

Public Records Commission Meeting
Tuesday, June 11, 2013, at 10:00 A.M. CST
Legislative Plaza, Room 29, Nashville

Commission Members Present:

Tre Hargett, Secretary of State

Reen Baskin, Deputy Commissioner, Department of General Services

Joe Barnes, Legal Services

Rick DuBray, Office of the Treasury

Ann Toplovich, Tennessee Historical Society

John Greer, Office of the Comptroller of the Treasury

Cody York, Office of the Secretary of State

In Attendance:

Kevin Callaghan, Office of the Secretary of State

Wayne Moore, Tennessee State Library and Archives

Terry True, Department of Transportation

I. Call to Order and Welcome

Tre Hargett, Secretary of State, opened the meeting of the Public Records Commission (PRC).

II. Approval of Minutes

Secretary Hargett opened with the first item of business: The approval of the March 7th meeting minutes. Secretary Hargett mentioned that Eddie Weeks had indicated some changes that needed to be made on the previous meeting's minutes. Cody York mentioned that the two changes involved the phrase "Open Meetings Act" in the first section and a word being left out of another section, but he couldn't recall where. Joseph Barnes explained that the first instance appears on pg. 2, Roman numeral II, where it says "Open Meetings Act" it should say "Open Means Act." He indicated that the second change occurs on pg. 4, middle paragraph, fourth line, where it should say "copies were to be retained." Secretary Hargett then asked the board to approve the minutes. Mr. Barnes seconded. The minutes were approved.

III. RDA Review: A.) SW07; B.) 10184-TDOT

Secretary Hargett calls Kevin Callaghan, Records Management Director, to the podium to discuss the second agenda item, RDA Review. Mr. Callaghan stated that there were two RDAs up for review:

1. SW07 – Travel Authorization Files

Mr. Callaghan explained that SW07 pertained to Travel Authorization files, which are documents relating to requests and authorizations of in-state and out-of-state travel relating to cost estimates of travel. SW07 is a revision. Mr. Callaghan further explained that the retention period had been one year, but after discussion with the Comptroller's office, Records Management was going to add electronic capability and increase the retention period to five years because of audit requirements. Mr. Callaghan also suggested that the schedule be changed from the end of each calendar year to the end of each fiscal year. Secretary Hargett asked Mr. Callaghan if it was his recommendation or if it came from the Comptroller's Office. Mr. Callaghan replied that he thought it needed to be fiscal but it was based upon the Audit division of the Comptroller's Office.

Secretary Hargett recognized John Greer. Mr. Greer stated that Audit recommended that the retention period move from one year to five years because records were being destroyed that the Comptroller's Office needed for Audit purposes. Cody York stated that is a statewide RDA so all agencies were affected by it and that was why there was not an agency comment section. The RDA originated from the PRC and Records Management. Secretary Hargett asked if there was any further discussion. There was none, the RDA revision was approved.

2. TDOT RDA 10184

Mr. Callaghan explained that these are final project plan sheets. It is the roadway design plans which are designated files that include title sheets, roadway tool sections, roadway plans, layouts, and other sheets that make up a roadway design plan. Mr. Callaghan continued to say that it is a current RDA, which calls for everything to be transferred to TSLA and then TSLA is to convert the original copies into microfilm. Mr. Callaghan noted that prior to the 1950s, files were to be delivered in physical format. Mr. Callaghan stated that Dr. Wayne Moore, TSLA, was present and had some comments, and that there were also representatives from TDOT available as well.

Secretary Hargett acknowledged that there were TDOT representatives present and asked if they had any comments to make at that time. Terry True, TDOT, replied that he would wait until the board had questions. Secretary Hargett addressed Dr. Moore and asked if he had any comments that he would like to make regarding the RDA. Since Mr. Moore did not wish to make comments, Secretary Hargett requested that Mr. Callaghan read the comments made by TSLA. Mr. Callaghan read the RDA comments made by TSLA:

TDOT may retain the originals in storage, turning them over to TSLA when they reach the age of 50 years, at that time, TSLA will microfilm and destroy. TDOT

may create a microfilm copy at the time of digitization and destroy the originals provided that microfilm is deposited at TSLA.

Mr. Callaghan offered to read the agency comments provided by TDOT, there were two points:

- a. It is TDOT's intention to provide the original media of plans to TSLA for plans 1950 and older, in addition, the same plans will be available on Filenet in electronic format or electronic file.
- b. TDOT does not have the capability to create microfilm copies but will make digitized copies available to TSLA.

