

**STATE ARCHIVES AND RECORDS COMMISSION**  
**Minutes of the Quarterly Meeting**  
**December 11, 2014**  
**Department for Libraries and Archives**

The State Archives and Records Commission met at 10:00 a.m., December 11, 2014, in the Board Room, Kentucky Department for Libraries and Archives, 300 Coffee Tree Road, Frankfort, Kentucky.

Members present: Wayne Onkst, Chair; Richard Belding, representing Citizens-at-Large; Terry Birdwhistell, representing the University of Kentucky; Mary Margaret Bell, representing Citizens-at-Large; Roger Hamperian, representing Citizens-at-Large; David Gregory, representing regional colleges and universities; and Dave Schroeder, representing the Kentucky Library Association.

Representatives present: Randy Justice, representing Thomas Zawacki, Secretary, Education and Workforce Development Cabinet; Amye Bensenhaver, representing Jack Conway, Attorney General; Brian Lykins, representing Adam H. Edelen, Auditor of Public Accounts; Glenna Goins, representing Jane Driskell, State Budget Director; Leslie Smith, representing Marcia Seiler, Acting Executive Director, Legislative Research Commission; and Glenn Thomas, representing Jim Fowler, Commissioner, Commonwealth Office of Technology.

Members not present or represented: Debra Batliner, representing local governments; Jeremy Rogers, representing Citizens-at-Large; John D. Minton, Jr., Chief Justice, Supreme Court; and Louise Jones, representing the Kentucky Historical Society.

Public Records Division staff present: Barbara Teague, Director, Public Records Division; Jerry Carlton, Manager, Local Records Branch; Jim Cundy, Manager, State Records Branch; Glen McAninch, Manager, Technology Analysis and Support Branch; Pam Compton, Records Analyst; Jackie Arnold, Regional Administrator.

Guests Present: John Nix, Personnel Cabinet; Scott Majors, Board of Physical Therapy; and Joseph Isaac, Lexington.

Onkst called for introductions by those present.

Lykins made a motion to accept the minutes of the previous Commission meeting, seconded by Belding. The vote by members and representatives present was unanimous.

## RECORDS RETENTION SCHEDULES

### Personnel Cabinet

Cundy was the Records Analyst working on the Schedule additions and revisions. **Additions to the Schedule:** Series 06530, Governor's Ambassador Award File; and Series 06535, Form W-2 (Wage and Tax Statement). **Revision to the Schedule:** Series 06455, IRS Form W-2c (Corrected Wage and Tax Statement), from fifty (50) years to ten (10) years.

During the First Extraordinary Session of the 1956 Kentucky General Assembly, the Division of Personnel of the Department of Finance was abolished and the Department of Personnel was created. It was headed by a Commissioner appointed by the Governor. Chief among its responsibilities then, as now, was the certification of applicants for state jobs. Approximately four years later, a uniform Merit System for the Executive Department was created. On December 13, 1995, Executive Order 95-19 elevated the Department of Personnel to cabinet status and all powers and responsibilities of the Department of Personnel were transferred to the Personnel Cabinet. Upon expiration of the order, Executive Order 96-909 was issued on July 11, 1996, to create the Personnel Cabinet and this was confirmed by 1998 SB 139. Currently, the Personnel Cabinet is organized as follows: Office of the Secretary; Office of Administrative Services; Office of Legal Services; Office of Employee Relations; Office of Diversity and Equality; Office of Governmental Services; Center of Strategic Innovation; Ky Public Employees Deferred Compensation; Department of Human Resources Administration; and the Department of Employee Insurance.

Cundy presented the Schedule additions and revision.

Bell made a motion to approve the Schedule additions and revision, seconded by Hamperian. The vote by members and representatives present was unanimous.

### Occupational and Professional Boards and Commissions

Cundy was the Records Analyst working on the new Schedule. **Additions to the Schedule:** Series 06512, Licensee Master File; Series 06513, Complaints – Substantiated; and Series 06514, Complaints – Unsubstantiated.

