

# State Records Management Committee Meeting

Monday, March 28, 2022, 11:30 a.m. to 1:00 p.m.

Utah Division of Archives and Records Service  
346 S Rio Grande St

Salt Lake City, Utah 84101

[Google Hangouts Meet](#)

Present

Committee Members:

- Josh Bullough (Chair)
- Kenneth Williams
- Chris Merritt
- Drew Mingl
- Matthew LaPlante
- Tracy Hansen
- Jacey Skinner

Others

- Kari Smith, Appointed Records Officer, Office of Recovery Services, Department of Human Services
- Renee Wilson, RIM Specialist, Utah Division of Archives and Records Service
- Matt Pierce, RIM Specialist, Utah Division of Archives and Records Service
- Kendra Yates, Chief Records Officer, Utah Division of Archives and Records Service
- Avalon Snell, RIM Specialist, Utah Division of Archives and Records Service
- Daniel Larsen, Commerce Analyst, Division of Consumer Protection
- Paul Tonks, General Counsel, Office of the Attorney General
- Daniel O'Bannon, Director, Division of Consumer Protection
- Kim Wheeler, Appointed Records Officer, Division of Consumer Protection
- Adam Watson, Division of Consumer Protection
- Heidi Steed, RIM Specialist, Utah Division of Archives and Records Service
- Rebekkah Shaw, Utah Division of Archives and Records Service

Called to Order

At 11:32 a.m. by Josh Bullough

## Business

### Approval of February 2022 meeting minutes

Matthew LaPlante motioned to approve the February 2022 meeting minutes. Tracy Hansen seconded the motion. 6 votes to approve the motion. Ken Williams abstains. Motion carries.

### Retention Schedule Review and Approval

#### **Administrative orders (SSRS 30215) --New schedule - Submitted by Renee Wilson**

Renee presented summary information about series specific schedule 30215 and then invited Kari Smith to summarize the nature of the records. Kari informed the committee that this particular retention was determined to cover the statute of limitations for these particular orders. The statute allowing the Office of Recovery Services to create these records expired in 2008. This new series is being created to account for the new record creation process resulting from the updated statute, which no longer requires the involvement of the courts.

Matthew LaPlante inquired about what change in the statute necessitated the new schedule. Kari Smith noted the recordkeeping practices changed, now the records are now being kept electronically in a content management system. In addition, the records creation process changed in 2008 by removing the court from the administrative procedures.

Josh Bullough asked for clarification about deletion of data in the content management system. Kari Smith noted that the agency currently does not have the ability to remove data. But they intend to remove data when the capability to delete the data is available to them according to this approved retention.

Drew Mingl asked how far back the agency has records from this series. Kari Smith indicated they have records as far back as 1970.

Matthew LaPlante motioned to approve series specific schedule 30215 as written. Ken Williams seconded the motion. Committee unanimously approves the motion.

#### **Core case information (SSRS 30292) --New schedule - Submitted by Matt Pierce**

Matt Pierce presented summary information about the series, noting that the series previously had a retention of 7 years, but the agency determined they had an administrative need to keep the records 20 years. Daniel O'Bannon, the director of Division of Consumer protection, presented the proposed series changes. He noted the reappraisal came about as the Division of Consumer Protections was auditing the records in the database and realized that had not been deleting the records according to the current schedule because of the need to reference the

records after 7 years, and they wanted to ensure the division was in compliance with agency retention schedules.

Josh Bullough asked about substantiated cases versus unsubstantiated, and if they were managed differently. Daniel O'Bannon clarified that all case files are managed in the system according to the proposed schedule.

Matthew LaPlante asked about the determination of the 20 year retention, wondering if there was a longer term need to analyze the data gathered. Daniel O'Bannon indicated that the agency had no clear reason for determining the 20 year retention, and was open to a longer retention if the committee determined it might be needed.

Josh Bullough asked if the division wished to amend the series retention at the meeting today, and Daniel O'Bannon said he was amenable to that decision.

Matthew LaPlante motioned to approve the series with a retention of 25 years in place of the 20 year retention. Drew Mingl seconded the motion. The committee unanimously approved the motion.

#### **Inmate Grievance Files (UDC 9-17)--Updated schedule - Submitted by Matt Pierce**

Matt Pierce presented the agency-specific general retention schedule, noting that this was a continuation of the updates from the Department of Corrections that the committee will be reviewing throughout the year. Matt noted that this particular general schedule would be lengthening retention period from 3 year to 7 years. The Department of Corrections has determined that they had a need to keep the records longer to cover the general statute of limitations time frame. Matt noted that summary information about grievances is kept permanently with the inmates case files, but the additional administrative filings managed by this schedule only have an administrative need of 7 years.

Tracy Hansen asked about triggers for the retention schedule. Matt ~~Pierce~~ clarified that the trigger for the retention was the event, for a total retention of 7 years from the event.

Matthew LaPlante felt that there could be reasonable grounds for keeping the data for much longer or at least changing destruction to after inmate release, rather than after the event, to ensure the data was available to analyze behavioral patterns.

Josh suggested possibly taking the schedule back to the agency to get some clarification. He noted that if they adjust the retention trigger to after release rather than after the event, that trigger may be somewhat difficult to apply because it would largely be affected by inmate recidivism.

Jacey asked if these records document the inmate's grievance, or the agency's investigation of the grievance—which side of the process? And are they kept with the inmate's records or with the investigation program's records? And Josh wondered if the records are kept in multiple places, and if they are redundant.

Ken Williams asked how the agency is using this information for data analytics, to identify trends around grievances, and if there are other records that document those trends, such as an annual report.

Jacey Skinner motioned that Matt Pierce go back to the Department of Corrections to get answers to the questions posed by the committee, and bring the schedule back to the committee for reevaluation. Tracy Hansen seconded the motion. Committee unanimously approved the motion.

Matthew LaPlante wondered if the committee should have a discussion about how best to evaluate the retention periods of records series. Jacey Skinner agreed it might be helpful to have a discussion at a future committee meeting about this topic.

## Other Business

### **Committee chair rotation is overdue (continued from last month)**

Ken Wlliams motioned to appoint Drew Mingl as the Chair of RMC for the next twelve months. Tracy Hansen seconded the motion. Committee approved the motion unanimously.

### **Committee member terms—how to stagger, per Utah Code 63A-12-112(2)(b) (continued from last month)**

Ken Williams and Paul Tonks committed to reach out to Mike Mower at the Governor's Office to clarify the committee member appointment schedule to get clarification on how long committee members should serve. Kendra asked some committee members to email her copies of their letters of appointment so that they could see the language used by the Governor's office when they made the appointments. The discussion was continued to next month's meeting until more information can be provided.

### **News regarding changes to Open Public Meetings Act and subsequent administrative rule update**

Kendra Yates provided the committee an update about newly passed legislation affecting the Open Public Meetings Act, which will require roll call votes for non-unanimous votes during hybrid meetings. Kendra suggests a change to administrative rule R36-1 to specify that roll call

voting is required during all hybrid meetings, in order to comply with the updated statute. This will be on the agenda for the committee to review and vote on at the next month's meeting.

### **Next meeting scheduled**

The committee agreed to meet on April 25, 2022 at the regularly scheduled time of 11:30am-1:00pm. A quorum was confirmed for next month's meeting.

### **Dismissal**

Josh Bullough adjourned the meeting at 12:22pm.

APPROVED