

**MINUTES**  
**RECORDS MANAGEMENT INTERAGENCY COORDINATING COUNCIL**  
**MEETING**  
**September 10, 2009**

The Records Management Interagency Coordinating Council (RMICC or Council) held a meeting on Thursday, September 10, 2009 at the Capitol Extension in Room E1.010.

**MEMBERS PRESENT**

Brian Rawson, Chair  
Cathy Hartman, Vice-Chair  
Jan Ferrari (representing Peggy D. Rudd), Member  
Hope Morgan, Member  
Dan Procter, Member  
Kim Scofield, Member  
Stephen Quick, Member

**MEMBERS NOT PRESENT**

Julie Leung, Member  
Simon Skedd, Member

**GUESTS**

Jennifer Barrett, Employees Retirement System  
Mia Cevallos, Texas Education Agency  
Laura Finger, Texas Water Development Board  
Chris Foster, University of North Texas System  
Jordan Hale, Office of the Attorney General  
Maryrose Hightower-Coyle, University of Texas at Austin  
Linda Kemp, Texas Education Agency  
Tim Nolan, Texas State Library and Archives Commission  
Martha Richardson, Department of Information Resources  
Kay Steed, Employees Retirement System  
Rod Valls, Texas Commission on Jail Standards  
Leo Yanez, The University of Texas at Brownsville

**I. CALL TO ORDER**

A quorum being present, Chair Brian Rawson called the meeting to order at 10:05 a.m.

## **II. WELCOME**

Upon convening the meeting, the Chair then welcomed all persons in attendance at this meeting.

## **III. ROLL CALL/INTRODUCTION OF COUNCIL MEMBERS AND/OR SUBSTITUTES**

The Chair called for the introduction of RMICC members. As shown above, the record of the meeting reflects that Ms. Julie Leung, Ms. Peggy D. Rudd and Mr. Simon Skedd were not present at this meeting. The record of the meeting further reflects that Ms. Jan Ferrari was on hand to represent Ms. Rudd in her absence.

## **IV. APPROVAL OF THE JUNE 4, 2009 MINUTES**

Minutes to the RMICC meeting held June 4, 2009 were approved as follows:

**MOTION** made by Ms. Hope Morgan, seconded by Ms. Kim Scofield, and carried unanimously to approve the minutes of the meeting of the Records Management Interagency Coordinating Council held June 4, 2009, as presented.

## **V. ADMINISTRATIVE ISSUES**

Ms. Jan Ferrari gave a brief presentation regarding the new RMICC website.

- The new website address is <http://www.rmicc.state.tx.us>. Information included on the old website has been migrated to the new website.
- Ms. Ferrari would like to see additional information included on the new website, including a blog or other collaborative tool. Information for inclusion on the website should be directed to Piper LeMoine at the Texas State Library and Archives Commission ([plemoine@tsl.state.tx.us](mailto:plemoine@tsl.state.tx.us)).
- Ms. Kim Scofield expressed the Council's appreciation for the new website and asked if minutes from older meetings would be included on the site at a later date.
- Ms. Cathy Hartman asked if the biennial report was included on the new website, and Ms. Ferrari indicated it was included.

## **VI. AGENDA ITEM 4 – DISCUSSION OF RMICC CHARTER**

Ms. Martha Richardson of the Department of Information Resources (DIR) presented an update on the development of a new RMICC charter.

- Ms. Richardson suggested that a subcommittee be formed to develop a new RMICC charter, and suggested that Jan Ferrari be appointed chair of the subcommittee.

- **MOTION** made by Ms. Kim Scofield, seconded by Ms. Hope Morgan, and carried unanimously to appoint Ms. Ferrari chair of the subcommittee.
- Ms. Ferrari asked for volunteers for the RMICC charter subcommittee. Ms. Scofield, Mr. Dan Procter and Ms. Cathy Hartman volunteered, and Ms. Richardson indicated she will continue to provide support for the drafting of the new charter.
- Ms. Ferrari suggested that the subcommittee members meet via conference call or email as often as weekly to draft the new charter, and proposed that the new charter could be completed by the end of 2009.
- Mr. Brian Rawson indicated there had been considerable discussion about a new charter at the previous RMICC meeting, and suggested that the minutes of that meeting would be a good resource for the subcommittee to review
- Mr. Procter inquired about updating the current RMICC rules in the *Texas Administrative Code* after the new charter is drafted. Ms. Ferrari indicated the subcommittee will evaluate the need for rule revision based on the items included in the new charter. Ms. Ferrari also expressed concern that the new charter should be drafted in a fashion to avoid the need for revision each time the Council undertakes new projects.

