

**Records Retention and Management
Report to the Government Oversight Committee
April 2015
Status of Recommendations as of September 2015**

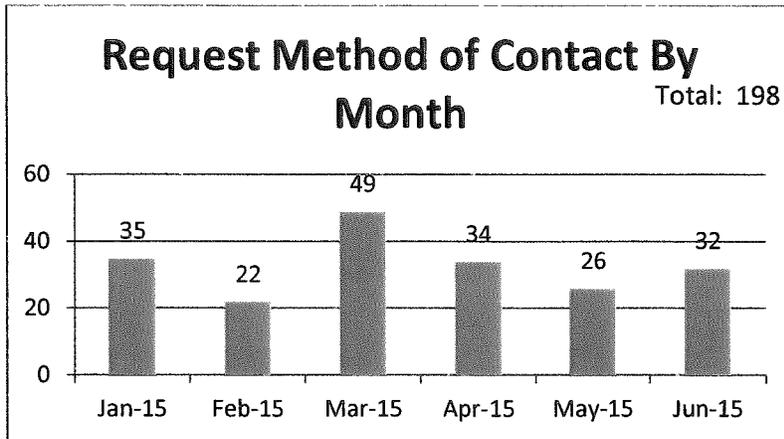
Legend for Status: <input type="checkbox"/> Not started, <input type="checkbox"/> Minor progress, <input type="checkbox"/> Significant progress, <input type="checkbox"/> Completed	Lead	Status	Finish
Improved Guidance & Model Policies	Secretary of State/ Archives	Minor progress	2015-2016 or ongoing
<input type="checkbox"/> Archives convene stakeholder group, including representatives of State agencies and other interested groups, to review and update general retention schedules as they apply to draft documents, and develop guidance on agency retention requirements for draft or working documents, with a report back to GOC <input type="checkbox"/> Archives issue policy directives and bulletins on quarterly basis	Archives	Minor progress	Ongoing
Records Retention Schedules	Government Oversight Committee	Minor progress	2015-2016
<input type="checkbox"/> GOC should consider, with input from interested persons, changes to the Archives Advisory Board, including appointing members with expertise in the administrative, fiscal, legal and historical value of records; creating separate review subcommittees for local records and historical archive issues; and ensuring timely renewals or changes to appointments. <input type="checkbox"/> GOC should consider, with input from interested persons, clarifying the schedule approval process so that the roles of the Archives and the Archives Advisory Board are clearer; this may require legislative action <input type="checkbox"/> Agencies and Archives should increase the number of schedule reviews done each year	Government Oversight Committee	Minor progress	2015-2016
Agency Records Officers	Agencies and Archives	Minor progress	2016 then annually
<input type="checkbox"/> As part of the annual review of schedules, each agency should submit to Archives the names of their records officers and assistants <input type="checkbox"/> Archives should identify records officers and assistants gaps or recommended additions and notify each agency <input type="checkbox"/> Archives should insist that they will not accept records from or release records to an agency without an assigned records officer	Agencies	Minor progress	2016 then annually
	Agencies	Significant progress	2015 then annually
	Archives	Not started	2015

Recommendation	Lead	Status	Finish
Training & Accountability			
<input type="checkbox"/> Archives issue minimum standards for records management training	Archives	Completed	2015
<input type="checkbox"/> Archives develop an online training tool	Archives	Significant progress	2015
<input type="checkbox"/> Bureau of Human Resources include records management as a required topic in the new employee orientation presentation	Bureau of Human Resources	Not started	2016 then ongoing
<input type="checkbox"/> Agencies partner with Archives to deliver appropriate records management training customized for individual agencies	Agencies/ Archives	Minor progress	2016 then ongoing
<input type="checkbox"/> All continuing personnel complete the agency records management training annually	All personnel	Minor progress	2016 then annually
<input type="checkbox"/> Archives notify agencies of enhanced website resources for answering questions	Archives	Significant progress	2015
<input type="checkbox"/> Agencies direct employee questions to records officers and Archives	Agencies	Minor progress	Ongoing
<input type="checkbox"/> Once clear and updated retention schedules are established and adequate training is implemented, the agencies could consider a plan for an employee records management performance expectation	Agencies	Not started	2016 then ongoing
Oversight & Compliance			
<input type="checkbox"/> Agencies implement internal controls that provide reasonable assurance that their programs comply with all state records management laws and regulations	Agencies	Not started	2016 then ongoing
<input type="checkbox"/> Annual agency review of records management program	Agencies	Not started	2016 then annually
<input type="checkbox"/> Periodic Archives inspection of agency records management program scheduled on rotating basis and include recommendations for improvements	Archives	Minor progress	2016 then annually
<input type="checkbox"/> Agencies establish specific performance goals and measures for their records management program based on outcome of reviews and inspections	Agencies	Not started	2016 then annually
Freedom of Access Act Request Costs	Public		
<input type="checkbox"/> Refer the issue of Freedom of Access Act request costs to the Right to Know Advisory Committee (RTKAC) for review and proposals	Ombudsman and RTKAC	Significant progress	2015-2016

