

State Records Board
1 May 2014
Executive Conference Room, Kansas Historical Society

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

Also present: Carol Moreland, Board of Nursing
Julie Temple, intern, KSHS
Jackie Yingling, Board of Pharmacy
Duncan Friend, doctoral candidate, University of Kansas
Teresa Anderson, Johnson County
Marcella Wiget, KSHS
Mary Beth Figgins, KSHS
Joanna Hammerschmidt, KSHS
Karen Stattelmann, Pooled Money Investment Board
Sarah Byrne, Board of Veterinary Examiners

Meeting brought to order by Lisa Mendoza at 8:37 a.m. She began the introductions.

Motion: Ms Michaelis moved approval, Mr. Sowers seconded, unanimous approval of January 23 meeting minutes as presented.

Kansas Housing Resources Corporation: The State Records Board were concerned about the retention length, which did not indicate whether it was 5 calendar years after contract expiration or not. They were also concerned about the use of FOIA on the restrictions and whether or not this entry could now be superseded to the general schedule entry for contracts.

Motion: Mr. Veatch moved, Mr. Sowers seconded, unanimous decision to table discussing this entry.

Kansas Board of Nursing: Carol Moreland stated that the board is slowly working through its agency's schedule in order to update it to current recordkeeping practices. Abandoned applications for individuals who never followed through had never been properly scheduled, so the new entry is to rectify that concern and allow for destruction of those records.

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

The agency discovered they did not have any schedule entry governing reinstatement records, a different type of application that should however be treated similarly to renewal records. Every license type must be renewed every two years, so keeping the current cycle plus two cycles seems the most reasonable, rather than 5 years in office and 5 years at the Records Center, as had been scheduled for renewal records. Ms. Mendoza questioned why the records must be maintained in both paper and electronically; Nursing's Legal staff are concerned about destroying the paper earlier than the electronic version. The board hopes by next year to receive all applications online.

Ms. Mendoza pointed out that all the entries should note “biennial renewal or reinstatement” in the description as well as series title, and she wished to ensure that K.S.A. 65-117 covers both application types.

Motion: Mr. Veatch moved approval of entries as amended, delegating to staff the authority to ensure the statutory language is correct. Mr. Sowers seconded, unanimous approval of all revised entries as amended.

Pooled Money Investment Board (PMIB): PMIB invests and handles the state’s idle funds; municipalities (including school districts, cities, fire districts, and other local units of government) can also invest with the PMIB. There are also funds available for banks and agricultural programs, and the board can invest for the Kansas Department of Transportation (KDOT) and other specific state agencies.

Prior to last year, the agency had not revised its schedule since 1996. Several records were not even on the schedule, and Karen Stattelmann is going through position by position—there are five staff members in the agency—to ensure all records are appropriately scheduled. Some revised entries needed to have updated terminology.

Ms. Michaelis questioned the language regarding the State Treasurer’s Office (STO) managing the program. Ms. Stattelmann explained that PMIB contracts with the STO for IT services and other support; PMIB used to be part of the STO, became a separate entity in the 1990s, but still maintains a close relationship with the STO. The PMIB maintains hard copy records for programs managed by the STO, and Ms. Stattelmann indicated that the STO is also writing software for the PMIB.

The Treasury Desktop is a software application that the agency uses to track their funds; Ms. Stattelmann thinks this application and its data are permanent, though she noted most investments made by PMIB are of short duration, no longer than a year. (Health Care Stabilization Fund and KDOT funds are treated differently for longer terms.) Ms. Stattelmann will work with Ms. Hammerschmidt to ensure the electronic systems properly scheduled and with Ms. Wiget to ensure at least certain permanent records, such as minutes and board reports, will be transferred to the State Archives.

Motion: Ms. Michaelis moved approval, Mr. Veatch seconded, unanimous approval of new entries as submitted.

Motion: Mr. Veatch moved approval, Mr. Sowers seconded, unanimous approval of revised entries as submitted.

In turning to the Kansas Board of Pharmacy’s schedule revisions, the board noted that while there may be exemptions governing the openness of records discussed in an open meeting, those records—including Electronic Recordkeeping Plans (ERPs)—are still considered open records.

Kansas Board of Pharmacy:

Mr. Veatch pointed out that KSHS staff worked closely with Board of Pharmacy staff to revise the ERP and noted that the agency is committed to maintaining their electronic records as robustly as possible. He also pointed out that the backup and recovery procedures are similar to other agencies, relying upon off-the-shelf external drives, and indicated that the Electronic Records Committee or State Records Board would be willing to write a letter for any agency in that situation if the agency thought such concern from an outside entity would provide administrative support for stronger backup procedures.

Motion: Mr. Veatch moved approval, Ms. Michaelis seconded, unanimous approval of Electronic Recordkeeping Plan for the licensing system as submitted and endorsed by the Electronic Records Committee.

