

State of Tennessee
Public Records Commission
MINUTES

May 14, 2020 at 2:00 PM
Nashville, Tennessee

Public Records Commission Members:

Chairman – Tre Hargett, Secretary of State - *present*
Secretary – Christi Branscom, Commissioner of the Department of General Services - *present*
Justin P. Wilson, Comptroller of the Treasury
David H. Lillard, Jr., State Treasurer
Chief Justice Jeffrey S. Bivins, Tennessee Supreme Court
Herbert H. Slatery III, Attorney General and Reporter
Karen Garrett, Director of Legal Services and Counsel to the Lieutenant Governor
Anastasia Campbell, Director of Legal Services and Counsel to the Speaker of the House
Ann Toplovich, Executive Director of the Tennessee Historical Society
Eddie Weeks, Legislative Librarian of Legal Services - *present*
Rick DuBray, Representative of the State Treasurer - *present*
Janet Kleinfelter, Representative of the Attorney General - *present*
Trent Andrews, Representative of the Comptroller of the Treasury - *present*
Rachel Harmon, Representative of the Tennessee Supreme Court - *present*

Welcome

The Public Records Commission met remotely via WebEx conference this day at 2:00 p.m., with the noted Public Records Commission members present. Secretary of State and Chairman of this Commission, Tre Hargett, called this meeting to order at approximately 2:00 p.m. He detected a quorum and requested action on the following matters as presented.

Statement of Necessity for Remote Meeting

1. Chairman Hargett opened this meeting with the following statement:
 - a. This meeting of the Public Records Commission, held on May 14, 2020, is being conducted electronically via WebEx conference. All members of this Commission present today are participating by remote means. As required by Tennessee Code Annotated, Section 8-44-108, this Commission must determine that necessity requires this meeting be conducted via electronic means. Pursuant to Executive Orders Number 16 and 34 issued by Governor Lee, this Commission finds that the current state of emergency justifies and requires that the essential business of this Commission should be conducted electronically in order to allow for proper social distancing to be observed for the benefit of the health, safety, and welfare of all Tennesseans. In accordance with Governor Lee’s Executive Orders, this meeting is being conducted in an electronic manner that allows this Commission to conduct its business while also allowing the public to access and participate in this meeting. Tennessee Code Annotated, Section 10-7-302 requires this Commission to meet at least twice annually, and in order to ensure that this requirement can be met and that the business of this Commission can continue in a timely fashion, this Commission finds that the business to be conducted today is essential and that meeting electronically is necessary to accomplish the responsibilities entrusted to this Commission. Therefore, the Chair requests a motion and second to approve this finding of necessity on the record.
 - b. The motion was properly moved and properly seconded; the finding of necessity was

approved by roll call vote.

Approval of Minutes from November 12, 2019

2. Chairman Hargett noted that the next order of business was approval of the November 12, 2019, minutes.
 - a. Chairman Hargett entertained a motion to approve the minutes. The motion was properly moved and properly seconded; the November 12, 2019, minutes were approved by roll call vote.

Consent Agenda

3. Chairman Hargett moved on to the consent agenda.
 - a. Director Callaghan explained that there were 187 items on the consent agenda and asked if there were any questions.
 - b. Hearing none, Chairman Hargett moved to approve the consent agenda. The motion was properly moved and properly seconded; the consent agenda was approved by roll call vote.

RDAs for Discussion

4. Chairman Hargett asked Director Callaghan if there were any RDAs for discussion; Director Callaghan stated that there were none.

Records Management Reports

5. Chairman Hargett then asked Director Callaghan to present the Records Management Reports.
 - a. Director Callaghan reported that Records Management is utilizing resources such as WebEx to meet with State agencies remotely in order to work on RDAs, advise on Information Governance issues, and conduct monthly trainings. Records Management continues to conduct its weekly meetings with the Tennessee State Library and Archives and the Comptroller's Audit Division.
 - b. To date, Records Management has created, revised, and retired 2,243 RDAs. Director Callaghan reported that for this Public Records Commission meeting, out of 187 RDAs, 162 were retired, nineteen were revised, and six were created.
 - c. Director Callaghan stated that Records Management continues to deliver records for State agencies upon request; Records Management personnel are practicing social distancing and using personal protective equipment.
 - d. The Department of Children's Services, the Department of Correction, the Department of Human Services, and TRICOR all had facilities significantly damaged in the violent tornados that affected Tennessee in March 2020. Fortunately, these agencies had disaster preparedness programs in place to safeguard their records, and the agencies fully cooperated with the Department of General Services and BELFOR disaster recovery services in the immediate aftermath of the storms. Director Callaghan commended the agencies in question on their disaster preparedness, response, and recovery efforts.
 - e. Director Callaghan reported that he had not received any requests to edit the Electronic Records Policy that was presented for review in the November 12, 2019, Public Records Commission meeting.
 - f. Chairman Hargett asked if there were any questions; Eddie Weeks asked if Director Callaghan was aware of any records that were lost in the March tornados. Director Callaghan stated that there may have been individual papers that were destroyed and had yet to be accounted for, but no major losses had been detected to date.

Electronic Records Policy Revision

6. Chairman Hargett moved on to the Electronic Records Policy revision.
 - a. Director Callaghan explained that the Electronic Records Policy was first written in 2011

and had not been updated since. Records Management therefore worked with the Tennessee State Library and Archives and the Department of Finance & Administration's Strategic Technology Solutions Division to bring the language of the policy up-to-date and address changes in technology since 2011. Director Callaghan stated that there were no significant changes in the revision.

- b. Charmain Hargett asked if the revision was an action item for the current meeting. Director Callaghan confirmed that the PRC was set to approve the changes to the policy that were presented at the last PRC meeting. Chairman Hargett moved to approve the revision. The motion was properly moved and properly seconded; the Electronic Records Policy revision was approved by roll call vote.

Closing Remarks

- 7. Chairman Hargett asked if there was any old business or comments from the public.
 - a. Chairman Hargett asked Director Callaghan if he could elaborate on discussions being had with the University of Tennessee regarding Records Management's fees.
 - b. Director Callaghan reported that public universities are State agencies and are therefore required to pay Records Management's fees. Personnel at the University of Tennessee had inquired as to why they are obligated to pay such fees for records being held in their offices. Director Callaghan explained that the fees in question represent the efforts of the Public Records Commission and Records Management in writing statewide RDAs, providing trainings, carrying out agency assessments, and so on. Before enforcing the fee, Records Management gave the universities time to go through their in-agency records and ensure that they were on track with records destruction. Director Callaghan concluded by saying that invoices had been sent to the University of Tennessee and that Records Management awaited payment. Chairman Hargett thanked Director Callaghan for the update.
 - c. Chairman Hargett entertained a motion to adjourn. The motion was properly moved and properly seconded; the Commission was adjourned by roll call vote.