

**Meeting Minutes of the May 19, 2005 State Historical Records Advisory Board held at the Yellowstone Lodge, West Yellowstone, Montana
8:45 am - 4:00 pm**

Board members in attendance:

Blaine Bake, Denton Darrington, Larry Ghan, Darrell Roskelley, Carol Schreiber, Alan Virta, Steve Walker, Robin Wilson. Details on Board members available at <http://www.idahohistory.net/SHRAB2004list.pdf>

Chair: Steve Walker

Not in attendance: Duane Bogstie, Julian Matthews, Pam Babbitt (didn't feel she should), Bryon Johnson, Mary Reed

Guests:

Tony Adams, Manager of Government Records, Wyoming State Archives – State Historical Records Coordinator for Wyoming

Linda Morton Keithley, Administrator, Idaho State Historical Society

1. Old Business – Robin Wilson

Minutes of the last meeting are not ready at this time.

The status of the SHRAB appointments was discussed. It was concluded that a list of names should be produced and sent to Denton Darrington so that he can follow up with the Governor and his staff. It should include everyone, both new and old, who wish to be active.

1. NHPRC status report – Steve Walker

Steve has been accumulating information on the characteristics of the SHRABs around the country, how they are established, where they are located within their state government.

Question - Which SHRABs are *not* appointed by their governor – Illinois and one other.

The reason he asked is to find out what the other states have established is a “full SHRAB”, in order to determine if Idaho has a full and current board. This determination is needed in order to receive the NHPRC funds we have requested.

He has consulted with Dick Cameron, Chairman of the Council of State Historical Records Coordinators (COSHRC). Steve W. read an email he received from Mr. Cameron into the record.

Summary: Idaho's SHRAB has been offered funding at \$10,000. The budget proposal was for 15,000, therefore, a revised budget is due by the June 1, 2005 start date, although the actual funds will be received at the start of the federal fiscal year.

The NHPRC budget situation is about the same as at the first of 2005. However, they have had a good hearing before the finance subcommittee in Congress. There is the Markup of the bill to follow, to determine the assignment of the final budget amount. To check status on this budget, check the SaveArchives.org site. <http://www.savearchives.org>

Senator Craig is in support of the continued funding. Representative Crapo was uncommitted.

Blaine B. asked about the status of Wyoming's NHPRC funding.

Tony Adams is hearing the same thing, that there will be renewed funding, even if only at minimum levels. There has been active letter writing from their SHRAB and from his department.

Background on Wyoming SHRAB: Their's is appointed by the State Parks and Cultural Resources agency. Their State Archives operates under the Cultural Resources Division. Their bylaws also state that terms extend until replaced by a new appointment.

2. COSHRC report – Steve Walker

In an email from Kathleen Roe to Steve W., she projects that COSHRC is going to submit a proposal to NHPRC.

State-to-State funding was discussed. This would be modeled on the sort of funding support and structure as has been traditional for libraries, with COSHRC administering the funds. There appears to be a growing recognition for the need for the management of the records of our government. Sarbanes-Oxley, ENRON, and the Patriot Act are all records and information management-intensive laws.

Robin W. described how Idaho State University is now addressing the previously unrecognized records stream connected to the performance of criminal background checks and drug tests for students pursuing degrees in areas that will require licensing after graduation, in order to work in their professions (Nursing, education, Physical Therapy). Due to concerns about public safety and in the interest of limiting their liability, hospitals, public schools, and other facilities are requiring students to submit to background checks (full FBI search) prior to field experience rotations. Most recently accrediting organizations have started requiring these be performed as a condition of accreditation for the college (proof that all graduates were qualified to work in their field at graduation.) Taken altogether, these records constitute an unfunded mandate example. Blaine B. commented that the same issues are arising at private institutions.

Denton D asked for clarification on the connection between the state records managers and the criminal background checks.

Robin W explained that the processing of the requests often begins at the county level, sometimes even cities. Depending on the field the person is working in, beyond universities, there are other employers that are requiring checks – thus creating records at the offices that provide the information, like counties.

Denton D. - Can they access ISTARs?

Darrell R. answered that *he* can, but that not all Idaho counties' information is currently in that system.

Steve W. mentioned that the State Archives staff are constantly pulling files for juvenile (criminal) records.

Alan V. – Congress is considering requiring the states to perform a criminal background checks through their license bureau

Denton D. referred to NCSL and how access to and maintenance of immigration and drivers license records has become very contentious.

Report on the ISHS Board of Trustees Meeting - Blaine Bake. Blaine B. observed that there is an increased demand to retrieve public records. He referred to how Linda M-K has been assuring the SHRAB and the ISHS Board of Trustees that the transfer of the library to the new building will not impact the access to public records. At the last SHRAB and at the Board of Trustees meeting the amount

of down time for the Archives was discussed as a source of concern. There is a need for ongoing access and continuity of services.

Steve W. replied that the majority of requests come from agencies, not from individuals. The current proposal calls for closing to walk-in requests, but continuing other services.

