

CASE #1

Macro (Re)Appraisal

Does This Really Need to Come to the State Archives?

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OVERVIEW:

The Kansas Historical Society had a six-month time period in which to shut down its State Records Center. Major tasks besides the physical shutdown of the center included transferring archival records to the State Archives and reappraising existing retention and disposition schedules to ensure non-archival records were not transferred.

DATE:

March 2016

KEYWORDS:

Appraisal issues | Custodial issues | Intergovernmental relations | Records management | Resources issues (monetary, etc.)

Introduction and Institutional Context

In December 2014, the Kansas Historical Society (KSHS) announced the closing of the State Records Center (SRC), a program the government agency had run since the early 1990s on behalf of any executive-branch state agency wishing to make use of that service. The shutdown needed to be completed by June 30, 2015, when KSHS's rental lease expired on the two warehouse buildings it used for this function.

A variety of issues factored into KSHS staff's decision to shut down the SRC. Initially when opened, the SRC had been a completely free-to-use program for other state agencies. In the early 2000s, at a time when budget cuts and staff lay-offs were affecting all state agencies in Kansas, KSHS determined it needed to make the SRC a fee-funded program, rather than a program funded through state general funds. KSHS followed a flat fee rate: all state agencies but one paid the same price per box per year, no matter how often the agency retrieved the box or files from the box or otherwise asked KSHS staff to touch it.¹ By fiscal year 2013, this fee rate was \$5.25, including the cost of the box.

Commercial records centers existed in Topeka and elsewhere in Kansas, and the Department of Administration negotiated contracts with these private companies during fiscal year 2014. In June 2014, one of KSHS's major records center users decided to switch to one of these private companies, instigating KSHS's need to review whether or not it could keep the SRC operating. Without those funds coming in, and with other state agencies also deciding to make the transition, KSHS staff found they could not continue SRC operations.

Once the decision was made, the physical shutdown of the operation entailed two other major projects for State Archives Division staff: transferring archival records that had remained at the SRC until space could be found for them at the State Archives facility, and reviewing relevant retention schedules to ensure appropriate records were in fact being transferred to the archives.

Background

KSHS's records management program had been at its most vigorous in the late 1980s and early 1990s. Prior to this period, the State Records Board—a five-member board from four state agencies that, through statute, was the only entity providing authority for executive-branch state agencies to destroy their records—had become somewhat moribund.² In 1985, the board was reconvened, all previous decisions it had made regarding destruction authorizations rescinded, and the board began with support from State Archives staff systematically to approve retention and disposition schedules clearly and consistently stating what should happen to records created and received by state agencies after their business usefulness had

¹ One agency had a higher fee rate per box due to significant activity involved with the records.

² The State Records Board is authorized through K.S.A. 75-3502 and was established in 1945. Board members represent the State Department of Administration, the Attorney General's office, the State Library, and KSHS.

ended. It was during this same period that KSHS opened the State Records Center. Staffing in the records management and archival programs was at an all-time high, partly due to the approaching move from offices in downtown Topeka to a new campus at the western edge of town.

By the early 2010s, staffing for the records management and archival programs was at an all-time low due to budget cuts and lay-offs. By FY2008, no records were being transferred from the SRC to the State Archives, despite that being one of the purposes for the creation of the records center program. Theoretically archival records remained in an uncomfortable limbo at the SRC once past their disposition—state agencies were no longer paying for their storage, but records were not being officially accessioned or transferred to the State Archives’ custody, though program staff were adding descriptive information about off-site records in the publicly accessible online archives catalog and collections management system.³ This led to confusion for both state agencies whose records they were and for KSHS staff who helped state agencies access the records: Who should state agencies contact to gain access to the records—SRC staff or reference staff in the reading room at the Historical Society’s offices? Who would provide access to these records if members of the general public requested access, the originating agency or the State Archives?

