

*The Committee to Approve Schedules for the
Retention and Disposition of Official State Records
The “State Records Committee”
Minutes for November 30, 2016*

1: Call to Order, Welcome, Roll Call

- The meeting was called to order at 1:16 pm. The meeting was held at the Nevada State Library and Archives Building Board Room, at 100 N. Stewart St, Carson City, NV. **To be noted, Scott Anderson chaired the meeting instead of Kim Perondi who is still in training.**

Committee Members:

Scott Anderson, for Barbara K. Cegavske, Secretary of State - Present

Kimberely Perondi, for Barbara K. Cegavske, Secretary of State - Present

Kathryn Etcheverria, Governors Appointee - Present

Sarah Bradley, for Adam Laxalt, Nevada Attorney General - Present

Jeff Kintop, Administrator, Nevada State Library, Archives and Public Records – Present

Stacie Hancock, For Patrick Cates, Director of the Department of Administration – Present

Jim Earl, for Shannon Rhaming, Administrator, Enterprise Information Technology Services – Present

Staff:

Teri Mark, State Records Manager, NSLAPR – Present

Cynthia Laframboise, State Archives Manager, NSLAPR – Present

Sara Martel, Senior Records Analyst, NSLAPR – Present

Gerald Lindsay, Senior Records Analyst, NSLAPR – Present

Adan Aguilera, Administrative Assistant, NSLAPR – Present

Kimbra Ellsworth, Department of Transportation – Excused

Guests Present:

Tiffani Thew, Nevada Department of Transportation – Present

Kami Ingersoll, Nevada Department of Transportation – Present

Jason Lewis, Department of Public and Behavioral Health Vital Statistics – Present

Brett Kandt, Office of the Attorney General- Present

Rebecca Bourne, Department of Public Safety Investigations – Present

Maria Madira, Department of Public Safety Investigations – Present

2: Public Comment

Comment may be limited to 5 minutes at the discretion of the Chairman.

- There was no public comment.

3: Review and Approve the Minutes for October 12th 2016

- The minutes were approved as amended. Upon review of the minutes it was brought to the Committee's attention that there were a few typos which needed correcting. All typos were corrected and minutes were approved as amended. The motion was made by Jim Earl and the second was by Kathryn Etcheverria. The vote was unanimous.

4: Nevada Division of Public and Behavioral Health, Office of Vital Statistics (Tabled from October 12, 2016 meeting)

- | | | |
|------------|--------------------------------------|--------|
| A. 2000018 | Vital Records: Divorce Reports File | Modify |
| B. 2000020 | Vital Records: Marriage Reports File | Modify |

A. A Recommended Modification

Title: Vital Records: Divorce ~~Statistics Reports File~~

RDA: 2000018

Description:

This record series ~~administers the compilation~~ *documents the statistics of on* divorces in Nevada from January 1, 1968 to present *and is used for statistical and research purposes (the court system is the office of record for official divorce decrees)*. The reports may contain, but are not limited to *names of couple; date of divorce or annulment; and court of record*. ~~Report of Decree of Divorce; Decree of Annulment of Marriage; Related documents~~

Authorized Retention:

~~Retain these records for a period of thirty (30) days from the receipt and verification of data entry has been completed~~

Retain Permanently

Recommended Disposition:

Permanent: Held by Agency

NSLAPR staff recommendation:

Retention meets administrative and archival needs.

Agency review:

The appraisal is supported by Nevada Division of Public and Behavioral Health, Office of Vital Statistics Records Officer

Justification for Modification of RDA 2000018:

This agency specific schedule currently has two record series for the same record type. The agency is the office of record for the statistics. The court system is the office of record for official divorce decrees. Our recommendation is to merge the two record series into one so the retention is for the statistics.

B. A Recommended Modification

Title: Marriage *Statistics* Reports File

RDA: 2000020

Description:

This record series ~~administers the~~ *documents the statistics* of marriages in Nevada from January 1, 1968 to the present, and is used for statistical research and purposes (the county recorder is the office of record for original certificates). ~~in a computer data base.~~ The reports may *consist of but are not limited to: names of couple; minister or judge performing the marriage; and county and place where marriage was performed.* ~~copies of marriage certificates and data tapes/disks~~

Authorized Retention:

~~Retain these records for a period of thirty (30) days from the receipt and verification of data entry has been completed~~

Retain Permanently

Recommended Disposition:

~~Destroy~~

Permanent: Held by Agency

NSLAPR staff recommendation:

Retention meets administrative, and archival needs.

Agency review:

The appraisal is supported by Nevada Division of Public and Behavioral Health, Office of Vital Statistics Records Officer.

Justification for Modification of RDA 2000020:

This agency specific schedule currently has two record series for the same record type. The agency is the office of record for the statistics. The County Recorder is the office of record for the original certificates. Our recommendation is to merge the two record series into one so the retention is for the statistics.

