



AGENDA
STATE RECORDS COMMITTEE
July 21, 2016
10:00AM

Location: New Jersey State Records Center Conference Room
2300 Stuyvesant Avenue
Trenton, NJ 08625-0661
(www.nj.gov/treasury/revenue/rms/directions.shtml)

Announcement of Open Public Meeting

- I. **Review of January 21, 2016 minutes**
- II. **Administrative Actions:**
 - A. **Announcement of Approval of Destruction Authorization:**
 1. Routine Request: #87-297 – 87-411
 2. Artemis Request: #523645 – 528472
 - B. **Registered Imaging Systems / Amendments / Annual Reviews:**
Report to the State Records Committee: (See Attached)
- III. **Old Business:**
 - A. **Special Request and Authorization for Records Disposal:** (See Attached)
Dept. of Human Services, Division of Developmental Disabilities, Green Brook Regional Center – Damaged Records – Presented by James Jenkins
- IV. **New Business:**
 - A. **Records Retention Schedules:** (See Attached)
 1. **Law and Public Safety** – Presented by John Berry
Division of Consumer Affairs – Securities – S660906-003
 2. **State General Schedule** – Presented by Nichole Carthan
Body Worn Cameras (BWC) – G100000-009 Item 2101-0000
 3. **County General Schedule** – Presented by Nichole Carthan
Body Worn Cameras (BWC) – C820000-012 Item 0707-0000
 4. **Municipal General Schedule** – Presented by Nichole Carthan
Body Worn Cameras (BWC) – M100000-012 Item 0707-0000
 - B. **Special Request and Authorization for Records Disposal:** (See Attached)
Mount Olive Police Department – Damaged Records – Presented by Vilirie Perry

V. Other Business:

A. Procedures Regarding the Disposal of Hardcopy Records Scanned with Permanent or Archives / Archival Review Retention – Presented by Irwin Nadel

B. Re-Adoption of N.J.A.C. 15:3 with non-substantive streamlining changes

1. Explanation of Current Situation

- Multiple Versions
- Considered Re-adoption without change
- Preference to get some streamlining consistent with Governor's Office direction
- Will circulate that version and ask for vote in an August Special Meeting.

2. Planned Approach to Substantive Rule Revisions

- Use non-substantive streamlined version as the baseline
- Group to go over the rules and create a consensus version that streamlines further (eliminating outdated and unnecessary language), modernizes the rules, and provides clear direction for records custodians
- Regular meetings, with a goal to get agreement on each section of the rules. Designate a "lead" for each subchapter (Archives or DORES) and they will draft the section and then we will review and meet to discuss changes
- Anything that can't be resolved by this group will be summarized and presented to management in the Department of State and the Department of the Treasury for a policy decision
- Once policy is set, the rules will be finalized accordingly
- Final consensus draft reviewed by interest groups and sent to the SRC for review

3. SRC Members Discussion of Direction for Rule Revisions



MINUTES
STATE RECORDS COMMITTEE
July 21, 2016

Michael J. Tyger, Secretary, called the 422nd meeting of the State Records Committee to order at 10:02 a.m. on the above date. He stated that notice of the meeting had been posted in the Secretary of State's Office and published in the state's daily newspapers in conformance with the requirements of the Open Public Meetings Act.

Mr. Tyger stated that there is a quorum with all members present.

ATTENDANCE:

SRC: State Treasurer, Michael Tyger, Designee
Division of Local Government Services, Stacy Spera, Designee
Attorney General, Cameryn Hinton, Designee
State Auditor, William Robinson, Designee
State Archives, Joseph Klett

Staff: Irwin Nadel, Chief of Operations, Records Management Services
Bob Benco, Senior Executive Service, Revenue and Enterprise Services
Anthony Johnson, Administrative Analyst III, Records Management Services
Nichole Carthan, Records Manager, Records Management Services
Ellen Callahan, Supervising Archivist, NJ State Archives, Department of State
Sharon Allen, Technical Assistant II, Records Management Services
John Berry, Records Analyst I, Records Management Services
Marcella Campbell, Technical Assistant I, Records Management Services
Virma Guzman-Reyes, Head Audit Account Clerk, Records Management Services
James Jenkins, Records Analyst III, Records Management Services
Vilirie D. Perry, Records Analyst I, Records Management Services
Baljinder Pannu, Technical Assistant, Records Management Services
Esther Watkins, Secretarial Assistant II, Records Management Services

Other: Robert Harbold, Department of Human Services, Division of Developmental Disabilities
Laura Posner, Office of Attorney General, Law and Public Safety
Sgt. Michael Spitzer, Sgt. Michael Cordileone, Mount Olive Police Department
David Brice, Michele Everly, Gloucester County Clerk's Office
Donna Lenzi, Atlantic County

