

OVERSIGHT COMMITTEE ON PUBLIC RECORDS  
Regular Meeting December 21, 2005

05-12-21-01

CALL TO ORDER AND ROLL

A regular meeting of the Oversight Committee on Public Records was held Wednesday, December 21, 2005. The meeting was called to order by Vice Chairperson John Jacob (designee for Bruce Hartman, State Examiner, State Board of Accounts) at 1:30 p.m. in E418, Indiana Government Center South. Members present constituting quorum: Pamela Bennett (Director, Indiana Historical Bureau); Jim Corridan, Interim Director, Indiana Commission on Public Records; Chris Cotterill (Designee for Karl Browning, Director, Indiana Office of Technology); Karen Davis, Public Access Counselor; Kevin Ober (designee for Earl A. Goode, Commissioner, Department of Administration); Anita Samuel (Governor's Office); Nancy Turner (lay member). Absent: Liz Keele (Designee for Todd Rokita, Secretary of State); John Ketzenberger (Journalist, The Indianapolis Star); Barbara Maxwell, Director, Indiana State Library. Commission staff in attendance: Amy Robinson (Records Management); and Beverly Stiers (County and Local Records Management). Guests in attendance: Stacey Gibbens and Michael Obermeyer, Teachers' Retirement Fund.

05-12-21-02

NEXT MEETING

John Jacob announced that the next meeting would be held January 18, 2006 at 1:30 p.m. in Room E418, IGCS.

05-12-21-03

PREVIOUS MEETING

Nancy Turner moved approval of the minutes of the November 16, 2005 meeting as presented. Anita Samuel seconded. Motion carried.

05-12-21-04

OLD BUSINESS

1. Publication of Nonrule Policy Documents –Jim Corridan stated early in January of 2005, this Committee reported back about the policies for security at the State Archives and attached to that policy was a state form. Mr. Corridan asked if this form requires approval of the OCPR Committee because that question was raised by Karen Davis in the minutes and the answer did not directly answer that question. Mr. Corridan stated the form is probably going to be revised because they are concerned some people are interested in bringing in hand held scanners into the Archives and possibly damage the records and we do not want to allow that. Ms. Bennett stated normally it has been the policy as OCPR's purview; the implementation of the policy is up to the agency. Mr. Corridan stated the two items were attached in the minutes and it appeared as if they were approved together. Karen Davis suggested that because the modifications had some access of records implication that she have an opportunity to take a look at the revisions and Mr. Corridan agreed.
2. Legislative Updates – Pam Bennett reported the final report of the Statehouse Museum Interim Study Committee is available on the website. The immediate recommendation is that the legislation be prepared to designate the Legislative Services Agency to sell memorabilia in the interim before a visitors' center is built with the money generated by the sales going into a designated account within the State's General Fund for Statehouse preservation.

Jim Corridan stated he had two other issues to address under Legislative Updates. He was contacted by Representative Pond, who is planning to introduce legislation regarding County Commissions of Public Records which is under the purview of ICPR and OCPR. Representative Pond's proposal would allow not only the local Commission of Public Records to authorize the destruction of records but also to allow a majority vote of the County Commissioners to authorize the destruction of public records.

Mr. Corridan stated the other issue concerns legislation being considered by Senator Ford. Senator Ford is looking at legislating standards for scanning and digitization of records, and Mr. Corridan is not sure where that is yet, because he has not talked to Senator Ford. Chris Cotterill stated if Mr. Corridan does talk to Senator Ford he would suggest that Indiana not put any technical standards into legislation, because it would be quickly out of date once it is approved. Pam Bennett stated there is a digitization group that is working with Universities and a whole group has gotten together from Universities and Libraries on standards for that kind of thing that they are using them for all of the content on end work that is being done and there might be some way to tie into that as well, because they are not legislative standards but they are establishing standards to be used. Mr. Corridan asked Ms. Bennett to provide the contact information to him. Ms. Bennett stated they are trying to come up with National standards so that when they are done they are available on the website, same standards as Library of Congress and possibly the National Archives.