This item was tabled at the October 12, 2016 meeting. The Committee requested a representative of the agency be present to answer questions.

Discussion and Vote:

This item was approved as presented with no further discussion needed. The motion was made by Jeff Kintop and the second was Sarah Bradley The vote was unanimous.

5: Department of Public Safety, Investigations Division

A.	2009033	Master Arrest Files	Delete – Obsolete
B.	2009044	NDI Database	Delete – Non Record
C.	2009038	Alpha Cards	Delete - Obsolete

A. Recommended Deletion

Title: ~~Master Arrest Files~~

RDA: 2009033

Description:

~~These records document the arrest of law violators. The record series may consist of the original master arrest documentation and related reports.~~

Authorized Retention:

~~Retain these records for a period of thirty (30) days from the receipt and verification of data entry has been completed~~

Recommended Disposition:

~~Destroy Securely~~

NSLAPR staff recommendation:

~~Delete this RDA.~~

Agency review:

The appraisal is supported by the Department of Public Safety, Investigations Division Records Officer.

Justification for Deletion of RDA 2009033:

Historically, the Investigation Division's Master Arrest Files were filed separately from the Case Reports. All reports and files are now generated and maintained in the Division's Records Management System (RMS) and retained for a period of 75 years in accordance with RDA 1995004; therefore, this record series is no longer needed.

B. Recommended Deletion

Title: ~~NDI Database~~

RDA: 2009044

Description:

~~This database consists of index and synopsis of NDI cases.~~

Authorized Retention:

~~Retain data pertaining to individual cases for a period of seventy-five calendar years from the date of the last entry in the Reports — Cases (See RDA 1995-004) or six (6) calendar years from the confirmed death of the individual, whichever occurs first.~~

Recommended Disposition:

~~Destroy Securely~~

NSLAPR staff recommendation:

Delete this RDA.

Agency review:

The appraisal is supported by the Department of Public Safety, Investigations Division Records Officer.

Justification for Deletion of RDA 2009044:

The RDA is for an index data base and is a non-record. As a non-record, it should be deleted from the schedule. See RDA 1995004 for the official record.

C. Recommended Deletion

Title: Alpha Cards

RDA: 2009038

Description:

~~These records are used to document case reports and arrests made prior to the implementation of the NDI automated database.~~

Authorized Retention:

~~Retain these records until they can be merged into the NDI automated database.~~

Recommended Disposition:

~~Destroy Securely.~~

NSLAPR staff recommendation:

Delete this RDA.

Agency review:

The appraisal is supported by the Department of Public Safety, Investigations Division Records Officer.

Justification for Deletion of RDA 2009038:

The Investigation Division's historical Alpha Cards have been entered into the Records Management System (RMS) and destroyed in accordance with this RDA and are no longer maintained as a separate record.

Discussion and Vote:

This item was approved as presented with no further discussion needed. The motion was made by Sarah Bradley and the second was Jim Earl. On an additional note on item #5 part A it was mentioned by Sara Martel that the description for RDA 1995004 will be modified to have "master arrest files" included. This change can be made without committee approval.

6: Peace Officer Standards and Training (POST): Basic Training (Revisit from October 12, 2016 Meeting)

- A. 2000098 Individual Student (Cadet) Training Records Modify

A. Recommended Modification

Title: Individual Student (Cadet) Training Records

RDA: 2000098

Description:

This record series is used to document the cadets' activities in the basic training courses in law enforcement offered by the Academy. The files may include: *Final evaluations including test results, counseling and disciplinary records.* ~~Applications, medical reports, test responses, writing assignments, counseling notices, disciplinary record, memorandums, evaluations, investigations and related documents.~~

Authorized Retention:

Retain until separation from academy.

Recommended Disposition:

Transfer to employing agency

NSLAPR staff recommendation:

The retention period and disposition meet administrative needs.

Agency review:

The appraisal is supported by the Peace Officers Standards and Training Records Officer.

Justification for Modification of RDA 2000098:

POST is the office of record during the period the cadet is with the academy. Once the cadet is separated from the academy, the records are sent to the cadet's hiring agency and will be covered by the Local Government retention schedule and a new RDA on the General Schedule. See RDA 2016034 "Individual Student (Cadet) Training Records".

This item was approved at the October 12, 2016 meeting, but at the request of the Chairman, it is on the agenda to review the update to the description.

The following RDA is for reference purposes only. It is not an actionable item.

RDA 2016034 Academy Training Records

This record series is used to document the basic training courses in law enforcement offered by the Academy. The files may include: class rosters, class schedule, and performance objectives.

Authorized Retention:

Transfer to the State Archives after a period of thirty-five (35) calendar years from the end of the Academy year to which they pertain.

Recommended Disposition:

Permanent: Transfer to State Archives

Discussion and Vote:

This item was revisited from October 12, 2016 State Records Committee meeting where it was approved as amended. The description was reviewed by the committee at the Chairman's request. No Further action required by the committee.

