

EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Department for Libraries and Archives
Archives and Records Management Division
(Amendment)

725 KAR 1:020. Recording and reproducing public records.

RELATES TO: KRS 61.870, 141.420(3), 171.450(1)(c), 171.600, 171.670

STATUTORY AUTHORITY: KRS 171.450(1)(c), 171.660

NECESSITY, FUNCTION, AND CONFORMITY: KRS 171.450(1)(c) requires the department to establish standards and procedures for recording, managing and preserving public records, and for the reproduction of public records. KRS 171.660 requires that state and local agencies shall reproduce and preserve public records according to administrative regulations promulgated by the department. KRS 171.420(3) provided that the State Libraries, Archives, and Records Commission shall be the final authority for the disposition of all public records in Kentucky. This administrative regulation establishes the standards to be followed for the recording or reproducing of public records.

Section 1. Recording shall be done on paper, microform, or in a digital format.

Section 2. If the recording is done on paper, it shall be done on thirty-two (32) weight, 100 percent linen paper.

Section 3. If the recording is done on microfilm, microfiche, or some other type of microform, the agency shall follow the standards and procedures in Microfilming and Digital Imaging of Public Records: A Procedural Guide.

Section 4. If the recording is in a digital format or reformatted to a digital image, the agency shall follow the standards in Microfilming and Digital Imaging of Public Records: A Procedural Guide, Policy Memorandum on the Storage of Public Records as Scanned Images, and Ensuring Long-term Accessibility and Usability of Textual Records Stored as Digital Images: Guidelines for State and Local Government Officials.

Section 5.

(1) A state or local agency shall not destroy any original records after the records are microfilmed, digitized, duplicated, or reformatted without written approval of the State Archivist as established in 725 KAR 1:030.

(2) A state or local agency shall follow the retention and disposition schedules established by the State Libraries, Archives, and Records Commission in 725 KAR 1:061.

Section 6. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Microfilming and Digital Imaging of Public Records: A Procedural Guide", January 2010;

(b) "Policy Memorandum on the Storage of Public Records as Scanned Images, PM 2010-01", January 2010; and

(c) "Ensuring Long-term Accessibility and Usability of Textual Records Stored as Digital Images: Guidelines for State and Local Government Officials", January 2010.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Archives and Records Management Division, Kentucky Department for Libraries and Archives, 300 Coffee Tree Road, Frankfort, Kentucky 40601, Monday through Friday, 9:00 a.m. to 4:00 p.m.

TERRY MANUEL, Commissioner

APPROVED BY AGENCY: July 2, 2021

FILED WITH LRC: July 6, 2021 at 11:30 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 21, 2021, at 10:00 a.m. Eastern Time at the Kentucky Department for Libraries and Archives, 300 Coffee Tree Road, Frankfort, Kentucky 40601, Commission Room. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through September 30, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Terry Manuel, Commissioner, Kentucky Department for Libraries and Archives, 300 Coffee Tree Road, Frankfort, Kentucky 40601. phone 502-564-8303. fax 502-564-5773. email Terry.Manuel@ky.gov.