State Records Board, 23 January 2014
Executive Conference Room, Kansas Historical Society

Present:
Matt Veatch (Kansas State Historical Society (KSHS))
John Yeary (Secretary of Administration designee)
Pat Michaelis (KSHS Executive Director designee)
Lisa Mendoza, chair (Attorney General designee)
Bill Sowers (State Librarian designee)

Also present:
Glen Caspers (Office of the State Bank Commissioner (OSBC))
Diane Bellquist (OSBC)
John Hooker (Kansas Public Employees Retirement System (KPERS))
Brent Whitten (Kansas Department for Children and Families)
Dr. William Brown (Kansas Department of Agriculture-Division of Animal Health)
Sharon Wiedmaier (Office of Administrative Hearings)
Mary Beth Figgins (KSHS)
Holly Mitchell (Kansas Department of Veteran’s Affairs)
Kafer Peele (Veteran’s Affairs)
Mary Beth Green (KPERS)
Teresa Anderson (Johnson County)
Rick Scheuffler (Kansas Department of Agriculture)
Cheryl Whelan (Kansas State Department of Education)
Marcella Wiget (KSHS)

Ms. Mendoza called the meeting to order at 8:37 a.m. and began the introductions.

Previous meeting minutes: Ms. Mendoza noted one minor change.

Motion: Ms. Michaelis moved approval as amended, Mr. Yeary seconded, unanimous approval of previous meeting’s minutes as amended.

Office of Administrative Hearings (OAH): Several schedule entries for the office remained under the Department of Administration from before OAH became an independent agency. Many of these entries were copies of the general schedule, but others needed to be moved or superseded to other existing agency schedule entries.

Motion: Matt moved approval, Pat seconded, unanimous approval of entries as submitted.

Department of Corrections: The Ombudsman for Corrections is an abolished agency, and Corrections’ Central Office is dealing with legacy records in preparation for an office move. This series entry was originally scheduled to come to the State Archives; archives staff have reappraised and will be submitting to Corrections a deaccession order for records that had already been transferred.

Motion: Mr. Veatch moved approval, Mr. Yeary seconded, unanimous approval of entry as submitted.
**Kansas Public Employees Retirement System (KPERS):** The discussion began with the revised Electronic Recordkeeping Plan (ERP) from KPERS. KPERS was one of the first agencies to prepare an ERP.

**Motion:** Mr. Veatch moved approval, Mr. Yeary seconded, unanimous approval of ERP as submitted.

Discussion turned to the 150 year retention period after date of last retrieval. Mary Beth Green explained that the agency regularly will need to access records for pensioners and their descendants up to 100 years later, and that having access to those records helps the agency halt legal actions brought against them. She also noted that the agency holds records for over 50 million people and needs a date-based retention. The agency plans to work on updating their schedule as time permits over the next year.

**Motion:** Ms. Michaelis moved approval, Mr. Yeary seconded, unanimous approval of schedule entry as submitted.

**Kansas State Department of Education:** Due to the agency’s recent move from one office building to another, staff were finding records that had not been scheduled and needed to be destroyed, after determining that the State Archives did not want any of these records. Discussion turned to the retention period language in Career & Technical Education VE2 Programs/Pathways; the board recommended removing the “and/or delete” language from this entry.

**Motion:** Ms. Michaelis moved approval with the amended language, Mr. Yeary seconded, unanimous approval as amended.

**Kansas Department of Veterans’ Affairs:** This project started with cleaning up the general schedule entries out of their agency schedule and continued with agency’s records officer beginning to update their entire schedule. The agency is still in development regarding their membership database, so those records have not yet been dealt with on the schedule.

Ms. Mendoza questioned the revision from 22 years to 10 years on 0091-694, Members and Transfer Patients Medical Record; Kafer Peele explained that the clinical director, nursing director, and other high-level staff discussed this series and decided 10 years was long enough. Mr. Veatch pointed out that records management staff at the Historical Society have been hearing this retention length consistently from most agencies dealing with medical records.

**Motion:** Mr. Veatch moved approval, Mr. Yeary seconded, unanimous approval of entries as submitted.

**Kansas Corporation Commission:** Ms. Wiget explained that the KCC is going through a revision process to update their entire schedule, starting with Conservation Division. The board questioned the retention change to 0250-143, Conservation Division Case Files – Production. They were also concerned no representative from the agency was present and felt that what was presented in the packet did not provide full context for all changes necessary for KCC and the Conservation Division. KCC has complex duties and responsibilities and the board was concerned about missing vital pieces of information.

**Motion:** Mr. Veatch moved tabling all entries and requested that the agency present a more fully integrated schedule revision to the board, Mr. Yeary seconded, unanimous approval of tabling all KCC entries.