The mission of the Commonwealth's occupational and professional boards and commissions is to protect the public by ensuring that licensure qualifications and standards of various professions are met and that appropriate action is taken in a timely manner when complaints are brought against licensees. Most occupations and professions that require a state license are licensed and regulated by one of approximately forty-two boards and commissions. Half of these agencies are

administered under the Office of Occupations and Professions, the other half are not organized under an umbrella agency, but rather function as independent, autonomous units of state government. The basic organizational structure and functions of the boards and commissions are quite similar. Licensure boards are comprised of board members appointed by the Governor, generally for four years, with staggered terms.

**This is the first effort to draft a General Schedule for Occupational and Professional Boards and Commissions. It covers records that are common to all Licensure agencies.**

**Proposed Schedule date:** December 11, 2014

Cundy said that this General Schedule for Boards and Commissions was drafted with the input of the Executive Directors of Boards and Commissions that license and regulate professions. This schedule is intended to address questions of consistency in retention of certain records that are common across agencies that regulate professions.

Majors said that Executive Directors at the various boards and commissions had found the proposed schedule favorable. Many Executive Directors had brought the proposal before their respective agencies and it had met with approval at that level as well.

Cundy said that staff from the Board of Nursing had attended the December 4, 2014 meeting of the Archives and Records Management Advisory Committee and had raised the issue of medical records that are part of complaint files against licensees. Committee members also questioned the proposed retention period for Series 06513, Complaints – Substantiated, noting the example of a young licensee who is banned from a profession for life. The record of that ban may need to be retained for a longer period than the proposed twenty years after Agency action.

Teague said that there will be more Series added to this Schedule. There will also be entries on agency-specific retention schedules that will cover equivalent records for those agencies that need to retain the materials for a longer period than on the proposed General Schedule for Occupational and Professional Boards and Commissions. Cundy said that nineteen boards or commissions refer to a licensee's "permanent file" or "permanent folder" in their respective statutes or regulations, without explicitly assigning a retention period to that file. The department is awaiting a ruling from the Office of the Attorney General on the question of whether the language assigns a permanent retention period to the files.

Lykins asked whether there would be any record of action against a licensee in addition to Series 06512, Licensee Master File, or Series 06513, Complaints – Substantiated. Cundy said that the agency would issue an administrative order, which would be covered by Series M0005 on the General Schedule for State Agencies, and would be a

permanent record. Bensenhaver asked where the order would be maintained. Majors said that for health-related professions, a record of the order would be part of an Adverse Action Report, which is sent to the National Practitioner Databank and is a permanent record.

Bensenhaver she was not comfortable with the reduction in retention for Series 06512, Licensee Master File, for some agencies, from permanent to twenty years after termination or expiration of license. Majors said that the Board of Physical Therapy had been maintaining licensee files permanently, but requests for records would be covered by the proposed retention period.

In response to a comment by Bensenhaver regarding destruction of medical records, Majors said that a previous General Counsel at the Board of Physical Therapy had recommended that medical records that were part of a disciplinary file could be destroyed after a relatively short time period.

Bensenhaver said that she was concerned that the changes in retention periods for licensee master files and for disciplinary records would not provide the public with the resources necessary to monitor effectively the activities of licensure boards and their respective licensees.

Majors said that records documenting disciplinary matters that took place twenty-five or thirty years ago may not be relevant to current disciplinary hearings, as there may be no legal nexus between the two events. Bensenhaver said there may be an interest on the part of a hiring authority in the past conduct of an individual.

Teague suggested that the proposal be tabled to allow for further discussion.

Bell made a motion to table this new Schedule, seconded by Belding. The vote by members and representatives present was unanimous.

### **Department of Military Affairs – Kentucky Appalachian Challenge Academy and Kentucky Bluegrass Challenge Academy**

Compton was the Records Analyst working on these new and revised Schedules. **Additions to the Schedule:** Appalachian Challenge Academy: Series 06522, Cadet Master File; Series 06523, Cadet Medical File; Series 06524, Mentor Background Checks File; Series 06525, Cadet Meal Records; and Series 06526, Miscellaneous Log Sheets. Bluegrass Challenge Academy: Series 06527, Miscellaneous Log Sheets; and Series 06528, Mentor Background Checks File. **Deletions from the Schedule:** Bluegrass Challenge Academy: Series 05787, Cadet Performance Evaluation File; Series 05789, Cadet Clinical Therapy File; and Series 05791, GED Eligibility File. **Revisions to the Schedule:** Bluegrass Challenge Academy: *Staff made administrative changes to three*

*(3) series without changing retention or disposition:* Series 05786, Cadet Master File; Series 05788, Cadet Medical File; and Series 05790, Cadet Meal Records.

