



## Archives Advisory Board

### Meeting Minutes

February 3, 2022

1:00pm – 2:30pm

Location: Zoom

**Board Members Present:** Eric Stout, Brenda Kielty, Adelaide Solomon-Jordan, James Francis, Paige Lilly, Shelly Crosby, Greg Zinser

**Board Members Absent:** Jennifer Tarr, Shirley Browne

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

**Public Members Present:** Chris Parr, Margaret Reinsch

Meeting called to order at 1:03 pm by James Francis.

### **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**

James welcomed everyone to the meeting, did a roll call and recognized seven members present for a quorum.

## **Approval of December 16, 2021 Meeting Minutes**

Adelaide Solomon-Jordan made a motion to approve the minutes, Shelly Crosby seconded that motion. Members present voted as follows: Eric Stout, yes; Shelly Crosby, yes; Greg Zinser, abstained, Paige Lilly, yes; James Francis, yes; Brenda Kiely, yes; Adelaide Solomon-Jordan, yes. Six members present voted to approve the minutes; one member abstained.

## **Consideration of General Schedules Revisions**

Kate shared her screen showing the second revision of the General Schedules from the last meeting. These revisions included comments made by Board members.

### **General Schedule 5 – State Agency Correspondence.**

Schedule 5.1. Executive / Official Correspondence. Jenn asked that the words program-heads be removed from the description. Felicia removed the words and updated the description slightly.

Schedule 5.2 General Information Requests and Inquiries. Eric asked that the title be changed back to read General Correspondence.

Schedule 5.3 Non-Business-Related Correspondence. Per Jon Bolton's recommendations this description was updated, and some examples were left in.

Schedule 5.4 Program Correspondence. No comments.

Schedule 5.5 Transitory Correspondence. No comments.

Schedule 5.6 Correspondence Containing Inadvertently Disclosed Privileged or Confidential Information. This new schedule was left in as recommended by Jon Bolton.

**General Schedule 6 – Electronic / Information Technology Records.** Felicia addressed all the comments that were made for this schedule. Chris Parr asked if there was a specific series for text message or if there should be. Currently there isn't but Felicia suggested adding further information in the General Schedules introduction under the electronic records category regarding text messages.

Schedule 6.1 Data Documentation (Metadata). Felicia updated the description based on comments received previously. Paige asked about the information in the note section. Felicia mentioned that information would be in the introduction of the General Schedule to give generalized information for guidance purposes.

Eric stated that this is difficult to deal with because it is about content, therefore the retention can have various ranges. Text messages or emails of themselves are all about the content value.

Schedule 6.2 Digitization and Scanning Files. Mike Drolet asked whether archival documents need to be kept in addition to the scanned documents. Felicia noted that we still recommend the information is kept because we do not have oversight over which document systems agencies use so we suggest they keep the records in an archival medium such as paper or microform.

Eric mentioned that eventually when Archives has a digital preservation system it would give opportunity to export out selected records from an agency records management system (like TDocs used by DOT) maybe in the future maybe this could be revised to give Archives permissions. Items in the vault such as the original Maine Constitution, you wouldn't want to say we digitized that let's shred that. That by its nature as an artifact would be a value as to the physical artifact.

Kate wanted to add that once you have a digital preservation system you assess what paper you keep based on a different level of historical value. There are certain things that are paper that you want to keep as paper no matter what. Then there are other things that aren't immediately necessary if they are in digital form already. Kate has requested funding from the Legislature for a digital preservation system.

Schedule 6.3 Email Messages. Eric mentioned that if the State gets to the point of implementing the Capstone approach as promoted by NARA (National Archives and Records Administration) and their guidance there might be people like commissioners and people that have archival value records that are not in the Capstone category. Eric pointed out examples within the correspondence schedules and noted that those might change if the Capstone approach is implemented within email.

Schedule 6.4 Help Desk Telephone Logs and Reports. No comment.

Schedule 6.5 Internal Control Policies and Directives. Eric commented that this schedule is described as internal and asked about public external programs. Felicia recommended removing this schedule as Policies are covered under the Administrative Schedule.

Schedule 6.6 Network Site/Equipment Support Files. No comment.

