

Public Records Commission Meeting

Monday, March 4, 2013, at 10:00 A.M Central Time

Legislative Plaza, Room 29, Nashville

**Commission Members Present:**

Tre Hargett, Secretary of State

Mark Emkes, Commissioner, Department of Finance and Administration

Rick Dubray, Office of the Treasury

Joseph Barnes, Legal Services

John Greer, Office of the Comptroller of the Treasury

Cody York, Office of the Secretary of State

**In Attendance:**

Kathy Jenkins, Dept. of Economic and Community Development

Alice Drummond, Office of the Secretary of State

Rachel Sellers, Office of the Treasury

Mary Griffin, Office of the Treasury

Cathy Benhamed, Dept. of Mental Health

Sherri Sharp, Bureau of TennCare

Linda Little, Bureau of TennCare

Talley Olson, Bureau of TennCare

David Weeks, Bureau of TennCare

Rosemary Cole, Dept. of Labor and Workforce

Vicky Goodin, Dept. of General Services

Cathi Carmack, TN Library and Archives

Wayne Moore, TN Library and Archives

Jeff Scarborough, Dept. of Transportation

Jack Jackson, Dept. of Transportation

Terry True, Dept. of Transportation

Sherry Mundy, Dept. of Human Services

Pat Mitchell, District Attorney

Marian Maxwell, Dept. of Health

Sarah Yusuf, Dept. of Health

Mark White, Dept. of Tourist Development

Garrett Guillory, Dept. of Revenue  
Sonja Mason, TN Board of Regents  
Mike Cook, Dept. of General Services  
Pennye Neal, Office of the Secretary of State  
Debby Beard, TN Housing Development  
Elizabeth Sneed, Dept. of Human Resources  
Janet Lamb, Commission on Aging and Disability  
Eddie Weeks, Legal Services  
Wayne Hough, Dept. of Revenue  
Thomas W. Chester, Dept. of General Services  
Michelle Stephenson, Dept. of Intellectual Development  
Stacey Hooper, Dept. of General Services  
Christi Poston, Dept. of Environment and Conservation  
Austin Payne, Dept. of Environment and Conservation  
Kandis Crockarell, Dept. of General Services

**I. Call to Order and Welcome**

Tre Hargett, Secretary of the State, opened the meeting of the Public Records Commission (PRC).

**II. Approval of Minutes**

Secretary Hargett opened with the first item of business: The approval of the revised November 16, 2012 minutes and the December 11, 2012 minutes. Joseph Barnes made a motion to amend the December 11, 2012, minutes and correct the error which stated “Open Meetings Act” as such an act does not exist. Joseph Barnes indicates the error on page 5, first paragraph of Roman numeral 5, next to the last line. Secretary Hargett seconded the motion. There was no objection, the minutes were amended, and then the minutes were approved.

**III. Update on Transfer of Records Management Division and Legislative Changes**

Secretary Hargett recognized Kevin Callaghan, Director of Records Management. Kevin Callaghan began by acknowledging the transfer of Records Management from the Department of General Services to the Office of the Secretary of the State. He stated that, while under the Secretary of the State, Records Management was issued its first billing, and the invoices were paid to Richards and Richards. Kevin Callaghan also stated that the Legislative changes could be found in Senate Bill 902 and House Bill 496. Secretary Hargett inquired whether this was the bill that would codify the transfer of Records Management, and Kevin Callaghan answered affirmatively.

**IV. Records Management Division Report on RDA Training**

Kevin Callaghan continued to state that the transfer was complete and that Records Management had notified all the agencies. Records Management has been over-

communicating that the one month suspension, which the PRC granted, was over, and they has been communicating via letters, emails, phone calls, and in-person meetings. Secretary Hargett asked Mr. Callaghan how many people have been attending the meetings. Kevin Callaghan responded that forty-one people, representing thirty agencies, have attended the web application demonstrations. Records Management has followed-up with twenty-four agencies, each agency being represented by their IT, General Counsel, and various directors, and has discussed the changes within the web application as well as any concerns the agencies may have. There are eight dates set to meet with other agencies. Of the nineteen dates pending, dates should be set maybe next week (March 10-15).

Secretary Hargett asked how the web application has been received by the agencies. Kevin Callaghan responded that the application has been received well; agencies are anticipating entering their information because their questions can be answered via email or phone instead of waiting on paper. The program is easier than paper because the information is condensed from several forms down to one.

Kevin Callaghan continued by stating that the agencies have been instructed that their RDAs are still good and may still be used, but the information entered in the system must be checked. Should revision be needed, this would be a good time to do so, and the information must be signed off on by the records officer, agency head, and director, to certify that the information in the system is correct. Secretary Hargett recognized Cody York. Cody York asked whether the agencies had to wait, should they have a specific RDA to revise, until Records Management came to that RDA. Kevin Callaghan responded that if agencies had a specific RDA that needed immediate revision then the agency is welcome to notify Records Management and the RDA will be adjusted accordingly.

