

## State Records Board

April 7, 2016

### Executive Conference Room – Kansas Historical Society

Present: Lisa Mendoza, designee of the Attorney General (chair)  
Jennie Chinn, Executive Director, Kansas Historical Society (KHS)  
Matt Veatch, State Archivist  
Bill Sowers, designee of the State Librarian  
Philip Michael, designee of the Secretary of Administration

Also present: Joanna Hammerschmidt, KHS  
Mark Cole, KHS  
Steven Wassom, Kansas Securities Commission (KSC)  
Kelli Broers, Kansas Department of Education (KSDE)

Meeting called to order at 8:36 a.m. and Ms. Mendoza began the introductions. Ms. Mendoza requested an addition to the agenda be made to include a discussion of Office 365. Mr. Veatch updated the board regarding the membership for the revised Electronic Records Committee (ERC). Mr. Veatch listed Mr. Joe Costa, Mr. John Bartolac, Ms. Becky Schulte, Mr. Philip Michael, as confirmed. Mr. Veatch indicated that Mr. Cliff Hight is helping to find individual from Kansas State University and that Mr. Michael Smith, records officer for the Kansas Department of Health and Environment, has been invited to serve as a member as well. Mr. Veatch tentatively plans to set first meeting in early June of 2016, excluding Thursdays and the 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of the month.

*Minutes:* Previous meeting minutes were presented and reviewed. Ms. Mendoza requested some grammatical corrections be made and Mr. Sowers indicated the correct spelling for Mr. Ackermann and asked for that to be corrected.

**Motion:** Mr. Veatch moved approval of meeting minutes as amended, Mr. Sowers seconded, unanimous approval of October 22, 2015 minutes as amended.

*Kansas Securities Commissioner:* Ms. Hammerschmidt reminded the board that they have discussed these entries at the previous board meeting. The board suggested certain restrictions be added and approved the series as amended as long as the KSC agreed to the additional restrictions. The information on the restrictions was provided to KSC to review and the final list of restrictions that was returned included additional restrictions that the board hadn't previously discussed, in particular KSA 17-12a607(b). The board reviewed the revised entries and Ms. Mendoza suggested that if adding KSA 17-12a607(b) to series 0002-625, should also add (1) which makes reference to any other laws. Ms. Hammerschmidt indicated that the addition should apply to all three entries. Mr. Wassom agreed to the additional restriction and

indicated that there was an additional series, 0001-625, that should be changed as well. Ms. Chinn suggested handling separately.

**Motion:** Mr. Veatch moved to approve series 0002-625, 0006-625 and 0003-625 as amended, Ms. Chinn seconded, unanimous approval.

**Motion:** Ms. Chinn moved to revise series 0001-625 and add additional restriction to KSA 17-12a607(b). Mr. Veatch seconded, unanimous approval to revise restrictions to KSA 17-12a607(b)(1).

*Kansas State Department of Education (KSDE) – Learning and Innovative Services:* Ms. Hammerschmidt explained the revision is due to a previously proposed new schedule entry being incorporated into series 0190-652. Ms. Hammerschmidt also made sure board was aware that these records are not school records. Mr. Veatch questioned the removal of Family Educational Rights and Privacy Act (FERPA) restriction. Ms. Broers indicated that her predecessor, Mr. Scott Gordon, researched it and confirmed that it would not fall under FERPA.

**Motion:** Mr. Michael moved to approve as submitted, Mr. Veatch seconded. Unanimous approval of series 0190-652 as submitted.

*KSDE– Fiscal and Administrative Services:* Mr. Veatch questioned the wording of the comments and why kept in office sixty days before transferring to storage since records would still be in KSDE custody. Ms. Broers stated that for convenience purposes is why they are kept in office and are wanting to update the schedule entry to match their business practice.

**Motion:** Mr. Veatch moved to approve series 0045-652 as submitted. Mr. Michael seconded the motion, unanimous approval as submitted.

*KSDE- Financial Services and Quality Control:* Ms. Hammerschmidt indicated that after discussion with agency records officer, the disposition comments were clarified and that the official records copy is paper.

**Motion:** Mr. Veatch moved approval of series 0054-652 as submitted, Mr. Sowers seconded. Unanimous approval of entry as submitted.

*Kansas Department of Health and Environment (KDHE) – Environment Division - Bureau of Water:* Ms. Hammerschmidt began by explaining the new series was created to address a collection of records that had not been previously scheduled. Discussion with KDHE staff and attorney indicates the series is background information gathered before it is moved to a Legal Action File. The board questioned how determination was made if records were legal files or bureau files and if all enforcement action files resulted in an agreement order or an order for enforcement. Ms. Hammerschmidt explained that they are records used in remediation steps process before becoming a Consent Agreement or Administrative Order. Mr. Michael indicated that series should probably be two separate series, the review files and a series for the actual enforcement files. Mr. Veatch wanted to get more information and have the description further clarified and separate into two series if needed.

