

MINUTES
STATE RECORDS COMMISSION
November 2, 2011

The State Records Commission met on Wednesday, November 2, 2011, at 10:00 a.m. in the Regions Board Room at the Alabama Department of Archives and History. Members present were Ed Bridges, Chairman, representing the Department of Archives and History; Bill Garrett, representing the Attorney General; Reagan Grimsley, representing Auburn University; Gail Traylor, representing the Examiner of Public Accounts; Dwan Mason, representing the Department of Revenue; Rebecca Morris, representing the Secretary of State; and John Giggie, representing the University of Alabama. Also present were Chris Davidson and Clarice Crosby of the Department of Transportation; Mark Yarbrough of the Alabama Development Office; Courtney Murphy of the Alabama Film Office; and Kenyetta Simmons of the Department of Revenue.

Government Records staff members present included Tracey Berezansky, Richard Wang, Tom Turley, Frank Brown, and Christine Garrett.

Ed Bridges called the meeting to order at 10:00 a.m. He confirmed the presence of a quorum for the meeting, and noted that the meeting had been properly announced as required by the Alabama Open Meetings Law. In his opening remarks, Dr. Bridges summarized the purpose, responsibility, and composition of the commission, and welcomed those present.

A motion to accept the meeting agenda was made by Gail Traylor, and seconded by Bill Garrett. The motion was unanimously approved.

A motion to approve the minutes of the July 27, 2011 meeting was made by Rebecca Morris, and seconded by John Giggie. The minutes were approved by a unanimous vote.

Old Business

1. Department of Public Safety – Concerns about Individual Photographs contained in Driver License/Non-Driver Identification Files

Richard Wang informed the commission he had talked with staff at the Department of Public Safety regarding the commission's concern about the retention of driver license photographs. The Department of Public Safety told Dr. Wang that driver license/non-driver identification photographs are always stored in the database of the Alabama Bureau of Investigation, where they are retained permanently. The RDA will be revised soon to reflect the photographs' permanent retention.

2. Propose Code Changes to ADAH and Records Commissions Sections (copy attached):

Dr. Bridges told the commission members that he wanted them to review the changes before taking the proposals to the Legislative Reference Service (LRS) for its review. Tracey Berezansky reminded the commission members that they have seen the proposals before but that the proposals have been pared down after Archives staff met with LRS's director, Jerry Bassett. The proposed changes are:

1. To remove all restriction of access to records in ADAH custody after 75 years;
2. To change the composition of the commission, including adding the Department of

- Finance and, possibly, removing the Department of Revenue;
3. To change the number of meetings from the required four a year to two; and
 4. To allow commission members to appoint staff members to represent them on the commission.

Dr. Giggie asked about adding a historically black college (HBC) representative as a member of the commission. Dr. Bridges stated the reason Auburn University and the University of Alabama are on the commission is because, when the commission was created, they were the only universities in the state that granted PhDs in History. He added that ADAH and the SRC have expressed interest in including HBCs but neither had yet to find a fair way to choose which school would represent the group. Dwan Mason asked if there was an organization that represented HBCs in Alabama which could then choose a representative. Dr. Bridges said ADAH and commission members would look into it.

Tracey Berezansky asked Bill Garrett if he would look into the issue of replevin, which was removed from the original list of proposals after discussions with Mr. Bassett. Ms. Berezansky added one issue with replevin is that local government entities do not know who to go to for help when their records appear on e-Bay. Often their local attorneys do not want to get involved.

A motion to allow the Archives staff to proceed with the proposed legislative changes was made by Rebecca Morris, seconded by Gail Traylor, and unanimously approved by the commission.

Ms. Morris and Ms. Traylor added that the legislation should specify members on the commission should only appoint senior level staff members to represent them at commission meetings.

New Business

1. Summary Report on the General Records Liaison Training Held on October 28, 2011

Ms. Berezansky summarized the last training session held on October 28 and stated that this is one of the best new things the Government Records Division has implemented. Because of the attack of tornadoes, many agency records liaisons were unable to attend the April training and the October training was designed as a make up session. The Archives plans to hold annual training sessions in the future to update records liaisons on records related issues. Ms. Morris added her staff found the training useful as younger staff attended who will replace older staff as they retire; thus, preventing the need for eleventh hour training for younger staff. Dr. Wang told the commission that about 100 records liaisons, representing 77 agencies/colleges/universities attended the two training sessions.

