

State of Tennessee
Public Records Commission
MINUTES

February 20, 2014 at 1:00 PM
Legislative Plaza, Room LP-31, Nashville, TN

Public Records Commission Members:

Chairman – Tre Hargett, Secretary of State (Present)
Secretary – Robert E. Oglesby, Commissioner Department of General Services (Present)
Ann Toplovich, Tennessee Historical Society (Present)
Reen Baskin, Deputy Commissioner Department of General Services (Present)
Eddie Weeks, Legislative Office of Legal Services (Present)
Rick DuBray, Office of State Treasurer (Present)
John Greer, Office of Comptroller of the Treasury (Present)
Cody York, Office of the Secretary of State (Present)
Justin Wilson, Comptroller of the Treasury
David Lillard, State Treasurer
Robert E. Cooper, Jr., Attorney General
Joseph Barnes, Director of Legislative Office of Legal Services

Welcome

The Public Records Commission met on February 20, 2014, at 1:00 PM in Legislative Plaza, Room LP-31, Nashville, TN with the noted Public Records Commission members present. Secretary of State, Tre Hargett, called the meeting to order promptly at 1:00 PM. He detected a quorum, and requested action on the following matters presented.

Approval of Minutes:

1. Item #1 is Approval of **Minutes from October 4, 2013 and November 20, 2013** meetings.
 - a. Eddie Weeks notes that there are not any page numbers. He says that under item #8, subsection i: Annual Accumulation, it says, “Mr. Callaghan sates” when it should be “states.” Chairman asks if Mr. Weeks will make a motion to add that to the minutes, and Chairman seconds the motion so he moves to approve the November 20, 2013 minutes as amended. Minutes approved.

Consent Agenda:

2. Consent Agenda Items include:
 - a. **RDA 2072 Conceptual Design Plans** – TN Department of Transportation
 - b. **RDA 10147 Over Dimensional and Overweight Permits** – TN Department of Transportation
 - c. **RDA 1971 Contracts (University of TN) (STARS)** – TN Department of Transportation
 - d. **RDA 2488 Credit Union Exams & Related Documents** – Department of Financial Institutions

- e. **RDA 2483 Bank Division and Credit Union Division Correspondence** – Department of Financial Institutions
 - f. **RDA 944 Applications for Active Credit Unions** – Department of Financial Institutions
3. Consent Agenda items were properly moved, seconded, and approved as recommended by staff for each RDA.

RDA for Discussion

Chairman Hargett recognizes Mr. Callaghan.

- 4. **RDA 82_001: Voucher Disbursement Originals** from the Department of Finance and Administration
 - a. Mr. Callaghan explains that the reason why this RDA is on the regular agenda is that it came in after the deadline, but we felt that it would be prudent to include it in since it was just in slightly overdue.
 - b. There is no discussion, so Chairman Hargett properly moves the RDA and it is properly seconded. After no further discussion, the RDA is approved.
- 5. The next three (3) are from the Department of Transportation.
 - a. **RDA 2072: Conceptual Design Plans**
 - b. **RDA 10147: Over Dimensional and Overweight Permits**
 - c. **RDA 1971: Contracts for the University of Tennessee**
 - d. Mr. Bob Alwine, Director of Central Services of TDOT, comes forward for Chairman Hargett to ask if he agrees to the changes recommended by staff to retire the previously mentioned RDAs. Mr. Alwine replies that yes we do concur and we apologize for the delays.
 - e. **RDA 2072** is a request to revise an existing RDA.
 - i. The retention period will change to 5 years from originally being 3.
 - ii. We've changed the format to store electronic version on servers rather than paper.
 - iii. Recommending the approval of the RDA with those changes.
 - iv. Chairman Hargett asks if there is any discussion and after hearing no further discussion, he entertains a motion. The RDA is properly moved and it is properly seconded. The RDA is approved.
- 6. **RDA 10147: Over Dimensional and Overweight permits**
 - a. A request to revise an existing RDA.
 - b. Retention period will remain 5 years, changing the format to store electronic version on servers rather than paper.
 - c. Mr. Callaghan recommends approval.
 - d. The RDA is properly moved and it is properly seconded. Chairman Hargett asks Mr. Alwine if he concurs and Mr. Alwine does agree.
 - e. Hearing no further discussion, the RDA 10147 is approved.
- 7. **RDA 1971: Contracts for the University of Tennessee**
 - a. It's a request to revise an existing RDA.
 - b. The current retention is 10 years. We are recommending that this RDA be retired to be considered under RDA 11038 which was approved on the Consent Agenda.
 - i. It's establishing for TDOT to combine 10, 12 Contract RDAs so this would put it under one (1) for the State.