**Office of the State Bank Commissioner:** Mr. Veatch commended Glen Caspers and the Bank Commissioner’s office for their work on revising the Electronic Recordkeeping Plan from its initial submission to the Electronic Records Committee and thinking through the issues involved in migrating to electronic recordkeeping.
**Motion:** Mr. Yeary moved approval, Mr. Sowers seconded, unanimous approval of ERP as submitted.

Discussion turned to the agency’s retention schedule revisions. Diane Bellquist explained that the agency had not revised their schedule since the early 2000s and it was time to do so. She noted that they could not find existing agency-specific or general schedule entries for legal opinions & memos or subpoenas and decided to hold both those series for 5 years after resolution and destroy, due to their attorney-client privileged status. She also noted that the State Archives requested some records, such as administrative interpretations, be sent to them. The director of Corporate Activities maintains banking division application logs in order to provide a snapshot to the OSBC board of all activity over the year.

Mr. Veatch questioned the 5 year retention on the legal opinions & memos, thinking that this seemed too short a period. Ms. Bellquist explained that these are all internal communications to commissioners and staff and that it is not a voluminous amount of paperwork, so the agency would not be opposed to holding onto these records for a longer period. From Ms. Bellquist’s explanation, the board determined to amend the description on this series to include the statement “Internal communications only from legal department to staff.” Ms. Mendoza also requested that all restrictions fields listing “Attorney-Client Privileged” state K.S.A. 60-426 instead.

**Motion:** Mr. Veatch moved approval of new entries as submitted, with the exception of Legal Opinions & Memos, Ms. Michaelis seconded, unanimous approval of these entries as submitted.

**Motion:** Mr. Veatch moved approval as amended on Legal Opinions & Memos, Mr. Sowers seconded, unanimous approval as amended.

Ms. Bellquist noted that generally when working through their existing schedule the agency looked hard at how long the records really needed to be kept, as well as analyzing permanent retention needs. Mr. Veatch questioned the tape recordings note in series 0007-094; Ms. Bellquist recommended in future the agency use an electronic recording device and save the .wav files, which Mr. Veatch discouraged if the agency maintains the minutes in a word processing document. The board recommended removing the sentence, “Tape recordings were the official record...” from this entry.

Mr. Yeary questioned the retention on 0005-094, Audits – Revenue Bond Issuers, wondering if that period was long enough. Ms. Bellquist explained that the current audit was the only one the agency looked at; previous audits were not necessary. She also noted that the agency has never seen an unacceptable debt service ratio, so this issue is somewhat theoretical.

Mr. Veatch questioned the use of “Permanent” versus “Transfer to archives” in disposition comments. Ms. Wiget explained this had been part of her discussions with OSBC staff. Discussion turned again specifically to 0007-094, Banking Board Files; while portions are restricted, Ms. Bellquist noted that generally the board’s meeting minutes state the board has gone into executive session rather than including the restricted information. Mr. Veatch requested these records be transferred to the State Archives, noting that the agency can also easily transfer these records electronically in future.

The board generally questioned charters’ of regulated entities permanency (0012-094); through discussion, it became apparent that the charters should really be part of other existing series schedule entries for failed or merged banks, and the agency will work to revise as necessary. Discussion led to how long examination work papers should be held; Mr. Yeary had concerns that if a bank fails, not being able to go back to that information could be problematic. Ms. Bellquist explained that if the agency expects litigation with that bank, they will put a hold on destruction of any records.

**Motion:** Mr. Veatch moved approval of revised entries with exception of Charters – Regulated Entities, which was tabled, and as amended for Banking Board Files & Public Guidance Documents. Mr. Yeary seconded, unanimous approval of these schedule entries.

**Motion:** Mr. Veatch moved approval, Mr. Sowers seconded, unanimous approval of superseded by other agency-specific entries as submitted.
**Kansas Department of Agriculture – Conservation:** Ms. Wiget explained that most of the entries under discussion at the meeting related to the ERP requiring approval for the division’s cost-share information management system (CSIMS).

**Motion:** Ms. Michaelis moved approval, Mr. Veatch seconded, unanimous approval of CSIMS ERP as submitted.

Ms. Wiget explained that the new entry is an attempt to deal with the discussion from the last SRB meeting regarding conservation district records submitted upon request to the Conservation Commission. The districts will scan the records and forward them to the Division of Conservation. Ms. Mendoza questioned whether there were any legacy paper records to be dealt with, and Ms. Wiget indicated that those records have already been transferred to the State Archives. Mr. Veatch questioned upon whose request the records would be transferred to the State Archives. The board suggested revising comments language to read, “Records shall be maintained electronically and shall be offered annually to the State Archives for appraisal. Any legacy paper records will be transferred to the State Archives.”

**Motion:** Ms. Michaelis moved approval of new entry as amended, Mr. Veatch seconded, unanimous approval of new entry as amended.

