

GUIDE TO PRESERVATION AND DESTRUCTION OF LOCAL GOVERNMENT PUBLIC RECORDS

This guide was prepared by the staff of the Indiana State Archives. Its purpose is to help officials at the local and county level of government in their records management duties.

I. INTRODUCTION

On May 12, 1991, Indiana Governor Evan Bayh signed into law the revised Local Government Records Law, **IC 5-15-6**. The revised law amends portions of the existing statute to allow local governments greater ease in handling their public records. The law allows local governments to dispose of public records by employing what are known as retention schedules. Retention schedules are tools used to determine what records need to be kept, and what records can be destroyed or otherwise disposed of after their immediate official usefulness has been exhausted. The use of retention schedules will greatly enhance the local government official's ability to manage his or her important information resources to save money, space, and time.

The revised law lays down specific duties and responsibilities for the participants in the local government records disposal process. The participants are:

- a) the local government official who is the records custodian;
- b) the Commission of Public Records of the county in which the local government official is located;
- c) the Indiana State Archives, Indiana Commission on Public Records; and
- d) a county historical or genealogical society.

Each participant has a specific role to play in the process to be presented in this guide.

The original version of today's **IC 5-15-6** was enacted by the General Assembly in 1939. The law grew out of the need, then as now, to get a handle on the overwhelming growth of records and government documentation. Certain features of the law (such as the three year minimum retention for all records) reflected the need to have time for state auditors to examine the books of local government officials. It was also important to ensure that the records were not altered or destroyed unless authority to destroy the records was granted. Many of these concerns are still cogent today. However, today's public records include electronic and micrographic media, as well as paper and paper-based materials. The law was changed in 1991 to reflect this and several other developments.

This guide will outline the specific duties and responsibilities that all who handle, manage, or deal with local government public records must fulfill under the law. The guide will present recommendations on how best to meet those tasks and responsibilities. It will also give the local government official tips or suggestions on ways to preserve, store, and reproduce their public records.

II. IC 5-15-6: THE LOCAL GOVERNMENT PUBLIC RECORDS LAW

Sec. 1. (a) A commission is hereby created in each county of the state which shall be known as the county commission of public records of ___ county.

(b) The county commission shall consist, ex officio, of the judge of the circuit court, the president of the board of county commissioners, the county auditor, the clerk of the circuit court, the county recorder, the superintendent of schools of the school district in which the county seat is located and the city controller of the county seat city, and if there is no city controller, then the clerk-treasurer of the county seat city or town shall be a member of such commission.

(c) The commission shall elect one (1) of its members to be chairman and the clerk of the circuit court shall be secretary. The members of the county commission shall serve without compensation and shall receive no disbursement for any expense.

(d) The county commission shall meet at least one (1) time in each calendar year.

Sec. 1.2. As used in this chapter, "county commission" or "commission" refers to the county commission of public records created by section 1 of this chapter.

Sec. 1.3. As used in this chapter, "Indiana State Archives" has the meaning set forth in **IC 5-15-5.1-1**.

Sec. 1.4. As used in this chapter, "local government" means a political subdivision (as defined in **IC 36-1-2-13**).

Sec. 1.5. As used in this chapter, "public record" or "record" means a record (as defined in **IC 5-15-5.1-1**) except that "public record" or "record" means local government rather than state government documentation.

Sec. 1.6. As used in this chapter, "records management" means a program to apply management techniques to the purchase, creation, utilization, maintenance, retention, preservation, and disposal of records undertaken to improve efficiency and reduce costs of record keeping, including management of the following:

- (1) Filing and microfilming equipment and supplies.
- (2) Filing and information retrieval systems.
- (3) Records.
- (4) Historical documentation.
- (5) Micrographic retention programming.
- (6) Critical records protection.

Sec. 1.7. As used in this chapter, "retention schedule" has the meaning set forth in **IC 5-15-5.1-1**.

Sec. 2. (a) It shall be the duty of the county commission to determine the following:

- (1) Which public records, if any, are no longer of official or historical value.

(2) Which public records, are of current official value and should be retained in the office where they are required to be filed.

(3) Which public records are of official value but are consulted and used so infrequently that they are no longer of appreciable value to the officer with whom they are required to be filed.

(4) Which public records are of no apparent official value but which do have historical value.

(b) The county commission may request the assistance of the commission on public records established under **IC 5-15-5.1** in developing records management programs.