While archival staff were able to make the time to review records stored at the SRC to ensure appropriate records were being scheduled for destruction or transfer to the archives, staff were not able to systematically reappraise several records series identified as potentially not having long-term value for the state. At the same time, retention and disposition schedules created in the mid-1980s and early 1990s were now wildly out-of-date across the entire enterprise, and KSHS staff were attempting to contact all agencies to update and overhaul their retention schedules. Staff planned at the same time to (re)appraise all records created by an agency, not just those stored at the SRC.

These plans changed with the closing of the State Records Center.

Project

Combining information from the State Records Center’s database and from the State Archives’s collections management system, archives staff at the beginning of the project identified approximately 7,300 boxes (out of an approximate total 60,000 boxes stored at the SRC) that were theoretically supposed to be transferred to the State Archives. Breaking this number down by agency and by records series allowed project staff to hold weekly working meetings in the beginning of the shutdown project, targeting those records series that had an “Archives” disposition and reviewing whether or not current archives staff still agreed with that assessment.

³ The archives catalog is available at www.kshs.org/archives.

Three team members completed most of this appraisal work: the State Archivist, the public records program manager, and the electronic records archivist. They used information in the archives catalog, existing retention schedule language, and state agency websites to do most of this work—very little physical review of the records occurred during this phase, as these supporting materials provided an excellent foundation for reappraisal. Occasionally the project team requested input from other State Archives staff, such as the head of reference or the maps curator. This was very much a team effort, each individual bringing his or her perspective to the significance of the records in question. The team crafted recommendations for changes to retention schedule language based on their discussions and sent this information onto the agencies in question, determining that if they came to the agencies with recommendations and revised language already in hand, the agencies might make decisions more quickly about what to do with their records.

Instead of looking at records series in isolation, the team attempted to review an agency's records—and the statewide enterprise—holistically. This meant reviewing both what records an agency had already and/or regularly transferred to the State Archives, as well as a program's significance to an agency based upon information available on the agency's website. This allowed the team to take a macro-appraisal approach, both to state government overall and to the individual agencies' historical documentation.⁴

All executive-branch state agency records management policies originate through the State Records Board, who typically meet quarterly to review proposed revisions to retention and disposition schedules. The board set up additional meetings during the first six months of 2015 in order to expedite the approval of schedule revisions.

The reappraisal team, in reviewing records at the State Records Center, decided early on to make changes to the general schedule used by all state agencies. Several agencies were storing grant records at the SRC, mostly individual grant applications and attendant documentation sent in by local organizations and entities applying for funds provided by the state. These records could take up several hundred cubic feet of storage space for an individual agency, and while these records were generally well-organized and easy to review, they were also highly transactional and routine. The general schedule for grants—and several agency-specific schedule entries based upon the general schedule—stated that initial applications and annual and final reports were supposed to be transferred to the State Archives, but the schedule did not make a clear distinction between grants applied for by state agencies versus those distributed and administered by state agencies. Agencies administering grant programs did not typically separate out archival materials from the routine correspondence, receipts and invoices, and other day-to-day paperwork of managing grants prior to transferring these records to the archives.

⁴ For more on macro-appraisal see, for example, Cook, Terry, "Many Are Called but Few Are Chosen: Appraisal Guidelines for Sampling and Selecting Case Files," *Archivaria* 32 (1991): 25–50.

The general schedule had two entries for budget records: those budgets actually submitted by state agencies were supposed to be transferred to the archives; agencies were supposed to contact the State Archives for appraisal of budget preparation materials. The Division of Budget regularly transfers budgets received from all state agencies to the State Archives, and the archives has a substantial collection of these records dating back to 1964.

