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# EXECUTIVE SUMMARY

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## Wyoming State Archives

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### ***Background***

Archivists and records managers establish the institutional memory of government by identifying and ensuring the preservation of records that document its work and impact. In Wyoming, the State Archives, a program within the Department of State Parks and Cultural Resources, Division of Cultural Resources, performs this function.

Two sets of statutes affect the WSA. One is the state's Public Records Act (W.S. 16-4-201 through 16-4-205), which defines public records and stipulates how government records custodians must make them available to the public. This act also specifies those government records that are not available for public use. The second group (W.S. 9-2-401 through 9-2-419,) assigns WSA a wide range of records management responsibilities. Among those are securing state records in a central archives, setting record retention periods, and operating a state records center. WSA has traditionally extended its services to all political subdivisions in the state as well as to state agencies and courts.

**WSA Operates Through Three Sections.** The state archivist, a statutory position, directs WSA work through three sections: Records Management, Technical Services, and Archives and Historical Research.

The Records Management section develops records retention schedules for state and local government records. Records schedules identify records as either permanent or non-permanent, and if non-permanent, specify for how long records must be retained before being legally destroyed. This is called a record's "retention period." Records Management staff, working in consultation with the agency of records origin, determine records retention periods. The State Records Committee, a statutorily authorized body, makes final and legally binding decisions on records retention schedules.

In addition, as authorized by statute, this WSA section operates the Records Center which is used by state agencies to store non-permanent records until they can be legally destroyed. This allows state agencies to use office space more efficiently. Currently, the Records Center holds approximately 30,000 cubic feet of state agency records.

Archives and Historical Research (Archives) is the section that manages and preserves permanent government records that document and interpret the state's history. In addition to storing these records, Archives prepares the records and provides reference services so that they are accessible to the public for scholarly and personal research. Archives' permanent holdings of 30,600 cubic feet include state and local government records, and a collection of non-governmental historical materials. More than half of the

permanent records Archives maintains in its primary storage facility, Archives South, are local government and court records.

Most resources in the third WSA section, Technical Services, are dedicated to the micrographics unit, which microfilms records for some state agencies, creates duplicate microfilm, processes microfilm for state agencies doing their own microfilming, and establishes standards for all microfilming done by governmental agencies. Statute requires WSA too operate a central microfilming division. In addition, this section provides WSA photograph and paper conservation capabilities.

**Current Storage Space and Capacity.** Most of WSA's current storage capacity of 74,000 cubic feet is in a warehouse facility in south Cheyenne that houses both the Records Center and Archives South. WSA also has limited storage capacity in the newly remodeled Barrett Building in two climate-controlled vaults. Between transfers to WSA storage facilities and destruction rates, the facilities jointly increase the amount of paper records they store by approximately 2,000 cubic feet each year. Based on this rate, we estimate that the available paper records storage space may be adequate for approximately four more years.

**WSA Budget is Small.** With a biennial budget of approximately \$1.8 million for the 1999-2000 biennium, WSA operated on about one-half of one percent of the state's budget during that biennium. WSA is funded entirely from the General Fund, but the state recovers some of those funds through federal cost allocation. A few large federally funded agencies generate cost allocations to the General Fund based upon the WSA services they use.

Most WSA costs (90 percent) are for personnel services. Its 25 FTEs include the state archivist, 3 section supervisors, 10 non-supervisory professional positions, and 11 administrative specialists. WSA does not budget to maintain its storage space: those expenses are included in the Department of Administration and Information's budget. The exception is the cost of shelving, for which WSA must request funds in addition to its standard budget.

**Program Has Been Studied Before: Records Management Issues Still Not Addressed.** Aspects of this program were studied in the mid-1990s, resulting in a 1995 report created by the State Historical Records Advisory Board (SHRAB). Little has been done with the recommendations from this report. In addition, the 1999 Joint Legislative and Executive Revenue and Expenditure study touched upon records management. Despite concerns with records management issues, WSA has maintained its focus upon the traditional paper record environment. We suggest ways that WSA might change its program to better prepare it to meet the challenges of the electronic records environment.