Allen Kurdyla, Somerset City
Jo McKinley, Sal Copola, Steve Goodfellow, Accses/CNA Services
Torey King, Liz Pagano, Gabriella Leveme, Yochin Dufferr, Mercer
Patrick Garretson, Essex County
Bor-Sheng Tsai, Paul Paradino, Hudson County
Sharon Doers, Essex County, Register of Deeds & Mortgages
Argean Cook, Toi Fisher, Patricia Rich, Lisa Dickinson, Stephen Sopko,
Joan DePaolo, NJ Transit
David Nunez, Register Office
Sister Catherine Thibault, Diocese of Trenton
Dan Freed, Sussex County
Denise Szabo, MCANJ
Marc Pfeiffer, Rutgers
Laura Flagg, Rutgers
Art Stark, AccuScan
Sharon Young, West Windsor Township
Lisa Fania, Hopewell Township
Patricia McCarthy, City of Camden Records
Jim Thoms, Atlantic Micrographics
Torey King, Mercer County
Gary Dalina
Paul Porrале
Eric Carlsen, ShoreScan
Kim White
Oscar Simmons
Joe Falca

MINUTES:

APPROVAL OF PREVIOUS SRC MEETING MINUTES:

Minutes for the January 21, 2016 SRC Meeting were withheld for further review due to issues raised from Mr. Klett regarding his official title and department name. Mr. Klett would like for his representation to be shown as being of the Division of Archives and Records Management under "Attendance". There was further discussion between Mr. Klett, Mr. Nadel and Mr. Tyger regarding Mr. Klett's official title. SRC Members decided to hold off approving Minutes for the January 21, 2016 SRC Meeting pending further research regarding this matter.

I. ADMINISTRATIVE ACTIONS:

A. Announcement of Approval of Destruction Authorizations:

- 1. Secretary Tyger announced the approval of routine hardcopy request for disposal of public Records: #87-297 - #87-411**
- 2. Secretary Tyger announced the approval of routine online Artemis requests for disposal of public records:# 523645-#528472**

- B. Registered Imaging Systems/ Amendments / Annual Reviews:
Report to the State Records Committee: (See Attached)

II. OLD BUSINESS:

- A. Special Request and Authorizations for Records Disposal: (See Attached)
Dept. of Human Services, Division of Developmental Disabilities, Green Brook Regional Center- Damaged Records- Presented by James Jenkins -Approved without changes.

III. NEW BUSINESS:

- A. Records Retention Schedules (See Attached)

1. Law and Public Safety- Presented by John Berry
Division of Consumer Affairs -Securities- S660906-003 -Approved with changes to remove the "Note" comment in the Amendment Form following Record Series Numbers: 0005-0000, 0007-0000, and 0008-0000.
State General Schedule - Presented by Nichole Carthan
Body Worn Cameras (BWC) - G100000-009 Item 2101-0000 - Approved without changes.
2. County General Schedule-Presented by Nichole Carthan
Body Worn Cameras (BWC)-C820000-012 Item 0707-0000-Approved without changes.
3. Municipal General Schedule - Presented by Nichole Carthan
Body Worn Cameras (BWC) - M100000-012 Item 0707-0000 - Approved without changes.

- B. Special Request and Authorization for Records Disposal: (See Attached)
Mount Olive Police Department - Damaged Records - Presented by Vilirie Perry-
A lengthy discussion took place among the SRC members and agency representatives regarding whether the agency could isolate the damaged homicide records or other high-profile cases from the other damaged records. The agency representative responded that they were unable to determine which boxes contained homicide records or to isolate any records. The request was approved without changes, by a vote of 2-0 with Mr. Klett, Ms. Hinton and Ms. Spera abstaining.

IV. OTHER BUSINESS:

- A. Procedures Regarding the Disposal of Hardcopy Records Scanned with Permanent or Archives/ Archival Review Retention- Presented by Irwin Nadel-Approved.
Mr. Nadel thanked the Director of State Archives for meeting with the Division of Revenue and Enterprise Services to review this document and explained to SRC Members and the public the procedures outlined in the document. Mr. Klett stated that the workflow is a good conceptualization of the process, but noted there still needs to be a meeting of the minds regarding a migration path for permanent electronic records, and that Archives will need help regarding storage. Mr. Nadel agreed that additional meetings are required and that OGRES will provide support regarding records storage space.

Mr. Klett wanted the record to reflect that non-routine Destruction Requests are not an Administrative Action item and Mr. Nadel agreed with that. The workflow was unanimously approved with the understanding that certain requests will be non-routine and require SRC approval.