**Motion:** Mr. Veatch moved to table the new series entry “Enforcement Action Files”, Mr. Sowers seconded, unanimous approval.

*KDHE – Health Division – Bureau of Community Health Systems:* Ms. Hammerschmidt requested that series 0277-264 be tabled at this time.

**Motion:** Mr. Veatch motioned to table series 0277-264, Ms. Chinn seconded, unanimous approval to table series 0277-264.

*KDHE – Health Division –Health Occupations Credentialing:* Ms. Hammerschmidt explained that series 0806-264 was still being created, but the program itself was being transferred to the Kansas Department of Aging and Disability Services (KDADs). Both Mr. Smith and Mr. VanHoozer confirmed that the program is now under KDADs. In order to not confuse agencies when searching by series ID only and create an audit trail of the series, Ms. Hammerschmidt requested that series 0806-264 be made obsolete and create new series ID under the programs new agency. Ms. Chinn verified that the series to be made obsolete and the proposed new series under KDADs were identical. Ms. Hammerschmidt confirmed that they are and only thing that has changed is the agency under which they are generated.

**Motion:** Mr. Sowers motioned to approve making series 0806-264 obsolete, Mr. Veatch seconded, unanimous approval.

*Kansas Department of Aging and Disability Services:* Ms. Hammerschmidt explained that this is the KDHE series, 0806-264, that was just made obsolete in order to maintain an audit trail and provide the new agency with a cohesive schedule. Ms. Mendoza inquired if there were any attorney work files included in this series and if any additional restrictions should be added. In particular, KSA 45-221(a)(20)(25) or if KSA 45-221(a)(30) would apply. Mr. VanHoozer was not present to respond. Ms. Hammerschmidt stated that she doesn't see Mr. VanHoozer having any issues with the additional restrictions being added. After discussion, the board determined that they could approve the series as presented and after discussion with Mr. VanHoozer, the additional restrictions listed could be added KHS staff. If Mr. VanHoozer determined that any other restrictions, other than those discussed by the board, needed to be added, these would have to be resubmitted to the board for approval.

**Motion:** Mr. Veatch moved to approve entry and authorize staff to add the additional restrictions once discussed with Mr. VanHoozer. Mr. Sowers seconded, unanimous approval.

*Kansas Corporation Commission:* Ms. Hammerschmidt indicated that this series was previously tabled by the agency until they could confer with staff on how long records needed to be maintained by the agency. The agency has provided confirmation that this series need to be kept for 9 years to comply with federal requirements and internal use. Members of the board recalled this discussion and no further questions were raised.

**Motion:** Mr. Veatch moved to approve as submitted. Mr. Michael seconded, unanimous approval of series 0234-143 as submitted.

*Kansas Department of Credit Unions:* Ms. Hammerschmidt explained that the agency wanted to lengthen the retention period and change the disposition of series 0007-159 from Archive to Destroy. Ms. Mendoza questioned the use of the word "investigations" in the description and if the additional restrictions of 45-221(a)(20) and 45-221(a)(11) should be added. Ms. Hammerschmidt indicated it is just the complaint and if not a viable complaint, nothing further

is done. If it is a viable complaint, it is moved to another department and handled under a different record series. After discussion, board recommended changing the description to, "Initial investigations conducted by the department into complaints by credit union consumers that do not result in further action." Board also recommended discussing with staff if the additional restrictions should be added.

**Motion:** Mr. Veatch moved to approve series 0007-159 with amended description and the addition of discussed restrictions be added if accepted by agency staff. Mr. Sowers seconded, unanimous approval as amended.

The board reviewed the housekeeping report and accepted as presented.

*Other Business:* Ms. Mendoza gave a brief history of how the KAR numbers used by the board are generated. K.S.A. 45-404(a) requires the board's retention schedules be filed with the Secretary of State's office. As a recording mechanism only, the use of a sequential KAR numbering system was adopted by both the board and S.O.S office. Ms. Mendoza reiterated that the board does not have authority to generate true regulations and that is why the schedules are not published in the register and do not fall under the Rules and Regulation process. Discussion continued about changing the recording number to something other than "KAR." The use of "Meeting Approval Number" was agreed upon. Ms. Mendoza requested Mr. Veatch, as State Archivist, contact Barbara Dominquez, at the S.O.S. office, and discuss with her whether the proposed change was acceptable or if there was a better option. Mr. Veatch indicated that he would call Ms. Dominguez this afternoon and discuss.