## ***Finding 1***

### **WSA Has Not Developed an Electronic Records Program**

WSA does not have significant influence in the state's information resource policy arena. Having such representation is important because the use of electronic information entails high levels of expenditures, and that information needs to be managed so that it can best serve both government and the public. Without the archives and records management perspective in technology decisions, the state may acquire systems that do not address records needs. To ensure the preservation of electronic records of long-term value, agencies must address records retention requirements in the planning and design stages of new information systems.

It is also important that archives and records management programs adapt their practices to accommodate electronic formats. However, WSA has not progressed far in developing an electronic records program. Its current program consists of one electronic records analyst to assist both state and local government agencies with electronic records issues. Moreover, WSA has no overall guidance instructing state agencies on maintaining records electronically. WSA staff view the electronic format as a processing medium only, with paper copies serving as the records.

Still, WSA officials acknowledge that government employees are increasingly creating records electronically, and those records are likely going unscheduled and unpreserved. WSA's limited program for assisting agencies in managing electronic records puts those records at risk, and potentially creates an unnecessary reliance by state government on paper records. WSA estimates that more than 9,000 cubic feet of records is currently being stored in the Records Center for periods of between one and five years. Some of these records could potentially be maintained in the electronic format if WSA had a viable approach to training agency personnel to manage them in that medium.

## **Recommendation: WSA should focus on developing its electronic records program.**

Electronic records present a complex issue to state government, and one that is potentially costly. Addressing the issue requires a joint effort on the part of government managers and technology staff, as well as the staff members creating the records. However, WSA must do more to assert electronic records preservation issues to ensure they are addressed. Further, it needs to shift its focus from maintaining the traditional paper records system to developing more of an electronics presence.

## ***Finding 2***

## **Archives-Provided Training Is Limited in Amount and Scope**

W.S. 9-2-406 (a)(vi) charges WSA with “gathering and disseminating to interested agencies information on all phases of records management and current practices, methods, and procedures for efficient and economical management of records.” WSA provides some formal training to state employees in the area of records management. However, its outreach and training program is limited in amount and the focus does not extend to local government agencies. In its 1995 report, SHRAB recognized the importance of training and recommended that a training program be developed. In spite of this, little has been done since then to address the issue.

WSA has not made training a priority. This is a concern because WSA has a potential audience of all government records creators in the State of Wyoming, a group of approximately 51,500 people. Considering its statutory charge, WSA’s current plan to provide two trainings per year is inadequate. WSA needs to be more proactive in providing training to records creators.

Improperly managing records can potentially cost the state both time and money. Mismanagement of records includes misfiling, losing, improperly destroying, saving unnecessarily, or otherwise mishandling records. It is likely that without proper training, agencies and local entities will mismanage their records. The consequences of such mismanagement could include a state agency experiencing adverse results in litigation, paying more for office space than is necessary, and having to provide additional funding for paper records storage. We believe that an effective training program could reduce mismanagement of records within Wyoming, and has the potential to decrease state expenditures.

### **Recommendation: WSA should seek temporary funding to develop and implement a comprehensive training program.**

Developing and implementing a comprehensive training program for state agencies and local entities should be a priority for WSA. Through a grant from the National Historical Publications and Records Commission (NHPRC), SHRAB will soon be reconstituted, giving WSA a unique opportunity. Through SHRAB, WSA may be able to obtain funding for a temporary position to create such a training program. An effective training program should eventually free up WSA resources that could be focused on other projects.

## ***Finding 3***

### **WSA Can Make More Full Use of Its Micrographics Resources**

Micrographics is a valuable but expensive records and archives management tool. Calculated use of this technology improves management of and access to records, provides a means to preserve and protect valuable and fragile records, and reduces storage space requirements. Microfilm provides a reliable permanent alternative to paper storage and is recognized as the legal original.