Schedule 6.7 Services and Order Requests, Telecommunications. No comment.

Schedule 6.8 Social Media Records Blogs. Felicia updated the schedule based on comments from Jon Bolton and Eric.

Kate agreed with Felicia that this schedule is a complicated one because we are still figuring out how this works. Archives is running a pilot project to test how we can automatically capture social media pages for various state agencies. It is like the Capstone approach with email, this schedule could change in the future.

Schedule 6.9 Summary Computer/Network Usage Reports. No comments.

Schedule 6.10 Summary or Extracted Data Files. Eric commented that these seem to say they are copies of the official data records. Felicia noted that she hoped the description was clear that these are solely for the reasons explained within the description. If the Board wished, she could add a reference to General Schedule 1. No comments were made.

Schedule 6.11 Telephone Use (Call Detail) Records. Paige thought this looked like routine business but then wondered if there was any summary data that has to do with compiled information about how many calls are made from a certain number over a period of time or usage. She wondered if there was something historical about this or is there was summary information about usage of phone lines. Paige was thinking that the way communication has changed over the past 300 years, there is now information about postal records for example, she was thinking if this information was retained elsewhere.

Eric mentioned that four or five years ago it was suggested to add this schedule, OIT under DAFS, provides not only computers and computer support to Executive Branch agencies (12,000 people) but also the desk phones (14,000 phones) the monthly bill for services is also billed monthly for desk phones. On a very few occasions there are FOIA requests for call detail. As we see in the recent news on the U.S. Capitol attack, there is interest in knowing call details.

The Centrix system only shows a 287 or a 626 or 624 number called, there isn't detailed information on who called who. There is information, with great effort, that can show this data. This doesn't include cell phones because US Cellular owns the call detail, the State doesn't own the cell phones. The State system only has long distance data, not local information.

Paige asked as a follow up, does this describe more information than what is existing somewhere? Is this information no longer, it must exist with the telephone company.

Eric mentioned that there was an option within the voice services data management system to pay more money to the provider to get this call level of detail, OIT opted not to get the information at that detail. He doesn't believe we have information beyond that summary level. If there was a business need for this, that additional option could be turned on.

Shelly questioned why have this information in there at all. If it isn't required for doing business, why would we want to have it in the disposition as an expectation. Someone would think they can request the records, but if there isn't any intent on the service why have it. Someone would expect to have the information available if it's listed.

Kate mentioned that she keeps a notebook on calls that she makes and receives. This way she can keep track of people's phone numbers. She has paper records for that

information, but not everyone does that. This series would help direct her to keep track of how long to keep the records, but it isn't a requirement of most offices.

Eric stated that since he was involved in initiating the discussion with Felicia four or five years ago and she researched with other states and brought it forward to this point. Last he heard OIT opted not to pay for the service because no one was asking for it, he would recommend withdrawing this schedule because it is no longer a thing.

Brenda commented that she agrees with Eric and Shelly that it can create an expectation with requestors that this record does exist. She agreed that this should be withdrawn at this time and add it back if things change.

Felicia agreed that this schedule was created from Eric's discussion with her in the past. She asked if anyone on the Board would have a problem removing it from the schedules.

Adelaide commented that she would not have any problem taking it out.

Felicia made a note to remove the schedule.

Schedule 6.12 Website Records. Eric asked if existing agency schedules define this. Felicia's answer was that typically this is not defined in other schedules. Eric asked how this was different than the social media. Felicia asked if this schedule should be part of social media and remove this schedule. Eric suggested looking at both schedules and see if they could be combined or kept separate.

Shelly commented that from a municipal paintbrush, social media accounts are treated completely different than website records and/or website platforms in which they are trying to send out public information so that people have access to documents that would entitle them to state, federal and local services. She felt that they should be separate areas. People go through a lot to set up websites that are meant as an information hub and not have any intent whatsoever to be involved with social media. She felt these should be kept very separate.

Felicia commented that she has seen this listed separately in other local and general schedules.

Paige asked if the title to Schedule 6.12 could be changed to assist the Board. The title makes her think website records are records of the website or a record of business related to the website. Whereas the content of the description is more about agency records made available on the website. She wasn't sure what a different title could be, maybe websites.

