

What are personal papers?

Some documentary material accumulated by executive and administrative branch officials do not qualify as State records. These materials may be considered personal papers (and private property), if they relate only to an individual's personal affairs and do not affect the conduct of agency business. Examples include:

1. papers accumulated by an official before joining governmental service;
2. materials relating solely to an individual's private affairs, such as outside business pursuits, professional affiliations, or private political associations; and
3. diaries, journals, or other personal notes that are not prepared or received in the process of transacting governmental business.

Personal papers maintained in your office should be filed separately from State records in order to facilitate the application of laws that apply only to the latter. When both private matters and agency business appear in the same document, you should extract or copy the part relating to the agency business and treat the extraction or copy as a State record.

Destruction or preservation?

Clarification of the distinctions between State records, nonrecord materials, and personal papers is important because State records must be preserved unless their destruction has been approved by the Oversight Committee on Public Records. The OCPR's approval is contingent upon evaluation of the administrative, legal, and research value of the records. Many State records are found to be eligible for destruction as soon as they are no longer needed for current use. Some State records may be removed to the State Records Center for temporary, economical storage. State records of

enduring value are transferred to the Archives Division, Indiana Commission on Public Records.

State agencies are required to have a records retention schedule approved by the Oversight Committee on Public Records that informs officials of the actions that must be taken with respect to the State records in their offices. Unless expressly authorized by the Oversight Committee on Public Records to do so, by means of an approved records retention schedule, you must not remove or destroy any State records.

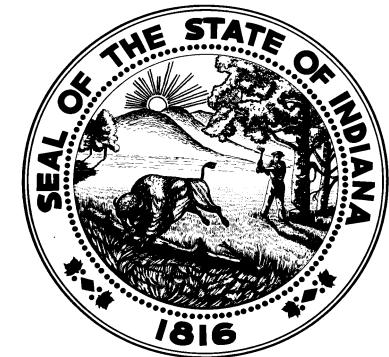
The introduction of automation in offices at all levels not only facilitates the conduct of public business, but can also have unfortunate consequences on necessary recordkeeping. Electronic mail and word processing systems make it simple for the user to delete documents. As managers, you must provide guidance to your staff to ensure that these decisions are made properly. Such guidance should be based on current, approved records retention schedules. A decision to retain a document in electronic form should be accompanied by a decision to maintain the ability to access that document.

If you have any questions about these guidelines, please contact the Indiana Commission on Public Records at 317-232-3380.

EXTRACTED FROM:

FOR THE RECORD: Guidelines for Federal Records and Personal Papers, National Archives and Records Administration, 1988

Guidelines for Indiana State Records, Nonrecords, and Personal Papers



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Introduction

As an official of the executive or administrative branch of State government, you are responsible for safeguarding governmental records. These records ensure continuity and consistency in administration, protect rights and interests of the government and the people, are essential to responsive and responsible government, and document our State experience. This pamphlet directs your attention to the policies and procedures governing the creation, maintenance and disposition of the documentary material that may accumulate in your office. It provides information to help you distinguish State records from nonrecord materials and personal papers. It highlights legal provision, discusses the impact of automation, and identifies sources of additional information.

What Laws govern recordkeeping?

The legislature has passed and the Governor has endorsed a number of laws that govern the keeping of records by executive branch officials. The most familiar of these laws, the Fair Information Practices Act, the Open Door Law, and the Access to Public Records Act, ensure appropriate access to records. A less familiar, but equally important body of law relates to the creation, maintenance, and disposition of records by State officials.

Almost all the documentary materials you create or receive as a public official are subject to the provisions of the laws that have been codified in Title 5 of the Indiana Code at Chapter 15-5.1. These statutes and related regulations define state records, mandate their creation and preservation, establish government ownership of them, and provide legal procedures for their disposition.

What is adequate and proper documentation?

Executive and administrative agencies are responsible for creating and preserving records that adequately and properly document the organization, functions, policies, procedures, and essential transactions of the agency. (IC 5-15-5.1-10)

The objectives of adequate and proper documentation are to:

1. protect the legal, financial, and other interests of the government and the people;
2. ensure continuity and consistency in administration;
3. assist agency official and their successors in making informed decisions; and
4. provide the information required for overseeing the agency's activities.

By creating and maintaining adequate and proper documentation, you are able to:

1. reconstruct the development of your own and your predecessor's policies;
2. furnish your successors with information needed to understand past and current actions; and
3. leave an enduring record of your accomplishments.

What are State records?

State records are documentary materials, regardless of physical form, that are made or received by an agency of State government under State statutes or in connection with the transaction of public business, and preserved or appropriate for preservation as evidence of the information they contain.

All correspondence, memos, case files, photographs, motion pictures, tape recordings, data sets, and computer tapes and discs in your custody must be measured against this statutory definition (IC 5-15-5.1-1) to determine whether or not they qualify as State records. The essential qualifying characteristics relate to evidence and information, not physical form or format.

Most documentary materials of an official nature in a State governmental office meet the legal definition of State records. However, a few specific categories of material have been excluded from the definition. These are library and museum materials acquired solely for reference or exhibit purposes, stacks of publications, and extra copies of documents retained solely for convenience of reference.