The National Guard Youth Challenge Academy is a program created under the National Guard Youth Foundation, a non-profit organization and is administered by the National Guard Bureau on behalf of the Department of Defense. The Bluegrass and Appalachian Challenge Programs, which are preventive rather than remedial youth-at-risk program, target participants who are unemployed, drug free and "law-free" (no criminal convictions) high school dropouts, 16 to 18 years of age. The core components of the Programs are citizenship, academic excellence (attaining a GED/high school diploma), life coping skills, community service, health and hygiene, skills training, leadership/followership and physical training. The Programs consist of a five month Residential Phase and is followed by a year-long mentoring relationship with a specially trained member from the youth's community.

**This is a new records retention schedule for the Appalachian Challenge Academy.**

**Proposed Schedule Date:** December 11, 2014

**This is a complete revision of the records retention schedule for the Bluegrass Challenge Academy.**

**Current Schedule Date:** October 1, 1982

**Proposed Schedule Date:** December 11, 2014

Compton said that Advisory Committee members had asked about the Privacy Act Acknowledgement Form, which is listed in the contents of Series 06524, Mentor Background Checks File, and Series 06528, Mentor Background Checks File. The mentors are required by the National Guard to sign a statement agreeing not to discuss with outside parties the mentors' relationship with cadets. If applicants refused to sign the form, they could not be mentors. There was a question about which Privacy Act the form referenced. Compton said it was Public Law 102-484, Section 1091 e (2).

Compton said that Advisory Committee members had also asked about the retention period proposed for Series 06523, Cadet Medical File, and Series 05788, Cadet Medical File, which is "Retain in Agency five (5) years after date of departure from Academy, then destroy." The aim is to maintain the records until five years after the graduate reaches the age of majority. While most of the graduates would be at least eighteen years old, some may not. Therefore, it would be possible for a graduate not to have reached the age of twenty-three, or five years after the age of majority, before the record would be destroyed. Cundy suggested a retention period of "Retain in Agency five (5) years after cadet obtains age of majority (defined in KRS 2:015 as eighteen

(18) years of age) or five (5) years from departure date from the Academy, whichever is longer, then destroy." Teague said that that retention period may need to be applied to other Records Series. Compton agreed.

Schroeder made a motion to approve the new and revised Schedules, with a change to the retention period for Series 06523, Cadet Medical File, and Series 05788, Cadet Medical File, from "Retain in Agency five (5) years after date of departure from Academy, then destroy," to "Retain in Agency five (5) years after cadet obtains age of majority (defined in KRS 2:015 as eighteen (18) years of age) or five (5) years from departure date from the Academy, whichever is longer, then destroy," seconded by Thomas. The vote by members and representatives present was unanimous.

### **Education and Workforce Development Cabinet – Kentucky Center for School Safety**

Cundy was the Records Analyst working on the new Schedule. **Addition to the Schedule:** Series 06529, Safe School Assessment Survey Data

The Kentucky Center for School Safety was created by the General Assembly in 1998 and operates under KRS 158.440 through 158.446. The mission of the Center is to serve as the central point for data analysis, research, and dissemination of information programs related to safety in schools; and, in collaboration with the Department of Education and others, to provide technical assistance for safe schools. The Center is governed by a twelve-member Board of Directors, appointed by the Governor.

**This is a new records retention schedule for this agency.**

**Proposed schedule date:** December 11, 2014

In response to a question by Bensenhaver, Cundy said that any information that is on the hard copy form that is completed by parents, students or school district personnel, would be in the electronic version maintained by the Center.

Belding made a motion to approve the new Schedule, seconded by Smith. The vote by members and representatives present was unanimous.

