

EDUCATION AND WORKFORCE DEVELOPMENT CABINET

Department for Libraries and Archives
Archives and Records Management Division
(Amended at ARRS Committee)

725 KAR 1:050. Records management program.

RELATES TO: KRS Chapter 171

STATUTORY AUTHORITY: KRS 171.450(2), 171.520

NECESSITY, FUNCTION, AND CONFORMITY: KRS 171.450(2) requires that the department shall enforce the provisions of KRS 171.410 ~~through~~ 171.740 by ~~promulgation of appropriate rules and~~ administrative regulations. KRS 171.520 requires the department to ~~establish~~ the policies and principles to be followed by state and local agencies in the conduct of their records management programs, ~~to~~ ensure the maintenance and security of records deemed appropriate for preservation, ~~to~~ facilitate the segregation and disposal of records of temporary value and to promote the effective and economical use of space, equipment, and supplies needed for the purpose of creating, maintaining, and servicing records. KRS 171.520 ~~also~~ authorizes the department to administer and grant any money appropriated to it for providing and improving records management programs of state and local agencies. This ~~proposed~~ administrative regulation ~~establishes~~ uniform policies ~~for~~ the administration of grants to local governments for the improvement of records management programs.

Section 1. Eligibility of Applicants. Any local government office interested in improving the management and preservation of its public records may apply for a grant under the local records program by completing the Local Records Program Grant Application forms available through the department. For the purposes of this program, a local government office ~~shall constitute a~~ "public agency" as defined by KRS 61.870(1).

Section 2. Application Procedures. All applications ~~shall~~ be submitted on the Local Records Program Grant Application official application form and include a detailed project description, plan of work, and budget request. Supporting documentation, such as the Invitation for Bid Proposal are established in the Local Records Program Grant Guidelines. Entries on the application form and any required supporting documents ~~shall~~ be typed and completed as fully as possible, with additional sheets attached if necessary. In signing the application and in accepting a grant award, applicants agree, in carrying out their projects, to abide by the criteria established in this administrative regulation.

Section 3. Categories for Funding. Any project ~~which seeks~~ to improve the management and preservation of local public records ~~shall~~ be considered. Categories for funding include, ~~for example~~:

(1) Security microfilming vital (critical for the functioning of the office) or historically significant records following the standards and procedures in Microfilming and Digital Imaging of Public Records: A Procedural Guide. Security microfilming carried out with local records grant funds must be done through a micrographics laboratory or ~~vendor~~ certified according to the criteria established in the Microfilming and Digital Imaging of Public Records: A Procedural Guide and officially recognized by the State Libraries, Archives, and Records Commission. A list of the names of currently certified laboratories ~~or vendors~~ be obtained from the department's web site

~~(<https://kdla.ky.gov/records/recmgmtservices/Pages/LocalRecordsProgramGrants.aspx>)
[department];~~

(2) Rerecording projects, for rerecording damaged records or records ~~[originally recorded with a nonpermanent process and]~~ now losing their image, using archivally acceptable methods of recording on paper or microfilm;

(3) Document preservation projects, to carry out preservation or conservation measures on endangered records of major historical significance;

(4) Purchasing document conservation supplies;

(5) Establishing a local government records management program or archives. This ~~may~~**could** include hiring or partially subsidizing the salary of a qualified archivist who will work with department personnel in initiating a specific, time-limited project ~~[according to department standards]~~. Requests for salary support **shall be evaluated based on this administrative regulation** ~~[will be evaluated on a case-by-case basis]~~. ~~These~~**Such** funds are not designed for ongoing support, and they **shall not** ~~cannot~~ be used to replace salary funds already being expended by the local government. They ~~may~~**can** be used as ~~short-term~~**short term** salary supplements;

(6) Arranging and describing archival holdings, according to **generally accepted professional standards of records management and archival theory and practice** ~~[standards or/and/or/ formats approved by the department];~~

(7) Purchasing supplies and equipment ~~that~~**which** promote preservation of or access to archival materials, including acid-free boxes and folders, shelving, and cabinets; ~~and~~**;** and equipment to read microfilm.]

~~[(8)] [Improving storage conditions, rehabilitating storage areas, installing physical security systems, or providing for adequate environmental conditions in areas where records are stored.]~~

~~(8) [(9)]~~ Codification of ordinances for cities and counties, **according to procedures in Policy Memorandum on Approved Codification Services Vendors and Codification Grant Applicants/Recipients** ~~[using a codification services vendor approved by the department]~~. Funds **shall be** ~~are~~ available for production of initial codes but not for code supplements.

Section 4. Grant Award Periods. Grants **shall be** ~~are~~ awarded on a state fiscal year basis; ~~and applicants are encouraged to design projects which can be completed during that period. Applicants with longer term needs are encouraged to identify phases into which their projects can conveniently be divided, and they are urged to carry out their work in stages, each of which could be eligible for grant support in future grant cycles, pending satisfactory completion of each stage]~~.

