

OVERSIGHT COMMITTEE ON PUBLIC RECORDS
Regular Meeting September 22, 2010

10-09-22-01

CALL TO ORDER AND ROLL

A regular meeting of the Oversight Committee on Public Records was held Wednesday, September 22, 2010. The meeting was called to order by Chairperson Liz Keele, Designee for Todd Rokita, Secretary of State at 1:30 p.m. in Room 401, Indiana State Library. Members present constituting a quorum: Pam Bennett, Director, Indiana Historical Bureau; 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; Andrew Kossack, Public Access Counselor; Connie Smith, Designee for Robert D. Wynkoop, Commissioner, Department of Administration. Members absent: Anita Samuel, Governor's Office. Commission staff in attendance: Ted Cotterill, Deputy Director; Larry Hummel and Amy Robinson, Records Management; Beverly Stiers, County and Local Government Records Management. Guests in attendance: Rudy Cansino, State Department of Health; Mike Pavese, Department of Correction; and Laurie Peckham, Ports of Indiana.

10-09-22-02

NEXT MEETING

Liz Keele announced the next meeting would be held October 20, 2010 at 1:30 p.m. in Room 401, Indiana State Library.

10-09-22-03

PREVIOUS MEETING

Pam Bennett moved approval of the August 18, 2010 minutes as presented, seconded by Jim Corridan. Motion carried.

10-09-22-04

OLD BUSINESS

1. State Department of Health, Medical Radiological Services Division Retention Schedule

Jim Corridan stated they have come to consensus on that issue and it should be on the calendar for the October OCPR meeting.

2. State Department of Health, Long Term Care

Jim Corridan stated this has been reviewed on our side and the State Department of Health had some questions. Mr. Corridan stated in addition Item No. 6, Records Retention and Disposition Schedules(s) is no longer there and will not be covered today. It is actually No. 2 under Old Business.

10-09-22-05

DIRECTOR'S REPORT

Jim Corridan stated Micrographics continues to have a strong year and they microfilmed about 1 ½ million images in the month of August. Mr. Corridan stated the State Archives continues to get national recognition for the Indiana Digital Archives project. Mr. Corridan stated yesterday the publication Government Technology published an article on its website about the Digital Archives. Mr. Corridan stated the Archives has put about 100,000 National Guard records on this website dating from the late 1800's to 1940. Pam Bennett asked about naturalization records and Mr. Corridan stated

they continue to add counties as those are done. Ms. Bennett asked if they are doing the Negro Registers and Mr. Corridan stated they are already on line, all but one in the State Archives possession have been digitized, so not only are they up in an index format, there is also digital content for some of those.

10-09-22-06

AGENCY REQUESTS-RECORDS RETENTION AND DISPOSITION SCHEDULES(S)

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

1. PUBLIC LIBRARIES RETENTION SCHEDULE (LIB)

Jim Corridan stated at the last meeting they needed to clean up a couple of items on this schedule, so they cleaned up language on No. 8 and No. 9 and they also added the confidential statute to No. 5, No. 6 and No. 8, clearly delineating that those records may be confidential. A motion was made by Jim Corridan and seconded by Pam Bennett to approve Schedule No. 1 as submitted. Motion carried.