Secretary Hargett stated that he had some questions and that Dr. Moore may be needed to answer his questions. Secretary Hargett asked about the cost to microfilm the records. Mr. Callaghan replied that he spoke to a vendor at TRICOR, who has a digital file writer that charges approximately 2.5 cents per image, and that based on 150-180 gigs per year or 50,000 images, the cost would be approximately \$1,300-\$1,400 per year. Secretary Hargett verified that the RDA, as is, requires TDOT to send TSLA the hard copies of the maps, Mr. Callaghan answered affirmatively. Secretary Hargett also verified that the RDA does not require microfilm, Mr. Callaghan answered affirmatively. Secretary Hargett then stated that TDOT is offering to send the hard copies in addition to the digitized copy. Kevin Callaghan stated that was correct, they (TDOT) take their plans which are created or received in an electronic format. So they are converting them to PDF if they have it in a hard format and they are generating these records in an electronic format and then uploading them to Filenet. Basically, anything prior to 1950, TDOT will send the originals in paper format as well as the digital format, but anything going forward, after 1950, TDOT is going to send the digital version because the volume of paper was somewhat overwhelming.

Secretary Hargett asked Dr. Wayne Moore, TSLA, if he had any comments that he would like to make. Dr. Moore stated that TSLA also has a digital archive writer, but it is 13 years old and the volume of digital files and PDF coming from TDOT per this RDA as it is written would overwhelm the equipment at its current capacity. Mr. Moore continued to say that one reservation that TSLA had was that it would be unable to complete any other digital state records, in fact, they probably could not meet that level of conversion, if they were just doing the TDOT material. Dr. Moore explained that the digital archive writer takes the digital files and converts them to microfilm. The microfilm was needed with this material as a preservation copy, otherwise TSLA must rely on the PDFs alone.

Secretary Hargett opened the floor for comments, acknowledged Mr. Joe Barnes, and requested that Dr. Moore remain at the podium. Mr. Barnes asked if there are other state records that the State Library and Archives is responsible for preserving indefinitely, and requested examples and explanations of their preservation. Dr. Moore

responded that TSLA is responsible for commissioner level files from all agencies and the Governor's papers, which is usually the largest batch received, especially in electronic correspondence. Dr. Moore continued to say that TSLA stores the files in databases on servers that were provided by Filenet. Dr. Moore stated that he was referring to the Bredesen Administration, which is the most current collection at TSLA. Mr. Barnes asked if there were microfilm backups. Dr. Moore replied that TSLA microfilms the original records in addition to preserving the electronic version because the Governor's Office gave TSLA the hard copies, as well. Dr. Moore stated that the issue with the TDOT RDA is there would be no hard copies with the current records only being generated in electronic format. Mr. Barnes asked if TSLA would make a microfilm backup from the electronic copy. Dr. Moore answered that TSLA would if it were possible, but TSLA cannot handle the volume of electronic material.

Mr. Barnes referred to Dr. Moore's comments about the capacity of the equipment to meet the challenge, and asked if those were the circumstances that concerned Dr. Moore. Dr. Moore answered yes, and that in the future, TSLA hopes to increase their equipment capacity to complete that kind of conversion work, but that he would be concerned about approving this RDA so that the material would begin flowing to TSLA when they cannot currently handle the conversion. Mr. Barnes asked about the equipment cost. Dr. Moore stated that the price of the conversion equipment has come down. He estimated that TSLA paid approximately \$20,000 for their digital archive writer but that there is other technology on the market, today. Dr. Moore stated that Kevin Callaghan quoted a price for current vendors, and that, in the future, TSLA will need that sort of technology as more records are received in electronic form.

Secretary Hargett thanked Mr. Barnes and requested for Dr. Moore to remain at the podium. Secretary Hargett asked if it would be a viable option for TSLA to outsource the microfilming of the TDOT RDA so that TSLA's system is not overwhelmed. Dr. Moore responded that they could, but the question is whether TDOT, the Records Commission, or TSLA will be responsible for it. Secretary Hargett responded that, as the RDA is written, the responsibility falls to the Department of State, not TDOT. Secretary Hargett continued to state that had the RDA been written differently in the past, he would argue that TDOT would be responsible, but it was not written that way. He stated that it is their (TDOT) responsibility to deliver the hard copy. Secretary Hargett opened the floor to the committee to make comments. There are no comments. Secretary Hargett thanked Dr. Moore and asked Kevin Callaghan if there was any further discussion. Mr. Callaghan responded no, aside from that, the Records Management division felt that the RDA met the retention and disposition standards, and the Audit division reviewed RDA 10184 and felt that it met the recommended disposition.