Section 5. Grant Review and Evaluation. Applications **shall be** ~~are~~ reviewed by the Local Records Grant Review Committee and **ranked recommendations shall be presented to** the State Libraries, Archives, and Records Commission ~~[State Archives and Records Commission]~~. **The State Libraries, Archives and Records Commission shall make** ~~Recommendations of these groups are forwarded to the commissioner of the department who makes]~~ the final decision on grant awards **using the criteria established in Section 5 of this administrative regulation.**

Section 6. Grant Review Criteria. In reviewing applications and recommending the funding of specific projects, reviewers judge the projects by criteria, which **includes** ~~may include~~ **the following**:

(1) Urgency of the problem, **such as** significance and age of the records. The commission and other evaluation groups **shall consider first** ~~will pay special attention to those]~~ local government applicants with critical records problems and to those with older records and with chronologically complete groupings of records;

(2) Value as a model and type for size and geographical location of the local government. The program ~~shall promote/strives to assure/~~ equity in the geographic distribution of grant projects. The program ~~shall include/includes/~~ projects in various types and sizes of local governments, ~~with/and/~~ a major goal ~~is/~~ to provide model projects in all areas of the state;~~/;~~

(3) Soundness of the proposed methods. The methods of handling the records ~~shall/should/~~ conform to generally accepted professional standards of records management and archival theory and practice;~~/;~~

(4) Commitment of local government resources to the project. The commission and other evaluation groups ~~shall/will/~~ give preference to local governments ~~that/which/~~ commit some local resources to the proposed projects. ~~Such/~~Support ~~may/might/~~ take the form of adequate office, storage, or working space; personnel; supplies; equipment; or a monetary contribution. Evidence of previous concern or commitment of support to improved local records management and preservation ~~shall/will/~~ also be important factors in the reviewers' evaluation;~~/;~~

(5) Commitment by the local government to maintain the ~~program/pro-gram/~~ or the lasting benefit of a specific project. This ~~may/could/~~ include provisions for maintaining the accuracy and currency of a grant-funded code of ordinances with annual supplements, providing adequate storage space, designating of a person or persons responsible for maintaining and adding to a local archives, adhering to all standards for archival microfilming, or being willing to assume the cost of future security microfilming of relevant records;~~/;~~

(6) Adequate security and protection of records. Local governments ~~shall:~~

~~(a)~~

~~1. /should/~~ House records in secure, ~~fire-resistant/fire resistant/~~ facilities;~~/;~~ or

~~2. /should/~~ State how the proposed project will safeguard the records in question.

~~(b)~~ Applicants ~~shall comply with/should take into account the requirements of/~~ KRS 171.710 regarding the safeguarding of public records;~~/;~~

(7) Compliance with all legal requirements regarding custody and public access. This ~~shall/would/~~ include complying with the requirements of the state's Open Records Law (KRS 61.870-876) and providing access to the general public in an area with proper security and supervision;~~and/;~~

(8) Commitment by the local government to a comprehensive records management program. This ~~shall/would/~~ include regular legal disposition of ~~obsolete/~~ records in ~~accordance/accord/~~ with the records ~~retention/control/~~ schedules covering the records of a local government agency, and ~~may/might/~~ also include files control, segregation of inactive or noncurrent material from active files, selective microfilming (where appropriate), and training of records personnel in records management techniques.

Section 7. Informal Appeals.

(1) An applicant aggrieved by a decision of the State Libraries, Archives and Records Commission may file an informal appeal with commissioner of the department.

(2) Procedures.

(a) A formal letter of appeal shall be sent via email or postal mail to the commissioner of the department within three (3) working days of receipt of notice of rejection.

(b) The appeal shall include a brief description of why the applicant believes the decision of the State Libraries, Archives, and Records Commission is in error. The appeal shall be based solely upon alleged error by the State Libraries, Archives, and Records Commission. New information shall not be submitted with the appeal.

(c) The commissioner of the department shall make decision within two (2) working days of receipt of letter of appeal.

Section 8. Local governments ~~that/which/~~ are awarded grants shall enter into a grant contract~~[agreement]~~ with the department. ~~The grant shall establish/which shall specify/~~ performance and reporting requirements. Failure to fulfill the requirements ~~shall/can/~~ result in the return of the grant to the department.

Section 9. ~~f/Section 8./~~ Selection of Codification Services Vendors. The department, in approving established codification services vendors to participate in codification work funded with local records grants, ~~shall/wants to/ensure/insure/~~ that basic criteria and professional standards are met. Criteria ~~such as/which may include, but are not limited to,/~~ the following ~~shall be/fare/~~ used as essential measures to approve prospective codification services vendors:

- (1) Corporate stability ~~or/and/or/~~ a history of reliable service, preferably to client governments in Kentucky;~~f/~~
- (2) Experienced legal and editorial staff conversant with local government law and the technical and editorial requirements ~~to/which must/~~ be met in producing accurate, usable codes of ordinances;~~f/~~
- (3) Access to ~~online/on-line/~~ statutory databases~~[data bases]; and/f/~~
- ~~[(4)] [Modern word processing or computer assisted composition and typesetting capacity.]~~
- ~~(4) [(5)]~~ The ability to provide code supplement services on a continuing basis~~[, through the use of subsection (4) of this section].~~

Section 10. Codification Services Vendor ~~f/Section 9./~~ Applications from prospective codification services vendors ~~shall be/fare/~~ reviewed by ~~an ad hoc advisory committee to/~~ the State Libraries, Archives, and Records Commission using the criteria established in Section 9 of this administrative regulation.

Section 11. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Local Records Program Grant Application", October 2021;

(b) "Invitation for Bid Proposal", October 2021;

(c) "Local Records Program Grant Guidelines", November 2021;

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

(e) "Policy Memorandum on Approved Codification Services Vendors and Codification Grant Applicants/Recipients, PM 2021-11", November 2021; and

(f) "Codification Services Vendor Application", December 2021.

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

(13 Ky.R. 604; eff. 10-2-1986; 48 Ky.R. 564, 2215; eff. 5-3-2022.)

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