



State & Local Records News

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Most Government Records Division services to continue despite state budget cuts

Like other state agencies, the Alabama Department of Archives and History (ADAH) suffered a substantial budget reduction for FY2004, after the failure of Governor Riley's tax initiative. As a result, ADAH was forced to eliminate seven full-time staff positions and terminate its student workers, to reduce reference room hours and discretionary spending, and to increase some service charges.

One result of our reduced budget will be major changes in the State Records Center's operation. Since the center opened in 1989, it has stored temporary paper records for state agencies, and records microfilm for state and local agencies, free of charge. ADAH will be closing the microfilm vault and has notified agencies that their film will be returned to them. From now on, the center will store state agencies' paper records on a cost-recovery basis.

Otherwise, changes in Government Records Division services to state and local government will be relatively slight. Despite the loss of three appraisal archivists (see p. 2), staff will maintain the process of RDA development. On-site assistance to state and local agencies will continue, albeit on a smaller travel budget. As a largely volunteer effort, the loose records microfilming program should not be much affected.

For information about changes in other ADAH services and programs, see our website at www.archives.state.al.us.

***SLRN* to be distributed via e-mail and the ADAH website**

Another result of the budget cuts will be reduced funds for ADAH publications. Unfortunately, we can no longer afford the cost of printing and mailing 2,500 paper copies of *State and Local Records News* each quarter. Until further notice, therefore, this newsletter will be distributed electronically rather than in printed form. It will appear as usual on the ADAH website. If you or your agency wish to continue receiving a copy, please send your e-mail address(es) to records@archives.state.al.us

Records commissions approve new RDAs, retention periods

At its meeting on October 24, 2003, the **State Records Commission** approved the following new records disposition authorities (RDAs):

- Amendments to the Alabama College System RDA (incorporating records of the Alabama Industrial Development Training and Veterinary Technology Program at Snead Community College)

- Board of Examiners of Assisted Living Administrators
- Department of Examiners of Public Accounts

The commission also approved minor revisions to five other state agency RDAs.

Also meeting on October 24, the **Local Government Records Commission** approved a new RDA for Health Care Authorities.

The commission also approved changes in retention for various administrative records common to most agencies of local government. These records, with their new retention periods, include:

- Short-term financial and other records with a former retention period of “5 years after the end of the fiscal year” in which they were created. The new requirement for these records is: “Retain 2 years following audit.”
- General Ledgers and Detailed Year-End Trial Balances. Both formerly were permanent. Traditional, manually-generated general ledgers will remain permanent; electronically-generated general ledgers and trial balances will now have a retention requirement of 10 years.
- Employee Personnel Files. The required retention of primary copies of these files was changed to “6 years after separation of employee.” (Previously, it was “25 years after separation of employee.”)

Local government agencies may implement these new requirements immediately for purposes of records retention and destruction. The changes will also be reflected in the next scheduled revision of each agency’s RDA.

The records commissions’ next quarterly meetings will be held on **Thursday, January 22, 2004**. The State Records Commission will convene

at 10:00 a.m., and the Local Government Records Commission at 1:30 p.m. Both meetings will be held in the Milo B. Howard Auditorium at ADAH.

New members join records commissions

The commission meetings on October 24 were the first for two recently-appointed members. Bill Morrison attended the State Records Commission meeting as the Department of Revenue’s new representative, replacing Kerry Brown. Dr. Greg Dorr attended both commission meetings as the University of Alabama’s representative. He and his wife, Dr. Lisa Dorr, were jointly appointed to replace Dr. Kari Frederickson.

We welcome these new members and look forward to their participation in the commissions’ work.

Government Records Division staff changes

Since our August issue was published, three Government Records Division archivists have left ADAH.

Lyn Frazer, who had served in both the state and local programs since 1996, recently accepted a position as the Montgomery County Archivist. We look forward to continuing to work with Lyn in her new role.

Two of our state records archivists, Becky Lapczynski-Hébert and Kerry Pond, have also departed. Becky, a native Georgian, left in October to become the records administrator for Douglas County, Georgia. Kerry returned in October to her home state of Florida.

We appreciate the contributions made by these ex-staff members to our work with state and local agencies. They will be missed, especially as the department’s budget does not allow for them to be replaced!

Volunteers prepare and film county records held at ADAH

While Alabama's loose records microfilming program continues to progress statewide—23 counties are completed and nearly all the rest are currently at work—there is also an “in-house” project under way. Over 200 cubic feet of county records from the ADAH collection are currently being prepared and filmed by three volunteer couples: Jack and Vivian Colquett, Richard and Lorraine Jenkins, and Winston and Mittie Stockman.



