

# Records Management Committee Meeting Minutes

Utah Division of Archives and Records Service

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27 April, 2020, 11:30 AM

## Committee Members Present

- Josh Bullough (chair), Records manager, Church of Jesus Christ of Latter-Day Saints
- Ken Williams, State Archivist and Director of Utah Division of Archives and Records Service
- Alycia Rowley, Program specialist, Utah Division of History
- Matthew LaPlante, News media representative, professor at Utah State University
- Tracy Hansen, Recorder, City of Ogden
- Jacey Skinner, Government relations attorney at Ballard Spahr, LLC
- Drew Mingl, Public finance representative, Open data specialist, DTS

## Others Present

- Kendra Yates, Chief Records Officer, Utah Division of Archives and Records Service
- Rebekkah Shaw, SRC Secretary, Utah Division of Archives and Records Service
- Avalon Snell, RIM specialist, Utah Division of Archives and Records Service
- Heidi Steed, RIM specialist, Utah Division of Archives and Records Service
- Renée Wilson, RIM specialist, Utah Division of Archives and Records Service
- Susan Mumford, Utah Division of Archives and Records Services
- Dave Fletcher, Director, Division of Technology Services, DTS

Josh Bullough called the meeting to order at 11:36 a.m.

## Business

### I. Oath of office for new committee member

Oath of office for new committee member Drew Mingl has been delayed until the next scheduled committee meeting. Drew Mingl did not have a camera connection, so his signature of the Oath of Office form could not be witnessed by notary Susan Mumford. Drew observed the day's discussions, but did not vote.

### II. Approval of February, 2020 meeting minutes

Ken Williams motioned to approve the meeting minutes of the February 24, 2020 meeting. Tracy Hasen seconded the motion. Motion passed unanimously.

### III. RMC administrative rules status update

Governor Herbert signed an executive order on March 18, in response to social distancing requirements put in place as a result of COVID-19, allowing public bodies to suspend the requirement for administrative rules allowing for remote meetings, with the recommendation that the public body put in place rules as soon as possible. Committee discussed a possible timeline in which official rules could go into effect. Suggested timeline:

- Review proposed rules in May meeting
- Motion to approve rules in May or June depending on discussion.
- Send them to be posted on e-rules website for 30 day public comment period.
- Possibly go into effect in August or September depending on any public input or feedback received.
- If public comment received would go back to committee for further discussion.

Kendra will move the suggested administrative rules to the May meeting folders for review by the committee for next month's discussion.

### IV. Retention Schedule Review and Approval

**Enforceable written assurance (SSRS 27247).** Submitted by Renée Wilson

Renée Wilson reviewed a summary of the SSRS 27247. Tracy Hansen asked for clarification about how the retention read "Permanent. Retain 200 years", worried that it might be confusing for new staff who would have to manage it down the road, and asked if managing these electronic records for 200 years in office is feasible for this many years. Kendra Yates mentioned feasibility to manage data should not be primary factor in determining retention, and Renée mentioned that the agency has reason to continually access and actively use these records for the entire retention period, so they will ensure data is managed for the entire retention period. Josh Bullough asked if 200 years started the day the data was created. Renée confirmed. Matthew and Tracy wondered if it was the role of the committee to ask agencies for retention plans. Kendra confirmed that yes, it was in the law that the committee should ask these questions.

Matthew LaPlante motioned to approve the series as written. Ken Williams seconded. The motion was unanimously approved.