2. Department of Transportation – Inadvertent Destruction of Records (memo attached)

Dr. Wang introduced Chris Davidson and Clarice Crosby of the Department of Transportation. Mr. Davidson explained that the Department of Transportation had an old records warehouse in Birmingham which was damaged during storms a year ago. The roof received damage, allowing water into the building. Nothing was done to fix the damage until recently, when the department decided to destroy the building. Mr. Davidson was not informed of the building's destruction until it was too late to do anything about the records; however, the records were beyond salvage at that

point. The records consisted mainly of site copies of project records. The originals and other copies are stored in other locations. The DOT RDA sets a retention for those copies. Most of them had reached their retention but not all. Dr. Bridges acknowledged the report. No action was needed.

3. Agency Annual RDA Implementation Monitoring Reports for October (copy attached):

Richard Wang reported that thirty-four state agencies were scheduled to submit their annual RDA implementation monitoring reports to the commission this quarter. Twenty-three agencies submitted their reports. A summary report outlining the records management activities of those agencies with RDAs approved in previous Octobers was presented in the meeting packet to the commission for review.

Agencies that submitted reports are: Board of Licensure of Professional Engineers and Land Surveyors; Board of Social Work Examiners; Alabama State Bar; Alabama Department of Conservation and Natural Resources; Alabama Board of Cosmetology; Alabama State Board of Public Accountancy; Alabama State Board of Chiropractic Examiners; Alabama Board of Heating and Air Conditioning Contractors; State Pilotage Commission; Alabama Historical Commission; Department of Labor; Bureau of Tourism and Travel; Board of Veterinary Medical Examiners; Alabama Licensure Board for Interpreters and Transliterators; Department of Examiners of Public Accounts; State Ethics Commission; Office of the Secretary of State; Joint Fiscal Committee/Legislative Fiscal Office; Alabama Board of Examiners for Speech-Language Pathology and Audiology; Choctawhatchee, Pea and Yellow Rivers Watershed Management Authority; Historic Chattahoochee Commission; Governor's Office on Disability; and Retirement System of Alabama .

Agencies that have not yet submitted reports are: Alabama Board of Pardons and Paroles; Alabama Real Estate Appraisers Board; Department of Veterans Affairs; Alabama State Board of Registration for Interior Design; Board of Licensure for Professional Geologists; Board of Massage Therapy; Alabama Board of Podiatry; Board of Examiners of Assisted Living Administrators; Governor's Office of Faith Based and Community Initiatives; Alabama Forestry Commission; and President Pro Tempore of the Senate.

Gail Traylor informed the commission members that she notes all agencies that do not file a report and places the notes in the agencies' files.

4. Procedural Leaflet: "Transferring Permanent Records to the Alabama Department of Archives and History" (copy attached)

Dr. Wang explained the leaflet was an update to an earlier publication. The newer version reflects changes in procedures as well as goes into more details than the previous version. Dr. Bridges stated that since it is a procedural leaflet reflecting ADAH internal procedures, not a SRC policy, the commission does not need to take action on it.

Records Disposition Authorities (New)

1. Alabama Development Office (ADO) (copy attached)

Richard Wang introduced ADO's Mark Yarbrough, who gave a brief summary of the agency's work on its RDA.

A motion to approve the ADO RDA was made by Gail Traylor, seconded by Dwan Mason, and unanimously approved by the commission.

2. Alabama Film Office (AFO) (copy attached)

Dr. Wang introduced the Film Office's representative, Courtney Murphy. Dr. Wang explained that the Film Office has its own RDA instead of being included under the Alabama Development Office because the AFO has had recent shifts back and forth between the Department of Tourism and the Alabama Development Office. He also added the AFO staff is in the process of packing permanent records to transfer to the Archives.

A motion to approve the AFO RDA was made by Rebecca Morris, seconded by Gail Traylor, and unanimously approved by the commission.

3. Russell County District Attorney (copy attached)

Dr. Wang informed the commission that the RDA was a last minute item. The Russell County DA office is in the process of moving back into its office and would like to destroy outdated records instead of bringing them back into the office. The RDA is similar to the one for Lauderdale County's DA with some minor changes. The Archives staff continues to want to work with the Office of Prosecution Services to create an all-encompassing RDA for the district attorneys. Gail Traylor added the County Audit Division of the Examiners of Public Accounts examined the draft RDA and approved it.

A motion to approve the RDA was made by Bill Garrett, seconded by Dwan Mason, and unanimously approved by the commission.

Dates for Future Meetings

The next meeting of the State Records Commission is scheduled for Wednesday, January 25, 2012, at 10:00 a.m. For planning purposes, the April meeting of the commission is scheduled for Wednesday, April 25, 2012.

Dr. Bridges declared the meeting adjourned at 10:38 a.m.

Christine Garrett, Government Records Division Archivist
State Records Commission

Edwin C. Bridges, Chairman
State Records Commission