

Public Records Commission
October 4, 2013 at 11:00 A.M. CST
Legislative Plaza, Room 29, Nashville, TN

Commission Members Present:

Chairman – Tre Hargett, Secretary of State

Secretary – Robert Oglesby, Commissioner Department of General Services

John Greer, Office of Comptroller of the Treasury

Rick DuBray, Office of State Treasurer

Eddie Weeks, Legislative Office of Legal Services

Ann Toplovich, Tennessee Historical Commission

Cody R. York, Office of the Secretary of State

Reen Baskin, Department of General Services

- I. Call to Order and Welcome
 - a. Secretary Tre Hargett opened the meeting of the Public Records Commission (PRC).
- II. Approval of Minutes from August 5, 2013 meeting
 - a. The first order of business: the approval of the August 5th meeting minutes. Secretary Hargett asks if it receives the Legislative Librarian Eddie Weeks seal of approval. Mr. Weeks accepts. Secretary Hargett then asks for a motion to approve? Properly moved.
 - b. However, Mr. Greer explains on Page 5, Section E, and the last line of the second paragraph deals with RDA #11026. The last line needs to specify if the motion was approved with or without the recommendation of changes from Division of Audit because it does not explicitly state that. The amendment approved with recommendations from audit. The motion was properly seconded and approved.
- III. Election of Chairperson
 - a. Commissioner Oglesby recommended Secretary Tre Hargett be elected Chairman. Secretary Tre Hargett accepts the position as Chairman.
- IV. Electronic Records Group update
 - a. Mr. Greer states that the Electronic Records Working Group has met to work towards researching the current Electronic Records Policies and state of affairs as well as where they need to be in the future. The second meeting is currently being scheduled and detailed reports can be provided if the PRC requests updates. Mr. Greer would like to say thank you to all those involved in the arduous task, and he is appreciative of their service.
- V. RDA Review
 - a. Mr. Callaghan addresses the eight RDA's on the consent agenda. They are all recommended for approval by the staff and there are no changes or questions brought up by Records Management Division, the State Library and Archives or the Audit Division of Comptroller.
 - i. # 2231 Annual Statements – Annual TN Insurance Companies for Department of Commerce and Insurance
 - ii. # 2837 Building Finance Committee Certificates File for Department of Economic and Community Development

- iii. # 472 List of Presidential Electors for Secretary of State
 - iv. # 1700 Tennessee Blue Book Biographical Approvals for Secretary of State
 - v. # 1757 Presidential Preference Primary Statement of Expenses for Secretary of State
 - vi. # 2954 Tennessee Highway Officials Certification Board Files for Secretary of State
 - vii. # 2994 Charitable Solicitations and Gaming Documents for Secretary of State
 - viii. # 11033 Library Services and Technology Act (LSTA) Federal Grant Files for Secretary of State
 - ix. The consent RDAs were approved with recommended changes.
- b. Six RDA's for Discussion
- i. Discussion RDA # 3088 TNInvestco for Department of Economic and Community Development needs to be discussed in more depth. Chairman Hargett moved the RDA be deferred to the next PRC meeting; there was no objection to the motion.
 - ii. Discussion RDA # 11005 APC (Air Pollution Control) Enforcement Files for Department of Environment and Conservation
 - 1. The total retention was suggested by the Division of Audit to be changed to 5 years rather than 3 years. This would affect the total retention changing it in the cut off description, the disposition notes, and the agency retention. The agency had no objection to those changes. There is a representative present for discussion if necessary. Chairman Hargett sets a motion for approval, and there are no objections. It's properly moved, Chairman Hargett seconds the motion. The RDA was approved as amended.
 - iii. Discussion RDA #2474 Groundwater Management/Underground Injection Control/Wellhead/Source Water for Department of Environment and Conservation
 - 1. Recommended approval with the changes below, which were media format stored, changed to "paper and/or microfilm". Shared outside of state, changing it to "that it is shared with the Environmental Protection Agency", the media recommendation to be changed to "microfilm". We asked that the error on the legal citation on the original document be properly cited. So we have since uploaded the correct citation.
 - 2. Chairman Hargett stated that the items have all been listed, and asked if there was any discussion? Took a vote and the items were approved.
 - iv. Discussion RDA #1582 Drinking Water/Clean Water Revolving Fund Loan Documents for Department of Environment and Conservation
 - 1. Recommend approval with the changes of change in cut off to completion of the project. The disposition notes be changed to "after completion of the project maintain a paper record for one year, transfer to microfilm and maintain the silver master