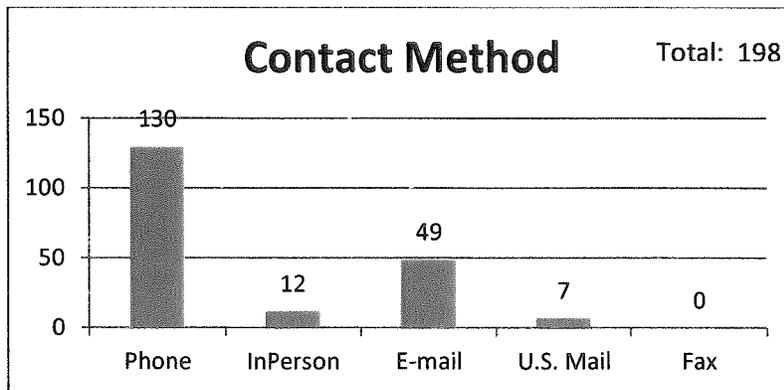
Public Access Ombudsman Mid-year Data Summary 2015

One of the functions of the ombudsman is to track data about Freedom of Access complaints and inquiries. This mid-year update provides a brief outline of the data for the first half of calendar year 2015.

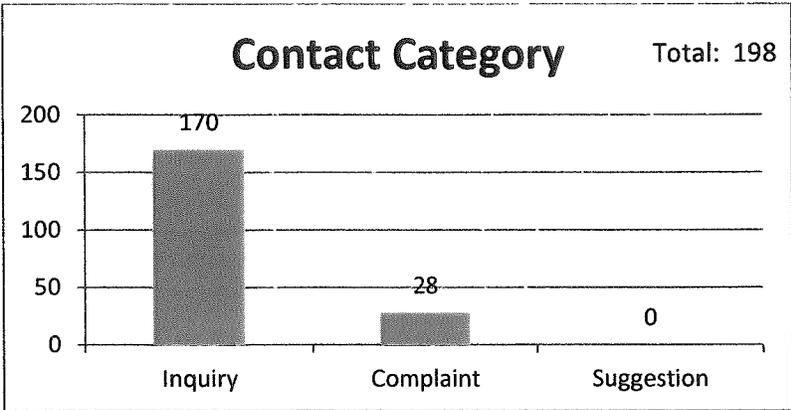
The total contacts are **198**. For comparison, the total yearly contacts were **303** for 2013 and **370** for 2014. The monthly totals for January through June are listed below. Although these numbers fluctuate throughout the months, based on the mid-year amount it is possible that the total yearly contacts for 2015 will exceed 2014 and continue the upward trend.



The telephone continues to be the primary method of contact with the ombudsman.

