

**State of Tennessee Public
Records Commission**

MINUTES

March 30, 2015

Legislative Plaza, Room LP-29, Nashville, TN

Public Records Commission Members:

Chairman – Tre Hargett, Secretary of State—*present*

Secretary – Robert E. Oglesby, Commissioner, Department of General Services—*present*

Ann Toplovich, Tennessee Historical Society—*present*

David Lillard, State Treasurer

Herbert Slatery III, Attorney General

John Greer, Representative of the Comptroller of the Treasury—*present*

Joseph Barnes, Director of Legislative Office of Legal Services

Justin Wilson, Comptroller of the Treasury

Rick Dubray, Office of the Treasurer—*present*

Eddie Weeks, Legislative Librarian of Legal Services—*present*

Welcome

The Public Records Commission met this day at 9:30 AM in Legislative Plaza, Room LP-29, Nashville, TN with the noted Public Records Commission members present. Secretary of State and Chairman of the Commission, Tre Hargett, called the meeting to order approximately at 9:30 AM. He detects a quorum and requested action on the following matters as presented.

Approval of Minutes from December 2, 2014

1. Mr. Weeks identifies two typos:
 - a. 3.a. the word “to” needs to be deleted.
 - b. Item 4.g. the word “increased” is repeated and needs to be deleted.
2. Chairman Hargett entertains a motion to approve the minutes with suggested changes. The motion is properly moved and properly seconded; with no further discussion the December 2, 2014 minutes are approved.

Consent Agenda

3. Kevin Callaghan, Director of Records Management Division, comes forward to address the 131 items on the consent agenda.
4. Chairman Hargett asks Mr. Callaghan to explain the process of forming the consent agenda.
5. Mr. Callaghan explains, “The agency submits the RDA. It is reviewed by Records Management Division, State Library and Archives, and the Audit Division of the Comptroller’s Office. If there are any recommended changes or questions, those are asked, and then the agency can respond with their comments. If everyone is in agreement with those, they are moved to the consent agenda for approval.”
6. Chairman Hargett explains, “This is the result of a lot of diligent work on behalf of the department or agency, as well as the hard work of the staff members of the Public Records Commission helping getting it in the right form. There is nothing negative about something that doesn’t show up on the consent agenda, but sometimes because of a

- timing reason it may not be able to get on the consent agenda.”
7. Kevin Callaghan confirms this and continues to say that there are questions of what time it should be transferred to State Library and Archives or there is a question on the electronic inventory, and it needs to be resolved. If it’s not done by that time it goes to regular agenda.
 8. Chairman Hargett asks if there is any discussion on the agenda.
 9. Mr. Weeks asks Mr. Callaghan, “How many issues are on the consent agenda?” Mr. Callaghan responds, “There are 127 on the agenda and four on the regular agenda.”
 10. Chairman Hargett asks for a motion to approve the consent agenda. The motion is properly moved and properly seconded; the consent agenda is approved.

RDAs for Discussion

11. RDA 980A: Railroad Docket Files for Dept. of Transportation

- a) Request to revise the RDA.
- b) Retention end action will be permanent, and the total retention will be 60 years.
 - a. Mr. Callaghan states this came about through discussion with the agency and with State Library and Archives.
- c) It will be kept in agency for 10 years and transfer it to records center for 50 years in case they need to access it. Then it will transfer to TSLA for permanent archival storage.
- d) Mr. Barry Rawls with the TDOT comes forward in case of any questions.
- e) Commissioner Oglesby comments, “In looking at the back up data, it states records retention period be 10 years.” Mr. Callaghan responds that originally they had it down as 10 years then destroy. After further discussion, Records Management and Library and Archives (TSLA) agreed that it would be best to keep it permanent and to change when it was being sent to TSLA.
- f) Chairman Hargett concurs with Commissioner and clarifies that anytime there is a motion it is to move as recommended by the Director. Mr. Callaghan states after it is approved with changes, and then he goes in and makes those changes to be posted on the public website.
- g) Mr. Rawls (TDOT) comments that he does not have any questions. Chairman Hargett wants to note the recommendation has been concurred in by the Department.
- h) Mr. Weeks states, “This was approved by Audit in October, TSLA in June, and the Agency made its final agreement in January 2015....When that happens, does Audit and TSLA have another chance to review?”
- i) Mr. Callaghan responds saying that he speaks to Audit and TSLA after every meeting with an Agency and after he makes his director comments in case there is anything that needs to be changed, so that Audit and TSLA can confirm that is what was discussed with the agency.
- j) Chairman Hargett entertains a motion that is properly moved and properly seconded. Without any further discussion, the RDA is approved as recommended by staff.

12. RDA 1968 is being moved to RDA 2362.

- a) See next item for discussion.

13. RDA 2362 Bridge Roadway Approach Projects for Dept. of Transportation

- a) Request to revise the RDA: changing from 0 year destruction to 7 years.
- b) Mr. Callaghan recommended changing the destruction from the end of a fiscal year to the end of the life of the structure, which would keep it in more in tune with the