Discussion then moved to the process of approving and reviewing retention schedules that include memorandums of understanding or agreement (MOU/MOA). Ms. Hammerschmidt used the Department of Administration, Facility Management as a current example. Ms. Mendoza indicated that the MOU/MOA should be done first and then build retention schedule around that. Ms. Chinn requested that Ms. Hammerschmidt develop the MOA for the Dept. of Administration, Facility Management with Mr. Veatch and present to her to sign. Then once signed, can proceed with the proposed schedule change.

The next order of business involved the discussion of housekeeping authority in regards to a record series entry being moved from one agency to another. Ms. Hammerschmidt wanted board approval for Public Records Program staff to be able to obsolete an entry under the old agency and recreate as a new record series under the new agency. This would eliminate any confusion for agencies and create an audit trail for that series. Mr. Veatch thought it was already allowed under the approved housekeeping rules but after further discussion, determined the intent was there but not included in the language to actually allow. Ms. Mendoza suggested adding the appropriate language and present the revision and the current housekeeping rules at the next board meeting for everyone to review.

Ms. Mendoza indicated that the review of the Electronic Recordkeeping Plans had been inadvertently skipped over. The board paused discussions and revisited that agenda item.

*Kansas Department of Administration ERP:* Ms. Hammerschmidt began by explaining that it is not actually a system, but an electronic file system that is stored on a shared drive and includes a database that functions as an index of all the projects stored on the drive. Mr.

Veatch informed the board that the Electronic Records Committee had reviewed it and were satisfied that it was adequate and sufficient. Mr. Michael asked if more than one person knew how to use and maintain the system and Mr. Veatch indicated multiple staff did although currently only one person is doing it. Ms. Chinn inquired if included on the agency continuity of operation plan. Mr. Veatch indicated that the backup system is good and Mr. Michael indicated that he would confirm that it was included in the agency continuity plan.

**Motion:** Mr. Veatch moved to approve as submitted, Ms. Chinn seconded. Unanimous approval ERP plan as submitted.

*Kansas Real Estate Commission ERP:* Ms. Hammerschmidt explained that it was a straight forward SharePoint system. Mr. Veatch indicated that the ERC was extremely pleased with this plan and a model ERP. Mr. Veatch even stated that the ERC was given permission to use as an example to other agencies.

**Motion:** Mr. Michael moved to approve ERP as submitted, Mr. Sowers seconded, unanimous approval.

The board then resumed discussion of the other business matters. Ms. Hammerschmidt explained that the State Archives wanted to deaccession and destroy a large number of Kansas Public Employees Retirement System litigation files. Ms. Hammerschmidt indicated that of the 1100 boxes that were received from the Xerox record clearing house, approximately 600 of them shouldn't have been included. These records include things like copies of board meeting minutes, correspondence, witness transcripts, financial and audit reports from all parties, both plaintiff and defendant. Due to volume and type of records, Ms. Hammerschmidt requested guidance on how to proceed. Ms. Mendoza suggested that KPERS staff be contacted and apprised of the plan to deaccession these records and gather their input and the other parties as well, since assumptions may have been made that since it had been archived, they would always have access to it if needed. Ms. Hammerschmidt indicated she would make contact and bring the information back to the board at the next meeting.

The board then moved to discussing the addition of Office 365 that Ms. Mendoza requested at the beginning of the meeting. Ms. Mendoza wanted the board to be aware of the emails that her office had received regarding Office 365. The Office of Information Technology Services (OITs) had sent their proposed email solution options to all the agencies chief counsel and that is how her office become aware of the issue. The Attorney General's LOGIC division responded by informing OITS that none of the proposed solutions met the actual law requirements and as of this meeting, are still waiting for a response back from OITS. Mr. Michael was unable to shed any additional light on where OITS was at on implementing a real solution to records management, particularly with emails. Ms. Chinn indicated she would be attending a non-cabinet meeting next week with Phil Wittmer attending. Ms. Chinn indicated, with the boards permission, that she would like to approach Mr. Wittmer and initiate a dialogue with him regarding the boards concerns. Further discussion resulted in Mr. Michael being the one to initiate contact with Mr. Wittmer as well as Mr. John Yeary, and set up a meeting with the board. Mr. Michael will contact Ms. Hammerschmidt once a time as been set.

If necessary, the board will hold a special meeting to accommodate the scheduling of this meeting in order to address their concerns and offer help and advice regarding this issue.

The final order of business was to confirm the proposed future meetings with the possibility of a special meeting of the board if necessary. With nothing further to discuss, the board adjourned at 10:48 a.m.