### **Department of Law – Office of the Attorney General – Boards and Agencies**

Compton was the Records Analyst working on the revised Schedule. **Addition to the Schedule:** Series 06532, Attorney Civil Litigation Case or Work Product File

The elective office of Attorney General is established by the Constitution of Kentucky. Sections 91 and 93 of the Constitution provide that the duties of the Attorney General,

as well as other constitutional officers, shall be prescribed by law. Other sections of the Constitution that pertain to the Attorney General include Section 94 (petition to have Governor declared disabled); Section 87 (service as acting Governor); Section 92 (qualifications); Section 95 (time of election); and Section 96 (compensation). KRS Chapter 15 provides with specificity the duties of the Attorney General and the functions of the Department of Law. KRS 15.020 establishes the following duties: Act as the chief law officer of the Commonwealth, and the agencies and political subdivisions thereof; Act as the legal adviser of all state officers and governmental agencies and furnish opinions upon request pertaining to their official duties; Prepare drafts of written instruments for public use; Exercise all common law duties of the Office of the Attorney General as may be modified by statutory law; Appear for the Commonwealth in all cases in the Supreme Court or Court of Appeals of interest to the Commonwealth, and commence all actions or enter his appearance in all cases, hearings and proceedings in and before all other courts, tribunals, or commissions in or out of state; and Attend to all litigation and legal business in or out of state required of him by law, or in which the Commonwealth has an interest, and any litigation or legal business that any state officer or agency may have in connection with, or growing out of, his or its official duties, except where it is made the duty of the commonwealth's attorney or county attorney to represent the Commonwealth. The assistant attorneys general assigned to represent Boards and Agencies assist with drafting legislation and regulations, provide legal representation in litigation and administrative adjudication, attend Board meetings, and provide advice on all legal matters.

Bensenhaver expressed concern that a Records Series that encompassed litigation materials or attorney work product also included bill or regulation drafting, as bill drafting is not a litigation matter and does not qualify as work product. She suggested creating two Records Series: One would be a civil litigation file, the other a legislation/regulation drafting file. She recommended deleting "drafting legislation and regulations" from the Function and Use Section.

Bensenhaver said that the access restriction for attorney work product is KRS 447.154, which incorporates the Civil Rule related to discovery and work product, which is CR 26.02.

Bensenhaver made a motion to approve the Schedule addition, with "drafting legislation and regulations" stricken from the Function and Use Section, seconded by Smith. The vote by members and representatives present was unanimous.

### **Tourism, Arts and Heritage Cabinet – Kentucky Historical Society**

Cundy was the Records Analyst working on the Schedule addition. **Addition to the Schedule:** Series 06531, Governor's Ambassador Award File.

The Kentucky Historical Society was created by the General Assembly in 1880. Pursuant to KRS 171.311-171.395 and, as set forth in its charter, the goal of the Kentucky Historical Society is to collect, maintain, and preserve authentic records, information, facts and relics connected with the history of the Commonwealth and to promote a wider appreciation of American heritage. The Society is governed by an Executive Committee, whose members are elected by its general membership. The Society was reorganized by Executive Order 91-518, effective June 16, 1991 and confirmed by HB 139 during the 1992 Session of the General Assembly. The Collections and Preservation Division and the Resource Development Division were abolished. In 1994, the Society Services Division was replaced by the Oral History and Educational Research Division. The Society has four divisions: Research and Publications, Administration, Museum, and Oral History and Educational Research. The divisions are headed by a director appointed by the Executive Committee of the Kentucky Historical Society. KHS operates the Old State Capitol, the Kentucky Military History Museum and its headquarters, the Thomas D. Clark Center for Kentucky History. Since 1999, the thirty-million-dollar Center has welcomed more than one million visitors.

Cundy said that these files are transferred from the Personnel Cabinet to the Historical Society. KHS issues a commemorative brick for the winners, scans the files documenting the winners, and transfers the hard-copy files to the Department for Libraries and Archives.

Gregory made a motion to approve the Schedule addition, seconded by Belding. The vote by members and representatives present was unanimous.

### **Education and Workforce Development Cabinet – Department for Libraries and Archives – Public Records Division**

Cundy was the Records Analyst working on the Schedule addition. **Addition to the Schedule:** Series 06533, Exhibit File.