- rest of the bridge and structure records.
- c) Mr. Callaghan states the other major change is an update of electronic inventory to reflect their longer term storage solutions since these are over 20 years retention. It is almost as if they are permanent for standards of electronic records.
 - d) Chairman Hargett states there should be a motion to retire RDA 1968; Mr. Callaghan confirms.
 - e) Chairman Hargett asks if there is any discussion.
 - f) Mr. Weeks asks Mr. Callaghan about the definition of end of life of bridge structure. Mr. Callaghan responded that he believes it is when the bridges or structures are torn down and demolished.
 - g) Mr. Weeks asks if there is anything else that can end its life other than destruction. Mr. Callaghan motions for Mr. Rawls (TDOT) to come to the microphone to answer Mr. Weeks' question. Mr. Rawls states that the end of life is when the bridge or structure is destroyed and replaced or simply destroyed.
 - h) Commissioner Oglesby asks if ownership is ever transferred to a city or county entity to maintain as a pedestrian bridge. Mr. Rawls states this is a possibility but that a circumstance like that would turn into a special situation and in all likelihood, they would modify that bridge and it would take on a new life. The special circumstance would let the bridge or structure live beyond what they expect.
 - i) Commissioner Oglesby follows up, "So the State would need to maintain its records in case something happened when it was under different ownership possibly?"
 - j) Mr. Rawls reported, "When we first started working with this division, they intended to keep these records forever. Because they might need to know what the pilings were when the bridge was designed. So I asked further if the bridges ever go away? They mentioned you could demolish a bridge and put another bridge 20 feet away. They agreed that they won't need the plans anymore. So there are certainly unique situations to have it live beyond what we expected here, which we did our best to have the RDA work for them but also fit the Records Management guidelines."
 - k) Without further discussion, Chairman Hargett entertains a motion that is properly moved and properly seconded. The RDA's (1968 and 2362) are approved.

14. RDA 2918 Federal Aid Project Files for Dept. of Transportation

- a) Request to revise the RDA. The agency requests changing retention period from 3 years and destroy to 5 years and permanent. The format will change from paper and microfilm to electronic.
- b) The agency agrees with State Library and Archives that these are not historic and TSLA wanted them as a reference value for the agency (ex. Projects or legislative questions).
- c) Chairman Hargett entertains a motion for that recommendation. The motion is properly moved and properly seconded. The RDA is approved.

Records Management Update

- 15. Chairman Hargett has asked that the PRC work with OIR (specifically Mr. Bengel), to schedule some time to have OIR come talk about their concerns and thoughts as we move forward with the electronic records storage policy. That will occur in the future.
- 16. Mr. Callaghan presents the Records Management Update.

- a) As of total RDA's, the PRC has taken action on 554 in the last two years.
- b) They began the process with just under 1700 RDAs and have added only 100 new RDAs.
- c) Mr. Callaghan points out that when the process started, TDOT had approximately 143 RDAs, have added new ones, but to date have completed all of those RDAs.
- d) The final numbers for 2014 was 329 RDA's approved.
- e) The Records Management Division had 387 meetings. They held, with agencies, 39 training sessions and had a total attendance of 702.
- f) Last year there were 22,245 cubic feet of records destroyed by agencies. The agencies submit certificates of destruction to provide documentation.
- g) Last year there were over 5,000 cubic feet of records destroyed at the records center.
- h) So far this calendar year, for agency certificates of destruction, there are 5,616 cubic feet destroyed (February year to date).
 - a. As the RDAs have been approved and updated you can see the agencies are catching up on the destruction.
- i) As the RDAs have been approved by the PRC, there has been a steady pick up in documents being destroyed as agencies are catching up.
- j) Mr. Weeks then asks Mr. Callaghan about a discrepancy in destruction numbers (500 to 5,000 cubic feet). Mr. Callaghan explains that the numbers are accounted for only after they receive the receipt of a certificate of destruction. Also at the end of the fiscal year or calendar year, the destruction that was purged at the end of the term rolls over so certain months have a peak appearance.
- k) Chairman Hargett asks if there are any more questions. After hearing none, he moves to Old Business.

Old Business

- 17. Mr. Greer states at the previous PRC meeting he had asked that they move RDAs 11064, 11065, and 11066 to this meeting so that his agency would have time to work with TBI in order to work out the differences they have had in the aforementioned RDAs. Mr. Greer states that due to winter weather they have not had the chance to hold that meeting and asks that the body moves these RDAs to the next PRC meeting or come back for one meeting to take care of those.
 - a. Chairman Hargett asks if there are any objections and there were none.
- 18. Commissioner Oglesby asks Mr. Callaghan how the removal of vital records from Cordell Hull is coming. Mr. Callaghan states the records management division is helping the Health Department and Richards & Richards in coordination of this project. They began it about two weeks ago and they have been moving over every day. They have moved several hundred boxes and should be completed in about six weeks.
- 19. Commissioner Oglesby asks Mr. Callaghan if we are pleased with the present vendor Richards & Richards. Mr. Callaghan states they have been very responsive and he does spot inspections on them to make sure they are living up to their security standards. If there are any requests by agencies to visit or work at that area, Richards & Richards provides a large room and supplies as the agency needs.
- 20. Commissioner Oglesby states the contract is about to expire and they will be re-procuring it through a competitive selection process. Mr. Callaghan states he has begun starting the bid specifications and they will be presented once completed. Note: the current contract expires July of 2016.
- 21. Mr. Greer recognizes Ms. Grice of Division of Audit. He notes that she does a wonderful

- job in reviewing RDAs and creating a strong relationship with Records Management.
22. Chairman Hargett recognizes and commends the hard work of the Records Management staff throughout the state for their collaboration and coordination in working together.
 23. Commissioner Oglesby suggests that the Records Management Update include page numbers moving forward.
 24. Chairman Hargett recognizes Alice Drummond, a member of the records management division who is retiring in May, for her tremendous contribution to the State.

Closing Remarks

25. An audience member, Linda Deason, is a Records Officer for the Department of Finance & Administration commended Kevin Callaghan and his team for all of the training they offer employees. She said she wouldn't have been able to make it through the past two years without the Records Management training classes. Chairman Hargett asks if there is any further discussion or comments.
26. Hearing none, Chairman Hargett entertains a motion to adjourn. The motion is properly moved, and properly seconded. The Commission is adjourned.

