

# MEETING MINUTES

April 26, 2023, 10: 00 a.m. Eastern Time

Indiana Archives and Records Administration

Meeting Location: IGC South Conference Center, Room 12

## MEETING OF THE OVERSIGHT COMMITTEE ON PUBLIC RECORDS

### 2023-04-26-1: CALL TO ORDER

A meeting of the Oversight Committee on Public Records was held on Wednesday, April 26, 2023. The meeting was called to order by Chairperson Jake Speer at 10:00 a.m.

**A roll call was conducted to determine members present constituting a quorum:** Jerry Bonnet (Designee for Diego Morales, Secretary of State), Luke Britt (Public Access Counselor), Jim Ehrenberg (Designee for Tracy Barnes, Chief Operating Officer, Office of Technology), Tammy Glickman (designee for Rebecca Holwerda, Commissioner, Department of Administration), Tamara Hemmerlein (Lay Member / Oversight Committee Vice-Chair), Beth Kelley (Designee for Paul Joyce, State Examiner, State Board of Accounts), Chandler Lighty (Executive Director of the Indiana Archives and Records Administration / Oversight Committee Secretary), Michael Nossett (Governor's Designee), Jacob Speer (Director of the Indiana State Library / Oversight Committee Chair).

**Members absent:** Amy Kippenbrock (County Commissions of Public Records Representative), Scott Uecker (Professional Journalist / Lay Member).

**IARA staff in attendance:** Meaghan Fukunaga (Director of Records and Information Management), Amy Christiansen (County/Local Records Management Liaison), Amy Robinson (State Records Analyst).

**Guests:** Dustin Dyer (Indiana Department of Homeland Security), Ryan Leagre (citizen).

### 2023-04-26-2: NEXT MEETING

The next meeting of the OCPR was scheduled to be held on Wednesday, May 31, at 10:00 a.m. in Indiana Government Center South, Conference Center Room 12. [Later shifted to May 24, same location, due to availability issues.]

### 2023-04-26-3: PREVIOUS MEETING

Motion by Tammy Glickman, seconded by Jerry Bonnet, to approve the minutes of the last regular meeting of the OCPR held on Wednesday, February 22, as amended to update the name of the new Secretary of State. Motion carried.

### 2023-04-26-4: DIRECTOR'S REPORT

IARA Executive Director Chandler Lighty submitted the Director's Report previously distributed to the OCPR for review. The report includes a narrative from: Claire Alderfer (Deputy Director, State Archives), Meaghan Fukunaga (Deputy Director, Records Management), Kim Hagerty (Director of the State Imaging and Microfilm Lab), and Samantha Putnam (Director of the State Records Center).

#### Highlights presented to the Committee:

**HB 1256**, the IARA agency bill, is going to the Governor's Office for signature. As a reminder, the bill mainly reduces IARA's involvement with state forms.

**HB 1293** will exempt coroners from IARA retention schedules and policies. Chandler has reached out to the Coroners' Association to find out how they would like to apply this on July 1<sup>st</sup> when new laws go into effect, and whether they would like to deactivate the County Coroners' retention schedule.

**HB 1591**, Education Matters, as amended in the House committee presented challenges to the Records and Information Management Program, but Chandler spoke with the sponsor, and the amendment was withdrawn and replaced with an amendment that requires a report on IARA's policies and procedures regarding digitization of records and destruction of originals.

**Action on the new IARA building** is still moving ahead, waiting on the appropriation, and slated to start construction in August.

## 2023-04-26-4: DIRECTOR'S REPORT (continued)

**A call-out of appreciation to IARA staff:** The agency ranked 6<sup>th</sup> out of 56 agencies on the State Personnel Pulse Survey, which measures employee engagement and satisfaction with their working conditions.

**Discussion:** Tammy Glickman noted a mention in the report about a recent case of public records being sold by an antiques dealer, and wondered how it came to IARA's attention. Chandler Lighty explained IARA was informed about the situation by a number of people, including a former IARA intern and Twitter followers.

