

**State Records Board Meeting
Quarterly Meeting
November 5, 2008**

Acting under the provisions of the Kansas Statutes Annotated 45-404 and 75-3504, the State Records Board met on November 5, 2008, in the Executive Conference Room of the Kansas State Historical Society to consider requests for approval of retention and disposition schedules and of additions to or revisions of such schedules for the following agencies:

Kansas Bureau of Investigation
Kansas Department on Aging
Kansas Attorney General's Office

In attendance were Mike Smith, chair, Kansas State Attorney General's Office; Matthew Veatch, State Archivist, Kansas Historical Society; Dr. Patricia Michaelis, Director, State Archives and Library Division, Kansas Historical Society; Bill Sowers, Kansas State Library; Duncan Friend, Department of Administration; Scott Leonard, State Records Manager and Electronic Records Specialist, Kansas Historical Society; Kristopher Graves, Government Records Analyst, Kansas Historical Society; Laura Graham, Kansas Bureau of Investigation; Mary Feigny, Kansas Attorney General's Office; Christi Somers, Kansas Attorney General's Office.

Chairman Smith opened the meeting with introductions and welcomed visitors to the meeting.

Minutes

Mr. Leonard noted the incorrect date on minutes (a typo of 2005 rather than 2008). Dr. Michaelis moved to approve the minutes with the change. Mr. Sowers seconded the motion. The meeting minutes were approved.

Kansas Bureau of Investigation

Mr. Leonard introduced the proposed revision for *10 Print Fingerprint Cards*. As the revision entailed a proposed change in the record copy format from paper to electronic, an electronic recordkeeping plan was required. Mr. Leonard informed the Board that the ERKP had been endorsed by the Electronic Records Committee on September 10, 2008. Mr. Veatch moved to approve the revision; Dr. Michaelis seconded the motion. The entry was approved.

Kansas Department on Aging

Mr. Leonard presented a brief history of the proposed revisions' progress (which is still incomplete) to the Board and requested that they be tabled until the January meeting. The items were tabled.

Kansas Attorney General

Mr. Graves introduced the recent overhaul of the Attorney General's records schedule. Due to the volume and breadth of revisions proposed by the Attorney General's Office, Mr. Graves presented the revisions division by division.

The Administration Division, because of issues relating to the potential duplication/customization General Schedule entries, was tabled until the January 8, 2009, meeting.

The Criminal Division's proposals consisted of variations of different types of case files. Ms. Feigny explained how each particular type necessitated a unique entry (rather than be subsumed by the more general, division-wide entry for Attorney General case files). Mr. Veatch moved to approve the division's entries; Mr. Sowers seconded the motion. The Criminal division's schedule was approved.

The Consumer Division's proposals included one disposition change, for *Compliant Files*, and two other revisions dealing primarily with the delineation of retention terms regarding on-site and records center time frames. Dr. Michaelis moved to approve the division's entries; Mr. Friend seconded. The Consumer division's schedule was approved.

The Concealed Carry Division, being a relatively new division, proposed 6 new series including one, *Accounting Records*, that provoked questions from Mr. Friends as to potential overlap with the General Schedule—and from Dr. Michaelis regarding the applicant database mentioned in the series description and whether it necessitated an electronic recordkeeping plan. Mr. Smith noted, that for consistency's sake, the phrase "and amendments thereto" should be stricken from the privacy restriction line. Mr. Sowers moved to approve the proposed entries as amended (omitting "and amendments thereto"); Mr. Veatch seconded the motion. The Concealed Carry Division's schedule was approved.

The Medicaid Fraud Division proposed one revision, adding privacy restrictions to an existing entry, *Assessment Files*. Dr. Michaelis moved to approve the entry; Mr. Friend seconded the motion. The Medicaid Fraud division's schedule was approved.

Formerly the Civil Division, the Legal Opinions & General Counsel Division (LOGIC) presented 13 new entries and 4 revisions to the Board. Mr. Smith recommended cleaning up the text in the Restrictions field (repetitive and unnecessary use of "KSA 45-221 (a)").

The Historical Society, as the official repository for state government records, requested that the AG's Office begin sending *Formal Opinions* to the Archives, despite multiple copies already being disseminated to the State Library and law libraries at the Supreme Court, the University of Kansas, and Washburn

University; the Attorney General's Office assented to the Archives' request and further declared no objections to the Historical Society's ambitions to acquire digital copies of past opinions (through the Washburn Law Library).