**VII. AGENDA ITEM 5 – REPORT ON FREEDOM OF INFORMATION FOUNDATION OF TEXAS CONFERENCE**

Mr. Tim Nolan of the Texas State Library and Archives Commission and Ms. Cathy Hartman presented information about the FOIA conference held August 21, 2009. Ms. Hartman indicated that Coby Condrey of the Texas State Library contributed to the information she presented.

- Of particular interest at the conference was information presented regarding concerns raised by the use of social networking media by government agencies and officials. This type of media presents a number of challenges for records management:
  - Are records created through the use of social networking sites or text messages, etc. government records and do they require retention?
  - Are records created through these types of media government records if they are created on the personal cell phones or computers of government officials?
  - These records are not located on government servers, which presents an additional challenge for data retention.
- Ms. Hartman indicated that recent court rulings seem to indicate these types of records are government records. The White House has issued a recent request for proposal regarding capturing data from social

networking sites. No state agencies are capturing this type of data currently.

- Ms. Hartman indicated an additional concern raised at the conference focused on what format might be used to retain this type of records. A printed transcript might not be of the same value to researchers as a digital record.
- Mr. Nolan said many members of the media attending the conference consistently raised concerns about the response time from government agencies regarding digital records. New technology often evolves more quickly than government's ability to react. He noted the difficulty involved in capturing data from social networking sites, text messages, and other digital records after the fact for many of the same reasons noted by Ms. Hartman.

#### **VIII. AGENDA ITEM 6 – BRIEF UPDATE ON OPEN GOVERNMENT LEGISLATION**

Ms. Jordan Hale of the Office of the Attorney General provided information on changes to open government legislation resulting from the past legislative session.

- Gov't Code, §552.010: addresses confidentiality of information requested by a member of the legislature
- Gov't Code, §552.1175: extends protection to certain federal agents and allows governmental body to withhold certain information without a ruling
- Gov't Code, §552.138: allows governmental body to withhold certain information without a ruling
- Gov't Code, §552.150: protects employees of hospital district
- Gov't Code, §552.151: addresses select agents
- Gov't Code, §552.263: clarifies that estimate with bond must comply with Gov't Code §552.2615
- Gov't Code, §552.274: re-enacted, concerns cost of copies
- Gov't Code, §552.301: adds 15 business day deadline to submit certain information to requestor
- Family Code, §261.201: addresses release of investigative information to parent, managing conservator or child

#### **IX. AGENDA ITEM 7 – REPORT ON ATTORNEY GENERAL'S OPINION GA-0727**

Mr. Tim Nolan of the Texas State Library and Archives Commission (TSLAC) presented information regarding Attorney General Opinion GA-0727. This

opinion concerned retention of minutes from meetings of the Texas Residential Construction Commission (TRCC).

- Mr. Nolan indicated that the TSLAC has rules requiring written copies of minutes to be provided by TRCC to TSLAC. TRCC wanted to provide video recordings of minutes only to TSLAC.
- The opinion concluded that because the TSLAC's rule requiring state agencies to create and maintain written minutes of the agency's open meetings is inconsistent with section 551.021 of the Open Meetings Act, a court would likely find it invalid.
- Mr. Nolan indicated most agencies maintain written minutes of meetings and provide copies of these minutes to TSLAC. TSLAC has no plans at present to amend the rule requiring written copies of minutes from agencies.
- Ms. Kim Scofield inquired about TRCC's reasons for challenging the TSLAC rule. Mr. Nolan indicated that transcribing video and audio records can be costly and time consuming for agencies. TRCC was a fairly new agency and may have thought the video recordings were sufficient.
- Mr. Stephen Quick indicated that the TRCC had been abolished by the legislature and the agency's responsibilities would be transferred to the Comptroller of Public Accounts in 2010.
- Ms. Cathy Hartman commented that many researchers her agency encounters prefer audio and video records to written transcripts. She indicated that print formats are becoming increasingly outdated, and emphasis should be placed on preservation of video and audio recordings as well as written transcripts.
- Mr. Nolan indicated the TSLAC has limited resources for video and audio preservation. Ms. Hartman suggested that the idea of collaborations between agencies could assist in maintaining records. The University of North Texas and the Secretary of State have a long-standing collaborative effort to maintain the *Texas Register*. Mr. Dan Procter agreed that this collaboration has been beneficial.
- Mr. Procter indicated the legislature is now preserving video and audio recordings of sessions and committee meetings. Often these recordings are an important resource for determining legislative intent at a later date.
- Mr. Nolan agreed that the legislature's procedures could serve as a model for preservation of agency recordings. He noted the TSLAC does not have information about which agencies are recording meetings, or if those agencies are preserving those recordings.