Tamara Hemmerlein added that the Indiana Historical Society is partnering with IARA in a campaign to educate local historians and historical societies on the correct process for dealing with county historical records, via their County Historian Roundtable and a Virtual Brown Bag meeting later this year. Chandler thanked Tamara for the collaboration, and Deputy Director Meaghan Fukunaga added that IARA has also updated the state form and streamlined the process in response to the situation, and Amy Christiansen will be doing a webinar to provide additional education on the subject.

## 2023-04-26-5: OLD BUSINESS

1. **Public Access Request Portal:** Michael Nossett reported that the Governor's APRA portal is up and live on IN.gov/gov. The system will keep track of a user's current and future Public Access Requests submitted to it, though at this time a global search across all participating agencies may not be possible. After the Governor's office, there are three agencies who are almost ready to go live, and the plan is to roll it out to three to five agencies at a time. IOT is doing a great job of building it out, and it has worked well so far.
2. **County Commission of Public Records Representative:** The Committee is in receipt of a letter from Governor Holcomb appointing Amy Kippenbrock, Dubois County Clerk, to this position on the OCPR. The Committee welcomes its new member in absentia, as she was not able to attend the meeting this month.

## 2023-04-26-6: RECORDS RETENTION AND DISPOSITION SCHEDULES (Action needed)

1. **County / Local General Retention Schedule:** motion to adopt by Tammy Glickman, seconded by Jerry Bonnet. Motion carried.
2. **County / Local: Educational Institutions:** motion to adopt by Chandler Lighty, seconded by Jerry Bonnet. Motion carried.

Chandler welcomed Julie Slavens from the Indiana School Boards Association, who stated that the revised retention schedule is much more streamlined, and that the Association will put out articles and education about the changes on their website so that school administrators can more easily find the information.

County/Local Records Management Liaison Amy Christiansen explained that Julie was a part of the taskforce of educational institution professionals who helped IARA revamp the schedule over the previous year. Chandler added that over 100 record series would be deactivated.

3. **County/Local: Surveyors:** motion to adopt by Luke Britt, seconded by Tamara Hemmerlein. Motion carried.
4. **Department of Children's Services/Child Welfare:** motion to adopt by Tammy Glickman, seconded by Chandler Lighty. Motion carried.
5. **Dept. of Homeland Security (DHS)/Fire and Building Safety:** call for comments was answered by two guests: attorney Ryan Leagre, speaking for himself, and Dustin Dyer speaking for DHS. The subject of concern was RS 79-2605, inspection reports for boiler and pressure vessels in Indiana. The proposed amendment would change the record series from permanent, to be microfilmed with one copy transferred to the Indiana Archives and one maintained in the agency, to new retention instructions: non-permanent, eligible to be destroyed after five years or when replaced by another inspection report, whichever is later.

- a. Mr. Leagre opposed the amendment, explaining that he believes the records were originally permanent because boilers and pressure vessels are inherently dangerous objects, and if something like an explosion happened, the public would deserve to know whether DHS was inspecting the vessel consistently throughout time.

His personal interest in the records is that they reveal insurance company activity in the state. As an attorney, he does environmental and insurance coverage work, and the records at DHS were useful for finding insurance companies who may have insured a damaged property, as a source of funding to clean up any damage or injury. He also cited potential links between boilers and asbestos, saying that the inspection reports could be a way for

people to find out how they were harmed, or who they were harmed by.

If the amendment is approved, Mr. Leagre is concerned that the records would suddenly be thrown away, despite having been told otherwise by both Archives and DHS staff, and would like there to be a delay in the effective date to give him a chance to copy the records so they aren't lost forever.

- b. Dustin Dyer spoke for the Department of Homeland Security and explained that DHS has been preserving and eventually creating these records electronically since the 1990s. None of them have ever been deleted, and all are available on the agency's publicly-searchable Public Safety Portal. The entire database is also available in downloadable form on the DHS website. The microfilming required by the previous retention is becoming cost-prohibitive, as are repairs to the equipment used to read it, which is degraded enough that it could be a danger to both microfilm and humans reading it.

