

*State Records Board
26 March 2015
KSHS Executive Conference Room*

Present: Lisa Mendoza, chair, designee of the Attorney General
John Year, designee of the Secretary of Administration
Jennie Chinn, Executive Director of the Kansas State Historical Society
Bill Sowers, designee of the State Librarian
Matt Veatch, State Archivist (on conference call)

Also present: Heather Wilke, Kansas Dept. of Labor
Rick Scheuffler, Kansas Dept. of Agriculture (KDA)
Robert Large, KDA
Jennifer Cook, Kansas State Board of Healing Arts (KSBOHA)
Kelli Stevens, KSBOHA
Marcella Wiget, Kansas State Historical Society (KSHS)
Joanna Hammerschmidt, KSHS
Shawnel Neal, Kansas Dept. of Revenue

Ms. Mendoza brought the meeting to order at 8:35 a.m. and began the introductions.

Minutes: Ms. Mendoza had sent Ms. Wiget a few corrections.

Motion: Mr. Yeary moved approval, Mr. Sowers seconded, unanimous approval of meeting minutes as amended. Ms. Chinn abstained due to not being present at meeting.

State general schedule: Ms. Wiget described the online survey State Archives staff sent to all state agency and university records officers to determine whether or not they and program staff working with the records under discussion approved of the requested changes to the general schedule or not.

Discussion turned specifically to the new grant files records series. Ms. Wiget directed the board's attention to the comments on the administered grant files, noting the comments about the longer retention period. The board agreed that these retention periods are minimums and that agencies may internally require keeping records longer.

Motion: Ms. Chinn moved, Mr. Yeary seconded, unanimous approval of grant and budget files as presented.

The board then addressed the revisions to 0071-000, Litigation Case Files. Ms. Mendoza suggested adding several additional Kansas Open Records Act and other existing state statute exemptions from disclosure that may apply for a state agency. She stated she would email the exemptions after the meeting to ensure Ms. Wiget had them listed correctly.

Motion: Mr. Yeary moved approval, Mr. Sowers seconded, unanimous approval of Litigation Case files as amended.

The board addressed the question from the survey regarding whether or not restrictions applied to schedule entry 0074-000, memoranda of understanding or agreement. The board decided, based upon feedback from those individuals present at the meeting, that generally memoranda of understanding or agreement include not just the final versions but also drafts, correspondence, and amendments, and therefore the series entry should include that information in the description.

Motion: Ms. Chinn moved, Mr. Sowers seconded, unanimous approval of 0074-000 as amended.

Mr. Veatch pointed out that 0089-000, Programs and Invitations, should specify "transfer to the archives" in the disposition.

Motion: Mr. Veatch moved, Mr. Sowers seconded, unanimous approval of schedule entry as amended.

Kansas Dept. of Agriculture – Division of Animal Health: Dr. Brown, division head, requested a revision to this schedule entry to clarify for which animals the Certificates of Veterinary Inspection need to be retained for a longer period. Small animals do not have the same disease transmission, bloodline, and other issues that large animals do. Mr. Scheuffler and Dr. Brown adopted language from the relevant statutes. Addressing this issue will also help the agency destroy records currently stored at the State Records Center, rather than transferring them to another records center.

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

Kansas State Board of Healing Arts: The closing of the State Records Center catalyzed State Archives staff to request the State Board of Healing Arts to revise the disposition requirements for investigative case files from transferring to the archives to destroy. In so doing, Ms. Stevens updated the description and restrictions on the schedule entry. These records are closed and will never be open to the public.

Ms. Mendoza questioned a couple restrictions listed in the revised entry. Based on the discussion, K.S.A. 45-221(a)(49) was removed and (a)(5) added. The board also discussed the transfer language in the comments; Ms. Stevens pointed out that typically a case has a high likelihood of being pulled within the first 3 years, but after that records are pulled less frequently. She also pointed out that 13 is a compromise for the investigative department, who would prefer to retain the records for a longer timeframe. Once removing the transfer information, the board and Healing Arts' legal counsel agreed that 10 fiscal years is a long enough minimum retention.

Motion: Mr. Sowers moved approval, Ms. Chinn seconded, unanimous approval of revised entry as amended.

Kansas Dept. of Labor: The board added K.S.A. 45-221(a)(1) to 0088-296, Non-Monetary Determination Record and K.S.A 45-221(a)(20) to 0084-296, Notes - Board Meetings. Discussion turned to whether or not (a)(25) for attorney work product needed to be included in 0108-296. Due to discussions in the Legislature currently that may abolish Public Employees Relations Board (PERB), Ms. Wilke wished to table discussions on 0052-296 until those discussions were completed. Mr. Veatch also confirmed that 0045-296 is both paper and electronic and requested a description for 0063-296. He pointed out that the data available in 0069-296 or in 0096-296, once de-identified, could be of great use to researchers. He didn't necessarily believe that this data needed to come to the archives immediately but pointed out that the open data movement is changing archival appraisal decisions. 0096-296, Quarterly Wage Report, includes names and Social Security Numbers provided by employers in data that has to be filed electronically with the Kansas Department of Labor. Ms. Wilke pointed out that so much data in that particular series is restricted that not much could be transferred to the archives.

Motion: Mr. Yeary moved approval, Ms. Chinn seconded, unanimous approval of revised entries as amended.

The board tabled discussing 0053-296 on the superseded entries due to waiting on all matters related to PERB.

Motion: Mr. Yeary moved, Mr. Sowers seconded, unanimous approval of superseding 0082-296 and 0083-296 into 0081-296, Litigant Filed – Tried Cases.

Office of the Attorney General: The Attorney General's office wishes to amend the schedule entry for the agency's general entry for case files not covered by other specific entries. This is in part to deal with records stored in paper form both at their office and out at the closing State Records Center. The 16

year retention is due to terms of office for the attorney general. Because the agency is a constitutional office and because the cases the agency generally deals with are of a statewide significance, the agency would prefer to work with the State Archives to ensure cases of enduring value are transferred to the archives, and the archives determines what can be destroyed because it is not deemed to have enduring value. Ms. Mendoza also noted that the two entries to be superseded are sub-sets of what should really be included in the general case files series, 0172-082.

Ms. Chinn questioned whether a pending case would simply be closed once a new attorney general is elected. Ms. Mendoza explained that there could be a substitution of defendants and that the newly-elected attorney general can decide whether or not to continue pursuing a case. Having the 16 year retention allows for perspective to determine whether a case will have enduring statewide significance. Mr. Veatch noted that it will be good to have continued involvement from the Attorney General's office because State Archives staff don't always have the subject matter expertise to determine whether or not a legal case may have enduring value.

Motion: Ms. Chinn moved, Mr. Sowers seconded, unanimous approval of revised entry as amended.

Motion: Mr. Yeary moved, Mr. Sowers seconded, unanimous approval of superseding entries into the revised entry 0172-082.

Housekeeping report: The board accepted the report.

Mr. Veatch thanked the board for helping by holding additional meetings to deal with records stored at the State Records Center, and noted that the SRC is on schedule to close at the end of fiscal year.

Meeting adjourned at 10 a.m.