

OVERSIGHT COMMITTEE ON PUBLIC RECORDS  
Regular Meeting March 12, 2008

08-3-19-01

CALL TO ORDER AND ROLL

A regular meeting of the Oversight Committee on Public Records was held Wednesday, March 12, 2008. The meeting was called to order by Chairperson Liz Keele, Designee for Todd Rokita, Secretary of State, at 1:35 p.m. in E418, Indiana Government Center South. Members present constituting a quorum: Pam Bennett, Director, Indiana Historical Bureau; Caroline Bradley, Designee for Gerry Weaver, Director, Indiana Office of Technology; Jim Corridan, Director & State Archivist, Indiana Commission on Public Records; John Jacob, Designee for Bruce Hartman, State Examiner, State Board of Accounts; Heather Neal, Public Access Counselor; Nancy Turner, lay member. Members absent: Elizabeth Barrett, Designee for Carrie Henderson, Commissioner, Department of Administration; Roberta Brooker, Director, Indiana State Library; Anita Samuel, Governor's Office. Commission staff in attendance: Jeff Roeder, Deputy Director; Larry Hummel and Amy Robinson, Records Management; Beverly Stiers, County and Local Government Records Management. Guests in attendance: Steve Leak, Elizabeth McGrath, and David Baize, Bureau of Motor Vehicles; Cindy Pierson, Indiana Finance Authority.

08-3-19-02

NEXT MEETING

Liz Keele announced the next meeting would be held April 16, 2008 at 1:30 p.m. in E418, Indiana Government Center South.

08-3-19-03

PREVIOUS MEETING

Caroline Bradley stated in the last paragraph on Page 3, Mr. Corridan was listed as r Corridan. Heather Neal moved approval of the minutes of the January 16, 2008 meeting as amended. Jim Corridan seconded. Motion carried.

Liz Keele thanked the Oversight Committee for the vote of confidence in allowing her to serve in the capacity of Chairman again.

08-3-19-04

OLD BUSINESS

- 1) BMV request for waiver – Still under review
- 2) FSSA request for waiver – Still under review

Jim Corridan stated there were three (3) guests present from the Bureau of Motor Vehicles who are going to give the Committee an update. Steve Leak introduced Elizabeth McGrath, who is from their Legal Department, she is the person working diligently to have the Retention Schedule revised. Mr. Leak then introduced David Baize, new at the BMV, and what they have done is previously they have had departmentalized with titles, registrations and drivers' services, and Mr. Baize is going to pull all imaging, all documentation and retrieval into one department regardless of the department and manage it as a process versus a business unit. Mr. Leak stated on the imaging project, they are waiting right

now for the audit process which they discussed three (3) months ago. STARS, their system has stabilized enough now that instead of doing the weekly or monthly builds, they are doing bi-monthly builds. Mr. Leak stated there is software that is being developed that will allow them to audit the process of the images. Mr. Leak stated the audit will go begin at the end of this month, and by May be able to test the system completely. At that point they will have the confidence to complete the process for the waiver. Mr. Leak stated the remaining question is what does this audit look like, because he thinks everything else has been answered in the actual imaging process. Mr. Leak stated he and Jim Corridan can discuss that in detail to make sure they address every single point, other than, of course, the Retention Schedule, which he is feeling those are all related separate. Mr. Leak stated they are continuing to retain hard copies so far even though the first branches they rolled out in is past the 90 days, but until they get the waiver they are going to retain documents beyond that point.

08-3-19-05

#### DIRECTOR'S REPORT

Jim Corridan reported an ongoing issue within the Commission on Public Records is the County/Local General Retention Schedule, and they hope to have a draft schedule before the Oversight Committee in April.

Jim Corridan reported tomorrow's meeting in northwest Indiana has to do with the County Clerks in the Northern District of the State, so everyone north of Interstate 70 are meeting in Auburn, Indiana for their semi-annual meeting. Mr. Corridan stated they were asked to talk to them about what is happening and where we are headed, so they will seek their input as these schedules are developed. Mr. Corridan stated they continue to have little mini projects in counties where they have sent a swat team to clean up the last 10 to 20 years of records that have never been dealt with. Mr. Corridan stated they are working on those projects, going to Vigo County on Friday, went earlier this year to Clay County and working on another one in Knox County.

Liz Keele asked how the meeting was with the Department of Health that Jim Corridan and Heather Neal attended. Ms. Neal stated it was good and they had a lot of really good questions. Mr. Corridan stated they were particularly pleased to hear about email retention. Mr. Corridan stated one of the things they are going to have to stress in the County/Local General Retention Schedule is that electronic records are also records and one of the items discussed through our Records Management staff is Agencies are focused on ICPR, what do they have in paper, what forms do they have, but really all the electronic records before they are destroyed should also come to the Oversight Committee on Public Records for a retention schedule which is not yet fully developed, partially developed. Mr. Corridan stated he is sure our friends at IOT will be working with them hand in hand to make sure that this happens. Caroline Bradley stated IOT just updated their email security practice, to emphasize the fact that IOT is not the records retention keepers of Agency email records. Mr. Corridan stated the Board of Health contacted them this week with a new five (5) years worth of emails on backup tapes from Groupwise and needs to know if it was ever migrated. Mr. Corridan stated the impression he has is they never migrated their Groupwise mail. Ms. Bradley stated it should have migrated that first year that was the standard.