Sec. 2.5. (a) The county commission shall adopt and implement retention schedules for use by local government officials as part of a records management program for local government public records at the first meeting of the county commission after the commission receives a retention schedule for the local government approved by the oversight committee on public records as established by **IC 5-15-5.1-18**.

(b) All requests to destroy, transfer, or otherwise dispose of records that are not covered by an approved retention schedule are to be submitted to the county commission according to the procedure established under this chapter.

(c) Requests for exceptions to an approved retention schedule shall be submitted to the county commission. The commission may not consider requests for retention of records that are shorter in duration than the approved retention schedule.

(d) Local government officers shall submit documentation of destruction, transfer, or other disposal of records according to an approved retention schedule to the county commission with a copy submitted to the state archives.

(e) Whenever a local government includes parts of more than one (1) county, the commission of the county that contains the greatest percentage of population of the local government has jurisdiction over the records of the local government for the purposes of this chapter.

Sec. 3. (a) All public records which, in the judgment of the commission, have no official or historical value, and which occupy space to no purpose in the offices and storerooms of the local government of a county, shall be destroyed or otherwise disposed of. Except as provided in subsection (b), such records shall not be destroyed until a period of at least three (3) years shall have elapsed from the time when the records were originally filed, and no public records shall be destroyed within a period of three (3) years if the law provides that they shall be kept for a longer period of time, or if the law prohibits their destruction.

(b) Records may be destroyed before three (3) years elapse after the date when the records were originally filed if:

- (1) the destruction is according to an approved retention schedule; and
- (2) the requirements of subsection (c) are met.

(c) No financial records or records relating thereto shall be destroyed until the audit of the records by the state board of accounts has been completed, report filed, and any exceptions set out in the report satisfied.

Sec. 4. (a) Except as provided in subsection (b), no records shall be removed or transferred from any office until a period of at least three (3) years shall have elapsed from the date on which the records were filed, nor even after that time if the records are in frequent use by the officer having charge of the office.

(b) Records may be removed or transferred from any office before three (3) years elapse after the date on which the records were filed if the removal or transfer is according to an approved retention schedule.

Sec. 5. Public records having an official value but which are used infrequently by the officer with whom they are filed or maintained shall, on order of the commission, be removed and transferred to the Indiana state archives.

Sec. 6. Public records having no apparent official value, but having a historical value shall be transferred to and shall constitute a part of the Indiana state archives.

Sec. 7. (a) When any public records are ordered to be destroyed, removed, or transferred, the commission shall enter an order to that effect on its minutes, stating the date on which the order is entered and a general description of the public records which the commission orders to be destroyed, removed, or transferred.

(b) A copy of any order to destroy public records shall be delivered to:

- (1) the state archivist at the Indiana state archives;
- (2) any active genealogical society of the county; and
- (3) any active historical society of the county; not later than sixty (60) days before the destruction date, accompanied by a written statement that the state archivist at the Indiana state archives or society may procure at its expense such records for its own purposes.

(c) The order delivered under subsection (b) must state that the records will be made available to the state archivist at the Indiana state archives, the genealogical society, or the historical society subject to the following provisions:

- 1) Genealogical or historical societies of the county which have an active organization shall have priority in the procuring of the public records.
- (2) If there is more than one (1) genealogical or historical society of the county with an active organization, the earliest established genealogical or historical society shall have priority in the procuring of the public records.
- (3) In order to procure all or part of the public records included in the order, a genealogical or historical society must offer to the Indiana state archives sufficient proof of ability to properly preserve the records in question, or the state archives may deny the records to the genealogical [or] historical society

and give priority to another historical society in the county or the state archivist at the Indiana state archives.

(4) If within thirty (30) days of the delivery of the destruction order to the genealogical or historical society, the society has not notified the commission of an intent to procure all or part of the records included in the order, the state archivist at the Indiana state archives may upon request procure at the archive's expense the records for the archive's own purposes within the remaining time in the sixty (60) day period.

(5) If a county historical society that has obtained records through the county commission subsequently wishes to destroy, transfer, or otherwise dispose of these records, the historical society shall submit a request to the county commission for authorization to destroy the records according to the procedure set forth in this chapter.

(6) Records obtained by a historical society under chapter remain public records and are subject to all applicable public records laws.