The public records program supervisor had already begun informing agencies, prior to this project and on an ad hoc basis, that they could destroy all their budget preparation materials and any copies of budgets they had, once she confirmed date ranges were covered by the documentation received through the centralized Division of Budget. She had also started rejecting records of grants provided by state agencies through a looser interpretation of the existing general schedule. The reappraisal team, therefore, took this opportunity to codify informal practice and rewrite the general schedule entries for grant-related records to clarify that individual grant documentation administered by state agencies could be destroyed. The archives would take programmatic documentation, such as policy and procedure manuals, presentation materials related to grant lines being offered, summary information regarding grants awarded, and other related documentation, following its tradition of focusing on policy-level documentation as evidence of an agency's actions. State agencies would continue to transfer initial applications and annual and final reports to the archives for successful grant applications to a federal agency or other entity, as documentation of the agency's programs. All budget documentation from individual agencies could be destroyed.

The reappraisal team were able to take a new approach to revising the general schedule. In prior years, the program had worked closely with select staff across the state who had expertise in a particular function, such as human resources or fiscal operations, in order to create or revise schedule entries. This work required several in-person meetings and long discussions, time which staff needed to devote elsewhere during the SRC shutdown project. Instead, the team generated a brief, straightforward survey using [surveymonkey.com](https://www.surveymonkey.com) and sent the link out to all records officers for both state agencies and the universities under the Board of Regents, asking their opinions about these schedule changes.⁵ The records officers were given the revised language and the opportunity to vote yes or no to these changes, as well as provide feedback. Records officers were encouraged to share the survey, at least relevant sections, with program staff affected by the potential changes, in order to ensure those creating and using the records the most had a voice.

Response was overall excellent to this approach, with an approximate 50% response rate.⁶ While everyone who responded was positive about the changes, some agencies had questions and concerns that led both to State Archives staff making changes prior to presenting the schedule entries to the State Records Board, and the SRB making additional revisions during their meeting before approving the revised schedule entries.

⁵ Board of Regents institutions are free to use the state general retention and disposition schedule to manage their records.

⁶ Forty-five responses were received, out of 83 emails contacted; as noted, records officers were encouraged to share the survey with affected program staff, who may have submitted responses separately.

Tables 1 to 4. Side-by-side comparisons of old and new general schedule entries.⁷

Table 1

	Old schedule entry language		New schedule entry language
SERIES TITLE	Grant Files – Funded	SERIES TITLE	Grant files – Grants Applied for By State Agencies
DESCRIPTION	Variety of documents relating to applications for federal, state, and private grants and to the implementation of those received.	DESCRIPTION	Applications, supporting documentation, correspondence, and other records relating to federal, state, and private grants applied for by a Kansas state agency. Includes both funded and unfunded/unaccepted grant application records.
RETENTION	See comments	RETENTION	See comments
DISPOSITION	See comments	DISPOSITION	See comments
COMMENTS	Retain 5 years after the end of the grant period, transfer original applications and annual and final performance reports to the archives for purging, destroy remaining documents.	COMMENTS	Retain 005 fiscal years after the end of the grant period, then transfer initial grant application and any annual and final reports to the State Archives; destroy the remaining documents. Destroy unsuccessful grant applications 005 fiscal years after notification application was not accepted.

Table 2

	Old schedule entry language		New schedule entry language
SERIES TITLE	Grant files – Unfunded	SERIES TITLE	Grant files – Grants Administered by State Agencies
DESCRIPTION	Applications and supporting documentation relating to federal, state, and private grants submitted by agencies which were not funded.	DESCRIPTION	Records regarding the administration of grants awarded by a Kansas state agency to other state agencies and/or local entities. May include applications, correspondence, financial documentation, reports, and other related materials from managing individual grants. Also includes records related to the overall grant program administration, which may include but is not limited to drafts of materials, dissemination information, reference information, grant program rules and guidelines, and summary reports of program outcomes.
RETENTION	Retain until no longer useful, then destroy	RETENTION	See comments

⁷ All currently approved schedule entries are publicly available at www.kshs.org/retentionschedules. State Records Board packets and meeting minutes for the past several years are also available online: <http://kshs.org/p/kansas-state-records-board/11363>.