Discussion turned to the new schedule entry for the agency. The publicly available legal summary orders are made public through statute and provide a good deal of information; Pharmacy also has these records on their website going back several years.

Motion: Ms. Michaelis moved approval, Mr. Sowers seconded, unanimous approval of new entry.

Ms. Mendoza questioned the statutes closing access on the investigative files. The U.S.C. language appeared incomplete and referred to FOIA, which does not apply to state agency records. Ms. Mendoza also suggested some specific exemptions under KORA, noting that citing the entirety of that act includes exemptions that would never apply to the Board of Pharmacy or its functions.

Motion: Ms. Michaelis moved approval of 0009-531, Drug Destruction Inventories and 0038-531, Surrendered Pharmacist Registration or License Certificates as submitted, Mr. Veatch seconded, unanimous approval of these two revised entries as submitted. Other two revised entries were tabled for further discussion until the next board meeting.

Motion: Mr. Veatch moved tabling, Mr. Yeary seconded, board unanimously tabled discussing the superseded entries.

Discussion turned to the licensing information system/registration files entry. Mr. Veatch noted that he and Duncan Friend had discussed records and their value with a representative from ancestry.com at the Midwest Archives Conference annual meeting at the end of April in Kansas City. Genealogists value a wider variety of transactional records than the State Archives staff generally do, and genealogists are generally only interested in older records. Archives staff had discussed with the Pharmacy staff transferring other licensing types, such as resident pharmacies and pharmacy technicians. From the information available on the pharmacy technician registration application, there does not seem to be enough unique information available in the application for those individuals. Both Mr. Sowers and Mr. Friend pointed out, however, that these records regard under-documented populations, and that these records could be more accessible than other records that might exist about those populations.

Mr. Veatch questioned language in the Kansas Open Records Act. Those exemptions are discretionary, and Mr. Veatch thought the State Archives could negotiate with agencies to reduce that length of time on those exemptions when transferring records to the archives.

Kansas State Historical Society: Mr. Veatch discussed KSHS's efforts, particularly Christine Desmuke's, to make their IT systems as robust as possible.

Motion: John moved, Bill seconded, unanimous approval of Electronic Recordkeeping Plans as submitted and endorsed by the Electronic Records Committee.

Discussion turned to the length of time the patron records needed to be held. Ms. Mendoza and Mr. Yeary both thought, without research, that statute of limitations for theft of archival materials or government records may be two years from date of discovery. Discussion also surrounded the collections management system, and Ms. Wiget explained that these records are permanently active records.

Motion: Mr. Yeary moved, Mr. Sowers seconded, unanimous approval of new entries as submitted. Mr. Veatch recused himself.

Ms. Wiget explained that KSHS has three schedule entries regarding unpaid intern records, one of which contradicts the other two. She requested that this entry, 0042-288, be superseded into the other two approved entries.

Motion: Mr. Sowers moved, Mr. Yeary seconded, unanimous approval of superseded entry as submitted. Mr. Veatch recused himself.

Kansas Department of Agriculture – Division of Animal Health:

Agency staff wished to revise 0034-055, Livestock Market Charts, to have a similar retention period as other, related records.

Motion: Mr. Veatch moved, Mr. Sowers seconded, unanimous approval of revised entry as submitted.

In creating a single entry for the entire Animal Health Information System the Division of Animal Health now uses, several series were missed that are part of that information system. All those entries should be superseded additionally into 0316-046.

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

Kansas Board of Veterinary Examiners: The Kansas Board of Veterinary Examiners will be undergoing a trial merger with the Kansas Department of Agriculture - Division of Animal Health. This entails the agency also moving to Manhattan and reducing the amount of paper records they can store. The agency's board voted on April 3 to reduce from 10 fiscal years to 1 fiscal year for licensing renewals because the agency staff never go back further than one year when referring to those records. The agency would also like to deal with the director's subject files more pro-actively, rather than having to transfer to the archives for purging.

Sarah Byrne indicated that she expected any records transferred into Docuware would be retained permanently; Mr. Veatch urged her to discuss with Agriculture's IT staff creating rules that would allow for the automatic deletion or purging of electronic records that did not in fact need to be kept, just as in the paper world. Discussion turned to the renewal process; if an individual does not renew 30 days after expiration, they have to reactivate their license and fill out an entire application all over again. The agency is not sure if they'll start using USAHERDS or Systems Automation for licensing records, but they do hope in the next year to move to an electronic system.

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

Local general schedule: The federal Fair and Accurate Credit Transactions Act of 2003 lengthened the statute of limitations from 2 years to 5 years, so Johnson County HR wished to extend the length of time unhired applications would be held, in case credit report checks were done for those applicants in order to protect the county.

Motion: Mr. Veatch moved, Mr. Yeary seconded, unanimous approval of revised schedule entry as submitted.

The board noted receipt of the housekeeping report.

Meeting adjourned at 10:50 a.m.