Sec. 8. A public official or other person who recklessly, knowingly, or intentionally destroys or damages any public record commits a Class D felony unless:

(1) the commission shall have given its approval in writing that the public records may be destroyed;

(2) the commission shall have entered its approval for destruction of the public records on its own minutes; or

(3) authority for destruction of the records is granted by an approved retention schedule established under this chapter.

III: PROCEDURES

Under the revised IC 5-15-6, there are two legal methods to dispose of public records. The first is that of submitting requests to the county Commission of Public Records to authorize the destruction or transfer of listed public records. A meeting of the Commission is called to authorize the destruction of the records. This is the method created by the 1939 law. The second method is to use retention schedules and to follow their directions regarding how to dispose of the records. This second method was added by the General Assembly in 1991. Both methods are effective means to remove unneeded public records from local government offices. NOTE: court or judicial records do not come under the authority of a county Commission of Public Records. Court records are to be handled according to the rules developed and enforced by Supreme Court Administration, an arm of the State Supreme Court. IC 5-15-6 applies only to nonjudicial public records.

1. HOW TO SUBMIT A REQUEST TO DESTROY PUBLIC RECORDS

If an official has identified public records that are no longer needed or required to be retained, and no retention schedule exists that covers the record or records involved, that official should:

a) obtain a blank **PR-I** form ("Request to Destroy/Transfer Public Records") from the Clerk of the Circuit Court of the county. The Clerk is the ex-officio Secretary of the county Commission of Public Records;

b) fill out the form, listing the records to be disposed of;

c) submit the completed form to the Clerk of the Circuit Court (ie., Secretary of the Commission);

d) the Clerk will either call a meeting of the county Commission of Public Records, or add the request to the agenda of the scheduled meeting. At the meeting, the Commission will vote to authorize the disposal of the records;

e) if the Commission grants authority to dispose of the records, the requests are reviewed by the Indiana State Archives and the designated historical or genealogical society of the county during the 60 day review period. If either the State Archives or the society wishes to obtain any of the records, those records should be set aside to be picked up by the requestor. **NOTE: HISTORICAL AND GENEALOGICAL SOCIETIES MAY NOT OBTAIN CONFIDENTIAL PUBLIC RECORDS;**

f) if no request is made to obtain the public records within the review period, the records may be destroyed or otherwise disposed of. **NOTE: CONFIDENTIAL RECORDS MUST BE DESTROYED IN A MANNER THAT PRESERVES THE CONFIDENTIALITY OF THE INFORMATION (IE., SHREDDING, BURNING, ETC.).**

2. HOW TO USE A RETENTION SCHEDULE

A retention schedule will note the proper disposition of a specific type or group of records. It serves as a maintenance manual for the different records used in an office. Each group or type of record is identified, its retention requirements noted and cited, and the recommended retention given. An example is given below:

SCHOOL CORPORATION

RECORD	CITATION	RETENTION
Extra Curricular Program	IC 20-5-7-2	Destroy after 5 years

In the example, the record type is found in the left column, any legal requirements for length of retention are given in the "Citation" column, and the length of the retention is given in the right-hand column.

Legal citations for retention schedules are based on the Indiana Code, the Indiana Administrative Code, the United States Code, and the Code of Federal Regulations (CFR). The State Board of Accounts will have been consulted regarding recordkeeping requirements for all retention schedules. As well, representative local government officers from the office in question (ie., Recorders, Trustees,

Clerk-Treasurers, etc.) will have been consulted and will review each retention schedule to ensure that each retention fits the needs and requirements of the office.

When a record is disposed of according to a retention schedule, a Destruction/Disposition form should be filled out. The form serves as documentation of destruction or other disposition to show that the records were disposed of properly and according to an approved retention schedule. It is very important to document proper destruction of public records, as it serves as protection from possible legal action or accusation of improper destruction of records to cover up misdeeds. Copies of the form should be sent to the Clerk of the Circuit Court (Secretary of the county Commission of Public Records) and the Indiana State Archives.

3. INSTRUCTIONS FOR CLERKS OF THE CIRCUIT COURTS AND COUNTY COMMISSIONS OF PUBLIC RECORDS

Prior to a planned meeting of the county Commission of Public Records, the Clerk (and/or another designated member of the Commission) should:

- a) assemble a list of the local government units in the county. It would include: county offices, cities and towns, township offices, public utilities, public libraries, commissions, multi-county units, etc.
- b) send a blank copy of the "PR-1" form to each unit, with a letter or memo inviting them to submit their petitions for records to be destroyed to be authorized by the Commission at its next meeting. Establish a deadline prior to the meeting for submissions;
- c) announce meeting according to the requirements for a public meeting under the Open Door Law (**IC 5-14-1.5.1**).