ADAH county records volunteers (l-r: the Colquetts, Jenkins, and Stockmans)

The Jenkins, who arrived in November 2002 from their home in Idaho, were recruited by the Genealogical Society of Utah. After several months of listing ADAH private records holdings for potential microfilming, they are now filming county records from the department's collection. These records are being foldered and arranged for filming by the Colquetts and Stockmans, who are local members of The Church of Jesus Christ of Latter-day Saints.

Like many others who have served in county records projects, our volunteers at ADAH are partly motivated by the lure of genealogy. Both Sister Jenkins and Sister Stockman have previously worked at LDS family history centers. This is the first genealogical project for the Colquetts, who

were looking for a way to serve their church without having to leave home. Conversely, the Jenkins wanted an out-of-state mission. They say they are delighted by their first experience of Southern hospitality. All three couples note that their study of 19th-century estate files has given them a deeper understanding of Alabama's history and the way in which ordinary people used to live. Sister Colquett says that the Perry County families she has read about seem like old friends!

The Colquetts, Jenkins, and Stockmans are a valuable addition to our ADAH community. We are grateful for their contribution—and the contributions of hundreds of other volunteers across the state—to preserving Alabama's county records.

Public records deleted from state agency computer

Recently, the State Records Commission was notified by a state agency that one of its former employees, before departing, had deleted record information from a personal computer. The deleted records included office correspondence, travel-related records, meeting agendas, and calendars of events. After an internal investigation, the agency concluded that the ex-employee had no criminal intent in deleting the computerized information without prior clearance. Paper copies of some deleted records were fortunately still available. Although the agency now considers this case closed, it raises important concerns about the creation and maintenance of government records in electronic form.

The Code of Alabama 1975, Section 41-13-1, defines public records as “written, typed, or printed books, papers, letters, documents, and maps. . . .” In 1993, Montgomery County's circuit court held that “computer tapes themselves are ‘public writings’ and are therefore under the purview of [the] Alabama Code” (*Birmingham News Company v. Mark D. Perry and Alabama Department of Public Safety*). Act 458 of the 2001 legislative session authorized the legal recognition of

electronic records and signatures, provided that both parties to a transaction agree to their use. Moreover, the State and Local Government Records Commissions establish disposition instructions for public records without regard to storage medium. All public employees, therefore, have legal obligations to be good stewards of their records, whether these exist on paper, on microfilm, or in electronic format.

Alabama law provides specific penalties for anyone who knowingly tampers with (i.e., alters, conceals, mutilates, or destroys) a public record. Section 13A-10-12 of the Code of Alabama 1975 designates tampering as a Class A misdemeanor, punishable by up to one year in jail.

One way to protect your agency against any accidental—or intentional—loss of record information is to offer regular training to employees about Alabama’s public records laws and their records responsibilities. ADAH Government Records Division archivists provide such training at workshops and to individual agencies upon request. For more information, contact the division at (334)242-4452.

Ask the Archivist

Question: *What actions should be taken if I see state or local government records for sale on the internet?*

When internet use blossomed in the early 1990s, after the development of web browsers, no one anticipated the great popularity of on-line auctions. Today, you can buy just about anything at such sites as eBay and Yahoo. If you have never visited either of these sites and browsed through the items up for bid, you should. And while there, you just might find an Alabama local or state government record for sale.

The first step is to determine whether the record is an item that was removed from a state or local agency. Many state records have the agency name or “date and time received” stamped on them. Look for any clue that can help to verify that the document is, in fact, a government office’s

record. The hardest documents to verify are deeds, wills, estate records, and other documents filed with county probate offices. Lawyers involved in filing these records usually provided copies to the families who were parties to the transactions. The families’ copies frequently show up for sale, and there is no government claim on them. Also remember that any item that was mass produced and distributed entered the public domain, and there is no justification for requesting its return.

Another way to determine if a particular record is a government office’s copy is to check any listing of the agency’s records that may exist. In the 1930s, members of the federal Work Projects Administration (WPA) worked in Alabama to produce listings of all records housed in local government offices. These listings are available at ADAH. Microfilm of the records, if any, is another resource for identifying items that belonged to a local or state agency.

Once it is determined that a record is government property, the head of the agency, or a designated staff member, has four options for ensuring its return: (1) contact the seller, explain the situation, and request that the record be returned to government custody; (2) contact the auction site administrator and request that the record be removed from the auction and returned to the agency; (3) bid on the item and hope that the agency makes the winning bid; or (4) contact the county or municipal legal counsel (for local records) or the Attorney General’s Office (for state records) and ask her/him to approach the seller regarding the record.

There may be other factors that influence whether or not a document is a government record and how it can be returned to government custody. If you have questions about this topic or would like more information, please contact Tracey Berezansky at the ADAH Government Records Division, (334)242-4452 or tberezan@archives.state.al.us