The Department for Libraries and Archives addresses the state's information and knowledge needs by initiating and directing statewide activities for library and archive development and for public records management. Four divisions administer the Department's programs: Field Services, State Library Services, Public Records and Administrative Services. Under the terms of KRS 171.410-740, the Public Records Division works with agencies to ensure creation and preservation of adequate and proper documentation of the agency's organizational functions, policies, decisions, procedures, and essential transactions, as well as information which protects the legal and financial rights of the government and of individuals directly affected by an agency's activities. It does this by establishing standards, procedures, and administrative regulations for recording, managing, preserving and reproducing government records, whatever their medium, and by working with the heads of state

and local government agencies and their designated representatives to create and maintain active, continuing programs for the efficient management of their records. Division staff members collaborate with agencies on the inventory, analysis, and scheduling for retention of their records and description of electronic records systems and serve as consultants to agencies on a variety of archival and records management issues. The division runs the Local Records Grants Program, which redistributes money to local offices for use in records-management-related projects. The division operates the State Archives to house and make available for research permanently valuable state and local government records. The division manages the State Records Center to provide agencies with secure, economical storage for their non-current records. While serving distinct needs, these are the state's statutorily mandated central records depositories. To ensure continued preservation of and access to records, the division also furnishes centralized micrographics and document preservation services. The division provides citizens and government with access to records by arranging and describing them, by creating finding aids and access tools to them, and by making them readily available through on site research facilities and by answering telephone and mail reference requests.

Cundy said that the original title had been "Exhibit File." At the recommendation of Advisory Committee members, he had changed it to "Public Exhibit File" to avoid confusion with exhibits maintained as part of Court Case Files.

Belding made a motion to approve the Schedule addition, seconded by Bell. The vote by members and representatives present was unanimous.

### **Local Government General Records Retention Schedule**

Arnold was the Records Analyst working on the Schedule additions. **Additions to the Schedule:** Administrative: Series L6686, Material Safety Data Sheets; Series L6687, Organizational Charts; Series L6688, OSHA Compliance Records; and Series L6709 Personal Information Security Breach Investigation/Notification File. Law Enforcement: Series L6707 Body-Worn Camera Recordings; and Series L6692, Restricted Metals Purchase Notification.

The Local Government General Records Retention Schedule was created in 1999 and has been updated periodically since that time. This schedule lists those record series that may be found throughout local government agencies. Local governments in Kentucky include, but are not limited to, all 120 counties and their many offices, over 400 incorporated cities, 173 school districts, 15 Area Development Districts and at least 2000 Special Purpose Government Entities.

Arnold said that Series L6686, Material Safety Data Sheets; Series L6687, Organizational Charts; and Series L6688, OSHA Compliance Records, were being adapted from other

schedules for the Local Government General Schedule. Their respective retention periods had already been approved by the Commission members on other schedules. Series L6709 Personal Information Security Breach Investigation/Notification File was adapted from Series M0056, Personal Information Security Breach Investigation/Notification File, on the General Schedule for State Agencies, which is before the Commission at this meeting.

Carlton said that the statement "If any investigation, litigation, or open records request involving these records is taking place or is pending, maintain until all investigative or legal activity is completed" was added to the disposition for Series L6707, Body-Worn Camera Recordings at the suggestion of the Advisory Committee.

In response to a question by Lykins, Carlton said that there is an assumption that any litigation for which recordings made by body-worn cameras would be relevant would begin within sixty days of the original recording. Lykins said it is not always clear when litigation would end. Carlton said additional media could be used to maintain the recordings, so they could be held until limitation on action had been met. Lykins said that there would have to be a good faith effort made using reasonable judgment to determine when a case would be completed.

In response to a question by Onkst, Carlton said that recording could be maintained by downloading them from the cameras to servers.

Lykins said that the retention period of these recordings should be part of the contract an agency negotiates with vendors. Bell suggested that the agency might also note as part of the contract that the retention period could be subject to change.

Thomas made a motion to approve the Schedule additions, seconded by Bell. The vote by members and representatives present was unanimous.