When the meeting is held, the Commission should:

- a) choose a chairperson to preside over the meeting;
- b) adopt for use in the county any retention schedule approved by the Oversight Committee on Public Records received by the Clerk since the last meeting;
- c) discuss and decide on requests to destroy public records submitted by local governments in the county;
- d) discuss any other official business related to public records and records preservation; and
- e) determine the date of the next meeting of the Commission.

Once the meeting is adjourned, the Clerk as Secretary should:

- a) send the approved requests to the designated historical or genealogical society in the county and the Indiana State Archives for review to determine if they wish to obtain any of the records; and

b) on receipt of the responses from the designated society and the State Archives, notify the affected local governments. The units should then dispose of the records according to the directions of the Commission.

IV: SUGGESTIONS FOR STORAGE/PRESERVATION OF PUBLIC RECORDS

There are a number of things that a public records custodian can do to take command of the records in his/her care. They involve minimal expenditures of money and time. But they pay handsome dividends down the road.

1. BOX STORAGE SHELVING

Erect shelving to organize, arrange, and store records storage boxes. Shelves should be tall and deep (approximately 18" tall by 18" deep to accommodate standard sized records storage boxes, or depending on the size of the boxes used). Metal shelving units are strong and sturdy, and can be easily erected and later disassembled. Some prefer wooden shelves, though they are less than ideal for records storage. Shelves allow more records to be stored in a given floor area, as they employ the room's height. Also, boxes stored on shelves are easier to get to and retrieve than boxes that are merely stacked or piled on the floor. Shelves save time, space, and back-aches.

2. STANDARD BOX SIZES

If possible, employ only one or two sizes of boxes in which to store public records. Standardization allows for easier storage and space allocation, especially in tandem with storage shelves. We recommend the use of standard one cubic foot records storage boxes (10"x12"x15" inside). These records storage boxes are available from numerous office supplies sources. They are capable of holding approximately 50 pounds of records, and accommodate both letter and legal paper or file folders. Larger boxes, holding up to 100 pounds of records, can be difficult for many people to handle and move. Avoid using boxes originally designed and used for other purposes (ie., computers, equipment, bananas, etc.) to hold records. Such boxes are often not strong enough to hold paper records, which when densely packed together are very heavy.

3. FILLING RECORDS STORAGE BOXES

Avoid at all costs filling a records storage box with more than one type of record (ie., checks with blue prints, purchase orders with poor relief applications, etc.). When it comes time to dispose of records, extra time and effort will have to be spent sorting through each box to separate the different records. Keep discreet categories separate.

When filling a box with records for storage, always assume that sometime in the future someone (perhaps you) will need to retrieve a record from that box. Keep the contents of the box in good order, or in the order the records were originally. DO NOT dump or pile records or files into the box. Also, do not over-fill a box.

4. LABELLING RECORDS STORAGE BOXES

Always label or mark clearly the contents of the records storage boxes at the time of filling the box. Include the title of the records or their type, the range of dates of the records, and to whom the records belong (ie., which office). It is a good idea as well to note the date that the records in the box can be destroyed according to an approved retention schedule, or based on legal or administrative requirements. An example of such a label could read:

OFFICE: COUNTY AUDITOR
RECORD: CANCELED CHECKS
DATE OF RECORDS: 1992
DESTROY: 2003

Label the records storage boxes so that the label or markings can be read easily when the boxes are shelved.

5. DESTROYING PUBLIC RECORDS

When boxed public records are ready to be disposed of according to an approved retention schedule or after authority has been granted by the county Commission of Public Records, empty the records storage boxes when disposing of the records and save ("recycle") them for future use. Recycling will save the expense of purchasing new records storage boxes. Also, many records storage boxes can be easily "broken down" or folded up for storage until they are needed again. Remember always to document disposal of all public records when using a retention schedule.

V: MICROGRAPHICS AND ELECTRONIC RECORDS

The definition of "public record" for local government today encompasses all media that store information. Among those storage media, microfilm and electronic media rank with paper as major players in the information storage game. The allure of new and powerful technologies for storing and managing records and information has led to widespread use of these media. A few words on them would be advantageous.