7: Office of the Attorney General

- | | | |
|------------|----------------------------------|--------|
| A. 1999069 | Open Meeting Law Complaint Files | Modify |
| B. 2016031 | Open Meeting Law Opinions | New |

A. A Recommended Modification

Title: Open Meeting Law Complaint Files

RDA: 1999069

Description:

This record series documents the investigations conducted or referred for consideration of possible legal action specifically dealing with violations of the Open Meeting Law in NRS *Chapter* 241. The files may consist of: investigative reports, complaints (forms and original letters), copies of news media articles, copies of meeting minutes & agendas, tapes of meetings, related correspondence, closing memo *a determination of failure to state a claim under NRS Chapter 241* and similar documents.

Authorized Retention:

Retain for four (4) calendar years from the date the investigation was finalized or discontinued. ~~after which the files may be purged of all but the closing memo which must be retained for an additional six (6) years for reference purposes (thus, ten years total).~~

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

The retention period meets administrative and legal needs.

Agency review:

The appraisal is supported by Attorney General's Office Records Officer.

Justification for Modification of RDA 1999069:

This record series contains two record types and two retentions. A new RDA is being recommended for the closing memos which must be kept for an additional six (6) calendar years. See RDA 2016031

B. Recommended New RDA

Title: *Open Meeting Law Opinions*

RDA: 2016031

Description:

This record series documents the final action taken on investigations conducted or referred for consideration of possible legal action specifically dealing with violations of the Open

Meeting Law in NRS Chapter 241. The files consist of the opinion, which includes the closing memos. a determination of no violation or findings of fact and conclusions of law under NRS Chapter 241.

Authorized Retention:

Retain for ten (10) calendar years from the date of the opinion. ~~the investigation was finalized or discontinued.~~

Recommended Disposition:

Permanent: Transfer to Archives

NSLAPR staff recommendation:

The retention period meets administrative legal, and archival needs.

Agency review:

The appraisal is supported by Attorney General's Office Records Officer.

Justification for New RDA 2016031:

This record series for Open Meeting Law Complaint Files contained two record types and two retentions. A new RDA is recommended for the opinions which must be kept for an additional six (6) calendar years after the records from the Complaint Files are destroyed – making it a total of ten (10) calendar years. State Archives determined that the Opinions have archival value.

Discussion and Vote:

This item was approved as amended with no further discussion needed. The following modifications were made. On part A in the description, "chapter" was added to read after NRS, additionally on part A, the following was added "a determination of failure to state a claim under NRS Chapter 241" after "~~closing memo~~". On part B in the description "Chapter" was added after "NRS", in addition "the opinion, which includes a determination of no violation or findings of fact and conclusions of law under NRS Chapter 241" was added to the end of the description. Also "date of the opinion" was added to the end of the Authorized Retention, and "the investigation was finalized or discontinued" was removed. The motion was made by Jim Earl and the second was Jeff Kintop the vote was unanimous.

8: Nevada Department of Transportation Update (discussion only)

- Tiffani Thew and Kami Ingersoll had no retention schedule changes.
- NDOT is working on items for February's agenda.

9: Discuss future agenda items:

The Attorney General's office will be making schedule updates on December 15th.

10: Informational Items (Discussion Only):

BDR Updates in 2017 legislative session.

The Nevada State Library Archives Building Board room has been booked for the second Wednesday for every month in 2017.

11: Assembly Bill 42 possible changes to the State Records Committee Duties: Possibly issuing nonbinding advisory options on the denial of public records requests.

The Committee discussed at length their role in Assembly Bill 42 and the ramification of Assembly Bill 42. How should the committee handle public records request denials that are not articulated properly? Brett Kandt explained the conception of Assembly Bill 42 as well as its components.

During the discussion, Jim Earl opined the State Records Committee to reviewing or offering advisory opinions on the articulation of public records request denials would be a significant departure from the State Records Committee's statutory mission. Mr. Earl suggested it to be more sound to have the state create or designate a "privacy officer" of sorts whose purview would be to review and provide advisory opinions on the articulation of denial for public records requests.

The Chairman asked if the State Records Committee's role in Assembly Bill 42 is practical, given the unknown amount of request denials that are gathered throughout the state every month. The Chairman informed the Committee that the Office of the Secretary of State is currently in discussion with the Office of the Attorney General, and they will reach out to Nevada State Library, Archives and Public Records department to refine the details of Assembly Bill 42 in regards to the State Records Committee's role in the bill.

12: Public Comment

Comment may be limited to 5 minutes at the discretion of the Chairman.

- There was no public comment.

13: Determine time of next meeting

- The next meeting will be held January 11th 2017 at 1:15 pm in the Board room of the Nevada State Library and Archives Building.

14: Adjourn

- The meeting was adjourned at 2:50pm with the motion made by Scott Anderson. The vote was unanimous.