Blaine continued by mentioning that the opening of the new building at the Merle Wells location should be an exciting event for the customers.

Linda M-K explained that a preliminary notice about the move has been posted at the ISHS website, in their quarterly newsletter (last two issues), and that a program for notification – identifying the groups of people to notify (ex: ILL requestors will get a notice with their requests) – will be in place by July 1st.

4. Library of Congress Workshop – Steve Walker

Targeting state CEOs, CIOs, State Librarians, and State Archivists, the workshop dealt with digital preservation (electronic, or “born digital” records, imaged or scanned materials, email). Microfilm is still promoted as the archival format, even when created using digital media.

Several committees were formed during the meeting, primary participants are –
Wyoming – State Librarian and the Director of Electronic Records Manager
Idaho – Jan Cox, Steve Walker, and the assistant state librarian

The participants are trying to develop a national policy on the preservation of electronic records. Supposed to meet with the Center for Technology in Government (CTG) in Albany, New York later this year on this subject.

Tony A. mentioned that Wyoming has been involved in a substantial process of digitizing government records in their Archives.

Steve W. - Every year the amount of electronic records being produced doubles, while traditionally paper only grew by 10-15%. Now agencies have both.

Denton D. – “What is digital preservation?” What do you do to preserve electronic records in the long run?

Discussion briefly described the effort to use existing media to store and preserve digital records/documentation. The relatively short life of electronic media, as opposed to microfilm, was described – how cd-roms and other optical media only remain reliable for about 3-5 years, then they begin to break down losing bits of the data stored on them. The related but separate issue of operational media, that is software and operating systems, was also laid out – the concept of “data migration” was presented by Steve W. – the need to commit to transferring electronic records from current software to compatible media as time passes if an electronic format is chosen as the primary form of a record. Another question - Is there a loss of the electronic data in cyberspace, when information is stored on the web? Yes.

Steve W. also mentioned how in the realm of electronic records, *authenticity* is the single greatest issue other than preservation, when it comes to electronic records. Authentication is the process whereby someone insures by policy and applied methods that only certain persons are creating, transferring, migrating or accessing the electronic version of a record that has been established to be the “one true version”, or the permanent content version.

Break – 10:15

[Larry Ghan joins the meeting about 11:00]

3. Legislative Update –

Robin W. was going to present background on each bill, but turned to Denton D. for this.

Denton D.

HB 266 – The County records bill. This bill was started through the legislature by **Steve Smylie** working with the Idaho Association of Cities, a cooperative effort.

Linda M-K and Steve W.

HB-218 — Bill Deal, Steve Smylie and Clete Edmundson were the ones that started this bill.

Denton D. mentioned that Representative Phil Hart, after having displeased some persons in state government, will have his legislative efforts watched closely during the next legislature. [refers to the bill that Rep Hart submitted that called for all public records to be made available to public requesters in email-capable formats, regardless of the type of the original document]

Linda M-K. The ISHS invited the Representative Hart to tour the Archives, but afterwards, while he expressed appreciation at the scope of the holdings, seeing the Archives didn't change his mind about his bill to require production of an imaged document (an electronic version) in response to public records requests.

.
**Only reason we knew about this bill was because Steve Smylie alerted us about this it.
Counties have agreed in principle to amend the law -**

Blaine B.- suggested letter to the governor and the legislators commenting on the success of HB 266 versus HB 218

Denton D. – Did not know that we (SHRAB members) had a concern about this –

Darrell – We need to invite someone from the President of the County Clerks' Association to our meetings.

Blaine B. – Historically this board has always had a County Clerk on it - we need identify an active county clerk for the Board.

General discussion of the need to appoint for the position – not the person.

Motion to write a letter to the governor request ask him to create as a permanent SHRAB member the President of IACRC and president Idaho City Clerks. *Add to list for Denton*

Tony Adams – commended Idaho S for deciding to do this – the WY SHRAB went into the County Clerk's annual conference and provided training on e-records. Encourages the use of funds for training – They have had legislation that would have accepted preservation microfilm as permanent format.

Blaine B. – represented the SHRAB at the ISHS Board of Trustees meeting – He just happened to be in Boise – the dynamics of that group is interesting – some are right on top of things, others need coaching. He feels the Trustees are in general are doing a good job of representing the state’s records interests.

He was there for two reasons-

Lewis County’s records for sale on e-Bay. A Board of Trustees member purchased them and returned them to the Archives – Lewis Cty were offered them, and they declined them.

Background – we suspect they came out of the control of the county during 1980s in a period when the state archives was declining records from around the state. Not a period we are very proud of. (see Rod House email – attach)

There was discussion that the Trustees would be monitoring further sales on e-Bay.

Outreach Effort – to take the opportunity of the move to the new building to communicate to the counties and cities that some transfers of records may need to be rescheduled. He mentioned that this would be a great time to promote the Archives and records keeping of the state – oh by the way – may have to wait a bit to transfer records.

Larry G. – commissioner’s and clerks meet in June in Moscow, annual state meeting in Boise in sept. Agenda is probably set for June.