1. MICROGRAPHICS

Micrographics concerns photographically reducing an image and placing it on a durable medium for storage and future use. There are three main types of micrographic media and technologies: microfilm, microfiche, and Computer Output Microfiche, or COM. Many local government officials employ one or more of these microfilm technologies. Microfilm can offer several advantages to local government:

- a. reduce space required to store records;
- b. security back-up copies of microfilm are easily made, and readily stored;

c. properly stored, microfilm can preserve records for a very long time;

d. microfilm that is properly documented and of high image quality can be used in court as evidence: and

e. microfilm technology has been around for many years and is widely available. However, ill-considered and poorly executed microfilming of public records can also be a tremendous waste of taxpayers' money. No one should microfilm everything that comes into the office. Only certain records merit being microfilmed. The criteria for deciding to microfilm public records should include:

i. importance of the records: if the record is vital to the smooth functioning of government and the welfare of the citizenry, you may wish to make microfilm back- ups of it to ensure its survival and preservation;

ii. length of retention of the records: if the records must be retained for many years, it may be advisable to microfilm. Records required to be retained for a short period of time (ten years or less) should not be microfilmed;

iii. bulk of records: if the amount of records is great and straining the storage capacity of the office, microfilming the record to reduce storage may be advisable. This is especially true of bulky records that must be retained for many years. Do not microfilm bulky records that need not be retained long: the expense of microfilming will offset any advantage that reducing the bulk of records may create; and

iv. frequency of use: if for reasons of legal necessity a record must be retained for a long period but will rarely if ever be consulted, microfilm may be advisable. Microfilm can be cumbersome to use, and information difficult to find.

To make usable microfilm requires that the original records be in good order prior to filming. As well, indexing of the contents of a roll of microfilm is key. Such documentation is essential to have microfilm that can be consulted and relied on. To be admissible in court, proper documentation to show that the microfilm is a complete, accurate, and legible reproduction of the original records is required. After the microfilm has been created, it must be stored in an environment that will maintain and preserve the images. Image degradation of original negative microfilm is rapid if it is stored in poor environmental conditions.

Good microfilm requires careful planning and diligence throughout the process to ensure a quality product. Microfilming also requires an outlay of funds to purchase materials and services. Several counties have established a microfilm department in their counties to serve the microfilm needs of the various county and local government offices. That way, costs for equipment, materials, and services are spread more widely, with the cost per roll of film reduced as a result. Other counties may wish to investigate the formation of a cooperative microfilm effort for their microfilm needs.

2. ELECTRONIC RECORDS

A large number of electronic means to create and store information have appeared on the scene in recent years. Technologies such as optical disks, CD-ROM, GIS, and others have emerged to fuel the proliferation of documentation in recent years as well as to solve the problems they created. Much of the "take off" is attributable to the development of the personal computer, now a widely available technology. Many local governments have already taken advantage of personal computer technology to bring greater speed and efficiency to their official duties. The records created with computers and computer-driven machines are public records just as much as the paper records of one hundred years ago. However, the medium has changed, and as a result new problems and challenges have been created.

Computers allow us to store huge amounts of information on small magnetic diskettes or plastic and aluminum disks, and to transport that information easily from one machine to another. Massive amounts of information can be sent over the telephone wires across oceans and continents. Information can be shared simultaneously between many computers, allowing access to many users. However, how to preserve that information is another question. The simple fact is that magnetic tapes, disks, and diskettes cannot store information for long periods of time. Constant backups every two or three years are required to preserve the data. Even then, data can be quickly, easily, and irretrievably lost. Magnetic media are not stable enough to preserve important information of permanent value.

Solutions must be found to the problems of long-term computer storage of important information. Optical disks show promise, but currently do not address satisfactorily the questions of permanence and technological standardization. Caution must be observed when permanent records or public records of long-term importance are stored by computer or other electronic means.