**Telematics data (SSRS 29959).** Submitted by Renée Wilson

Renée Wilson reviewed a summary of SSRS 29959. Tracy Hansen asked how the agency will apply retention. Renée clarified that the agency is contracting with a company to run a database, the contract was written with retention in mind, and will apply it as written. Matthew LaPlante asked what about the purpose of the collection of the data and how the agency arrived at an 18 month retention. Renée mentioned that the data is used to document accidents, safety violations of drivers such as speeding or

excessive breaking and overall car wear and tear. Matthew asked the committee to consider who else, other than the agency, might have an interest in the data and for how long that data might be useful to the public. Considering telematics is a new way of collecting data and we don't know all of its potential uses yet. Renée pointed out that this schedule is for the raw data, but some data, like traffic accidents, gets sent to other agencies like Risk Management or is managed in other systems like Fleet Focus. Ken Williams mentioned he gets reports from the data on the Driver Safety Committee, but that reports contain limited data, mostly about speeding vehicles. Matthew pointed out his concern that the raw data might be deleted if no one is looking during those 18 months to use it for a specific purpose. The data is only useful if people are proactively looking at how it can be used and we don't know all of its uses yet. Matthew recognized that agencies might have a specific use for this type of data, but that we should think of its other public uses. Renée Wilson asked Matthew LaPlante what retention period he would suggest. Matthew suggested a retention of 3-5 years would provide more time to determine the usefulness of the data. Tracy Hansen acknowledged Matthew's perspective, but she said from an agency perspective getting rid of the data sooner is important because it can become difficult to manage over time. Josh Bullough also acknowledged that agencies might want to get rid of the data sooner because of the liability risks and discovery costs, but appreciates the group having conversations about balancing the agency and public needs.

Ken Williams motioned that RIM Specialist Renée Wilson go back to the agency and express concerns of the committee, and approach the agency with the suggestion of retaining the information for a longer period of time. Tracy Hansen seconded the motion. The motion passed unanimously.

**Category one investigation case files (SSRS 16896).** Submitted by Kendra Yates

Kendra summarized the series and opened the floor for discussion. Josh asked how the agency determines how to categorize the case files and if they are distinguished by substantiated or unsubstantiated. Kendra clarified that they base categorization on the original complaint or allegation, but that the investigation can move categories based on the outcomes of the investigation. Kendra summarized the Brady/Giglio principle and that retention of the investigations is based on certain officer conduct that can be disclosed during a court case, the retention period is also based on the career life of officers. Tracy Hansen asked how these are different from HR records. Kendra clarified that these are in the investigation case files, used to build cases. That any disciplinary actions would be kept in employee files. Matthew LaPlante expressed concern about the length of time the records were being retained, asked if they were being kept long enough to determine patterns of behavior? Jacey Skinner pointed out that in some instances a case involving an officer may go to court after an officer retired, and Tracy also pointed out that internal investigations also apply to civilian employees who might be at an agency longer than officers. Kendra explained that the retention begins from the time of the investigation, not the beginning of employment, so disposition does not directly correlate to retirement or termination of the employee.

Matthew LaPlante motioned to approve the schedule as written, if the agency was willing to increase the retention period to 30 years. Tracy Hansen seconded the motion. The motion passed unanimously.

**Category two investigation case files (SSRS 29954).** Submitted by Kendra Yates

Kendra reviewed SSRS 22954 with the committee. Jacey Skinner pointed out that if the types of issues investigated under “category two’ need to be disclosed under the same Brady/Giglio principle that these records may also need to be retained for the same period of time as “category one”. Kendra pointed out that some of the category two files don’t need to be reported, but that they may be asked to provide it, and that the agency suggested this retention period because the reports only get used or requested for about 10-15 years. Josh Bullough worried that if any of the information might need to be provided after the 10-15 year period, we should make sure that the retention reflects that need.

Matthew LaPlante motioned that this series be tabled until the next committee meeting and that Kendra go back to the agency to discuss retention concerns if records need to be available according to Brady/Giglio. Tracy seconded the motion. The motion passed unanimously.

**V. Other Business**

Discussion regarding potential record retention issues related to the HealthyTogether app was tabled until the May meeting due to lack of time for discussion.

Next meeting was scheduled for May 25th, which is Memorial Day. Committee agreed to meet one week earlier. A quorum of members was available to meet that day. Kendra agreed to send out invites for a May 18 meeting.

Josh Bullough moves to adjourn. Ken Williams seconds and the meeting is unanimously adjourned at 1:06 pm.