

**State of Tennessee**  
**Public Records Commission**  
November 20, 2013 at 2:00 PM  
Legislative Plaza, Room LP-29 Nashville, TN

*Participants:*

Chairman – Tre Hargett, Secretary of State  
Secretary – Robert E. Oglesby, Commissioner Department of General Services  
Reen Baskin – Deputy Commissioner Department of General Services  
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  
Ann Toplovich – Tennessee Historical Commission  
Cody York – Office of the Secretary of State

*Minutes:*

Approval of Minutes from October 4, 2013 meeting:

- a. Deferred until the next PRC meeting

Requested Action: RDA Review

**Consent Agenda** items were properly moved, seconded and approved as recommended by staff for each RDA.

Chairman Hargett mentions that in the future the agenda will have a very clear label at the top that says “Consent Agenda” in big, bold letters, underlined and then there will be a break where it says “Regular Agenda” in big, bold letters, all caps, underlined so you’ll clearly see the break.

1. **Discussion RDA # 11027 Pregnancy Risk and Assessment Monitoring System** for  
Department of Health

- a. RDA 11027 is a request for a new RDA. Recommend approval with the retention period changed to 5 years.
- b. Change to 5 years in Total retention, Disposition Notes, and Records Center Retention.
- c. *Comments:*
  - i. Commissioner Bob Oglesby questions why these retention terms are being requested to be increased. Mr. Callaghan explains that if the item has any fiscal value there used to be a variety of ways of describing it, such as three years provided audited, different items like that. Records Management is working with the Comptroller’s Office to set a standard item of 5 years; that way there is no question whether or not it’s involved in an internal audit, fiscal audit or sunset audit. Ultimately, this process will provide a clearer cutoff and destruction date. Commissioner Oglesby adds that since those reviews don’t happen every year, it’s better to make sure the terms are covered.
  - ii. Mr. Eddie Weeks makes a point to clarify that the notes/comments page says “No recommended changes” and the RMD Director box is blank. He is aware it’s different on the electronic version. Mr. Callaghan acknowledges this has been fixed in the system, and they have been working on it as they printed the hardcopies for this meeting.
- d. Properly moved, seconded and approved.

2. **Discussion RDA # 10136 Tennessee Cancer Reporting** for Department of Health
  - a. RDA 10136 is a request to revise an existing RDA. Retention period will remain 100 years and format will remain electronic. Recommend Approval with the following changes for administrative value. Administrative
  - b. Properly moved, seconded and approved.
3. **Discussion RDA # 3043 Business Development Project Files** for Department of Economic and Community Development
  - a. RDA 3043 is a request to revise an existing RDA. Retention period will remain 10 years. Recommend approval with the following changes:
  - b. *Cut Off*: Calendar Year of Project Completion
  - c. *Disposition Notes*: Records are to be kept in original paper format in agency for ten years. They are to be available for audit and research purposes during this time. When retention period has expired the records are to be destroyed by State approved method.
  - d. *Confidential Legal Citation*: Agency shall obey confidentiality of records as specified in T.C.A. 4-3-730 (b)(c) (e) & (f)
  - e. *Comments*:
    - i. Mr. Weeks asks if the agency agreed to all the changes. Mr. Callaghan responds saying that the agency agreed to some of the changes and these were the ones proposed. They did not have the legal citation spelled out like that. We went through and checked it to see. Commissioner Oglesby requests to speak to an agency representative.
    - ii. Kingsley Brock, Senior Advisor and Lead Project Manager for the Department of Economic and Community Development, states that he approves the changes in the confidential legal citation.
    - iii. Mr. Weeks questions that if there was no disagreement over this RDA, then why wasn't it placed on the consent calendar to be approved with recommendations? Mr. Callaghan answers by saying that they had not addressed it in the agency comments section, and it wasn't confirmed until speaking with them later on.
  - f. Chairman entertains a motion to adopt the RDA as amended. RDA was properly moved, seconded and approved.
4. **Discussion RDA # 3042 Delta Regional Authority Grant Records** for Department of Economic and Community Development
  - a. RDA 3042 is a request to revise an existing RDA. Retention period will change from 3 years to 5 years. Recommend approval with the following changes:
  - b. *Cut Off*: Calendar year of when grant is closed and final expenditure report submitted.
  - c. *Total Retention*: 5 years
  - d. *Disposition Notes*: Records are to be kept in original paper format in agency for five years. Records may be transferred to State Records Center for storage as needed. When retention period has expired the records are to be destroyed by State approved method.
  - e. *Agency Retention*: 5 years
  - f. *Records Center Retention*: up to five years as needed.
  - g. *Comments*:
    - i. Chairman Hargett asks if we can assume that this is not on the consent agenda just because we have not heard back from the department in time. Mr. Callaghan responds in agreement.
  - h. Properly moved, seconded and approved.
5. **Discussion RDA # 3041 Community Development Block Grant Program Files** for Department of Economic and Community Development

