



## Archives Advisory Board

### Meeting Minutes

October 14, 2021

1:00pm – 2:30pm

Location: Zoom

**Board Members Present:** Greg Zinser, Shelly Crosby, Eric Stout, Brenda Kielty, Paige Lilly, Adelaide Solomon-Jordan, Jennifer Tarr, Shirley Browne

**Board Members Absent:** James Francis (excused)

**MSA Staff Members Present:** Kate McBrien (ex-officio), Tammy Marks, Felicia Kennedy, Tiffany Tattan-Awley

**Public Members Present:** Chris Parr, Judy Meyer, Peggy Reinsch

Meeting called to order at 1:07 pm by Kate McBrien.

### **Welcome and Land Acknowledgment**

Kate McBrien welcomed everyone to the meeting and recited the land acknowledgment which is offered by the Maine State Archives at each Archives Advisory Board meeting.

### **Welcome**

Shelly Crosby, Co-Chair, welcomed everyone to the meeting, did a roll call and recognized a quorum. She then began addressing items on the agenda.

## **Approval of September 9, 2021 Meeting Minutes**

Adelaide Solomon-Jordan made a motion to approve the minutes, Greg Zinser seconded that motion. Members present voted as follows: Eric Stout, yes; Greg Zinser, yes; Adelaide Solomon-Jordan, yes; Jennifer Tarr, yes; Brenda Kielty, yes; Paige Lilly, yes; Shelly Crosby, yes; and Shirley Browne: yes.

## **Consideration of General Schedules Revisions**

Kate shared her screen showing the General Schedules and comments made by Board members. Felicia started with questions from the Board. Greg thought the spreadsheet with information was well put together and didn't have any questions. He suggested that from his perspective it wasn't necessary to go through each schedule if there wasn't a question, Eric made comments that were reviewed. Greg hoped to get some action on the schedules by the end of the meeting.

Shelly asked about housekeeping. She noted that a lot of work has gone into the schedules, but she was confused by the layout. These schedules are meant to be just for state agencies and the numbering is the same as the local schedules and felt that the clerks could get confused. Shelly suggested that the schedules start with an S for the state and then L for the local schedules. Felicia explained retentions on the state side, mentioning that we do not have control over the local government records like we do for state records.

Kate asked the Board if everyone agreed to differentiate the state and local government schedules to eliminate any confusion. Board members shook their heads yes. Eric suggested looking at the state and local government schedules in tandem.

Eric made a few dozen comments and stated that his comments all apply to the four-part criteria that is used for retention schedules. He encouraged other Board members to do the same.

Paige commented that as she was going through the schedules she picked up on the times when something was to be destroyed and felt it was clear. She could see where tweaking could help but didn't feel it was too far off as is in her view.

Felicia read AAG Jon Bolton's comments as each schedule was discussed. *To hear additional comments by the AAG or the public, refer to meeting recording.*

Schedule 1.1 Annual Reports. Felicia mentioned that each schedule can be clearly noted that a record is archival and reword the language in the retention to use a more narrative format, so it is clear as Eric suggested.

Schedule 1.2 APA Rules. Jen stated that she was happy to see the AAGs comments on Schedule 1.2. She stated it wasn't clear as to what should happen with these materials.

Jen also mentioned it wasn't clear when the retention schedules were covered under this schedule. Kate read AAG Jon Bolton's comments regarding this schedule. The description is unclear and needs to be more robust for state agencies to understand what their role is.

Schedule 1.3 Attorney General Opinions. Eric commented that the description should clarify that the reference to 'retain' speaks to retain agency copies. Felicia noted she could change the language, so it was less confusing.

Schedule 1.4.a Disaster or Emergency - Preparedness Plans. No comment.

Schedule 1.4.b Disaster or Emergency – Response/Recovery Records. No comment.

Schedule 1.5.a Equipment / Asset Inventory. No comment.