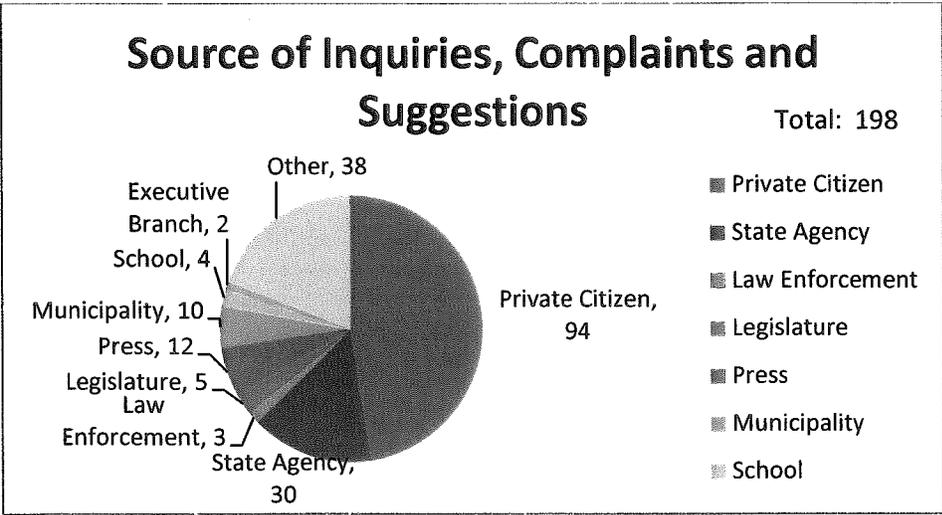


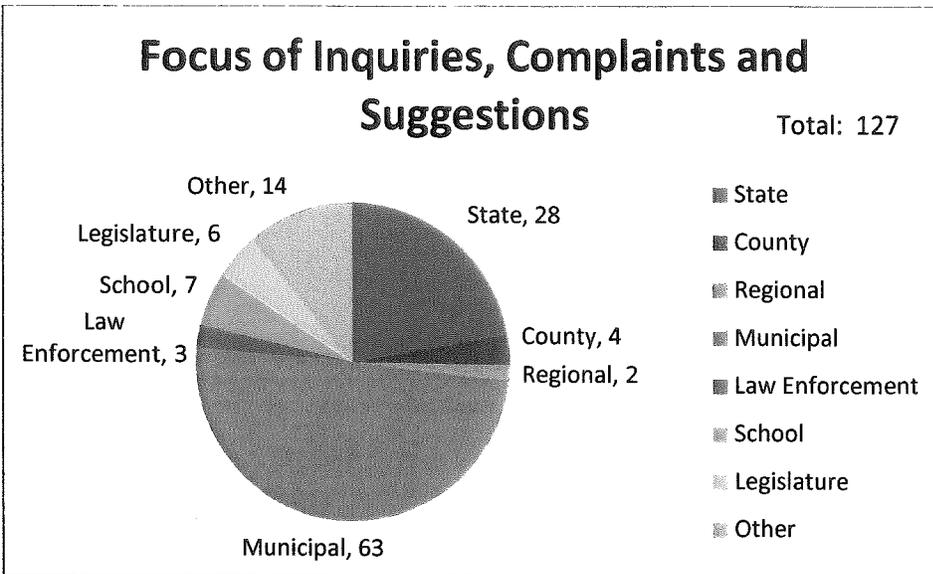
Inquiries continued to form most of the contacts. Contacts that were characterized as complaints involved a substantial controversy between the parties with specific relief or remedy sought by the complainant.



Of the contacts concerning public records (171) the most common questions involved the basis for a denial, inspection of electronic records, fees and undue delay.

Of the contacts concerning public meetings (36) the most common questions involved the use of executive session and what constitutes a meeting.





As was the case in 2013 and 2014, the bulk of contacts were telephone inquiries from private citizens about public records held by municipal government agencies.



MATTHEW DUNLAP
SECRETARY OF STATE

STATE OF MAINE
OFFICE
OF THE
SECRETARY OF STATE

**Interim Report to the
Joint Standing Committee on Government Oversight
Regarding Compliance with Public Records Laws**

Office of the Secretary of State

September 8, 2015

Senator Katz, Representative Kruger and distinguished members of the Committee on Government Oversight; my name is Matt Dunlap and I am the Secretary of State for the State of Maine. Since we last met on the issue of records management and public records, I am pleased to report that significant progress has been made, and although a significant amount of work remains to be done, the work itself is taking shape.

Attached to this summary are the minutes of the first stakeholder group meeting, which was convened at the State Archives on August 4th. To be sure, we had intended to convene a second meeting before now, but late summer scheduling is tricky. We hope to schedule that meeting soon.

I am particularly grateful for the assistance and energy of Eric Stout of the Office of Information Technology, who has provided administrative and technical assistance in the work of the stakeholder group.

The stakeholder group is an eclectic and broad-ranging group representing all three branches of state government and beyond, and is made up of myself; Dave Cheever, state archivist; Tammy Marks, director of the archives; Donna Grant, deputy secretary of state for information services; Kristen Muszynski, director of communications for the secretary of state's office; Brenda Kielty, public access ombudsman for the attorney general; Grant Pennoyer, executive director of the Legislature; John Barden, director of the legislative law and reference library; Kevin Dieterich, director of information technology for the Legislature; David Packard, chief information officer for the courts; Greg McNeal, chief technology officer for the Office of Information Technology; Eric Stout, who is staffing the stakeholder group from the Office of Information Technology; and Howard Lowell, late of the National Archives and Records Administration.

The discussion at the first meeting was reflective of any number of dialogues I've been a party to regarding public records, records management, archiving and public access—in the broadest sense, the tasks involved are so immense as to seem overwhelming. The changing nature of records and the vast, exponential growth in the production of information that is part of the public trust was and never has been envisioned by traditional archiving and records management practices.

The nature and future of the work summarized in the minutes, which reflect the nature of the August 4th discussion, is to better understand what the role of the Archives Advisory Board currently is, what it should be, and what aspects of archives and records management it should focus its work on. Such a review, it should come as no surprise to you given the nature of your work, probably should have been undertaken not once but several times over the last few decades. The fact that it is only happening now informs the enormity of the task. We anticipate that some aspects of the recommendations will probably include amendments to the statute, which we will be recommending later this fall.

Parallel to this work, we have been engaged in a long-term and thorough review of the Archives itself; how internal and external communications can be enhanced, and to distill training towards best practices in records management to better serve our colleagues in the Legislative, Executive and Judicial branches as we stand accountable to the public in our work.

To that end, Tammy Marks reported last week that in the first day of registrations for training on records management policies and schedules that some twenty-six records officers across state government had registered for the training, and that several offices have requested on-hands training in their own environments. This is a welcome development, and reflects on the high profile of the issues of records management raised by this committee.

I am happy to entertain any questions you may have at this time, at the pleasure of the Chairs.