Looking to balance public interest in the records with administrative and financial overhead, DHS approached IARA regarding changes to the retention schedule. After viewing samples of the records and hearing a detailed explanation of what the records really are, what DHS is doing with them electronically, and their plans for the future, the State Archives agreed that these records did not have permanent archival value based on the information they contain, the number of records being generated, and how often they are being generated.

Mr. Dyer requested that the amendment be approved, stating that DHS would be more than happy to work with Mr. Leagre. He added that in the three years he has worked for DHS, the only requests for boiler records more than ten years old came from Mr. Leagre's firm, so there is not an overwhelming demand for them.

- c. Jim Ehrenberg asked if he understood the change correctly, that the records would now no longer be permanent, but would only go back five years. Dustin Dyer confirmed this as correct.
- d. Tammy Glickman asked if all of the records that exist electronically will be destroyed, under the proposed new retention. Amy Robinson and Dustin Dyer confirmed that it was *permissible* for them to be destroyed, but Mr. Dyer said that he knows of no plans to do so, and because the database is not a large administrative burden, it seems unlikely that the need would arise. Tammy asked if DHS keeps records for boilers once they are decommissioned, and Mr. Dyer confirmed that they do.
- e. Jim Ehrenberg asked whether the concern at DHS is that if the change is not made, there may be damage to the records that they do preserve. Mr. Dyer answered that their main concern is the continued degrading of their microfilm reader, which is a safety issue and could damage people as well as microfilm. Jim asked for confirmation that the amendment was DHS' solution to balancing preservation of records with the safety of both people and records. Mr. Dyer agreed, and added that there is also a significant manpower overhead involved in generating physical records, which is another interest that they were trying to balance.
- f. Chandler Lighty asked if DHS still has the microfilm jackets, and Mr. Dyer confirmed that they do, they just don't have a good way to look at them.
- g. Jerry Bonnet stated that the Secretary of State's office has interacted frequently with DHS around election issues, some of which create overlapping records, and they are satisfied that DHS are good stewards of what they do, so he would defer to their' request for the amendment to be approved.
- h. Chandler Lighty added that if DHS were willing, IARA could store the existing negative jackets in the State Archives, because they have much more usability than the microfilm rolls traditionally received by the Archives.
- i. Mr. Leagre asked if, assuming the amendment was granted, the Archives could legally hold records that the retention schedule says to destroy after 5 years.
- j. Mr. Dyer added that DHS would have no objection to turning the negative jackets over to the Archives if they were interested in holding them.
- k. IARA staff confirmed that the State Archives can legally hold any Indiana government records and that "DESTROY" in a retention schedule means that an agency *may* destroy the records, not that they *must*.

After further discussion regarding record formats and where each is or might be stored, a motion to adopt was made by Jim Ehrenberg, seconded by Jerry Bonnet. Motion carried.

## **2023-04-26-7: NEW BUSINESS / DISCUSSION**

### **1. Dell Unity Storage**

Assistant Director Meaghan Fukunaga reported that with IOT's tremendous assistance, an electronic system dedicated specifically to holding electronic records that are scheduled to be transferred to the State Archives has gone live. IARA is the first agency in the state to use Dell Unity storage. The next step in creating a robust electronic records repository will be geographical backup, but for now, IARA staff are extremely excited to have this new setup to use. It should mean that records are better protected, and that IARA can seriously ramp up its efforts to collect electronic records across the state. She added that the next challenge after geographical backup will be access, but the success of the Dell Unity setup gives her confidence that it's a challenge IARA can face and overcome.

## **2023-04-26-8: ADJOURNMENT**

There being no further business before the Committee, a motion was made by Chandler Lighty, seconded by Tammy Glickman, to adjourn the meeting at 10:36 a.m. Motion carried.