Secretary Hargett opened the floor for further discussion, recognized Joe Barnes. Mr. Barnes asked what kind of issues this may present to TSLA in the long term, in terms of

setting a precedent. Secretary Hargett stated that he appreciated the concern and that he had also considered the potential issue, both short and long term. Secretary Hargett stated that he believes that the procedure of how the records are going to be converted to microfilm in the future should be analyzed. Secretary Hargett suggested additional outsourcing or purchasing new equipment, and noted that additional staff would be necessary to operate the new equipment. Secretary Hargett continued to state that there is an agency that is dealing, citing TDOT in particular, because they have a large number of maps that something needs to be done, soon. It is not cost effective for them (TDOT) to be trying to store those somewhere. Secretary Hargett stated that as the PRC moves forward, the RDAs should be closely examined, and the cost impact to TSLA, or the agency that is disposing of the records, the impact to TSLA, and how to write the RDAs appropriately, should be considered.

Secretary Hargett addressed Kevin Callaghan and asked if he had any thoughts on the discussion. Kevin Callaghan responded that he agreed and, going forward, it should be confirmed that the electronic records are permanent, and that most of the time, a microfilm back-up would be preferred. Mr. Callaghan continued to state that the microfilm back-up would potentially put some responsibility on TSLA, on either operating the equipment or setting up a vendor arrangement. The way the current RDA is written, the only responsibility is to deliver the hard copies. Secretary Hargett commented that as future RDAs come through for consideration, PRC members should be, in their recommendations, thinking about what is the impact to TSLA, do the new RDAs need to be written in such a way that would change how those documents were being received by TSLA on the front end, or figuring out how the PRC would make recommendations to other bodies of State government to assist with that initiative. Kevin Callaghan responded that going forward, Records Management could review, in addition to the requirement that the electronic records is viewable, that the record is verified to be accurate, it is legible, and any permanent records be notated that they should be converted to microfilm. Because this is a large volume case (referring to TDOT), most of the other records are going to be in a much smaller volume and a little bit easier for the agencies to handle. They can make that as part of the conversion process that they know to, going forward, budget appropriately.

Secretary Hargett referred to a question voiced by Mr. Barnes, a few moments prior. Secretary Hargett stated that he felt it would be helpful to all parties to understand what all TSLA is required to keep permanently and what form they are required to keep the information in. Secretary Hargett suggested that a report be provided to the commission members, possibly a PowerPoint, via email for review. Kevin Callaghan said that Records Management had a list of TSLA designated RDAs that they could provide. Secretary Hargett brought the discussion back to the current RDA and asked, now that a problem has been identified about how records are going to be sent in the future, will the new RDA change future items that come from the Department of Transportation

and say that they need to be submitted and converted to microfilm, or will this continue to be an issue 20 years, 30 years, or 50 years from now. Mr. Callaghan responded that he thought that Records Management should address the issue as they develop the RDAs and say that, if the record is permanent, that the microfilm be delivered to TSLA.

Secretary Hargett asked, before the commission approved the RDA, if anything in the RDA needed to be changed to resolve the current issue. Secretary Hargett called Dr. Moore to the podium and requested that he use the microphone. Dr. Moore answered that it is unclear to TSLA whether the digital records, which are clearly permanent records and need to be preserved, are delivered to TSLA immediately as they are generated or whether there is some time-lag section that they become historical and archivable. Dr. Moore continued by saying that he thought the RDA read 50 years for the hard copies to be sent to TSLA, in which case if the digital copies are arriving immediately then TSLA is basically archiving current business records. Dr. Moore noted that he believed a time frame for the delivery of the digital records needs to be clear in the RDA. Secretary Hargett recognized Kevin Callaghan. Mr. Callaghan responded that the RDA is cut off at the end of the project and then retained one year and permanent; at that point, it would then be delivered over in digital format for the TSLA.

Secretary Hargett asked Dr. Moore if Mr. Callaghan's explanation helped him understand. Dr. Moore replied that Mr. Callaghan's explanation helped define the time period but he noted that it was atypical for a record to be retained for one year and then sent to archives. He stated that it is unusual for Library and Archives to receive permanent archives right away. Secretary Hargett asked if the Department of Transportation had any comments that it would like to make. Secretary Hargett requested that the TDOT representative stand at the podium and use the microphone. Terry True, Dept. of Transportation, Central Services Records Management, stated that the person who created the RDA was not present at the meeting. Mr. True continued to state that once TDOT digitizes the records, they no longer need them. It was TDOT's opinion that they would furnish TSLA the electronic format and give them from 1950 and earlier hard copy. Mr. True reiterated that TDOT no longer needed the hard copies once they were digitized. Secretary Hargett asked Dr. Moore how he proposed to address Mr. True's statements. Secretary Hargett stated that he understood Dr. Moore's example which illustrated that a 2009-2010 project could be finished and a year later, TSLA has the record. Secretary Hargett agreed that it was atypical for TSLA to receive items so quickly, and asked Dr. Moore if he had any thoughts to add. Dr. Moore answered that he had two points to make: 1.) Mr. True said that after TDOT digitizes the hard copies that they no longer have use for them, so Dr. Moore asked if the discussion involved sending over hard copies that have recently been digitized; 2.) Dr. Moore stated that TDOT uses the digital version of the records regularly. TDOT services them with surveyors and anyone who is concerned about a highway project in Tennessee needs access to these records. Dr. Moore continued to state that one of the