Nancy Turner stated she had a question on the first part – is legislation going to be introduced to allow local County Commissioners to authorize destruction of records? Mr. Corridan stated county records and Ms. Turner stated she believes that is a real mistake. Mr. Corridan stated it is coming out of Allen County because the Allen County Commissioners are concerned because of space issues in their courthouse. Mr. Corridan stated he will offer to meet with Representative Pond and go to Fort Wayne and talk to the Commissioners and see what solutions might be available. Ms. Turner stated County Commissioners are elected officials and you get the political component entering into this and she would feel really uneasy about having them authorize the destruction of county records.

05-12-21-05

#### DIRECTOR'S REPORT

1. Jim Corridan reported as Secretary of the Oversight Committee on Public Records that John Ketzenberger, who has served on the Committee for years, is resigning from the Oversight Committee on Public Records. Mr. Corridan stated when he relocated from the Indianapolis Business Journal to the Indianapolis Star, his time commitments changed such that he can no longer serve in good conscience. His resignation is effective December 31, 2005. The Governor's Office is preparing to find a replacement by our January, 2006 Committee meeting. Mr. Corridan stated there is a letter drafted to him, thanking him for his service to the Committee for Chairperson Liz Keele's signature.
2. Mr. Corridan reported he has had the opportunity to work with the Office of Technology on a number of different issues recently, one being scanning, trying to look at consolidating Micrographics and scanning throughout State government, so we are not in a situation where we have 50 Agencies buying scanning equipment and scanning software and then duplicating expenses. Mr. Corridan stated they are finding Agencies within the State Government that are using resources that are one-seventh of their capacity where the Micrographics Lab, for instance, is over capacity and cannot handle the work they have, and so by consolidating we can use what resources we have to the fullest extent.

3. Electronic Records Program – Mr. Corridan reported as ICPR becomes more and more involved with the modernization of records and digitized records component, it is becoming evident that the State Archives is not receiving electronic records, in part because they have no capacity to receive them. There are Agencies that have current requirements to transfer records to the State Archives and they are held in electronic format, so the Archives not being able to receive them means that in some cases they have just vanished, they no longer exist and this is a problem and also a problem with the Public Access Counselor. Mr. Corridan stated we are losing parts of our history and that is something that needs to be addressed. He has had conversations with the Budget Agency and OMB to see if there is a solution and we have had very preliminary discussions with Karl Browning, Indiana’s CIO, to see if there is a way for IOT and ICPR to figure out how we can do this. Mr. Corridan stated this is an issue that is on our radar and we are trying to tackle.
4. Mr. Corridan offered in another example of a partnership with IOT, ICPR is looking at the possibility of moving to electronic fillable forms; just not fillable forms where you would go online and fill out your application, but one that has enough depth where you could actually take the form, download it to your PC, and then maybe two weeks later you finish the form, and submit it. Mr. Corridan stated the other thing this will allow Indiana to do is take the data that has been entered and actually populate the appropriate databases within those State Agencies using XML. For instance, Dept. of Revenue can calculate all the numbers that are plugged into a tax return and determine if there were errors made and if the refund was correctly calculated, etc. Mr. Corridan stated this could be a huge savings to State Agencies. Mr. Corridan said one of the vendors they have talked to has offered to provide these services to the State Government and also local government, county government, and public schools all rolled into one fee, so there could be implementation across all governments within the State of Indiana. Mr. Corridan stated we are in very preliminary discussions.
5. Mr. Corridan stated ICPR in 2006 plans to implement compliance efforts. Within Forms Management, we have never really had any kind of compliance with state forms. Again IOT has been very helpful, they have talked to Access Indiana (the State’s website portal) which provided 92,000 PDF files to ICPR that we are going through to determine which ones are current or inactive forms, which ones are not State forms but should be, etc. Mr. Corridan stated this is a huge compliance issue for ICPR and thanked IOT for their help there also. Mr. Corridan stated we are going through all the steps to determine which forms need to be State forms that are not currently State forms so that there is standardization. Mr. Corridan stated as we are doing this we may be identifying those forms that we think are priorities for the fillable form program and we can convert some of those over and prepare for the future.