There was some discussion amongst the Board about the privacy restrictions the agency proposed placing on *Requests for Access to Records* [specifically KSA 45-221 (a)(14) & (20)]. Ms. Feigny explained that the Attorney General's intent was not to increase the frequency with which records are closed, but merely to potentially protect the Office in its dealings with individuals seeking records. KSA 45-221 (a)(14) deals with the correspondence between a private person and a government agency; KSA 45-221 (a)(20) allows for the discretionary closure of memos and opinions addressing whether the record requested should be disclosed. In actuality, the restrictions in questions would probably not be implemented very often. As a modification to an existing General Schedule entry, LOGIC's proposed restrictions prompted further dialogue about whether these same restrictions should be placed on the General Schedule entry for *Requests for Access to Records* itself before the Board ultimately deferred. (A more broad-ranging discussion about General Schedule items and their potential customization by agencies occurred at the close of the meeting. See below.)

Mr. Veatch moved to approve the LOGIC Division's schedule as amended (removing the repetitive "KSA 45-221's"); Mr. Sowers seconded. The motion was approved.

The Victim Services Division proposed 10 revisions and 1 new entry. Mr. Graves, in introducing the division's schedule, noted that the retention for *Claim Files*—rather than the 5 years indicated—should read 25 years, and the comments should read, "Retain 5 years, then transfer to Records Center for 20 years, then destroy."

Mr. Friend inquired about the record copy format of the *Correspondence Log* series—the database in question, though scheduled to be retained for 5 years, did not carry an approved electronic recordkeeping plan. Mr. Leonard responded, asking whether it was the default language in the report that raised Mr. Friend's concern (namely, that the Records Management database used to generate the Board's reports automatically defaults, when handling electronic records regardless of retention period, to indicating that the "electronic recordkeeping plan is NOT endorsed" in big bold letters. It was agreed that once an entry was reviewed, and subsequently approved by the Board, that language would be changed to "electronic recordkeeping plan not required."

Mr. Friend moved to approve the proposed schedule as amended; Mr. Veatch seconded the motion. The Victim Services division's schedule was approved as amended.

Mr. Graves explained that the Multiple Subunits “division” was an artificial entity created by the Records Management staff as a way to deal with those records that multiple divisions within the agency keep. The Attorney General’s Office proposed adding 13 entries under the auspices of this agency-wide umbrella in order to eliminate duplicate listings for similar records.

Mr. Graves then apologized for the late revision, but noted that *Amicus Curiae Records*, though listed as one of the proposed entries, should actually be part of the Superseded record series (see below).

Ms. Feigny noted that *No Charge Reports* were one of the many types of files listed in the series description for *Case Files* even though these reports have their own unique entry (just approved) under the Criminal division. This mention was thus omitted from the Case Files description. Mr. Sowers moved for approval as amended; Mr. Friend seconded. The motion was approved.

Obsolete / Superseded Series

Mr. Graves provided the Board with a listing of Obsolete (37) and Superseded (37) entries (for informational purposes only). Mr. Leonard noted that the list provided included entries from the Attorney General’s Administration division and suggested that, like the rest of the Administration division’s schedule, these entries be tabled until the next meeting as well. The Board agreed.

Next Meeting

In light of the volume of series presented by the Attorney General’s Office (and the fact that this meeting had to be delayed because of it), Mr. Smith both thanked Mr. Graves for his work with the agency and inquired about the potential agenda for the next meeting. Anticipating entries from only 3 agencies—plus the Attorney General’s Administration division—the Board agreed to keep its next meeting date as previously scheduled. Dr. Michaelis thanked the Attorney General’s Office for their effort and initiative to update their entire schedule.

Further Discussion

Prompted by the Attorney General’s review process, the Board sought to articulate a policy regarding general schedule items. When the Historical Society’s Records Management staff sent the existing schedule to the agency for review, no distinction was made between which items were general schedule entries and which ones were agency-specific—so they were *all* reviewed by the agency. In the past, such efforts have included applicable General Schedule entries for convenience of the agency staff; now the General Schedule entries are available on the web and much easier for the agency staff to peruse and apply on their own.

Mr. Veatch proposed KSHS undertake a database cleanup to remove General Schedule entries from agency schedules. Mr. Veatch similarly proposed reviewing the Attorney General’s Administration Division’s proposed schedule in

order to purge it of any general schedule entries as well—unless there is a need to specifically change one for the agency and simultaneously review it to see if those changes warrant incorporation into the General Schedule entry itself. Mr. Smith concurred that this approach for the Board made sense, both regarding the AG's Administration division specifically and futures issues generally.

Mr. Smith wished everyone a Happy Holidays. The meeting was then adjourned.

Respectfully submitted,

A handwritten signature in black ink, reading "Matthew B. Veatch". The signature is written in a cursive style with a prominent initial "M" and a long, sweeping underline.

Matthew B. Veatch,
State Archivist and Secretary,
State Records Board