B. Re-Adoption of N.J.A.C. 15:3 with non-substantive streamlining changes

Mr. Tyger gave an overview of the Re-Adoption for N.J.A.C. 15:3, noting that these rules expire on September 21, 2016 and that with multiple versions of the rules having been circulated it was better at this point to try to readopt a streamlined version of the rules without substantive changes. Mr. Tyger stated that there will be a special SRC meeting on August 18, 2016 during which the SRC will vote on the non-substantive changes to title 15:3. Mr. Tyger gave SRC members a draft hardcopy of the non-substantive changes for their review and comments, and also promised to send an electronic version. Mr. Tyger also stated there will be future meetings with Archives and DORES and Mr. Tyger will work with DORES and Archives to create a committee that will meet regularly to create a consensus version of the substantive changes for future SRC review.

Mr. Tyger asked if there were any questions about the proposed N.J.A.C. 15:3. Mr. Klett distributed copies of a Memorandum packet to SRC Members, staff and to members of the public. This memorandum packet is included as part of the SRC meeting packet. Mr. Klett stated this was in regard to the correspondence from Mr. Klett to Ms. Hinton outlining the Department of State's proposed revisions to N.J.A.C. 15:3. Mr. Klett proposed that this memo and correspondence from Ms. Hinton which outline the Attorney General's office recommendations in terms of changes be used for the discussion that will take place between now and August. Ms. Hinton noted that her comments were on a previous version of the rules, not the non-substantive change version circulated today.

Mr. Klett also brought up a memo from Mr. Klett to the SRC outlining a process that the Dept. of State discussed at a CARMA meeting in May 2016, after which the Department of State invited eight representatives from State and Local Government to participate on a panel to review DORES and Dept. of State's proposed revision of the rules. Mr. Klett noted the February 21, 2013 SRC Minutes document the proposal by the SRC for an electronic archive infrastructure to be housed in the State Archives. Mr. Klett also mentioned the December 2013 SRC Minutes indicate Archives intent to have permanent designations removed from the retention schedules. Mr. Nadel stated that DORES be given an opportunity to review the aforementioned documents as Revenue was not asked to participate on the panel.

Ms. Hinton noted she will not be voting on these rules as she and her group in the Division of Law advised the Division of Archives and Records Management and indicated voting on the rules would be a conflict of interest for her office. Mr. Tyger asked if Ms. Hinton, in her current capacity, is counseling the SRC to which Ms. Hinton replied that "technically" she counsels Division of Archives and Records Management and Department of State. Mr. Nadel stated he will go on record to say that the Division of Archives and Records Management does not exist, Records Management Services was assigned to the Department of Treasury by MOA. Ms. Hinton said she disagrees with that and Mr. Klett said that this is a matter of fact for the Department of State as indicated by the Attorney General's Office. Mr. Tyger again asked if Ms.

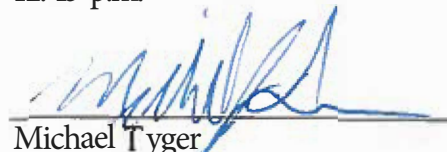
Hinton cannot counsel the SRC and Ms. Hinton replied, that is her understanding. Ms. Hinton said as far as her assignment, the SRC is not advised by her office. Mr. Tyger said that she is the Attorney General's representative sitting on the Committee, and Ms. Hinton said she is sitting as a designee. Mr. Tyger asked Ms. Hinton who would advise the SRC and Ms. Hinton said due to her most recent conversations with the Assistant Attorney General, that their conclusion is that there would be a separate designee who only provides counsel to SRC and not to any department. Ms. Hinton offered to distribute an official memo to the SRC. Mr. Tyger stated historically the Attorney General's Office advised the SRC. Mr. Klett then listed names of previous Designees of the Attorney General who also served as counsel to DARM and Mr. Klett said that the conflict of interest was always there. Mr. Tyger expressed that he would appreciate any additional guidance that the Division of Law can provide on this matter.

Mr. Tyger asked if there was any other discussion or direction to focus on today and Mr. Klett requested an Open Public Hearing for the public's comments on the Re-Adoption of N.J.A.C. 15:3 on August 18, 2016. Ms. Hinton asked if the special meeting will be about the current changes for N.J.A.C. 15:3 and Mr. Tyger replied no, the committee will only be voting on the Non-Substantive changes. Mr. Klett said there is disagreement on what is considered substantive. Mr. Klett said he wants to remind the SRC that the public has a right to public participation. Mr. Tyger said that once the rules are published; the public has 60 days to make comments. Mr. Tyger reiterated that the special meeting is so the rules can be reviewed and adopted prior to expiration and that these are only non-substantive changes. Mr. Klett withdrew his request for an Open Public Hearing.

C. Request for a special meeting, August 18, 2016

Mr. Tyger requested a special meeting with the intent to review and vote on the non-substantive changes to N.J.A.C. 15:3. Upon motion, the Committee voted to approve the next SRC meeting using the date already reserved for a special meeting if needed, August 18, 2016, five (5) yes, none (0).

There being no other business, the Committee adjourned at 12:15 p.m.


Michael Tyger
Secretary
State Records Committee