- a. RDA 3041 is a request to revise an existing RDA. Retention period will change from 3 years to 5 years. Recommend approval with the following changes:
  - b. *Cut Off*: When grant is closed. Records must be kept until all grantees for the specific grant year have closed out by HUD.
  - c. *Total Retention*: 5 years
  - d. *Disposition Notes*: Records are to be kept in original paper format in agency for five years. Records may be transferred to State Records Center for storage as needed. When retention period has expired the records are to be destroyed by State approved method.
  - e. *Information Shared Outside of State*: Yes
  - f. *Agency Retention*: 5 years
  - g. Properly moved, seconded and approved.
6. **Discussion RDA # 3040 Appalachian Regional Commission Grant Records** for Department of Economic and Community Development
- a. RDA 3040 is a request to revise an existing RDA. Retention period will change from 3 years to 5 years. Recommend approval with the following changes:
  - b. *Cut Off*: When grant is closed and final expenditure report is submitted.
  - c. *Total Retention*: 5 years
  - d. *Disposition Notes*: Records are to be kept in original paper format in agency for five years. Records may be transferred to State Records Center for storage as needed. When retention period has expired the records are to be destroyed by State approved method.
  - e. *Agency Retention*: 5 years
  - f. *Records Center Retention*: up to five years as needed.
  - g. Properly moved, seconded and approved.
7. **Discussion RDA #11022 Homeless Prevention and Rapid Rehousing Program (HPRP) Grants** for TN Housing Development Agency
- a. RDA 11022 is a request for a new RDA. Updated the acronyms with information provided by agency. Recommend Approval with the following changes:
  - b. *Record Series Active*: No
  - c. *Disposition Notes*: Records will be maintained by agency for 5 years after cut off (program closure). Records may be kept in either paper or electronic format or both, with paper records stored at State Records Center. Any paper records converted to electronic format must be verified for content, accuracy and usability prior to destruction of paper record. Records will be destroyed at the end of retention period.
  - d. *Media format generated*: either paper or electronic, or both – as suggested by Mr. Weeks.
  - e. *Media format stored*: paper/electronic
  - f. *Annual accumulation*: 5 cu ft./1 gigabyte
  - g. *Current accumulation*: 25 cu ft./2 gigabytes
  - h. *Records Shared Outside of State*: Yes, with Housing and Urban Development
  - i. *Essential record stored*: paper - same location as above with electronic copy at back-up center in Madison, TN
  - j. *Essential record media type*: electronic
  - k. *Records Center Retention*: 5 years
  - l. *Comment*:
    - i. Mr. Cody York makes a point to clarify that on the online application the Agency checked that it's an active record series, but you have clarified with them that it is not an active record series. Mr. Callaghan agrees and says that since the disposition notes were a little unclear, he followed up and talked with the Agency and made the recommendation to reflect that.

- ii. Mr. Weeks questions that since this is not an active record series, how is it still having an annual accumulation? Mr. Callaghan responds by explaining that it reflects what they were bringing in even up till this last year, but we have the option to delete the phrase or make it past tense. Chairman Hargett requests the annual accumulation line to be stricken because it makes it sound like it's continuing even though it's not active. Mr. Callaghan agrees to strike that language.
    - m. Properly moved, seconded and approved as amended.
- 8. **Discussion RDA #11024 Neighborhood Stabilization Program I (NSP1) for TN Housing Development Agency**
  - a. RDA 11024 is a request for a new RDA. Recommend approval with the following changes:
  - b. *Record Series Abstract:* Allocations, Applications and Requirements for emergency assistance under the Housing & Economic Recovery Act of 2008. Files are not inactive until Housing and Urban Development (HUD) sends close out instructions and they are awaiting that information. However, they are not generating new records for this program as deadline and contracts have ended.
  - c. *Record Series Active:* No
  - d. *Cut Off:* Program Closure
  - e. *Total Retention:* 5 years
  - f. *Disposition Notes:* Records will be maintained by agency for 5 years after cut off (program closure). Records may be kept in either paper or electronic format or both, with paper records stored at State Records Center. Any paper records converted to electronic format must be verified for content, accuracy and usability prior to destruction of paper record. Records will be destroyed at the end of retention period.
  - g. *Media format generated:* paper/electronic
  - h. *Media format stored:* paper/electronic
  - i. *Annual accumulation:* 5 cu ft./1 gigabyte, however in the PRC, Mr. Callaghan states that the annual accumulation can be zero now.
  - j. *Current accumulation:* 30 cu ft./2 gigabytes
  - k. *Records Shared Outside of State:* Yes, with Housing and Urban Development
  - l. *Essential record stored:* paper-same location as above with electronic copy at back-up center in Madison, TN
  - m. *Essential record media type:* electronic
  - n. *Agency Retention:* 5 years or store at State Records Center
  - o. *Records Center Retention:* 5 years
  - p. Properly moved, seconded and approved.
- 9. **Discussion RDA # 11008 S.A.V.E. Act Documents for Department of Education**
  - a. RDA 11008 is a request for a new RDA. Recommend approval with the following changes:
  - b. *Record Series Title:* S.A.V.E. (Schools Against Violence in Education) Act Documents
  - c. *Retention Period:* 5 years
  - d. *Disposition Notes:* Records are kept in agency until the end of the grant awards period in case they are needed for grant compliance. After the Cut Off the records will be transferred to the state records center for the remainder of the retention period and then destroyed by state approved methods. The records are used for reporting to the Legislative body on an annual basis. Information is obtained to research and document policy and procedures compliance.
  - e. *Record Value:* add Fiscal