- microfilm of the state record center for 20 years, and a microfilm copy in the agency—20 years. After verification of the microfilm images, the paper records may be destroyed by state approved methods.” Change in media format stored to microphone and change the record value to remove “historic” and add “administrative”, change the recommendation to “microfilm for the media”, and that yes it is shared outside of the state with the Environmental Protection Agency.
2. Mr. York states that this motion and the previous two motions, I’m assuming, those are to be approved with the recommendations, is that correct? Chairman Hargett claims that yes they are.
 3. Chairman Hargett, “Properly moved, seconded and approved as amended.” RDA #1582 is approved.
- v. Discussion RDA # 2366 WPC (Water Pollution Control) Active/Inactive Permit Files for Department of Environment and Conservation
1. Recommend for approval with the changes of changing the cutoff date to delete maintain records in the agency in 5 years then to destroy. Change annual accumulation to insert 100 GB and that there is a current volume of approximately 600 GB and that the record is shared with the Environmental Protection Agency.
 2. Chairman Hargett says, “You’ve heard the item, any discussion? Do I entertain a motion?” The item was properly moved and properly seconded. This was as recommended by staff. This item was approved as amended.
- vi. Discussion RDA #1298 APC (Air Pollution Control) Active/Inactive Company Files for Department of Environment and Conservation
1. Recommend to the change in location to 312 Rosa Parks Avenue. 15th Floor, Nashville. They originally submitted it right before their move. Change of record value to add administrative and drop historic, and change it to say “yes it is shared with the Environmental Protection Agency”
 2. Chairman Hargett stated, “You’ve now heard the item, I’d entertain a motion to approve the RDA as recommended by staff.”
 3. Mr. Weeks injects his comments: It says the total retention is 15 years, however the date range given goes back to 1970—that’s approaching 50 years. Are we changing the prior RDA?
 4. Kevin Callahan said “The date range was that this RDA began when these records were created in 1970. So they are only keeping the 15 years, but that originally that date range goes back.
 5. Mr. Weeks, “So the current date range of these records is 15 years?” Mr. Callaghan answers with, “Yes, it should be.”
 6. Chairman Hargett says that it is properly moved and properly seconded.
 7. Mr. York interjected to get a point of clarification because “I heard two different things there. I heard Mr. Weeks ask before the change, what’s the retention period? Do we know that?”

8. Kevin Callaghan stated, "I believe it was 15 years, but let me double check. ...It was currently 30 so they have records back to 1983."
9. Chairman Hargett asked for the motion to be withdrawn so they can go back and defer this to the next meeting. He asks a representative of the Department of Conservation to come forward.
10. Christi Poston states that "the retention is currently 30. When they became involved with the T3 move, they realized it was too much. They had never destroyed anything, and it was because of the licensing permitting period had been so long. So in order to destroy, they needed to revise, make it electronic and make them clean up the records. So according to the Environmental Protection Agency it is a 10 year remit period, plus 5. So that is what's we're trying to reduce it to get rid of the paper."
11. Chairman Hargett clarifies by asking, "Is this reducing it down to what is actually required by the Environmental Protection Agency?" Christi Poston responds by explaining that this policy originated from the Health department when the Environmental Protection Agency was forming in the 1990s so that's why it's so lengthy because it stemmed from a Health Policy. Chairman Hargett comments that it's probably an outdated policy that no one knows why it's even in place. RDA #1298 is approved as amended.

VI. Records Management Report

- a. In the binder you will find the updated report that includes a print out of the RDA application so you can see exactly when items are identified.
- b. Commissioner Bob Oglesby confirmed that the every item in the agenda was covered.
- c. The records management division meets every Thursday or Friday to review the RDA's that have been submitted that week. So a major goal of the division is to be current to the week on reviewing RDA's. We are current to the week. We are meeting with agencies to assist and revising their RDA's. We have a workshop scheduled for October 29th which the agencies will be able to come and work with the R&D staff and we will continue to offer those workshops for each month and will be sending out a notice today as well.
- d. The workshops are a new training program being launched this month. It will begin with records management basics and future classes will include RDA development, operations--which is storage and destruction--electronic records, disaster preparedness, and preserving historical records. The full line of classes will be scheduled for the first quarter of 2014. But we will offer records management basics in RDA Development on October 15th and 22nd. The records holding report was sent out to the agencies at the end of August. We have had excellent response from the agencies, and are working with several agencies that needed some extra time.

- e. Rules and policy development work has begun. Records Management division has begun the process of developing the rules and policies draft to submit to the PRC for review.
 - f. An application for generating an interactive disposable report to handle records destruction of items stored at Richards & Richards or to transfer to the State Library and Archives is being developed. Once completed the report will generate directly from Richards & Richards records management database and will allow the agency to be able to click either destroy or keep the boxes listed. And if it says keep then they will be able to put the reason why (e.g.: legal hold, public records request, or audit request). This process will eliminate a lot of data entry that was not only potentially inefficient, or could lead to the wrong box being keyed. So the three check points for every box will eliminate any chance of error of destroying the wrong box. The first disposal reports will be reported in the next few weeks.
 - g. A moment of inaudible dialogue. Kevin Callaghan responds with, “We are current on our RDA.”
 - h. If there are any agencies that need the process done immediately, to be in the PRC’s next agenda, we will do everything we can to get that done. Commerson Insurance item that was on this morning, we found out literally a week before the deadline it had been submitted to the agenda. So we worked with the agency and got it in on time. We will do that if we find there is a pressing need, and we are trying to catch up across the board and that’s why we’re doing it with workshops as well.
 - i. On the administrative report that’s included in the packet, there seems to be a duplication of proposed RDA #1861. It appears on both pages 4 and page 5, is that simply a duplication or is there something else going on there? That appears to be duplicated because they have the same information. However, I will check with Robert and see why we’ve had that in there twice.
- VII. Other Business/Public Questions
- a. Chairman Tre Hargett then states, “We will now open the floor for any public input or comments they would like to offer today.”
- VIII. Adjourn
- a. Chairman Hargett, “Ok, well in hearing none, I will entertain a motion to adjourn. But I wanted to thank the members for being ready to discuss the items today, as well as thanking Records Management to putting together a good packet....We stand adjourn.”