issues is that TDOT wants to use the digital version for access and for people that need them, but at the same time, TSLA would be receiving that digital version to archive, and TSLA does not do that with any other state records except the Governor's papers.

Secretary Hargett asked Kevin Callaghan if he had anything to offer, then he recognized Cody York. Mr. York stated that based on his interpretation of the RDA and previous conversations, he believed that the issue is that there are paper maps that are up to a couple years old, and the agency is looking at taking all the paper maps pre-1950 and delivering them to TSLA. Secretary Hargett interjected by requesting that the issues be separated because the commission is aware that anything 1950 or prior will arrive in hard format, and, in his opinion, the commission has accepted how the RDA was written and that TSLA, either themselves or through outsourcing, is going to have to have the records as microfilm. Secretary Hargett suggested the discussion move to post-1950 records. Cody York illustrated his point by referencing a 1975 map, but he noted that TDOT has scanned everything up to current records. Mr. York continued to state that even if the library specified, for example, a "25 year threshold", there would initially be decades of information being transferred into one lump because of the back log, but after that it would only be one year's accumulation. Secretary Hargett stated that they were discussing records from 2012, and he asked how appropriate it was to accept those records now; he said that it did not feel right that TSLA was almost collecting in real time.

Cody York responded that the amount coming in on an out-going basis should be relatively the same. Mr. York said that the questions that should be posed to TSLA are: What do you want and where is the cutoff point? Secretary Hargett recognized Ann Toplovich. Ann Toplovich asked whether the project plan sheets, which may be for work from 2012 that has not yet been completed, is an aspect that should be considered. Terry True interjected by saying that these records are after the project is finished. Ann Toplovich concluded by stating that the work plan means something beyond what is projected.

Secretary Hargett stated that he is not ready to approve. He stated that he had already made his feelings known as to what should be happening prior to 1950, and that is how the RDA was written, so he believed that approval from the body was not necessary because that RDA has already been passed so they could go ahead and begin accepting those. He concluded by stating that they need to pursue the outsourcing authority and go ahead and get those [records] converted to microfilm. Kevin Callaghan stated that he would work with the agency and TSLA to determine an appropriate time frame. Secretary Hargett suggested that Dr. Moore submit all questions and suggestions to Kevin Callaghan, via word document, but stated that no particular outcome was guaranteed.

Secretary Hargett recognized Deputy Commissioner Reen Baskin. Reen Baskin had a question about the first RDA (SW07). She stated that she is not looking at the RDAs content as much as the process, and then referred the members to the second page of the document, which states “Well this varies according to agency, how many records they may have on location.” Mrs. Baskin asked when a RDA is statewide, should we be giving every agency a chance to comment, or was it sufficient to have the commission review.

Kevin Callaghan responded that yes, we have to look over all the statewide RDAs (he quoted a number of 25). He said that it would be difficult to estimate the volume on certain RDAs, but TDOT was going to have a lot more than several of the smaller agencies. Reen Baskin replied that TDOT was what initiated her inquiry, and stated that, although 25 is not such a large number in comparison to 100, leaping from one year retention to five years retention might be a huge impact on agencies. Secretary Hargett asked, whenever there is a statewide RDA, how comments are solicited from the agencies and whether comments were solicited for this particular RDA. Kevin Callaghan responded that comments were not solicited, and Secretary Hargett asked why comments were not solicited. Kevin Callaghan responded that it was driven by a request from the Comptroller’s Office, specifically that this particular RDA needed to be increased, that it was a severe liability for several reasons. Secretary Hargett commented that he voted to approve the RDA so he agreed with the reason behind it. However, Secretary Hargett stated that he felt that Records Management had an obligation to contact all agencies and ask for their input. Kevin Callaghan interjected that they normally do so. Secretary Hargett stated that he wanted to be clear that they were acknowledging that the procedure was not followed on the RDA in question. Kevin Callaghan responded affirmatively. Secretary Hargett moved to the next item on the agenda, Records Management Update.