Jim Corridan reported that Micrographics has already processed over 6,000,000 images this year, which includes both scanned images and microfilm, which is way above anything ever previously

done. They have already exceeded last year's record, which was a record, and we still have a quarter of the year left. Mr. Corridan stated they are doing a great job.

Jim Corridan also stated the Commission is really putting a push on getting naturalization records which are required to be transferred to the State Archives based on the Supreme Court's Administrative Rule, County Naturalization Records to the State Archives. Mr. Corridan stated there is a handful of counties that still have them, and the Commission has picked up seven (7) or eight (8) counties in the last six (6) months.

08-3-19-6

#### AGENCY REQUESTS-RECORDS RETENTION AND DISPOSITION SCHEDULES(S)

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

1. INDIANA FINANCE AUTHORITY.....2-14-08  
(Main Agency Schedule)
2. INDIANA FINANCE AUTHORITY.....2-14-08  
Recreational Development Commission
3. INDIANA FINANCE AUTHORITY.....2-14-08  
State Office Building Commission
4. INDIANA FINANCE AUTHORITY.....2-14-08  
State Revolving Loan Fund Program

In regard to Schedule No. 1, Indiana Finance Authority (Main Agency Schedule), Cindy Pierson from this Agency was present. There were no questions or comments. A motion was made by Pam Bennett and seconded by Heather Neal to approve Schedule No. 1 as submitted. Motion carried.

In regard to Schedule No. 2, Indiana Finance Authority, Recreational Development Commission, there were no questions or comments. A motion was made by Jim Corridan and seconded by Nancy Turner to approve Schedule No. 2 as submitted. Motion carried.

In regard to Schedule No. 3, Indiana Finance Authority, State Office Building Commission, there were no questions or comments. A motion was made by Pam Bennett and seconded by John Jacob to approve Schedule No. 3 as submitted. Motion carried.

In regard to Schedule No. 4, Indiana Finance Authority, State Revolving Loan Fund Program, there were no questions or comments. A motion was made by Caroline Bradley and seconded by Nancy Turner to approve Schedule No. 4 as submitted. Motion carried.

Pam Bennett stated she had a question concerning Retention Schedule No. 1, Indiana Finance Authority (Main Agency Schedule). Ms. Bennett asked why is the record in Item No. 4, Lease Appropriation Bonds, not being filmed? Amy Robinson stated the retention period is based on the Finance Authority's need for it. It is not an archival record, it is just a very long term record for them

and they do not have microfilm reader capabilities. Jim Corridan asked if we have any idea of how many cubic feet of records we are talking about there and Cindy Pierson from the Finance Authority said right now there is zero. Ms. Robinson said they have an estimate of maybe 25 boxes yearly (?) and that will not even start until 10 years from now.

08-3-19-07

## NEW BUSINESS

### County Prisoner Medical Records

Mr. Corridan stated he would like to announce that they have come up with a retention schedule recommendation to be incorporated in April's materials. Mr. Corridan stated there are counties standing by, so if there is no objection, we will tell them to go ahead and process it based on this, but we will include it next month in the County/Local General Retention Schedule. Ms. Keele asked if the members were comfortable with this. Mr. Corridan stated they had done research with both the Department of Correction and State Department of Health on what we should be doing and what are the legal requirements for medical records. The Department of Correction has told them as long as records are kept for three (3) years it is not a problem for them. Mr. Corridan stated they can retain records for three (3) years after the surgery based on the law. The State Department of Health says someone can file a tort claim for up to seven (7) years. Jeff Roeder stated they can file a tort claim for two (2) years after the incident or medical treatment and then the Health Department says that due to that code cited the medical provider must keep the records for seven (7) years. Mr. Corridan stated what we are suggesting to the counties, and this is basically the Sheriff's Department who are holding the prisoners' medical records, is they retain records for seven (7) years after their release from the jail facility. Heather Neal stated this is plenty of time for medical malpractice. Caroline Bradley asked if this was seven (7) years after release or after the medical treatment. Mr. Corridan stated they are saying released from the facility, because that way if there is a claim that they were not able to get to a provider, we are safe. Ms. Neal asked if the medical providers are ever employed by the law enforcement agency. Mr. Corridan stated it may be that they are contracted, but he does not know. Ms. Neal stated the provider has to maintain the records as well and her only question would be is if there is a case where the physician believed that the agency is the provider, would they not retain those copies? Ms. Neal stated she does not know if you have to keep them for seven (7) years if the provider maintains them. Mr. Corridan stated they would find out. Mr. Corridan stated if they currently instruct these counties, and they will keep track of whom they told, seven (7) years after their release, and then get the Retention Schedule next month, they might review this question and maybe revise it, but giving them seven (7) years will take care of some of these things they do not want to retain. Pam Bennett made a motion to allow the jail facilities to move ahead with the retention period of seven (7) years for prisoner medical records until further notice. Heather Neal seconded. Motion carried.

Liz Keele wanted to make mention there is an article in Indianapolis Women about our State Librarian, Roberta Brooker.

08-3-19-08

## ADJOURNMENT

There being no further business, Pam Bennett moved that the meeting be adjourned. Caroline Bradley seconded. Motion carried. Meeting adjourned at 1:52 p.m.