Secretary Hargett asked whether Records Management has received feedback from the agencies on how easy the system was to operate. Kevin Callaghan responded that the feedback has been positive. The program provides drop-down boxes for options, descriptive notes in various portals for potential questions, and the program is accessible from anywhere with an internet connection. The program has zero deployment and is easy for the public to view. Secretary Hargett opened the floor for further discussion, there was none, and then he moved to the next item.

#### **V. RDA Web Application Discussion**

Secretary Hargett asked what the next steps would be for the web application. Kevin Callaghan responded by asking how the PRC members would like to receive notification of newly available RDAs; he stated that the notifications will generate several emails. Secretary Hargett verified that the notifications will replace the paper which was passed between offices. Secretary Hargett also asked whether the notifications could be

separated according to preferences because he may like to receive notifications on a daily basis whereas another member may not. Kevin Callaghan responded that the website will be created to match each member's preferences. Secretary Hargett verified that Kevin Callaghan did not need an answer during the meeting and the topic was simply for discussion. Kevin Callaghan responded that, yes, the topic was for discussion only but he would meet with Robert and build each page appropriately.

Secretary Hargett requested a demonstration of the web application. Kevin Callaghan began demonstrating the application and describing the screens. Kevin Callaghan stated the page for the PRC will possibly resemble the Administrative page. Secretary Hargett asked how the public could access the information prior to the system. Kevin Callaghan responded that a public records request would have to be submitted, but it depended on the agency and the procedures that the agency in question required. For example, the Department of Transportation would be difficult to obtain information because it has several offices and each office would have to contact the central office for authorization.

Secretary Hargett recognized Cody York. Cody York stated that to his knowledge, there are two complete copies of all RDAs that are current; Records Management has one copy and Library and Archives has the other. Secretary Hargett asked Cody York if paper copies were be retained. Cody York responded, yes, paper copies will be retained, and that steps are being added to the process, not removed. Kevin Callaghan stated that as part of the process, the agencies are able to make comments. When the agencies save and submit their RDAs, they will print the signature form and the RDA, and then the hard copy will be sent to Records Management on the 8<sup>th</sup> Floor of the Tennessee Tower. This will be Records Management's "Disaster Recovery" and the paper will be a back-up to the electronic versions.

Secretary Hargett recognized Joseph Barnes. Joseph Barnes asked when and how would PRC approval occur with the new procedure. Kevin Callaghan responded that PRC approval would occur at the meeting. The RDAs would be available to view, and if the PRC agreed, the item would be placed on the consent agenda. The PRC would then make a motion and approve the RDA. Secretary Hargett asked at what point the RDA goes on the agenda. Kevin Callaghan responded that the RDA would be put on the agenda as soon as it was received. When the agency saves and submits the information, it is available to view on the calendar. Records Management is maintaining the approach that Records Management is not authorized to decline a RDA request.

Secretary Hargett recognized Joseph Barnes. Joseph Barnes said that as one who was usually on the "tail-end of the circulation", he approved of the process. He stated that he felt the program was a better overall process and that it encouraged interaction between the PRC members. Joseph Barnes asked Kevin Callaghan if the process was

going to operate prospectively. Secretary Hargett elaborated on Mr. Barnes' question by asking if previous RDAs were going to be posted online; for example, a RDA that was approved a year ago. Kevin Callaghan stated that any RDAs that were prior to January 1, 2013, would be reviewed and a signature form would be printed, then the RDA would be uploaded to the system and presented for approval. This will ensure that everyone is on the same page.

Secretary Hargett opened the floor for further discussion. Secretary Hargett clarified that on the approval/rejection page, PRC members cannot edit the RDA but they can make comments. He suggested the notifications be sent in a similar mode as fiscal and press notes, for example, via Smartphone. Kevin Callaghan stated that as agencies start operating, several notifications will be sent out. Secretary Hargett suggested that Records Management send the PRC members a template for the application, within the next two to three weeks, so that the members could decide their preference on notifications; for example, once a day, once a week, or real time notice.

Secretary Hargett recognized Cody York. Cody York stated that the current law requires the PRC to approve records via memorandums or board meetings. He also stated that he was hesitant to arrange a system that would allow the PRC to debate via comments because of open meeting issues that would need to be addressed. Cody York continued to state that, after working through the back-log, it will become a maintenance situation, and the need to meet monthly will dissipate. Secretary Hargett opened the floor for further discussion from the members, there was none, then he opened the floor for discussion and comments from the audience, and there was none.

## **VI. Adjournment**

Secretary Hargett made a motion to adjourn. The motion was properly moved and seconded. The meeting was adjourned.