- c. Chairman Hargett entertains a motion. Properly moved, properly seconded, and Chairman confirms with Mr. Alwine if he agrees. Mr. Alwine does agree and states that TDOT has made some corrected action plans to cut down on these errors going forward.
 - d. Chairman Hargett asks if there is any discussion and after hearing no further discussion, he entertains a motion. The RDA is properly moved and it is properly seconded. The RDA 1971 is approved.
 - e. Mr. Alwine makes a final comment saying that he would like to thank Kevin for his and his team's passion and patience working with TDOT. He also says without them (Kevin Callaghan and his team) this process would be tough.
- 8. RDA 2488: Credit Union Exams and Related Documents, Department of Financial Institutions:**
- a. Requesting to change retention period from 3 to 5 years.
 - i. Their old model was to store the electronic versions on a tower instead of on servers, with a back up of CD/DVD. Under the old electronic records policy, that was acceptable. Moving to 5 years made it so we have to recommend that it be kept on a server as opposed to on a tower.
 - ii. On all 3 of these, Mr. Callaghan's recommendation is that they continue to take action to replace with servers. There are representatives here if you'd like to speak to them.
 - b. Chairman Hargett requests a Financial Institutions member to come to the stand.
 - c. Christy Adams, a Financial Institutions Analyst, and Tracy White, Financial Institutions Information Technology Director, come to the stand. Chairman Hargett asks "if they concur with the recommendation that you do want to represent it as is, but you're trying to move forward; that you're fine with the stipulation as recommended by staff." The ladies respond in full agreement.
 - d. Chairman Hargett asks if have a motion to approve as staff recommended. The RDA is properly moved and it is properly seconded. The RDA 2488 is approved as based on staff recommendation.
- 9. RDA 2483: Bank Division and Credit Union Division Correspondence**
- a. This RDA is a request to revise an existing RDA.
 - b. Retention period will drop to 5 years from 6 years.
 - c. With the stipulation that it be put onto servers.
 - d. Chairman Hargett asks if have a motion to approve as staff recommended. The RDA is properly moved and it is properly seconded. The RDA 2483 is approved as based on staff recommendation.
- 10. RDA 944: Applications for Active Credit Unions**
- a. This RDA is a request to revise an existing RDA.
 - b. Retention period will change from 2 years to 5 years.
 - c. With the stipulation that the data be put onto servers.
 - d. Given the staff's recommendations, Chairman Hargett asks if they have a motion to approve as staff recommended. The RDA is properly moved and it is properly seconded. The RDA 944 is approved as based on staff recommendation.

Records Management Update

Mr. Callaghan gives the following updates:

11. The Commission has the Executive Summary in their notebooks. This was sent out yesterday.
12. For the RDA Review: Records Management continues to review and comment on submitted RDAs each week. We then notify the Library and Archives Division and the Audit Division of the Comptroller. We are continuing to work with the agencies on revising statewide RDAs. We're making sure we are matching actual business practices as well as what is the minimum stipulated in code or Federal Regulations. So we will have those at the next meeting, ideally.
13. The Destruction Report Application has been launched and we generated an agency report. The Secretary of State went over it with the Records Officer for the Secretary of State, and we are going to be generating the rest as RDAs have been approved by the PRC, so that you can look and see the Commission approves the retention period before we proceed with destruction.
14. We will be holding a class on operations Tuesday morning and will cover this topic. Then in the afternoon we'll have a workshop so that everyone can come by and go over their actual destruction report for the agencies that will have one.
15. Training Classes are another item that we are continuing to work on. We are holding one (1) new class each month. We held two (2) in January on basics and RDA development. Based on feedback from the agencies, we are going to continue to do an RDA workshop and possibly a refresher development class each month in addition to the new class introduced. So we will cover everything from historical records, operations, electronic records, and disaster preparedness.
16. In June, we'll have a class for the Records Holding Report prior to them doing a new records holding process.
17. Mr. Weeks asks about the December 2013 Records Management Monthly Report. He says, "the beginning balance line sort of worries me. '3, 16, 19, 21, 24, 45, 69'...are we losing ground?"
18. Mr. Callaghan responds saying, "No, the agencies are working with us by submitting them and we are processing through. Today, we just approved 40 RDAs. In October and November, we processed in the upper 20s each month. So the PRC has approved 95 RDAs as of the end of the year, and we're adding 40 more, and we are continuing to do that with the goal being to pick up pace as we move forward."
19. Chairman Hargett follows up by saying, "If you look at January it looks like the beginning balance of January is 53, with 32 new submittals. If we were to ask today, where would we be with a balance of them?" Mr. Callaghan answers saying there are 89 submittals, and 40 of which we just took care of.
20. Chairman Hargett then asks, "Do you have the necessary staff to process the volume so we don't get behind?"
21. Mr. Callaghan explains, "One of the things we've done is add two (2) analysts. Our staff now includes: Nathan Caldwell, Jasmine Sourignavong, and Molly Fay Lester. Jasmine and Nathan joined us in November. We have done is we have divided the agencies between them for coverage so each of them has about 16 agencies depending upon the size. A goal is that we do add at least one more analyst to try and focus on the areas that need immediate attention but still not abandon the other agencies."