VI: PRESERVATION OF RECORDS

Many public records must, by law or by administrative necessity, be kept by the records custodian for many, many years. Indeed, some statutes require records to be maintained permanently in the office where originated or where filed. The constant use of these important public records over the years exacts a severe toll on the records themselves. Many paper records become torn, brittle, faded from exposure to sunlight and artificial light in the office, and soiled from years of exposure to dust and smoke, dirty fingerprints and oily hands. Probably the single most destructive force is the chemical composition of much of the paper that we all use in our offices. Acids in the paper, present from the time of manufacture, work to break down the fibers of the paper, leading to holes, fading, and browning. Today's paper has a short life-span, due to the chemicals present in it. Air pollution also has a serious, deleterious effect on our paper records. It is one of the supreme ironies of modern history that the paper we have used for the last century is already disintegrating, while older paper, made without the chemicals found in today's counterpart, is often in much better condition. Paper is not alone in the inexorable deterioration spiral: magnetic tape, computer diskettes, and videotape, important media for information storage today, will not outlive us. We face the horrible dilemma of losing the documentation for our era's history even before our generation has died off.

Decisions must be made concerning the way we store our information and how we take care of it. Simple decisions, made today, will determine how well local government offices will function in the future. Some require hardly more than switching to new paper stock for certain uses. Others will

require good foresight and planning. Here are some hints for taking care of local government public records:

- 1) PURCHASE ACID-FREE PAPER for all uses that call for long-term retention of records. Use acid-free file folders for records that are required and expected to be retained many years;
- 2) MICROFILM SELECTED TYPES of records that are important for the long-term well-being of the community and the continuity of government. Preserve microfilm under proper conditions;
- 3) AVOID STORAGE OF BOTH paper and microfilm records in rooms where temperatures vary greatly. Keep records out of especially hot rooms. Normal room temperatures are best;
- 4) DO NOT LAMINATE ANY RECORDS OR RECORD VOLUMES. Lamination seals the doom of the record. The process involves literally cooking the page in plastic. While the paper is encased in plastic that protects it from dirty fingerprints and oily hands, it will nevertheless turn brown and become unreadable because of the cooking it received;
- 5) DO NOT EXPOSE RECORDS to long periods of bright light. Sunlight and artificial light can damage records and make them fade;
- 6) DO NOT TOLERATE ROUGH HANDLING of records in your custody by users or researchers. Supervise the use of records. Maintain a log of users;
- 7) AVOID USING RUBBER BANDS AND STAPLES to fasten records together. Remove paper-clips when possible as records are filed; and
- 8) CONSULT THE STATE ARCHIVES for technical advice and assistance regarding preservation of important public records.

VII: DISASTER PLANNING/VITAL RECORDS

Natural disasters have historically been among the chief causes of loss of local government public records. Courthouses, town halls, and other government buildings where public records are maintained have been ravaged by fires, floods, tornadoes, and other disasters. Much of the early documentation of some counties has been lost as a result. While the Indiana Code makes provision for the reconstruction of public records in event of such a disaster, important records concerning property ownership and personal rights were lost.

Coordinated planning for such a contingency could reduce the impact and disorder of a disaster should one occur. Such actions as microfilming the "vital" public records of your office and storing the originals offsite (away from the main storage area, or completely away from the general area) in a safe but accessible place, establishing a procedure with local disaster officials to locate the most important records for emergency purposes, and others could reduce the chaos that a fire or flood would create for proper functioning of local government. Such simple measures as removing public records from areas

that would be most vulnerable in cases of fire and flood (ie., attics and basements) and making sure that structures that house public records are not fire hazards will go a long way to save important records.

Coordinate your public records disaster planning with the local Civil Defense officials in your town or county. Check with the State Emergency Management Agency (SEMA) about your vital public records. Remember that the information in public records of local government may help to save lives and livelihoods in the event of disaster.

VIII: CONFIDENTIALITY/PUBLIC ACCESS TO PUBLIC RECORDS

It is a cornerstone of democratic government that the people be allowed to examine their government's public records. As the legal definition of "public record" in the Indiana Code makes clear, the people hold title to the records produced by government officials in the normal course of their work. Public records are not the personal property of the officeholder. State and federal law mandates that public records must be made available to the citizenry. However, our laws also recognize that some public records--ie., the records of the government of the people--contain sensitive information of or concerning individuals who come into contact with government. That includes our tax returns and assessments, medical information, personal financial information, and other types of information and records. State and federal law mandates that certain public records must be maintained confidentially.

Confidential records should only be made available to:

- 1) bona-fide government employees engaged in the course of their official duties;
- 2) researchers who require special use of records for statistical, academic, or other legitimate study. In such a case, the researcher should sign an agreement not to reveal the identities or identifying information of individuals records in confidential materials;
- 3) individuals who supply to the record custodian a court order to examine specific public records; and
- 4) the subject of the records, or the subject's representative with written consent of the subject.

