

State Records Management Committee Meeting

Utah Division of Archives and Records Service

[Google Hangouts Meet](#)

27 July, 2020, 11:30 AM

Committee Members Present

- Josh Bullough (chair), Records manager, Church of Jesus Christ of Latter-Day Saints
- Ken Williams, State Archivist, 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
- Drew Mingl, Open Data administrator, Division of Technology Services
- Jacey Skinner, Government relations attorney at Ballard Spahr, LLC
- Tracy Hansen, Recorder, City of Ogden

Others Present

- Kendra Yates, Chief Records Officer, 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
- Matt Pierce, RIM specialist, Utah Division of Archives and Records Service
- Paul Tonks, Assistant Attorney General, Utah Attorney General's Office

Josh Bullough called the meeting to order at 11:31 AM

Josh began by reading a Committee Chair determination regarding the committee's authorization to meet electronically without an anchor location due to the Covid pandemic, as required by law. The public may monitor the meeting, which will be held via Google Hangouts, and ask questions using the chat feature.

Josh noted that while there aren't any schedules to approve in this meeting, the committee would like to address remaining agenda items including concerns regarding the HealthyTogether app and getting an update regarding the administrative rule status that authorizes the committee's electronic meetings.

I. Approval of June 22, 2020 meeting minutes

Matthew moved to approve minutes and Ken seconded. All other committee members who are present vote affirmatively. Minutes are approved.

II. Discussion regarding potential record retention issues related to the HealthyTogether app

Josh introduced the broader context regarding the HealthyTogether app including concerns raised by Matthew regarding records retention requirements of applicable third parties. Matthew clarified that the concern from his perspective was that third parties should be held to the same standards for retention and privacy that involved government agencies are, and that assurances should not be made to third parties that they are protected from state records law. Josh brought up the option of creating a statement on the topic and asked what channels would be appropriate for such a statement.

Drew suggested that this information and these concerns might be related in the app's terms and conditions statement. Drew asked Paul about the contract. Paul responded that there is language about protecting personal information in the app's terms and conditions statement. Matt's concern was that it might be misunderstood that retention rules for the app don't match the same retention rules for the state, and that some kind of communication related to the applicability of state records law would be important to include in this case and in future cases. Paul added that Archives would enforce these retention rules. Drew clarified that records would be kept for the longer term in these situations based on the privacy policy statement but that personal private information would be de-identified. Josh suggested that because the HealthyTogether app is finished for now that the RMC could suggest guidelines for similar situations in the future.

Ken backed up Drew's assertion about de-identification and then affirmed Josh's idea that recommendations could be made by the Records Management Committee in the future to guide Archives in their work, particularly pertaining to government agencies that contract with outside groups regarding the development of similar technology applications. Matthew affirmed and made the suggestion that recommendations take into account the difficulties of privacy concerns.

Drew and Paul briefly discussed recent legislation that limits the ability of agencies to jump into these kinds of arrangements without proper oversight.

Matthew made a suggestion to draft a letter to the Governor's office and possibly others regarding these issues. Josh suggested that a subcommittee take this on.

Paul countered that Archives has the ability to enforce retention schedules and that guidelines should be suggested first to Archives, who can then take necessary action. Ken backed Paul and added that Archives should be the go-to for these kinds of records management questions and suggestions and that the agency then might pass along these kinds of concerns to executive offices and legislators as needed. Ken added that a similar project involving email management received positive feedback, and that it would give Archives a chance to reach out to the broader archival community to learn more about the issue. Drew and Matt agreed that this approach would work for them.

Drew added that many discussions about these issues are happening in his discipline. Kendra suggested that guidelines could be put together for agencies dealing with third-party vendors related to technology applications. Paul questioned whether an official statement is needed. Jacey agreed. Matt reiterated

that he would prefer to have a short statement with some firm bullet points around these issues that solidified what the committee's stance is, but that he would want it to be unanimous.

Paul suggested again that recommendations would be effective if given to Archives rather than put into an official statement. Ken reiterated that the model would be that recommendations are directed to Archives and that formal guidelines etc., would come from Archives at that point. Ken thanked Matt for his email outlining concerns relating to privacy concerns and the app. Kendra added that RIM specialists will draft a set of guidelines that address these concerns. Drew added that a privacy commission is being looked at by the State Auditor's Office.

Action item: guidelines/recommendations regarding records retention practices including privacy issues, where government agencies contract with third-party technology vendors, will be drafted by Records and Information Management section to be shared with other bodies as appropriate.

III. Status update regarding administrative rules

Kendra described the issue regarding rules required to meet electronically, relating that she and Paul filed an emergency administrative rule that allows for the electronic meetings for 120 days. A regular rule has also been filed. Timeline discussed. Kendra concludes that if everything goes well, the regular rule will go into effect by mid-September.

VI. Committee members' attendance polled for next meeting, quorum verification

The committee was polled about attendance for the August 24 meeting. A tentative quorum was confirmed.

VII. Next meeting scheduled

Next RMC meeting was scheduled for August 24th at 11:30 am.
Josh Bullough adjourned the meeting at 12:00 p.m.