

MINUTES
State of Tennessee
Public Records Commission
May 27, 2014

Public Records Commission Members:

Chairman – Tre Hargett, Secretary of State – *present*
Secretary – Robert E. Oglesby, Commissioner, Department of General Services
Justin Wilson, Comptroller of the Treasury
David Lillard, State Treasurer
Robert E. Cooper, Jr., Attorney General
Joseph Barnes, Director of Legislative Office of Legal Services
Ann Toplovich, Tennessee Historical Society – *present*
Jennifer Charles, Assistant General Counsel, Department of General Services – *present*
Thomas Chester, Deputy Commissioner, Department of General Services – *present*
Cody York, Office of Secretary of State – *present*
Eddie Weeks, Legislative Librarian of Legal Services – *present*
Rick Dubray, Office of the Treasurer – *present*
John Greer, Representative of the Comptroller of the Treasury – *present*

Welcome

The Public Records Commission met this day at 9:00 AM in Legislative Plaza, Room LP-29 Nashville, TN with the noted Public Records Commission members present. Secretary of State, Tre Hargett, called the meeting to order promptly at 9:00 AM. He noted a quorum and requested action on the following matters as presented.

Approval of Minutes from February 20, 2014

1. Mr. Weeks requests that the following items be corrected:
 - a. Page 3, item 17 & 18, “title?” be removed.
 - b. Page 4, item 25A, the quotation marks should be closed (currently left open).
 - c. Page 5, item 25E, the second time “Tuesdays” is used it should have the apostrophe removed. Currently reads, “Tuesday’s”.
 - d. Page 6, item 27, the quotation marks should be closed (currently left open).
2. Ann Toplovich notes that under the Commission Member Participants, it should read “Tennessee Historical Society”.
3. John Greer requests a motion for deferral till the next Public Records Commission Meeting was made and properly seconded. The minutes were deferred until next Public Records Commission Meeting.

Consent Agenda

1. Per Chairman Hargett’s request, Kevin Callaghan explains the process for an RDA to be included on consent agenda:
 - a. First, the agency submits it to Records Management. Records Management then reviews and makes comments, as does TN State Library & Archives and Comptroller’s Audit Division. If there are any questions, comments or suggestions for changes, the agency then has the opportunity to view those and respond.
 - b. If they respond in agreement, then Mr. Callaghan takes note that the agency agrees, and then states whether or not he recommends the RDA for approval to be included

- on the consent agenda.
- c. Then PRC member's staff looks at the recommendations a week and a half in advance of the Public Records Commission. If they agree with the recommendations then it proceeds to be on the Consent Agenda for the next meeting. If the PRC member's staff disagrees, then it gets moved to the regular agenda.
 - d. This process provides a series of check points for approval of proposed changes.
 - e. Mr. Weeks asks about the process for Statewide RDAs review.
 - i. Mr. Callaghan explains that the Records Management Division now had 3 town hall meetings where they are presented for all records officers to review and give feedback (this was instituted last year by the PRC).
 - ii. One of the reasons why the Statewide RDAs were not included on the November or February Agenda was because the Records Management Division was still receiving feedback. Once they received this feedback, they then put the proposed RDA back out for review to make sure all the Records Officers were still in agreement with what was proposed.
 - iii. There are several that they have held back because of ongoing discussion, so until they are clarified they won't proceed forward for approval.
 - f. Chairman Hargett confirms the point that this is a staff driven process.
 - i. State Audit and TSLA are invited to the weekly Thursday morning meetings for review RDAs as well. In addition, the PRC member's staff is available for questions or assistance.
 - g. With that being said, items number 50 and 60 of today's consent agenda are going to be moved off of Consent Agenda and be included with the Regular Agenda items.
 - i. #50: *Statewide 01 Accounting Journal Vouchers and Deposit Slips*
 - ii. #60: *Statewide 15 Annual Report Working Papers*
 - h. Chairman Hargett entertains a motion to approve the consent agenda excluding items number 50 and 60. The motion is properly moved and properly seconded; the consent agenda is approved as amended.

RDAs for Discussion

1. RDA 11036 Veteran Interment Records

- a. Request for a new RDA.
- b. The agency responded to the reviewer comments seeking clarification for the disposition notes.
- c. Mr. Callaghan explained the recommended staff changes. He states that there was a question on the length of time to keep the records for 100 years in the agency after the death of the eligible veteran. Mr. Callaghan confirmed with the agency that this was to maintain confidentiality.
- d. Mr. Weeks asks what happens to the records after 100 years expires, and Mr. Callaghan further explains that they will then be kept in TN State Library and Archives.
- e. With no further discussion, Chairman Hargett entertains a motion for approval. The motion is properly moved and properly seconded; the RDA is approved.

2. RDA 11039 Exam Call or Future Database for the Department of Financial Institutions

- a. Request for new RDA.
- b. Records kept permanently in agency.
- c. Paper and/or electronic format.
- d. Mr. Callaghan explains that the changes requested by TSLA are to clarify "kept permanently" in the RDA. The reason being is that this is the agency's database where they track the reports, applications and examinations of various financial institutions. So ultimately this is a critical role to their functionality.
- e. Mr. Weeks asks, "Do we know how many agencies that we have delegated responsibility for

permanent retention of State records?”