### **Louisville/Jefferson County Metro Government**

Arnold was the Records Analyst working on the Schedule additions and deletions. **Additions to the Schedule:** Checklist: Series L6689, Incident and Accident Reports. Police: Series L6693, Restricted Metals Purchase Notification. Economic Development: Series L6703, Loan File. **Deletions from the Schedule:** EMS: Series L5897, Patient Statement; Series L5898, Patient Health Insurance Claim Forms; Series L5899, Monthly Payments Audit Sheet; Series L5900, Daily Payments Audit Sheet; Series L5901, Daily Charges Audit Sheet; Series L5902, Monthly Charges Audit Sheet; and Series L6089, PSI/MED Data.

Louisville and Jefferson County merged into the Louisville/Jefferson County Metro Government in January 2003. This took place after special legislation was passed

whereby a county with a first class city could merge into one government. A referendum was on the ballot in 2001 and was passed by voters in Jefferson County. Under the new government some of the existing incorporated municipalities joined the new merged government.

Arnold said that Advisory Committee members had said that the Contents Section of Series L6689, Incident and Accident Reports, did not make clear exactly what it covered. The contents of the Series had been clarified. Also, he had added "If any investigation or litigation involving these records is taking place or is pending, maintain until all investigative or legal activity is completed" to the disposition of the Series.

Belding made a motion to approve the Schedule additions, seconded by Schroeder. The vote by members and representatives present was unanimous.

### **Public School District**

Carlton was the Records Analyst working on the Schedule additions. **Additions to the Schedule:** Student Records: Series L6704, Student Cumulative Folder (Elementary School); Series L6705, Student Cumulative Folder (Middle School); Series L6706, Suicide Prevention Awareness Program Student Form. Administration: Series L6708, Day Care Children Medical Records (Teenage Parent Program).

The first attempt to assemble a school district – wide records retention schedule was made in 1988. The Archives and Records Commission approved the schedule that year. In 1999 a complete revision of the schedule was approved by the Commission. This schedule included K through 12 and the school district central office in one schedule. In March of 2003 the Commission once again approved a revision of the entire schedule. In June 2012 another complete revision was presented to the Commission where it was approved. The 173 school districts in the Commonwealth produce an overwhelming amount of paper and electronic records. We continue to work with school districts providing records management training and direct service.

Carlton said that Bell had asked that the Commission table Series L6704 Student Cumulative Folder (Elementary School); and Series L6705, Student Cumulative Folder (Middle School).

Smith made a motion to approve the Schedule additions Series L6706, Suicide Prevention Awareness Program Student Form; and Series L6708, Day Care Children Medical Records (Teenage Parent Program); and to table Series L6704, Student Cumulative Folder (Elementary School); and Series L6705, Student Cumulative Folder (Middle School), seconded by Lykins. The vote by members and representatives present was unanimous.

## County Sheriff

**Additions to the Schedule:** Series L6690, Notice of Issuance – Carry Concealed License; and Series L6691, Restricted Metals Purchase Notification. **Deletion from the Schedule:** Series L5154, Application to Carry Concealed Weapons File.

Under the first Kentucky Constitution (1792), the office of sheriff was elective for a term of 3 years. Under the second constitution (1799), the sheriff was nominated by the county court and appointed by the governor from the court's list of nominees for a term of 2 years. Under the third constitution (1850), the office of sheriff was again made elective for a term of 2 years. Under the present constitution, the office of sheriff is elected for a term of 4 years. The constitution also requires the sheriff to be at least 24 years of age, a citizen of Kentucky, a resident of the state for 2 years, and a resident of the county of election 1 year before election. Before taking office, the elected sheriff must execute bond as provided in KRS 70.020, and 134.230. The bond required by KRS 70.020 must be for a minimum of \$10,000 and relates to the faithful performance of all of duties. The bond required by KRS 134.230 and KRS 62.156 relates to the faithful performance of a sheriff's tax collection duties. The fiscal court may require the sheriff to enter into an additional bond also under the authority of KRS 134.230. The sheriff must also take the constitutional oath of office and a statutory oath of office (KRS 70.010). The sheriff's duties fall into four categories: tax collection, election duties, services to courts, and law enforcement. A sheriff spends the most time on civil duties.