Schedule 1.5.b Equipment /Motor Vehicle Maintenance Records. No comment.

Schedule 1.6 Forms and Templates File. No comment.

Schedule 1.7 Freedom of Access Act Requests. Paige asked if the actual requests for Schedule 1.7 are retained as part of the schedule. Felicia stated that it was not clear, but as she re-read the description, she and Page felt it made sense. Paige also asked if the requests were confidential and was surprised that the requests would be destroyed.

Eric's comment was that Brenda Kielty should be consulted as the FOAA Ombudsman.

Brenda Kielty stated that there a variety of requests that are produced within FOAA, but there is no confidentiality. The 'thing' that is most voluminous is the response which can be thousands and thousands of pages. Brenda thought that the request was required to be retained. There is a 30-day period for the requester to challenge a denial in court, good record keeping in an agency would include retaining those three different categories of records: the request, all communications, and the production. These materials are kept at least until there no possibility a lawsuit would take place. Brenda, as the FOAA Ombudsman felt the two-year retention may be something to consider but thought the three-year retention may not be necessary. Brenda thought the retention was fine the way it is currently written for this schedule but wouldn't have a problem extending it another year. She didn't think there was a legal need but wasn't sure if there was an administrative need. Brenda felt that simplification was an important principle. Making sure that similar items correspond so users of the schedule do not get different numbers for items that are similar. If it makes sense to correspond to other categories because there is similarities, she would lean that way.

Shelly agreed. FOAA under the local government schedules is only a year. The expectation needs to be clear.

Paige stated that if the retention goes to three years the local schedules may adjust to three as well. Paige wanted to comment her reading of item regarding the production

that was mentioned it said you could keep lists of documents provided she didn't read it as keeping the volume. She has been satisfied with the answers.

Jen asked when the retention period starts. When they get the request or when they start on it. She assumed it was when you start the request. Felicia mentioned Archives refers to when the item or act has been completed.

Brenda echoed Jen's point. There could be quite a discrepancy between the date when the request is received or when the request is in production. Clarification on this should be stated.

Schedule 1.8.a Grants – Denied Applications. AAG Jon Bolton commented that a caveat be added because some grants may have a longer retention period. Felicia noted that state General Schedules are minimum standards for all agencies to follow. State agencies can write their own schedule if they require a longer retention period for items.

Kate asked if everyone was okay with leaving it as is.

Shirley suggested adding an asterisk so people would know that they must refer back to the comment about federal grant requirements. She is concerned that with the Corona Virus Relief Fund records for example they need to be retained for five years after the audit period ends. She wants to make sure that people are really focused on the federal grant requirements.

Paige noted that information about the funding shows up in the financial records so if historians are researching, they find this information. Agencies may not need to know but it is important for historians. Felicia asked if this information would be in a final report. Paige said yes but thought according to 1.8.c it shows the grant information is destroyed and not kept. Felicia felt that this would be kept in an annual report which is archival.

Eric stated that the four-part criteria comes into place with this.

Schedule 1.8.b Grants – Issued by State Agencies. No comment.

Schedule 1.8.c Grants – Received by State Agencies. No comment.

Schedule 1.9 Historic State Events and Programs. No comment.

Schedule 1.10 Legislative File. No comment.

Schedule 1.11 Maine State Employees Combined Charitable Appeal Campaign (MSECCA). No comment.

Schedule 1.12 Mission Statements. Eric asked about the archival value.

Mike Drolet asked why this, and organizational charts need to be kept, what value do they have.

Schedule 1.13.a Operations Plans – Major. Eric commented on changing the language, so it is clearer.

Schedule 1.13.b Operational Plans – Routine. No comment.

Schedule 1.14 Organizational Charts. Jen commented that she is pleased with this schedule and will not have to create multiple schedules. Her department changes their organizational charts several times a year almost monthly. This would refer to position titles not actual people in the position. Kate thought this was referring to major programs and positions that should be retained, not every position or individual that has changed. There was discussion on the State Government Annual Report book.