- f. *Audit*: change to Both Federal and State
- g. *Information Shared Outside of State*: Yes with Federal Agencies
- h. *Agency Retention*: 0 years because they will be transferring to the Records Center.
- i. *Records Center Retention*: 5 years
- j. *Legal Citation* T.C.A. 49-6-811 & 49-6-813
- k. *Comments*:
  - i. Mr. Weeks raises the issue that the Agency did not comment on this and asks if they have a problem with it? Mr. Callaghan responds saying the asked them about it and concluded that they misunderstood that they cannot update once its submitted into the system. However the information that we are working with today has been provided by their Agency.
  - l. Chairman Hargett asks if there is anyone from the Department of Education to comment on these changes. No one answers. Chairman Hargett asks Mr. Weeks if concerns him. Mr. Weeks replies in the negative.
  - m. Properly moved, seconded and approved as recommended by Staff.

#### Records Management Update

- 10. Mr. Callaghan explains that Records Management continues to meet each week staying current to the week on reviewing RDAs. They have held two RDA workshops since the last meeting approximately six weeks ago. They will continue to offer workshops each month. So far, have had 14 agencies (over 20 people) come by to work on their RDAs.
- 11. We have also held 4 classes: 2 discussed RDA development and 2 on basic records management, and the full line of classes will begin in January.
- 12. They also hosted a forum on Statewide RDA's yesterday covering Statewide 1 through 5. We are working to incorporate feedback and will further research questions that were discussed.
- 13. Chairman Hargett understands that Records Management has been working through some Strategic Planning items and would like to schedule a meeting in December or January to discuss strategic outcomes more as a group. Chairman Hargett specifically mentions Records Management's aggressive training statewide, timely disposition and destruction of records, and appropriate storage of records.
- 14. Mrs. Reen Baskin complimented Kevin's Records Management Training, and wanted to clarify the difference between what is listed on the consent calendar and what we are bringing for discussion. Mr. Callaghan explains that if there have been recommended changes by Records Management, Library & Archives or the Audit division, and the Agency agrees to changes then it will go on the consent calendar and a PRC member has the ability to move it off of there if they choose. However, if there is not a clear acceptance to those changes then put it on the discussion agenda.
- 15. Commissioner Oglesby asks if there is a cutoff point before the meeting of when the agenda is set. Mr. Callaghan explains that the agenda is posted at least 2 weeks prior to the meeting, and once the Agency has commented, then Mr. Callaghan reviews and makes his recommendations. So if at that point, there's not a clear comment back by the agency, so when they have an opportunity to comment and then they print the signed form, if they don't agree to the changes then it'll go on the regular agenda.
- 16. Chairman Hargett questions why the agenda is set 2 weeks prior? Mr. Callaghan replies that it's required notice before public meetings. Chairman Hargett and Commissioner Oglesby are in agreement that two weeks is too lengthy and merely a goal. Mr. Callaghan states that he will research what the exact deadline of setting the agenda is, and this topic will be addressed in a future meeting. Commissioner Oglesby recommends a shorter time to get as many items on the consent agenda as possible.

#### Other Business/Public Questions

17. Commissioner Oglesby is interested in the oversight of the destruction of the records that are past their useful life. He asks if Mr. Callaghan can give a time frame of when the agency can report back and we'll know how many are considered to be stored beyond their useful life. Mr. Callaghan states that there is approximately 105,000 cubic feet of records at Richards and Richards. We are finishing up the development of an application to streamline the generation of the destruction report. Currently, we would have to do data entry several times and the goal is to eliminate this because of the chance of error and the time it takes. So the application when implemented will generate a destruction report and the agency will then have the opportunity to approve or not. If they don't approve then they have the chance to state a reason, i.e. litigation hold, public records request, audit, etc. This will then be reviewed every 6 months to approve if still relevant. Then there's a 60 day period to return the answer at which point it will generate a report for Richards and Richards to destruct.
18. Oglesby is still curious of how many are lingering in storage after their destruction date, in the interest to reduce the State's footprint and the cost to the State. Commissioner Oglesby asked if Mr. Callaghan could bring such a report back to the PRC. Mr. Callaghan said yes.
19. Cody York points out that on the last page of the booklet, there is a Records Management monthly report for September for destruction. Even though we don't have a systematic destruction process yet, there are agencies destroying things and inform Records Management by certificates of destruction that are received. So you can see on this last page the level of destruction as well as Records Management informing these agencies once RDA's are approved so they can move forward with the destruction process. Mr. Callaghan adds that anything destroyed within the agency, there's a certificate of destruction which gives the list of how much by month has been destroyed.
20. Mr. Weeks clarifies that in the previous meeting RDA #3088 was moved to this meeting, and therefore will now be moved onto the next meeting's agenda. Chairman Hargett confirms.

Chairman Hargett entertains a motion to adjourn. Properly moved, seconded and the meeting stands adjourned.