Brenda agreed with Shelly that it is clearer to separate the two schedules and to have the reference to Title 1 is helpful for people know of their obligation to post to the State Library. She thinks it is fine and wouldn't change it.

Kate wanted to add that the State Library is in the process of adjusting their statute a little bit based on research done recently between the Archives and the State Library for annual reports. The statute used to require that agencies send them 44 copies of any published report. It is being changed to 4 copies and sending digital content as they can now capture and share it on their digital platform, Digital Maine.

**General Schedule 7 – Records Management.** Felicia stated that the only schedule that had a comment was Schedule 7.2 Records Disposition Documentation. She changed the description so that it was clear that these were records to document the major functions of the agency and not for transitory general records. We are trying to make this so it protects the agency not make things more difficult. If they are destroying records related to major program functions and their own agency schedules, they have documentation of destroying those records. The retention proposed was ten years after disposal or purging of associated records and then two years in the Records Center after destruction of associated record transmittals.

Brenda had a question on the destruction of the record retention schedules themselves, Schedule 7.4 Record Retention Schedules. What if there is a change to the schedule in an enlargement to the retention. For instance, if something was retained for a year and then extended to two years. If the destruction took place lawfully in 2022 under the one-year retention, then in 2023 it was extended to two years and the old schedule was destroyed. The new schedule is going to only reflect a two-year retention. Someone who looks at that would ask for records that go two years back. How do we document the retention schedule that was in place at the time of destruction if things got changed afterward? Is there documentation for schedule amendments or references from the past. Is it wiped clean or is there a way for someone to research what it looked like before?

Felicia mentioned that we do not post that publicly, the information is kept in our database and files permanently. We can give that information to any agency if they request it. Would it benefit us to change this schedule for agencies and say, “until this schedule is no longer applicable or made obsolete, all versions will be kept”?

Brenda commented there may be some way to indicate prior versions or a separate page to talk about how social media has evolved, we may pull that together as we continue to discuss social media. It may be helpful to be able to identify things that are changing because records are changing.

Paige mentioned to maybe add in the notes column that there are previous versions available at the Archives.

Eric agreed with Paige’s comment, and reiterated Brenda’s comments.

Schedule 7.6 Transmittal Documents. There weren't any comments on this schedule, but Felicia wanted to note to be consistent with the Dispositions she updated the language because the two documents go together.

**General Schedule 8 – Meeting Board Records**. Schedule 8.2.a Committee/Board Appointment Records. Felicia updated the retention and made a note under Eric's comment that these are considered minimum standards and some agencies should have their own agency specific schedules. This was also based on Jon Bolton's comment.

Schedule 8.2.b Committee/Board Appointment Records: Non-Selected Applicants. Felicia updated the retention and included the same note as Schedule 8.2.a.

Schedule 8.3 Meeting Notes – Boards and Commissions. Felicia removed language referring to shorthand notes.

Schedule 8.7 Recordings of Meetings – Boards and Commissions. Felicia noted that the five year 'thing' was always done that way, she proposed the retention change and she changed the description to address Eric and Jon's comments.

Eric wondered if we should rethink this. Are video recordings things that stand on its own? Why are we saying they need to be destroyed, should they be retained forever? Is the video itself of enduring value?

Brenda commented that Eric is raising a point worth looking at which is there is so much remote meeting now and all of it is being recorded whether there are minutes taken. The recording itself does have value independent of the minutes because the minutes are generally not verbatim. We are in a period of transition where in the past there may have been an audio recording that was intentionally made on the part of the secretary to assist in creating the minutes and ensuring the minutes were accurate before remote meetings. So many municipalities are recording in person meetings too. How do you record a Zoom meeting and for how long, who has it?

Kate mentioned that there are two members of the Right to Know Advisory Committee present, and Brenda participates quite a bit, should they think through this and make a recommendation? Brenda mentioned that the Right to Know Committee will not meet until after the session adjourns. Brenda commented she has a problem with permanent retention when the ability to retain is not clear. Kate clarified that the Archives currently does not have anything in place to retain audio or video recordings permanently.