Arnold said that the Sheriff's Office maintains no applications to carry concealed weapons. The Sheriff's Office may mail applicants' materials to the Kentucky State Police, and the Sheriff's Office might create or maintain is a log of people for whom the materials were mailed. Once an applicant is approved, she or he brings Series L6690, Notice of Issuance – Carry Concealed License, into the Sheriff's Office and is given the actual permit.

Belding made a motion to approve the Schedule additions and deletion, Smith. The vote by members and representatives present was unanimous.

## General Schedule for State Agencies – Miscellaneous Records Section

Cundy was the Records Analyst working on the Schedule additions. **Additions to the Schedule: Additions to the Schedule:** Series M0056, Personal Information Security Breach Investigation/Notification File; and Series M0057, Special Open Meeting Notification Request.

A General Schedule is a class of records retention schedule that governs the retention and disposition of specified records common to several or all public agencies. The General Schedule for State Agencies covers records for State Agencies.

Cundy presented the Schedule additions.

Thomas made a motion to approve the Schedule additions, seconded by Lykins. The vote by members and representatives present was unanimous.

### **Finance and Administration Cabinet – Commonwealth Office of Technology**

Compton was the Records Analyst working on this Schedule addition. **Addition to the Schedule:** Series 06534, Notification of Security Breach Files.

The Commonwealth Office of Technology (“COT”) is located within the Finance and Administration Cabinet and governed by KRS 42.724. COT is headed an executive director, also known as the Chief Information Officer. COT consists of five (5) offices, each headed by an executive director, appointed by the Finance and Administration Cabinet Secretary with the approval of the Governor. COT provides a variety of services to state agencies, including but not limited to the following: Backup and Storage Services; Data Communication Services; Desktop Service Support; Enterprise Server Processing; Messaging services; Professional services; Security services; Server support; Video conferencing; and Voice communications.

Compton said that Advisory Committee members had expressed concern that there was no explicit access restriction for these materials. In response to a question by Bensenhaver, Compton said that KRS 61.933 should cover clients’ personal information that has been redacted. Bensenhaver said that KRS 61.878(1)(m) would not cover such matters as how the breach occurred, which could have unfortunate consequences if it were made public. Lykins said that there may be legislation enacted that would address this issue. Teague said that PRD staff would most likely revisit the question once additional legislation was passed.

Thomas made a motion to approve the Schedule addition, seconded by Bell. The vote by members and representatives present was unanimous.

Cundy introduced Joseph Isaac, who will be starting as a Records Analyst in the State Records Branch on December 16, 2014, filling a position that had been vacant for over a year.

### **State University Model**

Cundy was the Records Analyst working on the Schedule revisions. **Revisions to the Schedule:** *Staff made administrative changes to two (2) series without changing retention or disposition:* Series U0113, Reports – Periodic Activity; and Series U0406, Applications for Admission or Readmission File.

The State University Model Records Retention Schedule covers records that are common among Kentucky's public university campuses and its Community and Technical College System. This is part of the ongoing effort to revise the State University Model Records Retention Schedule.

Cundy presented the Schedule revisions.

Belding made a motion to approve the Schedule revisions, seconded by Birdwhistell. The vote by members and representatives present was unanimous.

The next item was **other business**. Onkst recognized Teague, who discussed the State Records Center move. PRD had vacated the storage facility at 851 East Main Street, which meant they had moved everything into the new building at 1425 Leestown Road. The Records Center staff had completed what was projected to be an eighteen-month move in six months. Staff throughout the Public Records Division had contributed to complete the move in a much more efficient and effective manner. In response to a question by Lykins, Teague said that there is space in the building that PRD is leasing, but that would give the division room to expand when necessary. In response to a question by Belding, Teague said that staff had moved almost 200,000 cubic feet of material.

Onkst recognized Carlton, who discussed Local Records Grants. Thirteen grant applications had been submitted for \$304,000 in grants.

Onkst said that the department had received approval from the Governor's Office to reorganize. The Public Records Division would become the Archives and Records Management Division. The State Library Services and Field Services Divisions will be combined into the Library Services Division. The reorganization will become effective on December 16, 2014.

There being no further business, Onkst adjourned the meeting at 11:43.