

**State of Tennessee**  
**Public Records Commission**  
**MINUTES**

November 03, 2016 at 10:00 AM  
Legislative Plaza, Room LP-29, Nashville, Tennessee 37243

**Public Records Commission Members:**

Chairman – Tre Hargett, Secretary of State - *present*  
Secretary – Robert E. Oglesby, Commissioner Department of General Services - *present*  
Justin P. Wilson, Comptroller of the Treasury  
David H. Lillard, Jr., State Treasurer  
Chief Justice Jeff Bivins, Tennessee Supreme Court  
Herbert H. Slatery III, Attorney General  
Karen Garrett, Director of Legal Services and Counsel to the Lieutenant Governor  
Doug Himes, Director of Legal Services and Counsel to the Speaker of the House  
Ann Toplovich, Tennessee Historical Society - *present*  
Rick DuBray, Representative of the State Treasurer - *present*  
Eddie Weeks, Legislative Librarian of Legal Services - *present*  
Elizabeth Swenson, Representative of the Comptroller of the Treasury - *present*  
Rachel Harmon, Representative of the Tennessee Supreme Court - *present*

**Welcome**

1. The Public Records Commission met this day at 10:00 a.m. in Legislative Plaza, Room LP-29, Nashville, Tennessee, with the noted Public Records Commission members present. Secretary of State and Chairman of the Commission, Tre Hargett, called the meeting to order promptly at 10:00 a.m. He detected a quorum and requested action on the following matters as presented.

**Approval of Minutes from June 22, 2016**

2. Chairman Hargett asked if there were any changes to the June 22, 2016, minutes.
  - a. Hearing none; Chairman Hargett entertained a motion to approve the minutes. The motion was properly moved, and properly seconded; the minutes were approved.

**Consent Agenda**

3. Chairman Hargett called upon Mr. Callaghan to discuss the items on the consent agenda.
  - a. Mr. Callaghan stated that there were 153 RDAs on the consent agenda. All items had either been approved during review or the agencies had agreed to suggested changes.
  - b. Chairman Hargett asked Mr. Callaghan if any staff member who comprised the RDA review group had the ability to prevent an item appearing on the consent agenda.
  - c. Mr. Callaghan answered in the affirmative.
  - d. Chairman Hargett asked if there was any discussion regarding the consent agenda, hearing none; Chairman Hargett entertained a motion to approve the consent agenda. The motion was properly moved and properly seconded; the motion was approved.

**RDAs for Discussion**

4. Chairman Hargett stated that all items were on the consent agenda therefore there were no RDAs scheduled for discussion.

### **Records Management Update**

5. Chairman Hargett asked Mr. Callaghan to proceed with the Records Management update.
  - a. Mr. Callaghan reported that Records Management continues to meet weekly with the Tennessee State Library & Archives, Audit, and General Services to review RDAs that are submitted. Mr. Callaghan pointed out that with the RDAs approved today; the Public Records Commission has taken action on 399 RDAs this year. Overall, only 26% of RDAs remain to be revised or retired from the 1,785 that existed in 2013.
  - b. Mr. Callaghan stated that the annual Records Holding Report was conducted between July and August with all agencies completing their reports by the deadline. Overall the total volume remained steady with a slight increase of less than 1% or 1,630 cubic feet. The total records volume for all state agencies was 455,662 cubic feet. Mr. Callaghan stated that the reason for the slight fluctuation in volume was an increase in retention time for RDAs revised over the last few years. This required agencies holding onto records for an extra year or two before destruction. Mr. Callaghan stated that this shows an overall improvement in the function of state agencies and illustrates how records officers are accurately managing their responsibilities.
  - c. Mr. Callaghan wanted to point out that the Comptroller's office has finished reviewing all of their RDAs. Mr. Callaghan wanted to thank Shelly Eisman for her time and work in this accomplishment.
  - d. Mr. Callaghan said that Records Management has conducted nineteen training sessions, with 319 attendees and Records Management staff members have conducted 329 agency visits.
  - e. Mr. Callaghan delivered the record destruction report. As of September 30<sup>th</sup>, 2016, agencies have destroyed 20,955 cubic feet with an additional 6,707 cubic feet destroyed at Richards & Richards. This represents an increase over the last three years. Mr. Callaghan stated that this reflects the work of agency records officers in promptly destroying records and sending in their Certificates of Destruction. This is important because it provides documentation of how agencies carry out their record destruction.
  - f. Mr. Callaghan stated that he would like to introduce Benjamin Duncan, the newest Records Analyst with Records Management. With his hire, Records Management has now gone from seven to eight division staff members.
  - g. Mr. Callaghan asked if there were any questions from the members of the Public Records Commission.
  - h. Commissioner Oglesby thanked Mr. Callaghan for his report and asked him to speak about the shift amongst state agencies away from paper records towards digital records.
  - i. Mr. Callaghan stated that amongst state agencies the trend has been to digitize records going forward but allow existing paper records to remain. Mr. Callaghan explained that it was more cost effective to store existing paper records at Richards & Richards than digitize them. As a result, the state has seen an increase in records stored at Richards & Richards but a decline in paper records overall. Mr. Callaghan stated that when he started in the industry, paper records comprised around 80% of an organization's records and today that figure is around 30%. The new agreement with Richards & Richards allows an agency to have all of their stored paper records quickly digitized and the paper copies destroyed.
  - j. Commissioner Oglesby asked if the best way to compare the trend amongst individual agencies moving away from paper records would be to compare the 2016 Records Holding Report to prior years.
  - k. Mr. Callaghan confirmed this was the case.
  - l. Mr. Weeks followed up on Commissioner Oglesby's comments and asked Mr. Callaghan to explain why, according to the Records Holding Report, the paper storage for the Tennessee State Museum increased by over 460%.