In another compliance issue, ICPR is looking at trying to create a way for retention schedules to be reviewed every 10 years allowing ICPR to look at each Agency’s retention schedule and make sure that they are actually current and correct. ICPR knows there are Agencies that have not reviewed their schedules in 10 or 20 years and there has certainly been legislative changes during that time. Mr. Corridan stated either they are operating correctly but not in compliance with the retention schedule or they are following a schedule which is not in compliance with current law.

6. County/Local Records – Bev Stiers works with the county records program and we have some issues that we are trying to address and will address in 2006. There are local offices that have existed for more than 200 years, some established while Indiana was governed by the Northwest Territory in 1790 and they have never had a retention schedule requiring how they are to maintain and retain their records. County Coroners - today there is no retention schedule affecting this office, other than you are supposed to pass your records on to your successor and there is not anything else. As you can guess, if an incumbent is defeated for re-election, and there was a

heated campaign, chances are the successor may not get the records. Mr. Corridan stated we are trying to safeguard that whole process and there are at least five local office holders that have no retention schedules. In the Coroner's case, the failure to produce records could impact verdicts in court cases because the documents are now gone. Chris Cotterill asked Mr. Corridan if he had considered putting those people on notice of his concern that they are not to destroy records and if they are going to, they should seek his guidance. Mr. Corridan stated that is an option that we can consider. Pam Bennett stated Mr. Corridan mentioned coroner's records could be evidentiary and would it be worth talking to the Supreme Court to see if there would be any way to tie in court contact, because if courts are part of the notification, if that would be appropriate, that may help and would carry weight. Mr. Corridan replied ICPR has been working closely with the Court and they have interest in assisting with the development of the Prosecutor's schedule. Mr. Corridan stated the rest of them are actually administrative.

7. Mr. Corridan stated ICPR since 1979 has been charged with the development of a Critical Records Program for the State which would require it to identify those records necessary for the re-establishment of government should the Government Center cease to exist. That has not yet been completed, or actually started, so ICPR is going through the process of doing this since the likelihood of man-made or natural calamities has probably increased in the last 25 years. Mr. Corridan stated they would be contacting all Agencies and ask which of their records they think are critical and would be required, and there are all types of records like vital records with the State Department of Health, State Board of Accounts, financial information, and Governor's records.

There are all types of documents to be identified, and once this is done, ICPR will try and create the duplication necessary so that if something were to happen, there would be a way to go back and find those duplicate records and recreate them.

Chris Cotterill stated that is another area where they have already had some discussions, because the Office of Technology oversees a large part of electronic disaster recovery. Mr. Cotterill stated they have gone through a process, and he will not say it was a perfect one, but a data categorization and some of the Agencies responded and said what data was critical, what was not. Mr. Cotterill did not recall what the grading scale was, but there has been a lot of that in IOT and they will obviously offer ICPR everything they have, so ICPR does not have to start from scratch.

Karen Davis asked if ICPR will develop some sort of standards in querying the Agencies, and will Agencies be told here are the types of records that should be considered critical or not. Mr. Corridan stated his thought was to use the definition out of the statute which defines critical records, and he would be happy to seek the guidance of the Public Access Counselor. Mr. Corridan stated basically it says those records necessary for the re-establishment of government purposes; it is a little narrower than that. Ms. Davis stated she would take a look at it and she was wondering how an Agency would make that determination, because some Agencies would say all of their records would be critical and others would say they would be more for their own personal use. Mr. Cotterill stated that is exactly what the Agencies did on their first take on it - everything is critical and due to the costs of recovery, everything is not critical. Mr. Cotterill stated there are BMV records, for example, which are critical to much of State Government because of the data they collect, but maybe their messages on their voicemail do not need to be recovered within a day, so they took a second stab at it. The distinction between what might be critical from an IT recovery business as opposed to what is critical - maybe they are not different, but it is worth asking that question of what this Agency might think is critical versus what the IT people might say is critical.

Amy Robinson stated ICPR is also trying to keep in mind that the Agency is first of all thinking this is critical to run our Agency which ICPR is not looking at; ICPR is looking at what is critical to re-establish the framework of State Government.

8. On a happier note, Jim Corridan reported the Micrographics Division has been very successful in increasing its productivity in the last year. In the last six (6) months, Micrographics has had four (4) record-breaking months as far as image counts produced. They have done a great job. It looks like at the end of the fiscal year we will have the highest number of images in that period of time and that is with the lowest number of staff, so they are doing a superior job. Mr. Corridan stated they are in the process of adding higher speed equipment and also going to 11 ½ hour days.