Ms. Wiget noted that all the revised entries presented were related to the CSIMS. Ms. Mendoza was concerned regarding the retention language in the two contracts’ series and that contracts may be destroyed before the contract is completed. Those two entries were tabled for further discussion.

**Motion:** Ms. Michaelis moved approval, Mr. Sowers seconded, unanimous approval of revised entry 0012-634, Conservation Districts Organizational Files, as submitted.

**Motion:** Ms. Michaelis moved tabling, Mr. Yeary seconded, board tabled further discussion of Buffer Initiative and Cost Share Contracts.

**Motion:** Mr. Veatch moved tabling, Ms. Michaelis seconded, board tabled discussing superseding 0010-634 until the contracts are approved.

**Motion:** Mr. Veatch moved approval, Ms. Michaelis seconded, unanimous approval of superseding remaining schedule entries as submitted.

**Agriculture – Legal:** Legal staff will be using the Docuware system, which already has an approved ERP. Apparently the agency had several series for case files that a few years ago were consolidated into a single entry to be retained for 3 years before transfer to the archives for purging. The senior administrative assistant working for Legal has not followed this retention. As Legal staff began assessing their records to start the transfer process to BTCO for scanning, they discussed how best to handle their records. The staff looked at the Attorney General’s schedule, the general schedule, and other agencies’ schedules to create a working draft for revised schedule entries. They have not thrown anything away but hope that these entries will be approved; the records that will definitely be kept are already with BTCO for scanning, and the destroy boxes are being temporarily stored in an empty office.

Mr. Veatch requested clarification regarding those entries that noted 10 years after case closure the agency will offer copies to the State Archives. Mr. Scheuffler explained that no matter what, the agency will keep the records in-house permanently.

Mr. Veatch questioned the permanent retention of enforcement action files involving water rights. The consensus among Agriculture’s legal staff was that the agency must maintain these records, much like a register of deeds’ office would, because water rights are a kind of property rights. Mr. Scheuffler explained that the agency can flag these water rights’ files specifically so that Docuware knows not to delete those records.

Mr. Veatch questioned the retention on the revised entry 0297-046, Subject Files - Legal. Mr. Scheuffler explained that once all other records are removed to their appropriate series entry, all that
remains are internal memos that are generally retained until no longer useful. Rather than use that language, he decided to use an annual appraisal basis. Realistically these records are appraised when chief counsel changes.

Ms. Mendoza noted that the new entries do not deal with paper records that may not be scanned. Records management staff will add language to the comments in all these entries that "Paper records not scanned will follow the same retention and disposition."

Motion: Ms. Michaelis moved approval as amended, Mr. Sowers seconded, unanimous approval of new entries as amended.

Motion: Mr. Veatch moved approval, Mr. Yeary seconded, unanimous approval of revised and superseded by other agency-specific entries as submitted.

Kansas Department of Agriculture – Animal Health:

Motion: Mr. Veatch moved approval, Ms. Michaelis seconded, unanimous approval of the USAHERDS ERP as submitted.

Dr. Brown noted that the agency's schedule was broken into 58 entries, many broken down individually by disease (e.g. brucellosis, rabies, etc.), many of which have been eradicated for 15 years or more. In today's business practices, everything is centered on the owner and the premise, and all information is funneled through that identifier. The USAHERDS information management system facilitates this kind of tracking well. The agency is performing legacy scanning and will be destroying paper records that are past their retention in order to help with the move from Topeka to Manhattan.

The agency is required to keep all registered brands permanently by statute, though Kansas is not a brand state, meaning that the state does not require brand inspection when a herd moves. The agency is working to scan the brand applications, though they are having some difficulties making sure all the information is captured in USAHERDS. Another state is working to develop software that will help with documenting brands, so Animal Health is waiting for that development to happen. Animal Health staff are also concerned about the physical applications once they've been digitized, though Dr. Brown is planning to move all the paper files with the division to Manhattan in June. Mr. Veatch and Dr. Brown both agreed to keep in touch regarding these records and potentially transferring them due to their intrinsic value to the State Archives.

Motion: Mr. Veatch moved approval, Mr. Yeary seconded, unanimous approval of new, revised, and superseded by agency-specific entries as submitted.

Housekeeping: The board accepted the report.

Other business: Ms. Wiget explained that archives staff required some minor language changes to their procedures in order to streamline superseding certain agency schedule entries to the general schedule and to allow for the migration of short-term, non-permanent records from other formats to electronic without prior board approval.

Motion: Mr. Veatch moved, Mr. Yeary seconded, unanimous approval of revised procedures.

Ms. Michaelis welcomed Mr. Sowers back after an extended absence. Mr. Veatch commended Ms. Wiget for her exceptional efforts to complete this board packet.

Meeting adjourned at 11:11 a.m.