22. Mr. Callaghan has one staff member who does deliveries and calls each agency's Records Officer at the end of each month to try to communicate upcoming meetings, inform them of training classes they have, as well as to relay any of their questions to their analyst. Then delegating it to the proper analyst or if it's an operations question to refer to Alice Drummond, our Operations Manager.
23. They are trying to maintain that high level of communication, as well as at least two (2) Tuesdays each month, we'll have a training class or workshop and we're trying to keep Tuesdays open to add to that.
24. Chairman Hargett adds that, "As you know, Cody York is our Director of Publications and Records Management falls under Publications. Our goal is by July 1, to have Records Management be out from under Cody's directorship since we thought that was appropriate to do. We did that during a transition, and thought that was the appropriate thing to do."
25. Mr. Callaghan agrees with Chairman Hargett's view of strategically hiring staff according to the fluctuation in work load. Mr. Callaghan goes on to say, "we're trying to make sure we cover everything and doing the best we can in serving our clients' needs and we're looking at it. We've tried to be very tight with the budget and it's been easier on that since Mr. York and I agree on not spending a lot of money so that helps. So this is exactly why we haven't formally submitted a request yet."
26. Mr. Weeks asks, "Mr. Callaghan, I've made the point before, and want to make it again. The records holding report 2013 shows the State still has 1246 cartridge or magnetic tapes. Do we have the equipment to read these and is something being done to bring them up to the 20th century?"
27. Mr. Callaghan responds that he agrees it is a concern and they are meeting with the agencies to survey what they have and see if they can view them, especially while we have records moving towards electronic. While the State still has microfilm readers it would be a benefit for us to purchase some digital microfilm readers.
28. But we have to make sure that we still have the capability to access; that's part of being a usable record. So that's something we are discussing with the agencies as we meet with them. One of the reasons we ask is to find out what people are still keeping. It is a concern of mine as well.
29. Cody York asks that question be addressed specifically while the electronic records policy and best practices are being put into place because quite honestly that document will reflect the responsibilities of the agencies in regards to antiquated technology. He looks forward to seeing all the work that has been done with that.

Old Business/Public Questions

1. RDA 3088: TNInvestco

- a. This was deferred from our previous meeting.
- b. It was a policy change and a new program.
- c. Mr. Callaghan states that the best option is that those items will move to TN State Library and Archives with the understanding that TN State Library and Archives does have to make the necessary provisions that current confidential information remains confidential. Do you have a recommendation or any discussion on this point?"

- d. Mr. Callaghan recommends that the PRC adopt the RDA with the staff changes that we have made previously about reworking the cutoff date, but also the main item changing it so that it is reflected in the disposition notes and the worksheet. So it goes from 5 years and destroys, to 5 years and transfer to TSLA for permanent retention.
- e. Chairman Hargett states, “So you have heard the recommendation. I will move for approval.”
- f. Mr. Weeks says, “Is that permanent retention in paper form and is it to remain confidential for the entire retention?”
- g. Mr. Callaghan comments that the Library and Archives has the capability and they are allowed to transfer from paper to microfilm based upon their best practices if they determine that it’s the best move for preservation purposes. So I would leave that in the language so it allows them the freedom to adjust accordingly that it is transferred over there for permanent retention if they have to change it from the original unless there is a specific request that the original document be kept. For the confidentiality, I believe it is addressed within the TCA according to the provisions they are in.
- h. Chairman Hargett asks, “Does the RDA allow TSLA to determine if they want to keep it in paper form or in microfilm? But obviously, if it is converted to microfilm they still have to make the necessary provisions under TN law to keep that confidential. Based on the RDA, it’s my impression that it stays confidential permanently – the way the RDA is written.
- i. So if we wanted to change that then we’d have to change the way the RDA is currently written.
- j. Chairman Hargett has moved for approval, it’s seconded, and RDA 3088 is approved as amended.

Meeting Adjourned

Chairman Hargett entertains a motion to adjourn. The motion is properly moved and seconded. The meeting is adjourned.