Table 2 con't

DISPOSITION	Destroy	DISPOSITION	See comments
COMMENTS		COMMENTS	Retain individual grant files until final reports are received and audits, if necessary, performed + 1 year, then destroy. Retain unfunded grant applications for 1 year after decisions made and appeals, if any, completed, then destroy. Retain overall grant program administration records until superseded by updated information, then contact the State Archives for appraisal—if not accepted, then destroy.

Table 3

	Old schedule entry language		New schedule entry language
SERIES TITLE	Budget Requests and Appeals – Annual	SERIES TITLE	Budget Requests and Appeals – Annual
DESCRIPTION	Copies of budgets submitted yearly to the state legislature for approval and subsequent appeals: DA forms 400 through 518 and associated supporting documents.	DESCRIPTION	Copies of budgets submitted yearly to the state legislature for approval and subsequent appeals: DA forms 400 through 518 and associated supporting documents.
RETENTION	005 fiscal years	RETENTION	005 fiscal years
DISPOSITION	Archives	DISPOSITION	Destroy
COMMENTS	n/a	COMMENTS	State Archives considers copies transferred through the Division of Budget to be the official record copy.

Table 4

	Old schedule entry language		New schedule entry language
SERIES TITLE	Budget Preparation Files – Annual	SERIES TITLE	Budget Preparation Files – Annual
DESCRIPTION	Documents used in the preparation of annual agency budget: correspondence, draft budget requests, computer reports, notes, and other miscellaneous materials.	DESCRIPTION	Documents used in the preparation of annual agency budget: correspondence, draft budget requests, computer reports, notes, and other miscellaneous materials.
RETENTION	005 fiscal years	RETENTION	005 fiscal years
DISPOSITION	See comments	DISPOSITION	Destroy
COMMENTS	Contact the archives for appraisal—if not accepted by the archives then destroy.	COMMENTS	n/a

There were several other records series types not on the general schedule that State Archives staff wished to handle in a more standardized fashion. These included case files (both administrative cases from regulatory hearings held within state agencies and legal case files from court actions in which a state agency became involved); investigative files; and licensing files, for individuals and for businesses or organizations. All these record types typically include several statutory access restrictions, many of which might make the records permanently

closed to public access.⁸ These record types also tend to be highly transactional and routine, implementation of policy rather than the actual policy-making decisions that the State Archives is interested in receiving and preserving for future researchers.

Project staff rejected creating general schedule entries to cover licensing, investigative, and case files, determining that in the six-month period available before the SRC shut down they would not be able to find enterprise-wide buy-in to such a large-scale change from previous statewide records management practice. These records had always been scheduled at the individual agency level, and both retentions and dispositions varied wildly.

One major schedule change related to a specific set of case files did take place during this project. The Office of the Attorney General has had several schedule entries over the years related to their case files; the major series entry that the agency uses is series ID 0172-082, Case Files: “Pleadings/filings, research, case notes, interviews, correspondence, contracts, billings, complaint forms, appeal files, and other supporting documentation relating to criminal, consumer, antitrust, medicaid fraud, and civil cases. Includes cases handled by outside counsel, charitable trust, and *amicus curiae* cases, as well as consumer protection Enforcement Action Files and Multi-State Actions . . .” Prior to 2011, this series had an archival disposition. In 2011 the agency implemented a plan to digitize all their records and keep them in-house permanently so no records whatsoever would be transferred to the State Archives.⁹ This plan never actually came fully to fruition—certain divisions within the agency are almost fully electronic, but several other divisions are not, including the Civil Division where many case files originate. Both the archives and the agency wished to revise the schedule to allow for the disposal of case files without enduring value, while ensuring that significant cases were preserved for the good of the agency and for the good of the state and its citizenry.

The Attorney General’s office had more than 3,000 cubic foot boxes at the State Records Center, the majority of which held case files. The Attorney General’s records officer and the public records program supervisor spent several hours over the course of six weeks reviewing as many of these boxes as they could, focusing on those cases that were past their disposition date. They were able to determine that approximately 600 boxes of records could be destroyed and approximately 350 boxes were immediately eligible for transfer to the State Archives. They were also able to identify several other boxes of records that would later be eligible for destruction or archival transfer, once their disposition had been met.