**X. AGENDA ITEM 8 – UPDATE ON E-RECORDS CONFERENCE 2009**

Mr. Tim Nolan of TSLAC presented information about the upcoming E-Records Conference, to be held November 6.

Based on information from previous conference participants, Mr. Nolan indicated that most conference attendees want to know what other agencies are doing in regards to records management.

This year's conference will feature presentations from the United States Air Force, the General Accounting Office, and Dallas County. Mr. Nolan indicated about 60 participants are expected to attend the event.

**XI. AGENDA ITEM 9 – PROGRESS UPDATE FROM THE BEST PRACTICES COMMITTEE**

Ms. Martha Richardson of DIR gave a progress update from the Best Practices Subcommittee. Ms. Richardson indicated that some work of the subcommittee has been delayed and deadlines previously set by the Council may need to be extended.

- The workplan for the Electronic Records Management Extension framework has been approved by DIR. The focus group is scheduled to meet on September 23, and plans to publish the extension by December 31.
- Survey questions for inclusion in DIR's Information Resources Deployment Review (IRDR) will be finalized by September 11 for submission to DIR management. The survey should be ready for distribution by October 1, and responses are due back to DIR by December 1. Ms. Richardson indicated that DIR expects to complete analysis of the survey responses in January, 2010.
- Survey questions for the IRDR will be directed more towards information technology professionals rather than records managers. Ms. Kim Scofield raised concerns that records managers should be surveyed as well.
- Ms. Richardson noted that DIR is focusing on information technology professionals with the IRDR to find out more detailed information about how agencies are storing records—file formats, backup schedules, hardware information, etc. This type of information might not readily be available to end users such as records managers. Ms. Hope Morgan concurred that information technology professionals are the best source for the type of information being surveyed.
- Mr. Brian Rawson indicated that the IRDR is a statutory requirement for DIR, and DIR is adding RMICC concerns into the survey.
- Ms. Richardson noted that a second survey focusing on records managers might be considered following the IRDR. Ms. Scofield, Ms. Morgan and Ms. Cathy Hartman indicated their support for a second survey to be compiled. Ms. Scofield raised concerns that in many agencies, information technology professionals and records managers do not communicate

effectively regarding records retention. Ms. Scofield stressed the need for RMICC to promote cooperation or valuable information could be lost.

- Ms. Morgan indicated that the best practices for digitization project might be postponed in order to incorporate information received from the IRDR. Ms. Hartman suggested that the definition of digitization be expanded to include digital preservation and lifecycle management. Ms. Richardson indicated that her vision for the best practices for digitization was a “workbook” type of approach—a step by step document for digitization projects, including space for documenting each step of a project.
- Ms. Richardson asked the Council for direction regarding development of a second survey for records managers to follow the IRDR. Ms. Morgan indicated her support for a second survey to be compiled for records managers using data gleaned from the IRDR. Ms. Ferrari asked if DIR or RMICC should produce the second survey, and suggested RMICC might be the more appropriate vehicle for the survey.
- Ms. Richardson asked the Council for approval of delaying the best practices for digitization project until completion of the IRDR, and for approval to develop a second survey for records managers following the IRDR as well.
- **MOTION** made by Ms. Cathy Hartman, seconded by Ms. Jan Ferrari, and carried unanimously to approve the timelines set forth by Ms. Richardson for the surveys and best practices for digitization project.

## **XII. OTHER BUSINESS**

No new business was discussed.

## **XIII. PUBLIC COMMENT**

No public comment

**MOTION** made by Mr. Dan Procter, seconded by Ms. Jan Ferrari, and carried unanimously to adjourn the meeting. In the absence of any further business, the meeting stood adjourned at 11:28 a.m.

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BRIAN RAWSON, CHAIR  
Records Management Interagency Coordinating Council Meeting