IV. Records Management Update

Secretary Hargett recognized Kevin Callaghan to give the update. Kevin Callaghan stated that all information in the existing database of the RDA Application was imported. The system is being used and the software has two RDAs which were on the agenda for review. Records Management is developing an extension of the application to streamline the box destruction process. The goal is to eliminate several data entry steps to make the process more efficient. Records Management is working with Richards and Richards to arrange to have daily updates to the database. For the RDA Application training schedule, Mr. Callaghan stated that he has met with 41 agencies and that he is collaborating with 10 other agencies. Mr. Callaghan discussed with Orphan Box Project. He stated that Records Management has conducted a fiscal review of over 3200 boxes, completed the review, and is now assigning the last of the data to the appropriate agencies so that they can begin validating the information. Mr. Callaghan quoted numbers pertaining to the agencies’ interaction with Richards and Richards, which included 969 retrievals, 553 returns, and a first time storage of 1,310 boxes. Mr. Callaghan stated that these

numbers brought their total up, on April 30th, to 101,234 boxes. He added that they are now at 102,544 boxes which explains why they are working on streamlining the destruction list. Additionally, Records Management will be hiring Ms. Holly Fay Lester as a records analyst in July. Mr. Callaghan asked if there were any questions.

Secretary Hargett requested that Mr. Callaghan provide any numbers to the commission, via an Excel spreadsheet, prior to the future scheduled meetings. Secretary Hargett moved to the next item, Audit Review Process.

V. Audit Review Process

Secretary Hargett noted that Mr. John Greer had comments to share. Mr. Greer expressed concern that the PRC would be ready to approve or review RDAs before the audit division would have ample time to review the records. He stated that if Audit does not have the records, then they cannot do their job properly, so it is important that they have ample time and opportunity to review the records. Mr. Greer continued to say that they have discussed what would be the best solution for this potential problem because Audit does not want to be a roadblock to agencies who are trying to get their RDAs through and handled in the proper way. Mr. Greer suggested that the audit division be allowed to review the RDAs in the same line or in the same fashion as TSLA and Records Management so they would be able to review the RDAs before the process reached the PRC. By the time the RDAs would reach the PRC, Audit would be ready to review them as part of the PRC, to comment, and to move forward.

Secretary Hargett commented that, in his opinion, they were able to operate more concurrently and situations have occurred where the Comptroller's Office might have approved an item that the auditors would not have approved. Secretary Hargett stated the Mr. Greer's suggestion allowed for a much more diligent review of the RDAs. Secretary Hargett recognized Mr. Barnes. Mr. Barnes asked whether the audit division's input would be reflected as comments on the documents. Mr. Greer answered affirmatively and stated that it would be in the same comment line as TSLA and Records Management. Secretary Hargett recognized Deputy Commissioner Reen Baskin. Reen Baskin asked for clarification that the audit division would add their comments before the PRC reviewed the RDAs. John Greer answered affirmatively. Secretary Hargett said that by allowing the audit division to review the RDAs first, the PRC will gain more information on whether or not to approve the RDAs. Secretary Hargett moved to the last item on the agenda, Electronic Records, and noted that Mr. Greer had some comments regarding that item, as well.

VI. Electronic Records

Mr. Greer distributed examples of electronic documents that audit has received to illustrate the poor quality. Mr. Greer indicated that some of the records were not legible, although they had been enhanced by the people that had submitted them, and stated that the poor quality situation was becoming more common. He added that the documents were not at all legible when they were initially pulled from the electronic database. Mr. Greer stated that when the

originals are destroyed, the electronic versions become the only record. He indicated that the board could not identify the signatures on the signature line. Mr. Greer volunteered to lead a working group to examine the various problems with electronic records and the potential solutions.

Secretary Hargett commented that an email would be distributed to solicit those that might like to serve in the working group. Secretary Hargett recognized Mr. Barnes. Mr. Barnes asked if by enhanced, Mr. Greer meant that the copies were as good as they could be. Mr. Greer answered affirmatively. Secretary Hargett recognized Deputy Commissioner Reen Baskin. Reen Baskin stated that she wanted to publicly compliment Kevin Callaghan and Cody York for their training abilities on the new RDA management system. She commented that the site looked great and that Mr. Callaghan and Mr. York have been instructing the agencies in a very comprehensible way. Secretary Hargett opened the floor for further discussion. There was none.

VII. Adjournment

Secretary Hargett called a motion to adjourn. The motion was seconded. The meeting was adjourned.