Paige asked that we research if it is covered elsewhere, if it is, she is good with it going away.

Schedule 1.15.a Policies and Procedures – Major. Eric commented on changing the language, so it is clearer.

Schedule 1.15.b Policies and Procedures – Routine (Internal Operations). No comment.

Schedule 1.16 Press Releases (Official) – Significant. No comment.

Schedule 1.17 Public Relations Records – Routine Information. Eric asked if the Governor's Office public relations records would be treated differently. Felicia stated that these are minimum standard retention times, the Governor's Office has their own schedules for these.

Schedule 1.18 Publication and Duplication Services.

Schedule 1.19 Publications. Eric suggested that this be transferred either in printed form or as digital files. AAG Jon Bolton asked if this should be revised to be consistent with Schedule 1.1, Felicia stated we can revise the language.

Schedule 1.20 Received Directives, Reports, Policies, and Procedures. No comment.

Schedule 1.21.a Reports and Studies File – General Office. No comment.

Schedule 1.21.b Reports and Studies File – Major. Eric commented that as in Schedule 1.13.a the language should read differently.

Schedule 1.22 State Agency Activities – Multimedia (not records of meetings). No comment.

Schedule 1.23 Surplus Property Records. No comment.

Schedule 1.24.a Surveys – Responses by State Employees. No comment.

Schedule 1.24.b Surveys – Sent by State Agencies. No comment.

Schedule 1.25.a Training Information Records (Training or Workshop materials created by the agency). Eric commented that training materials may be adapted for future trainings or uses. Felicia noted that this could be revised.

Schedule 1.25.b Training, Workshop and Conference Materials (Attended by Employees). Eric commented there is longer retention for IRS / MRS and SSA. Felicia mentioned that again, agencies can create schedules requiring longer retentions and could put a note that special training may be required.

Schedule 1.26 Volunteer and Contractor Files. AAG Jon Bolton noted that maybe reference to be contractor files be deleted and create a new schedule for those records. Statute for limitations for breach of contracts has a retention for six year, this might require a longer retention as opposed to volunteers. Felicia noted that these two can be separated. He suggestions keeping volunteer files for longer than three years.

Jen agreed that distinction should be made between the two files subjects.

Shirley asked what the purpose would be if someone needed information on the intern typically, they are instructed to have caller or person calling on the reference to send them to HR.

Kate felt that three years works as a minimum and that agencies can create their own schedules if they need longer retention.

Schedule 1.27 Work Orders. Eric commented that work orders there is a financial component. Felicia noted that again the agency can create their own schedule for this with longer retention.

Kate stated that if there was a financial component it would be covered in the invoices schedule. Eric stated he was thinking about computer purchases, under the old schedule it was listed under vendor series. He states the actual order information for audit purposes should that be kept longer than a year.

### **State Archivist Report**

- a) CLIR grant application – In November Kate will submit a grant to a private foundation to help fund the digitizing of Department of Indian Affairs collection. She will be creating an advisory committee of tribal and historic preservation officers with the tribes to assist in what will be appropriate to share online and what is consider culturally insensitive to share.
- b) Right To Know Advisory Committee – Invited to speak and let them know about the work that the Archives is doing. They were eager to help and will hold a discussion on digital preservation of records, helping the state to provide that service and continue transparency. There may be a partnership with this committee in the future.

### **Report of Standing and Special Committees**

Shelly Crosby reported that there wasn't any new information from the Standing Committee or the Special Committee.

### **Agenda Items for Future Meetings**

Shelly Crosby reported that there wasn't anything new for future meetings to discuss. The Board will continue to review and give input on Schedule 2 of the General Schedules.

### **Adjournment**

A show of hands by the Board members showed all were in favor to adjourn the meeting.

Meeting adjourned at 2:44 pm