Shelly added that 15 – 20 years ago municipalities took verbatim minutes. There was a ruling later that unless you were trained or were certified, like a court stenographer, to record or transcribe minutes in verbatim form, created a liability for the organization or agency to which you are recording the minutes. The International Institute of Municipal Clerks, which is worldwide, now teaches all municipal clerks that they should be recording action-based minutes (roll call, votes, who was approved, who was against, etc.); the clerk or secretary should not be adding any other information to the minutes.

When that started happening about ten to twelve years ago municipalities got legal opinions that clerks were to stop verbatim or summarizing commentary. That's when you started seeing municipal organizations or ad hoc committees doing audio recordings to accompany preserved minutes. Preserved minutes are done more action based and the municipality would record the audio. Now they have transitioned again, and municipal offices or organizations have gone to Zoom or they have videotaped and that's available. Shelly stated that she taught it and was trained that they are supposed to be focused on action based only. If they want to supplement with an audio recording of the total meeting and/or a visual Zoom they can offer it as back up. They are not supposed to summarize or paraphrase minutes.

Adelaide asked what the purpose was for municipalities to get legal opinions and then deciding to record? What was the purpose? Shelly stated that for historic content if you want to record a meeting and want to know the dialog, opinions and deliberation that backed up an action taken by officials then that would be the reason why you would want to record it by audio or record it. If they physically print the minutes, it becomes part of the permanent record it is supposed to be action base so a record of who is present, who abstained what manner the select people or council voted that is what you collect for the minutes. Adelaide noted that she has wondered about video recordings of violent instances and how they impact juries' decisions; the value of having the recording which Shelly described has value.

Greg agreed with the conversation, but to answer the question and get to the point his office goes out of their way to make sure they store all the Zoom recordings and have a few different platforms. The recordings are more important to his office than the minutes. When there is a question, they pull up the video. They get requests for the video, not the meeting minutes. The intent of what is discussed is captured in the recordings. He feels they should be treated separate. He would prefer they be kept indefinitely but isn't sure how they do that.

Eric stated using the four-part criteria (administrative, legal, fiscal, historical) which helps inform and guide what the retention is. Maybe the guidance to give is if the Board or committee content is of the highest fourth criteria for historical value then it is permanent, if it is administrative value then maybe it is in the 2-5 year range or fiscal content maybe it's in the 5-7 year range or if there is a specific statutory requirement then it's the retention for that statutory timeframe.

Brenda disagreed with Eric's analysis. She felt it was too complicated with the different kinds of content that can happen in a meeting she feels it is difficult to make that call. She thought this schedule should be revisited with a little bit more information about how the records get retained.

Kate added this discussion was regarding Boards and Commissions meetings recordings. Right now, minutes of Boards and Commissions is considered archival material. Paper minutes are archived. The problem is right now the State Archives does not have a way to archive recordings. The only way to do it is in this case, we are



recording this meeting on Zoom, it is recorded to the cloud, Zoom holds on to it, Kate downloads it onto the state server to have a backup copy. There is no way to preserve it long term if the platform changes there is no way to migrate it to a new platform. There isn't a way to archive the material yet.

**General Schedule 9 - Miscellaneous/Short-Term Materials.** This schedule was tabled until the next meeting.

### **State Archivist Report**

- a) **Budget Request for Digital Preservation System** – Requesting \$150,000 for a digital preservation system. It will cost \$100,000 annually moving forward to keep it going. This is pending.
- b) **Cultural Building Status** – Property Management within the state DAFS office is renovating the Cultural Building with a new HVAC system and full asbestos abatement. They have also applied for COVID relief funds to be used towards the project because the HVAC and abatement help improve the air quality so much. They have made it through the first round, asking for \$9 million towards the Cultural Building. Things are looking hopeful; this will free up some of the bond money. We have asked that the bathrooms be updated and that we reinforce the second floor of the Archives which is used for storage. We would like to put high density shelving on this floor to double our space capacity.
- c) **Governor's Office** – We finally have for the first time a Records Officer for the Governor's Office. During this entire administration they have not had an assigned Records Officer.

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

James reported there wasn't any new information from the Standing Committee or the Special Committee.

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

The Board will wrap up the remaining General Schedules. There are several new agency schedules that need to be reviewed as well.

### **Adjournment**

The group agreed to adjourn. Meeting adjourned at 2:29 pm