Anita Samuel stated she wanted to share an announcement that the Governor’s office is going to be making and that is due to Jim Corridan’s efforts to make all these improvements, and she thinks it is obvious from these meetings how much time and energy he has put into all of this to make the Commission run more efficiently and to move it forward, that they are removing Interim from Mr. Corridan’s title and he will be Director effective January 1, 2006. This announcement was followed by a round of applause from the Committee.

05-12-21-06

AGENCY REQUESTS-RECORDS RETENTION AND DISPOSITION SCHEDULES(S)

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

1. TEACHERS’ RETIREMENT FUND.....11/04/05  
All Divisions
2. DEPARTMENT OF WORKFORCE DEVELOPMENT.....11/16/05  
U. I. Tax Section
3. INDIANA BOARD OF TAX REVIEW..... 11/30/05

In regard to Schedule No. 1, Teachers’ Retirement Fund, All Divisions, Amy Robinson introduced two (2) guests, Stacy Gibbens and Michael Obermeyer from Teachers’ Retirement Fund. There were no questions or comments concerning this Schedule. John Jacob suggested a motion be made at the end of the discussion on the Records Retention and Disposition Schedules to adopt them. Chris Cotterill stated that a couple of months ago Karen Davis had raised a question of whether we were appropriately logging our approval or disapproval of the Retention Schedules if we did not do them one at a time. Mr. Jacob stated he did remember that and Karen Davis stated actually it was more on how we framed the announcement. Ms. Davis stated the Open Door Law prohibits a public agency or governing body from adopting any policy or something like that just by blank reference to the agenda item alone, so if we went through and just said Item A – all in favor or all opposed, we just do not want to do that. Ms. Davis stated she thinks it is o.k. to go ahead and say all the previous schedules we just discussed, and Mr. Jacob stated so just as long as we actually mention each specific agency, instead of just referencing the agenda item.

In regard to Schedule No. 2, Department of Workforce Development, U. I. Tax Section, there were no questions or comments

In regard to Schedule No. 3, Indiana Board of Tax Review, there were no questions or comments.

A motion to approve all three (3) of the Retention Schedules just mentioned was made by Pam Bennett and seconded by Karen Davis. Motion carried.

05-12-21-07

#### NEW BUSINESS

Compact Disc/Scanning Pricing – Jim Corridan stated he had no specific motion to vote on but sought a clarification. Mr. Corridan stated the original policy approved by the OCPR for scanning prices set out a fixed fee of \$59 to create a CD of scanned records. What ICPR has determined is that we are using the same machine to do scanning and filming and part of our cost structure is duplicating the cost, so an agency might pay for the same service twice. Mr. Corridan stated he would like to be given the latitude wherein the instance when someone is seeking scanning and filming at the same time that ICPR be allowed to correct that and not double charge them for the same thing. Pam Bennett stated it is a wise thing to not double charge and asked if we need a motion. John Jacob stated he did not think so. Mr. Corridan stated as long as the Minutes reflect this, then we are o.k.

Email Retention Policy Implementation Review Committee – Jim Corridan stated Liz Keele was going to appoint a committee today consisting of Chris Cotterill, Karen Davis and himself and any others who would like to serve to look at the implementation of the email retention policy, approved by OCPR in January, 2005. Mr. Corridan stated there are Agencies who are raising questions about retaining emails forever, and the difficulty in accommodating the actual retention schedules because of complications due to a variety of emails that come in, sorting and classifying them with retention schedules. Mr. Corridan stated in the meeting he had with Mr. Cotterill and Karl Browning, they raised the issue about email retention and wanting to have this reviewed, and he feels it does need to be reviewed. Mr. Corridan stated IDEM has attempted, and may have succeeded, in implementing this, but the hundreds of other agencies have not. Mr. Corridan asked John Jacob, as Acting Chairman, to appoint an ad-hoc committee to review implementation strategies. Mr. Jacob asked if a motion was necessary for him to appoint a committee and Mr. Corridan stated as Chair he has the authority to appoint the committee. Mr. Jacob appointed an ad-hoc committee to study the email retention policy implementation review consisting of Jim Corridan, Karen Davis, and Chris Cotterill.