Related Matters – GRAMA (Government Records Management Act) law in Utah – their public records law.

Blaine B. – the Society of Professional Journalists is using college students to test public records laws – Utah was one of the states that they ‘checked.’ The reason for bringing this up is that Idaho will eventually experience this process – maybe not by this organization – but by some group or persons.

Blaine B. offered an email about GRAMA.

Steve W has advised Steve G. of the increasing confusion and conflicting views and legislation about records in Idaho – that there are some questions about custodianship. Many states have settled these questions. Steve G. shared Steve W.’s remarks with Kay Christiansen, Deputy Attorney General for the ISHS, who then replied via email (see attached). This matter relates to the concept of **replevin** – Without a replevin law in Idaho, how can any portion of the state, or agencies therein, claim a record belongs to the state (re: Lewis Cty e-Bay sale)? We can expect more e-Bay sales of records.

Kay Christensen said in an email that the implementation of a GRAMA-like law in Idaho would be very challenging.

Summarizing – Blaine does lots of research in county courthouses to access public records – in several counties he has been asked who he is, why does he want to have access. He has found in Twin Falls that the discharge records for military personnel were no longer being made available. In Jerome County he was given access to the same type of records, for the same years of record.

Steve W. - In fact these records could be made available in a redacted format, if there is some question about the release of some portions of these records..

Tony A.- Its embarrassing when public records aren’t made available by public officials because they don’t understand which records are public.

The Wyoming Press Association is a member of their SHRAB – has volunteered to train public officials. Idaho SHRAB could consider doing this.

How did Wyoming perform on the SP Journalist's review? About the same as Utah.

Darrell R. – The clerks did well because the Attorney General office gives training to them and has brochures.

Steve W – A deputy attorney general spoke on public records law in Idaho and wasn't familiar with the Idaho Code's public records law. He spoke at the Law Enforcement Information and Records Management Association (LEIRMA) of Idaho in Post Falls last week – the 2nd annual. The head of this organization is Tom Terrell, Ada County Sheriff, a member of the Boise ARMA chapter.

Break for lunch - 11:45 – 1:00

Robin - LSTA grant – IMLS – Institute of Museum and Library Services
Based on the Dublin Core

Steve Walker – now we're broke – as soon as some of the last bills come in, like this meeting.

Budget proposal – Steve Walker

Administrative – travel and meeting prep (4 meetings)

One joint meeting with two other states – needs to be trimmed

Education – presentation by a person organized by judicial districts

Not restricted to categories –

Response deadline – early June (30 days from receipt – can respond by email)

To figure out our expenses -

Blaine – Should we hold the next meeting in Boise area?

Perhaps piggyback with ISHS Board of Trustees in Orofino – July 22nd - try to have someone at that meeting.

That meeting date conflicts with NAGARA (Steve Walker and Robin Wilson attending).

No volunteers to attend the ISHS meeting.

ISHS Board of Trustees October 27, 2005 is their annual public meeting, they then have a meeting in Boise the 28th (closed session in the afternoon). This will be separate from the grand opening of the new edition to the Archives.

Proposing that this be the next SHRAB meeting date. Will have to check back on a location –

PROPOSED MEETING DATES FOR 2005-2006

a. Next Meeting - October

Thursday, October 27, 2005 - SHRAB members to join lunch at the ISHS Annual Luncheon, hold a SHRAB meeting Thursday afternoon of the 27th and then attend ISHS Trustees meeting on Friday morning, the 28th.

b. Legislature opens the Monday closest to the 9th of January –
pre-filing of bills is no longer allowed by the House

SHRAB Meeting - February 9th (tentative) [midwinter for counties is about 1st of 2nd week of February]

Larry Ghan will be in Boise. Would like to try to align with the counties meeting.

c. June – mid to late for Joint meeting – states – who will work on this?

d. Education –

Steve W - County Commissioners and Clerks meeting June 5th week - \$\$ Coeur d'Alene

Steve W – Organization of Idaho Cities - \$\$ where?

Publications – can spend some of this on printing brochures

e. Archives Month – request for a proclamation from the Governor – for October

Boise ARMA chapter has asked for consideration for us to join them in April

Denton – what is the relationship like in WY?

Tony – the state historical society isn't connected to the Archives presently – Executive board of the State Parks and Cultural Resources Commission has more of the relationship that Idaho has.

WY State Museum is part of the same organization as the Archives, not under the historical society.

Darrell and Denton's wives both involved in Cache county historical society – they are aware of an instance in Cache County of a private individual holding court records.

Darrell – people with county agencies think contacting county historical society offering records to them, when they need to be offering them to the State Archives.

Denton – I have a high level of concern about these stray records [Lewis Cty] – we need to look at that counties legislation.

Darrell – a brochure for the morticians/funeral directors to give to families as they assist with interment.

Tony – Wyoming the toughest thing is to teach local area repositories how to receive personal papers.

Robin – education has to join legislation

Denton – members of Trust Probate attorneys

Blaine – is there something on the state historical society website about personal papers –

SW – yes, but it is in the State Archives

Moved to adjourn 2:30