- i. Mr. Callaghan explains that as we are going through the review process of all 1700, they've concluded:
 1. 78 items marked permanent.
 2. 23 marked permanent in paper format.
 3. 18 to be transferred over to State Library and Archives.
 4. 22 that are microfilm kept in agency.
 5. 15 that are electronic kept in agency.
- ii. With that being said, Mr. Callaghan is also concerned with the items that are marked to be kept permanently in paper format in agency, since there are physical storage questions (acid free, temperature, storage & light conditions, humidity control). So he is analyzing whether or not to transfer those items to microfilm or to State Library and Archives (however there is budgetary impact for this agency to keep in mind as well so they can be adequately prepared).
- f. With no further discussion, Chairman Hargett entertains a motion for approval. The motion is properly moved and properly seconded; the RDA is approved.

3. SW03:

- a. Mr. Weeks asks for a brief overview of what SW03 and SW19 are, how they differ and how they relate to RDA 1280. Mr. Callaghan explains that SW03 is Human Resources Employee Information Documents. The revisions are because it previously said, “Human Resource Documents” but the abstract specified that it was personal locator information (supervisor per employee, location of desk, contact numbers). This caused some confusion for various agencies. State policy said that the main HR file was sent over to DoHR. So that's why DGS-HR created SW19 as an active employee (request for personal actions, employee applications, personal file audit, etc.)
 - i. When an employee separates, these active employee files are transferred over in a few weeks to DoHR and are kept long term. The agency holds the records for 6 months after, to ensure confirmation of transferring documents. Once there, the records fall under DoHR's RDA 1280 which is the separated employment files. These items are kept for 150 years. We'll be analyzing this destruction date (75 or 150 years) in the future.
- b. Mr. Weeks asks if they are currently being kept for 75 or 150 years. Mr. Callaghan explains that they are kept for 75 years in paper form and then 75 years in microfilm. However, Mr. Callaghan will be confirming with the agency if this is clear in their processes and then will revise the RDA if necessary.
- c. Chairman Hargett suggests that since there is still some ambiguity to the questions raised, then the PRC should defer until the next meeting until there is more clarification.
- d. Mr. Weeks says, “For my own understanding, SW03 and SW19 are statewide and kept in the agency for either 10 years or 6 months, depending upon what the file is. Then RDA 1280, which is not before us at this time, is kept for some unknown number of years but probably around 150 years.” Mr. Callaghan confirms that RDA 1280 is kept for at least 75 years to meet the requirement. Mr. Weeks then clarifies that, “Inside SW03 and SW19 there is a disagreement that one says for 75 years in records management recommendation and the other says 150 years.” Mr. Callaghan will make the adjustment in the comments to clarify that discrepancy.
- e. Mr. Weeks says, “Mr. Chairman, as RDA 1280 is not before us, but the other 2 are, I would move that the PRC accept and approve SW03 as recommended amended by staff.”
- f. Chairman Hargett seconds the motion. With no further discussion, the item is approved.

4. SW19:

- a. RDA SW19 Active Employee files retained by the agencies until the employee separates from state service. At that point the agency must transfer the files to the Department of Human Resources (DoHR). The agency will keep a copy for six months to ensure proper transfer of

the employee files to DoHR. The records series will then fall under DoHR's RDA 1280.

- b. Mr. Weeks moves that the PRC accept as recommended amended with the understanding that the Records Director's comments be changed if necessary to reflect the proper retention of RDA 1280.
- c. Chairman Hargett seconds the motion, and with no further discussion, the item is approved as amended.

Records Management Update

1. Mr. Callaghan reports:
 - a. For RDA Development the Records Management Division continues to meet weekly. With an increase in volume, they are still current to each week on RDAs for review.
 - b. Status: created, revised or retired over 10% of the 1,758 RDAs in the system. Database has been sorted through and updated as well.
2. Records Destruction: application for destroying records at Richard & Richards is up to date. As we discussed, RDA approved with revisions by the PRC are then run through and the agency is notified of any boxes that are at Richards and Richards that have met the destruction period. So accordingly, they have 60 days to act.
 - a. 713 boxes approved for destruction.
 - b. 127 boxes were delayed by the agency for various reasons (for example: litigation hold or audit hold).
 - c. 6,000 boxes currently being reviewed by the agencies with a few more weeks left for review.
 - d. Continuously keeping the review process up to date.
3. Records Management has completed 5 training classes over the last 5 months. Conducting 2 workshops a month for RDA Development or help with destruction application.
4. There is a demand for In Agency Training for Records Coordinators or Division Personnel so it's being implemented as an agency requests.
5. The records holding report is the web application installed last year is up and ready. This report will be discussed in July's training class.
6. Nathan Caldwell is moving on to work for DOHR's Records Division's Counsel. Chairman Hargett recognizes and thanks Nathan for his hard work.

Old Business/Public Questions

1. Mr. Weeks thanks the members of the Commission for their indulgence for SW03 and SW19, and appreciates the public's participation. Chairman Hargett thanks Mr. Weeks for his service and keen eye.

Meeting Adjourned

Chairman Hargett entertains a motion to adjourn. The motion is properly moved and seconded. The meeting was adjourned at 9:25am.