

# Records Management Training Motlow State Community College



**Records Management Division  
Secretary of State Tre Hargett**

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# The Public Records Commission (PRC)



- Created by statute to determine and order the proper disposition of state records. TCA § 10-7-302, TCA § 10-7-303
  - Members include:
    - ✦ Secretary of State
    - ✦ Comptroller of the Treasury
    - ✦ State Treasurer
    - ✦ Director of Legal Services
    - ✦ Commissioner of General Services
    - ✦ Attorney General
    - ✦ Executive Director of Historical Society
    - ✦ Chief Justice of Tennessee Supreme Court

# State Records, Defined



- “Public record or records’ or ‘state record or records’ means all documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency.” T.C.A. § 10-7-301(6)
- The test for determining whether a record is public is “whether it was made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency.” *Griffin v. City of Knoxville*, 821 S.W. 2d 921, 924 (Tenn. 1991)

# Records Disposition Authorizations (RDAs)



- RDAs are the official, legally binding documents utilized by an agency to request PRC authority for the disposition of state records.
- RDAs answer many common questions:
  - How long should we hold these records?
  - Where are these records stored?
  - Are these records confidential?
- There are two types of RDAs:
  - Agency-Specific
  - Statewide

# Advantages: Compliance



- RDAs go through a formal review process before final PRC approval.
  - Reviewing parties include Records Management, the Tennessee State Library & Archives, the Comptroller's Audit Division, and the PRC.
- This process ensures that by following PRC-approved RDAs, the state agency in question is:
  - Complying with state and federal laws.
    - ✦ Any legal requirements for security and/or retention should be included in the RDA's data.
  - Prepared for audits.
  - Able to find and present records requested for litigation in a timely manner.

# Advantages: Risk Management



- Records management is risk management.
- Maintaining and following RDAs provides legal justification that protects agencies from:
  - Accusations of improper, unethical, and/or premature destruction of state records.
  - The risks presented by holding records for longer than legally necessary; records should be promptly destroyed as soon as they have met the retention requirements set forth in the appropriate RDA.
- Agencies should work toward the goal of documented and defensible records disposition.

# Advantages: Budget Costs



- **Legally Destroying Records** reduces cost by:
  - Reducing physical and digital storage space.
  - Eliminating retrieving records for litigation that have been properly disposed of according to schedule.
  - Saving staff time of processing and maintaining records that should have been destroyed.
  - Disaster preparedness: the fewer records, the lower the cost.

# Advantages: Transparency



- Tennesseans expect high levels of transparency in governmental agencies, including public colleges and universities.
  - The Tennessee Public Records Act gives Tennesseans the right to request any non-exempt state records.
- If RDAs seem like just more governmental bureaucracy, consider the alternative.
  - How would it look if any state records could be destroyed at any time by any employee?
- RDAs and PRC processes are not just *useful*, but *essential* steps for transparency and efficiency.



# Destruction of State Records



- The proper method of destruction depends on criterion set forth in the Records Disposition Authorization.
- Records that are deemed confidential, private, or sensitive should be securely shredded to ensure that the information is protected.
  - Vital Records Control (VRC) in Nashville provides large-scale, secure destruction services.
- Records not requiring confidential destruction may be recycled.
- Any records may be securely destroyed upon request.

# Electronic and Communication Records



- Even before COVID-19, state agencies were performing more and more tasks electronically.
  - PRC rules and other legal requirements for state records *do not change* just because the format of the records is changing; i.e., a pdf file is subject to the same rules as a piece of paper.
- Emails, texts, and voicemails are also state records and may sometimes require long-term retention.
  - Drafts, notes, voicemail, text messages, and email messages are assigned to SW16 “Temporary Records” unless they are governed by another RDA.
  - Employees have individual responsibilities for their records.

# Agency Organization



- Agencies have the freedom to organize their records program to best suit their needs.
  - It's useful to spread out responsibilities, making it easier to compile data and ensure compliance in every agency office.
- **Records Officer for TBR**
  - Lisa Webb ([lisa.webb@tbr.edu](mailto:lisa.webb@tbr.edu))
  - RMD's primary point of contact
- **Records Managers for each institution**
- **Records Coordinators for each department/office**
- **Individual employees knowing their responsibilities**

# Questions?



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