFESSIONAL LICENSING

Agency-wide Schedule

A motion was made by Doug Kowalski and seconded by Jacob Speer to adopt Schedule No. 2 as submitted. Motion carried.

3. DEPARTMENT OF REVENUE

Audit

A motion was made by Jacob Speer and seconded by Samantha Chapman to adopt Schedule No. 3 as submitted. Motion carried.

4. DEPARTMENT OF REVENUE

Finance

A motion was made by Cynthia Carrasco and seconded by Doug Kowalski to adopt Schedule No. 4 as submitted. Motion carried.

5. DEPARTMENT OF REVENUE

Investigations

A motion was made by Samantha Chapman and seconded by Doug Kowalski to adopt Schedule No. 5 as submitted. Motion carried.

6. DEPARTMENT OF REVENUE

Returns Processing

A motion was made by Cynthia Carrasco and seconded by Jacob Speer to adopt Schedule No. 6 as submitted. Motion carried.

7. DEPARTMENT OF REVENUE

Special Tax

A motion was made by Samantha Chapman and seconded by Cynthia Carrasco to adopt Schedule No. 7 as submitted. Motion carried.

8. DEPARTMENT OF REVENUE

Tax Administration

A motion was made by Cynthia Carrasco and seconded by Doug Kowalski to adopt Schedule No. 8 as submitted. Motion carried.

9. DEPARTMENT OF REVENUE

Taxpayer Advocate

A motion was made by Jacob Speer and seconded by Cynthia Carrasco to adopt Schedule No.9 as submitted. Motion carried.

10. DEPARTMENT OF REVENUE

Taxpayer Contact

A motion was made by Doug Kowalski and seconded by Samantha Chapman to adopt Schedule No. 10 as submitted. Motion carried.

18-11-14-07

NEW BUSINESS

After a brief discussion, it was decided that future Oversight Committee on Public Records meetings would start at 10:00 a.m.

18-11-14-08

ADJOURNMENT

There being no further business before the Committee, meeting adjourned at 10:20 a.m.