- m. Mr. Callaghan explained that while most agencies reported a decrease, some agencies did show an increase in their volume of paper records. The reasons for these increases were a combination of agencies producing more accurate measurements of their record volume, increases in retention standards, and litigation holds that necessitated delaying the destruction of some paper records. The Department of Transportation stands out as an agency for which this was the case.
- n. Mr. Weeks asked Mr. Callaghan if he believed that this was a one-time occurrence.
- o. Mr. Callaghan expressed his belief that the Tennessee State Museum's increase was a one-time event. Mr. Callaghan went on to explain that the Records Holding Report is completed by the agencies themselves. Records can be accidentally omitted when records officers calculate the volume of their records. However, when Records Management visits an agency to conduct an assessment they complete a thorough review of all agency records and catalogue records according to the RDA. These assessments can reveal previously unreported records, but it is part of the educational process for records officers.
- p. Chairman Hargett asked Mr. Callaghan why the Secretary of State's office was showing a 163% increase in their volume of paper records.
- q. Mr. Callaghan explained that a division within the Secretary of State's office was dealing with a litigation hold that prevented them from destroying two years' worth of records. That alone accounted for several hundred cubic feet of records. Another contributing factor was a thorough records assessment conducted by the Records Management Division.
- r. Chairman Hargett expressed his remembrance following Mr. Callaghan's statements.
- s. Commissioner Oglesby asked Chairman Hargett if he believed that it would be appropriate for the Public Records Commission to ask agencies to prepare plans that detailed their intentions regarding a long term move towards digital records.
- t. Chairman Hargett asked Mr. Callaghan to talk about the preliminary discussions he has had with state agencies about their plans going forward.
- u. Mr. Callaghan explained that Records Management Analysts check in monthly with their agencies to see if anything has changed with their RDAs or if they are looking into making any changes. Additionally, agencies will contact Records Management looking for advice about which vendors to utilize for digitization projects and what that process looks like. However, when this occurs it is usually on a case by case basis and as a result Mr. Callaghan does not have a complete picture of the five-year plan for all state agencies.
- v. Commissioner Oglesby asked if it would be possible for Mr. Callaghan to provide a yearly summary of the digitization efforts of various state agencies. Commissioner Oglesby expressed his hope that this would spur agencies to begin thinking about their long term plans.
- w. Mr. Callaghan stated that he would start putting something together to present closer to the end of the fiscal year.
- x. Chairman Hargett then asks if there are any questions or comments; there are none.

#### **Old Business/Public Questions**

- 6. Chairman Hargett asked if there were any comments from the public or old business; there were none.

**Meeting Adjourned**

7. Chairman Hargett asked if there were any comments or further discussion.
  - a. Hearing none; Chairman Hargett entertained a motion to adjourn. The motion was properly moved, and properly seconded; the Commission was adjourned.