Jim Corridan stated a Records Center Fee Structure Proposal was distributed to Committee members and he asked that this be listed as New Business this month and this will be added to Old Business and actually vote on it at next month's meeting, so the Committee will have time to study it. Mr. Corridan stated ICPR has suggested 25 cents per month per box for items that are past due destruction, thereby creating an incentive for Agencies to try and clean up their records sitting in the Records Center. Mr. Corridan stated there are about 8,000 cubic feet of records that are currently past their destruction date, but half of them may be related to legal issues with litigation pending and would not fall into the charge. Mr. Corridan stated the second charge would be for the retrieval of records. When Agencies request records out of the Records Center, the staff is taking time and we have done cost comparisons to outside vendors. They charge \$1.50 to pull a box and that is just to pull the box, not to transport it, so we are looking at charging \$1.00 to pull the box and make it available to the Agency. Mr. Corridan stated we would also charge \$1.00 for refiling the boxes or files when they are returned to the Records Center. Pam Bennett asked when you say \$1.00 for each box or file, if there are six (6) files in a box, you would charge \$6.00. Mr. Corridan stated that is a good question and would be determined by the next meeting. Amy Robinson stated it is probably \$1.00 per reference request, because that is a separate job if they have to pull six (6) files out of the same box, they are still having to look at six (6) separate reference requests to do that. Mr. Corridan stated there will be a reference request for each single request and Ms. Bennett stated that should be clearer, because someone could read that they only have to pay for the box being pulled.

Karen Davis stated she would like to take a look at this more closely, because on something like this, when someone asked for records and they need to be pulled from the Records Center because that is where they are located, she just wants to make sure it does not become a barrier for them. Also, when they are billed for this, we will probably want to put a reminder in there that they cannot pass the cost of this to the requestor, they can only charge ten cents per page for whatever the record is. Ms. Davis stated in some cases they may have to pull three (3) boxes just to see where exactly that particular one is.

Chris Cotterill asked if the costs are based on the true costs of providing the service. Mr. Corridan stated he would bet they are still under the costs, and he thinks the retrieval and refiling part, best case, would probably generate \$12,000 a year, which is about one-third the cost of one of our employees at the Records Center including benefits. Mr. Corridan stated they spend, on average, between three (3) and four (4) hours per day working on pulling, retrieving and refiling. Mr. Corridan stated one single Agency in the last month requested 690 of the 1,000 record requests and they are always two-thirds to three-fourths of all the requests. Ms. Davis asked if we know why Agencies ask to have boxes pulled, do they say we need this for our internal office use. Amy Robinson asked if that one single Agency by any chance was Department of Correction and Mr. Corridan stated it was. Ms. Robinson stated those are the offender packets and usually they are readmittances and that turns around so fast that sometimes boxes have been shipped to the Records Center and are still on the Records Center floor not yet put on the shelves and DOC is asking for that packet back because they have been arrested again. Ms. Robinson stated that is the big turn around there and what happens is some of these Agencies have records that get requested so often because of either offenders going in and out or someone coming in and asking for a particular piece of information, but they have such a huge bulk of that there is no way they could store them in their office, even though they have quick reference needs. Mr. Corridan stated we are also open to training someone from an Agency, for example DOC, and they decide they would be better off having a part-time person going to the Records Center. Mr. Corridan stated we would train that person on where the records are located, how to find them and there would be no charge, and this might be in their best interest. Mr. Corridan stated also implementation for this would be July, 2006, so Agencies will be given plenty of heads-up time.

Mr. Cotterill asked if Mr. Corridan has talked with the Budget Agency about how this billing would be handled. Mr. Corridan stated our plan is to ID bill them. Mr. Corridan stated we presently ID bill for Micrographics services, so the system is set up for ICPR. Ms. Robinson stated your reference requests are going to become not just a reference item now but they are going to be a billing item.

05-12-21-08

#### ADJOURNMENT

There being no further business, Pam Bennett moved that the meeting be adjourned. Karen Davis seconded. Motion carried. Meeting adjourned at 2:10 p.m.