2. COUNTY/LOCAL GENERAL RETENTION SCHEDULE

Jim Corridan stated this schedule had previously been adopted but there was a need to clarify and clean up some language at the end of this schedule. On the 6th page under Audio and Video, it reads 10-40, 10-41 and 10-43, 10-42 was the same records as 10-41, photos and videos, that was an error and is being taken out of the schedule. Mr. Corridan stated the language was changed in 10-41 and in 10-43 and he specifically asked the OCPR Committee to focus on the language related to 10-43 as far as the retention requirements. Mr. Corridan stated these are surveillance videos. A motion was made by Jim Corridan and seconded by Caroline Bradley to approve Schedule No. 2 as submitted. John Jacob asked on 10-43 the retention period stated to destroy after 30 days if no improper or illegal activity is captured on recording, assuming that means as long as no law enforcement brings up any issues, in other words there is not a review of these tapes. Mr. Corridan stated no one is sitting there reviewing them, and the way we are interpreting this is the intent is let's look at a camera monitoring area, if within 30 days no one has said there was a crime committed in that area it is unreasonable to say you have to retain this for the seven (7) years of a possible statute of limitation issue. Mr. Corridan stated if no one has notified anyone within 30 days that there was a crime or potential crime scene in that area, whatever the camera might capture, that is a reasonable amount of time for someone to report something. Mr. Corridan stated they have issues where video cameras are on school buses, and the Police Department is generally notified virtually immediately when there is a crime, so they think the 30 days is a reasonable expectation. Liz Keele asked if there is any other agency which provides similar surveillance, and Mr. Corridan stated we are dealing with jails, security cameras pointing in and around jails, courthouses, government centers, even public libraries which would have surveillance cameras looking for theft. Caroline Bradley mentioned police car videos. Mr. Corridan stated at this point this covers all of that and noted part of the problem is ICPR has not developed a local law enforcement schedule to date. Mr. Corridan stated we probably need to break out the jail requirements, the police department video cameras, because they may fall into this category, but at this point there has been no direction given to anybody. John Jacob asked if there was anybody on the law enforcement side that would say what a reasonable timeframe is. Mr. Corridan stated he had a conversation with the head of Internal Affairs at the Fort Wayne Police Department and he talked about 30 days. Caroline Bradley stated that is a huge difference in what schools are doing today. Mr. Corridan stated they are all over the place and Ms. Bradley stated most of the schools are doing 24 to 48 hours. Mr. Corridan stated we could table this section. Ms. Bradley stated she thinks it is better guidance than what there is today, but the potential issues always come back, you look at recent issues in a northern suburb and she believes it was more than 30 days, but right now there is no guidance, so she does not think it is one we can win at. Ms. Bradley stated we have to start somewhere and then amend if necessary. Mr. Jacob stated he would agree and brought up the issues not to necessarily nail something down, but was curious if at

least some protocol was established. Ms. Keele then called for the vote on the motion made earlier. Motion carried.

Jim Corridan then stated since they just dealt with two (2) local retention schedules, he advised the OCPD Committee that he and Ted Cotterill recently talked to County Clerks at the Northern and Southern District Meetings respectively and discussed the legislative initiative to try and get the Oversight Committee on Public Records at the State levels adoption of these retention schedules to be the end of the process and not require the local County Commissions of Public Records to adopt them as well. Mr. Corridan stated the Clerks were 100% on board and supportive of this and in fact encouraging them to pursue this, so they have sent that message to the Governor's office and are waiting to hear what they want to do with the legislative issue.

3. DEPARTMENT OF NATURAL RESOURCES

Young Adult Conservation Corps

In regard to this schedule, there were no questions or comments. A motion was made by John Jacob and seconded by Pam Bennett to approve Schedule No. 3 as submitted. Motion carried.

4. DEPARTMENT OF CORRECTION

Indianapolis Juvenile Correctional Facility

Larry Hummel introduced Mike Pavese from this Agency. In regard to this schedule, there were no questions or comments. A motion was made by Caroline Bradley and seconded by John Jacob to approve Schedule No. 4 as submitted. Motion carried.

5. STATE DEPARTMENT OF HEALTH

Silvercrest

Larry Hummel introduced Rudy Cansino from this Agency. In regard to this schedule, there were no questions or comments. A motion was made by John Jacob and seconded by Jim Corridan to approve Schedule No. 5 as submitted. Pam Bennett stated to keep in mind this institution closed in 2006. On Record Series No. 79-1077, the retention period states to transfer it to Commission on Public Records, State Archives Division after five (5) years. Ms. Bennett stated no more will be generated, so can this just be these are permanent records. Larry Hummel stated we do not have any of these; he has checked many times our accession database and was told we do not have any of the admissions ledgers. Ms. Bennett stated that is even a bigger problem. Ms. Bennett stated what she thinks it needs to say is they are a permanent record here. Mr. Hummel stated he would agree with the description and if we had any he would be glad to put that in the schedule. Mr. Corridan will verify whether or not we have any of these records. Ms. Bennett then stated Record Series No. 79-1082 records are being destroyed 23 years after they have the records from 1975 to 2006 and everything through 1998 could apparently be destroyed by this time or 1997 and what it refers to in the description is a permanent record Where is that permanent record on the schedule? Mr. Hummel stated it may be maintained, it doesn't say you have to and whatever they have is about as permanent you are going to get. Mr. Corridan stated here is where we are – we have requested from the State Department of Health to microfilm the student records, so the State Archives continues to hold these student records at this point. Mr. Corridan stated we have not heard back about funding and so our intent is to film them so we have a permanent record of these student records, or case files. Rudy Cansino stated he has an email from June 7, 2006 of the status of these records, there were nine (9) boxes (5 banker's and 4 record center's) of historical documents at the State Archives at that time, bankers boxes bigger than the normal record center box, and were transferred to Alan January. Mr. Corridan will follow up on that. Ms. Bennett then stated that Record Series No. 3, Student's Recreation Fund, stated to destroy five (5) years after the discharge of the student and after State Board of Accounts audit report. Ms. Bennett stated if they have not been there since 2006, this would be one (1) more year. Ms. Bennett asked if there was some way to put on this that the schedule expires. Mr. Hummel stated what we have at the Records Center will be

