

State Records Board
16 October 2014
Executive Conference Room, Kansas Historical Society

Present: Lisa Mendoza, chair, designee of the Attorney General (on conference call)
John Yeary, designee, Secretary of Administration
Pat Michaelis, designee, Kansas Historical Society Executive Director
Matt Veatch, State Archivist

Not present: Bill Sowers, designee, State Librarian

Also present: Jackie Yingling, Board of Pharmacy
Theresa Schwarz, Board of Regents
John Hooker, Kansas Public Employees Retirement System (KPERS)
Alberta Rea, KPERS
Marcella Wiget, Kansas Historical Society (KSHS)
Joanna Hammerschmidt, KSHS
Judy Taylor, Racing and Gaming Commission
Melissa Thompson, Sedgwick County Records Management
Teresa Anderson, Johnson County Records Management (on conference call)

Ms. Mendoza called the meeting to order at 8:36 a.m. and began introductions.

Minutes: **Motion:** Mr. Veatch moved, Mr. Yeary seconded, board unanimously approved both July 17 and August 19 meeting minutes.

Board of Pharmacy: Discussion started with the new entries. Joanna Hammerschmidt questioned the “two calendar year after receipt of last document” retention on the abandoned incomplete applications; Ms. Yingling explained that while the board’s statute does not state an expiration, after that long a timeframe the agency would prefer for an individual to re-submit their information and start the licensing application process over again.

Mr. Veatch requested clarification regarding the interns’ files and whether or not the internship information is transferred to the licensing files. Ms. Wiget explained this is the case, and Dr. Michaelis suggested adding a comment to 0028-531, clarifying that interns who become pharmacists have their licenses integrated with their license file.

Motion: Dr. Michaelis moved approval of new entries and revised entries, allowing Ms. Wiget and Ms. Yingling to amend language in 0028-531 as necessary for clarification . Mr. Yeary seconded, unanimous approval by board.

Motion: Mr. Veatch moved, Dr. Michaelis seconded, unanimous approval of superseded entries as presented.

Kansas Public Employees Retirement System (KPERS): A year ago the board requested the agency to review their retention schedule, and John Hooker contacted all the directors in KPERS to determine what needed to be changed. Alberta Rea, internal auditor, noted that she required a schedule entry for her work. She and John reviewed audit schedule entries on other agencies’ retention schedules and did not find consistency so created a new entry.

Ms. Rea described something of her workflow. She reviews statutes, regulations, fiduciary standards, and other standards and best practices to ensure KPERS is doing its work properly. She noted that in the past year she's gone through a self-assessment based upon the Institute of Internal Auditors standards. One of those standards is having a retention schedule.

Mr. Veatch was concerned that the summary findings completed from Ms. Rea's reports had archival value. Ms. Rea explained that she might complete 8-10 audits in a year and sends the summary findings to the KPERS' board's audit committee and to the Legislative Post Audit. She also explained that these completed reports are stripped of any individually identifiable information and are therefore considered open records. After discussion, the board recommended adding to the end of the schedule entry comment, "Transfer internal audit reports to the State Archives annually."

Motion: Dr. Michaelis moved approval as amended, Mr. Yeary seconded, unanimous approval as amended.

Board of Regents: Ms. Schwarz explained that the Legal section had not gone through their records in a very long time, and now when they have time available, the staff are going through their records and cleaning up. They found these bond files and want to change the schedule in order to destroy these records appropriately.

Motion: Mr. Yeary moved, Dr. Michaelis seconded, unanimous approval of revised schedule entry as presented.

Racing & Gaming Commission: Both programs for these new series entries are for animals bred in Kansas; individuals who do this breeding in Kansas may receive monies in order to encourage breeding in the state. The programs continue, and animals continue to be registered in the state, despite the fact that racing has not been held in Kansas for a few years. The two private organizations for horse racing and greyhound dog racing hope that racing will come back, and the state agency continues to hold hearings for the Kansas Bred Program, for example. The agency has also received a few boxes of records related to that program and expect they may receive more from both organizations. Ms. Taylor noted that horses can breed for a long time, and that if racing came back in a few years some of these horses may still be breeding, so the retention specifically for the Kansas Bred Program needs to be for a long time.

Greyhound registration records currently remain with the Greyhound Association; the agency has given that association a year to determine whether or not the records need to be moved to Racing & Gaming. Mr. Veatch questioned whether the board could schedule records that were not yet property of the state; Ms. Taylor clarified that the associations act on behalf of the state and that these are state records, just not currently physically in the agency's control.

Motion: Dr. Michaelis moved, Mr. Yeary seconded, unanimous approval of new entries as presented.

Local government – Community Developmental Disability Organizations (CDDOs): Melissa Thompson noted that CDDOs are another governmental organization that may be county- or regional-based and may be government-run or run through not-for-profits; therefore the board may not have approval authority. She is therefore requesting endorsement of the presented schedule entries to bring back to the Sedgwick County Board of Commissioners for final approval. She also noted that most of the records the local organization receives and creates are electronic, and that currently the electronic records are not being managed (destroyed); however, the office plans to begin using that module in the electronic records management system to allow for destruction of the electronic records. She also noted that much of this information should be included in a Kansas Department of Aging and Disability Services database as well. Ms. Thompson explained some of the research process their records

management program used, including sending the proposed schedule entries to all the CDDO contacts she had around the state; she received no comment back from any of them.

Discussion turned to whether or not these were truly county government records. Sedgwick County is the appointed CDDO for that county; other counties, including Johnson County, are in similar situations to Sedgwick County. In less populous, western counties the situation may not be the same, and therefore the board would need to be clear that their approval would be specific to county-operated entities.

Motion: Dr. Michaelis moved approval of entries, with the understanding that if the CDDO is not a part of county government, these are advisory schedule entries only. Mr. Yeary seconded, unanimous approval of schedule entries as presented.

Housekeeping changes: The housekeeping report was accepted by the board.

Governor's Office financial records at the State Archives: Ms. Wiget explained that there are two separate issues to decide: financial records transferred directly by gubernatorial administrations, and those records transferred by the Department of Administration under its existing schedule. She was requesting at this meeting authorization from the State Records Board, as allowed in K.S.A. 75-104(c), to destroy the records directly transferred from the governors' offices, and she would work with Administration to ensure their schedule was changed in order to allow for the destruction of these records rather than transfer to the State Archives.

Ms. Mendoza wanted to ensure that there was no long-term historical value to these records; the other board members agreed with Ms. Wiget that these were routine financial records of no enduring value, and that the State Archives had a variety of other records from these administrations that provided better evidence of that administration's policies and actions. Ms. Mendoza asked whether anyone had ever requested to perform research in these records; neither Ms. Wiget nor Mr. Veatch was aware of anyone requesting them.

Mr. Yeary noted that Administration facilitates gubernatorial transitions, including setting up a budget for the new governor among other supporting roles, and that therefore the agency receives or handles records for the governor's office. Mr. Veatch would like to schedule the governor's financial records separately, not under Administration's schedule, and the board all agreed with this assessment.

Motion: Mr. Veatch moved, Mr. Yeary seconded, the board unanimously approved to destroy the routine financial records of the governor's office in the same manner as other state agencies' routine financial records.

Dr. Michaelis asked about the letter the board sent to the Information Technology Executive Council after its special meeting on August 19. There had been no response so far, but Mr. Veatch noted that both Bryan Dreiling and his supervisor at the Office of Information Technology Services are no longer with the state of Kansas, so it's unclear where those draft security policies now lie.

Ms. Mendoza adjourned the meeting at 10:10 a.m.