Indiana law and the Administrative Code list many public records that are to be maintained confidentially. IC 5-14-3, the Access to Public Records law, notes rights and responsibilities of individuals and officials concerning gaining access to public records. It is a good idea to become familiar with the law concerning access/confidentiality.

When it comes time to destroy confidential public records that no longer are of use to government, the records should be destroyed in such a way that the information will not be recoverable. Methods exist whereby confidential public records can be destroyed without revealing the sensitive information contained in them as well as the records' subjects. These include shredding, burning, and recycling. Many recyclers will guarantee confidential destruction of paper records transferred to them. Care

should be given to protect the rights of individuals whose personal information is found in public records.

IX: SOURCES OF FUNDS FOR PUBLIC RECORDS PROJECTS

Sources for funds exist for local governments to pay for efforts to save, preserve, and make accessible the public records of communities. These sources allow for funds to preserve the history and culture of a community by preserving the important records of the community.

The Indiana Code states that units (except townships) of local government with taxing authority "may establish, aid, maintain, and operate libraries and museums, cultural, historical, and scientific facilities and programs, and community service facilities and programs" (IC 36-10-2-4). Thus, according to the law, local government may contribute to historical societies or museums, or other public and private organizations for projects to contribute to the historical and cultural enrichment of the community. Efforts to preserve and conserve the important public records may be supported by local government funds. Some projects a local government could assist with its contributions are:

- 1) purchase of records conservation/preservation supplies (acid-free folders, paper, boxes, de-acidification process materials, etc.);
- 2) upgrading storage facilities to meet proper environmental storage standards for preserving public records and microfilm;
- 3) purchase of microfilm readers for patron use of microfilmed public records;
- 4) indexing important and frequently consulted public records; or
- 5) hire expert assistance to preserve deteriorating public records.

The law (part of the extensive "Home Rule" powers granted by the General Assembly) gives free rein to a wide variety of activities. The local government has the right to choose for itself the ways in which it may support the cultural life of the community. Several county governments currently exercise this power by assisting historical societies and museums with important projects to document Indiana history.

The United States government also provides funds to support efforts to collect, document, publish, and preserve the important records of our country. The National Historical Publications and Records Commission (NHPRC) provides grants to both private and public groups to document our nation's history. Significant grants have been made to state and local governments to establish records management programs at the local government level. Archival and records management programs for cities and towns have been funded with NHPRC grants. With this money, local governments around the country have proceeded to inventory records, develop retention schedules, and identify and preserve archival records. Applications are made to the NHPRC through state coordinators, who review the applications and proposals and pass them on to the national commission. Information on applying for NHPRC grants may be obtained from the NHPRC or from the Indiana State Archives.

X: RESPONSIBILITIES OF HISTORICAL/GENEALOGICAL SOCIETIES

Since 1939, historical (and later genealogical) societies have participated in the public records disposal process. The intention has been to preserve the important historical records that no longer are needed by local government and for which there is no room to spare. In this way, many important public records have been preserved for future use.

However, the process has not always worked smoothly or as the General Assembly intended. Many public records have been obtained by private groups only to be subsequently abused in private hands. Public records obtained over the years have been broken up to be sold for individual profit, have been squirreled away in private closets, attics, basements, and under beds, kept as personal property, and not made available to those interested in consulting the records. Researchers have not been given proper access to the public records in private hands.

In an effort to rectify this woeful situation, IC 5-15-6 was amended to establish parameters in which historical and genealogical societies must operate to participate in the public records disposal process. They are:

a) a county historical or genealogical society may obtain public records authorized to be destroyed under the following conditions:

1. record is not of official value;
2. record does not contain confidential information;
3. county historical or genealogical society can demonstrate to the Indiana State Archives that it can properly preserve the record;
4. county historical or genealogical society may not subsequently destroy or transfer (including sell) the record without submission of PR-1 to the county Commission of Public Records and review by the Indiana State Archives; and
5. the records remain public, and subject to the laws on public records, including:
 - public access
 - destruction/damage punitive sanctions
 - theft.

b) a county historical or genealogical society must be active to receive a review copy of approved PR-1 requests that authorize destruction of public records;

c) a county historical or genealogical society has 30 days from date of the meeting that authorizes the destruction of public records to request to obtain any of the records.