eligible for destruction in less than a year and Mr. Cansino or whoever will get a Records Destruction Notification on this. Caroline Bradley asked if the State Board of Accounts has done an audit and Mr. Corridan stated this was done when the facility closed. Ms. Bradley stated it should be verified that the final audit was completed.

Ms. Bennett stated the next thing is the same as well, having to do with a timeframe. We are trying to reduce the number of record series so she thinks something should be built in that when the last records go, this should be deleted.

Caroline Bradley moved that this retention schedule be tabled, Connie Smith seconded. Motion carried.

Liz Keele respectfully passed the chair to Caroline Bradley as she needed to depart.

7. FAMILY AND SOCIAL SERVICES ADMINISTRATION

Office of Medicaid Policy and Planning

In regard to this schedule, there were no questions or comments. A motion was made by Pam Bennett and seconded by Andrew Kossack to approve Schedule No. 7 as submitted. Motion carried.

8. FAMILY AND SOCIAL SERVICES ADMINISTRATION

DDRS/Bureau of Quality Improvement Services

In regard to this schedule, there were no questions or comments. A motion was made by Jim Corridan and seconded by Connie Smith to approve Schedule No. 8 as submitted. Motion carried.

9. DEPARTMENT OF NATURAL RESOURCES

Outdoor Recreation

Amy Robinson stated she had a correction on this schedule. On page 2, Record Series No. 79-2533, 79-2534 and 79-2535 should be No. 79-2873, 79-2874 and 79-2875 as well as on the Notification of Record Series Action. A motion was made by Connie Smith and seconded by John Jacob to approve Schedule No. 9 as amended. Motion carried.

10. DEPARTMENT OF NATURAL RESOURCES

Division of Fish and Wildlife

In regard to this schedule, there were no questions or comments. A motion was made by Connie Smith and seconded by Andrew Kossack to approve Schedule No. 10 as submitted. Motion carried.

11. PORTS OF INDIANA

Agency Wide Schedule

Laurie Peckham from this Agency was introduced. In regard to this schedule, there were no questions or comments. A motion was made by John Jacob and seconded by Pam Bennett to approve Schedule No. 11 as submitted. Motion carried.

12. PORTS OF INDIANA

Administration

In regard to this schedule, there were no questions or comments. A motion was made by Pam Bennett and seconded by John Jacob to approve Schedule No. 12 as submitted. Motion carried.

13. PORTS OF INDIANA

Assistant Controller

In regard to this schedule, there were no questions or comments. A motion was made by John Jacob and seconded by Connie Smith to approve Schedule No. 13 as submitted. Motion carried.

14. PORTS OF INDIANA

Controller

In regard to this schedule, there were no questions or comments. A motion was made by Connie Smith and seconded by John Jacob to approve Schedule No. 14 as submitted. Motion carried.

15. PORTS OF INDIANA

Chief Engineer

In regard to this schedule, there were no questions or comments. A motion was made by Jim Corridan and seconded by Pam Bennett to approve Schedule No. 15 as submitted. Motion carried.

Roberta Brooker asked about all the deletions in regard to all of the schedules above for the Ports of Indiana, and Jim Corridan stated the General Retention Schedule covers these areas and these were last updated in the 80's. Amy Robinson stated all the remaining items are being combined into an agency wide schedule.

10-09-22-07

NEW BUSINESS

Jim Corridan stated they have begun the process of reviewing Agency schedules that have not been done in the last 20-30 years. Mr. Corridan stated they are working on finalizing those and going through the process of identifying those record series that have permanent retention and verifying the necessity of those being permanent. Mr. Corridan stated they want to see if there is some wiggle room to reduce the storage space and costs at the State Archives where they may be unnecessarily storing records that may not have that much value.

10-09-22-08

ADJOURNMENT

There being no further business, Pam Bennett moved that the meeting be adjourned. Andrew Kossack seconded. Motion carried. Meeting adjourned at 2:04 p.m.