During the course of these weekly meetings to review records, the Attorney General’s records officer and the public records program supervisor were able to detect patterns in record-

⁸ Kansas’ sunshine law, the Kansas Open Records Act (K.S.A. 45-215 et seq.), provides certain exemptions to access but also states those exemptions expire 70 years after a record’s creation. Other state and federal statutes do not provide expiration terms and so State Archives staff must assume the records are permanently closed, unless and until those laws change.

⁹ In the early 2000s, knowing the agency did not have the capacity to store other state agencies’ permanently valuable electronic records, KSHS staff implemented a records management policy in which state agencies completed an Electronic Recordkeeping Plan to demonstrate how those agencies will maintain access to and preserve the authenticity of their electronic records.

keeping and begin determining specific selection criteria for which case files to keep, which could be destroyed. *Amicus curiae* and anti-trust cases, for example, were generally deemed non-archival.¹⁰ *Amicus curiae* cases typically consist of the state of Kansas signing on to another state's action and generally do not include a great deal of information specific to Kansas or its citizenry. Anti-trust cases are typically implementation of standard policy, rather than precedent-setting.

Factors determining what case files the State Archives took included whether a Native American tribe was involved, whether a case was precedent-setting in Kansas for later legal cases, if public officials at the state or local level were being investigated for misconduct, and issues that are “hot topic” or controversial in Kansas, such as water usage and rights, school finance, the continuation of *Brown vs. the Board of Education of Topeka*, Fred Phelps and the Westboro Baptist Church, etc. The agency records officer also had extensive background in corrections and law enforcement and could therefore help the public records program supervisor appraise specific cases of interest, such as a series of cases involving a handful of inmates suing about prison conditions in the state’s correctional facilities. These lawsuits led to substantive changes in the facilities, including finally barring smoking in the cells. The records officer also connected with agency staff in other divisions, such as in Criminal or Consumer Protection, to request their input on the long-term significance of specific cases found while reviewing records.

At the same time, legal case files from other agencies, including the State Board of Indigents’ Defense, the Kansas Department of Agriculture, and the Kansas Department of Health and Environment, were also selectively transferred based upon criteria that in many cases had been recently determined by the agencies in question or were being newly determined due to the SRC shutdown, therefore ensuring that routine cases not setting precedent or having long-term significance to the state of Kansas were destroyed.

Conclusion

Several state agencies whose records were reappraised were very responsive to State Archives staff and willingly worked with them to revise schedules and ensure records were handled appropriately. One hundred and six schedule entries were revised during and because of this project, 38 of which had a disposition change from archives to outright destruction or a more limited selection of records being transferred to the archives. While not all the schedule revision work was completed before the State Records Center shut its doors, some state agencies agreed to transfer their records back to their offices or to a commercial records storage alternative until they could internally complete the work necessary to bring schedule revisions to the State Records Board. In the end, out of 7,300 boxes potentially eligible for transfer, the State Archives transferred just over 1,800 boxes, approximately a 75% reduction in possible transfers. In many cases, the reappraisal team and agencies involved reappraised to

¹⁰ The records officer and public records program supervisor did not rule out transferring specific cases of either type if the case appeared to have more significance.

destroy as expected; in other instances, upon review, staff determined records should be retained. Many of these decisions are reflected in State Records Board meeting minutes and appraisal reports, publicly available online for anyone with an internet connection to read. State Archives staff have a high confidence that what was transferred has substantive meaning and enduring value to the state and its citizenry.

At the same time, several agencies with outdated schedules were encouraged to make concerted efforts to update and revise their retention schedule, one of the long-term and continuing goals of the public records program. State Archives staff were also encouraged by the records officers' response to the online survey regarding general schedule changes and plan to conduct similar surveys in the future in order to continue updating the general schedule, a goal that has been in the public records program's strategic plan for several years.