WSA is not using its micrographics resources strategically. Once projects are taken on, WSA does not re-evaluate them in terms of the resources they require or competing needs for its microfilming services. WSA appears to make decisions about allocating micrographics services based on tradition, and many microfilming projects have been done for state agencies for years. However, WSA denies new microfilming requests without comparing existing projects to proposed projects in terms of paper records storage savings.

Micrographics is not contributing as much to space savings as could be expected, given its staff and equipment. Currently, WSA is storing about 5,000 cubic feet of permanent records waiting to be microfilmed. In addition, Archives estimates that as much as 95 percent of its collection could be microfilmed without the need to retain the paper original. If the section were operating at full capacity, microfilming could extend the life of current paper storage facilities by 7 to 39 years. However, WSA's microfilming equipment is often in need of repair, and it has difficulty retaining camera operators.

WSA has not determined the level of microfilming that makes the most cost effective contribution to records and archives management. For example, WSA does not have specifications determining when a proposed microfilming project is cost effective. Nor has it calculated whether it would be more cost effective to invest in its microfilming resources rather in additional shelving. The program has not actively pursued financial support for micrographics equipment replacement and maintenance. Maintaining this equipment is essential to ensure that the micrographics unit makes its due contribution to archives and records management.

## **Recommendation: WSA should develop a plan to strategically use its microfilming resources and the special revenue funds they generate.**

This plan should balance the technical costs associated with micrographics with its space savings, records preservation, and other management contributions. The plan might also include a request to change statutes so that funds generated by microfilming can be used to support its equipment needs.

## ***Finding 4***

# **WSA's Implementation of Statute Creates Open-Ended Obligation**

Although the statutes directing WSA's specific responsibilities do not clearly indicate that they extend to all state political subdivisions, WSA has interpreted its legal authority for these records from W.S. 9-2-410. This statute states that all records are the property of the state and must be managed according to the statutes authorizing WSA. In practice, WSA provides non-state government political subdivisions and courts with two services: developing records retention schedules and storing permanent records.

Records retention scheduling is a manageable undertaking for WSA and provides local governments with the legal authority to dispose of records when they have reached their retention limits. Storing the permanent records of the state's political subdivisions and courts is potentially more problematic for WSA, however. Already, most (66 percent) of the permanent records stored in Archives South come from governmental entities other than state agencies.

Records from county and district courts make up nearly half of the non-state agency permanent records in Archives South. County clerks, municipalities, school districts, and publicly funded hospitals are other major record contributors. In many cases, WSA allows local governments to choose whether they will retain their own permanent records, or send them to the state.

In addition to the storage space they occupy, non-state agency records can absorb other WSA resources, particularly if the records are not properly prepared. Further, by assuming responsibility for the records created by all of the state's governmental bodies, WSA sets a precedent for maintaining that responsibility when those records are moved to an electronic format. Maintaining permanent records electronically requires costly technology to "migrate" records to formats compatible with subsequent systems. WSA will likely face revising its interpretation of its statutory responsibilities to accept only paper records from local governments and courts, or accept the migration responsibilities that go along with them.

## **Recommendation: The Legislature should consider reviewing WSA's statutory responsibility for local government records.**

Currently, the WSA interpretation results in open-ended costs to state government without the means to control them. The Legislature might consider reviewing whether it wants to maintain current services to local governments, or to reduce them. If it wants to continue the existing WSA

services to local governments, WSA needs resources for records management training to affect the quality of the records it stores.

## ***Finding 5***

### **WSA Records Management Services Are Geared to the Paper Environment**

Even though information technology is rapidly changing the ways records are created, WSA continues to focus its configuration of records management services on the paper-based environment. Perceiving its resources as inadequate, WSA officials have elected to focus upon what it has traditionally done best: schedule and store paper records. WSA schedules few records for electronic storage, even though that medium would accommodate some short-term records (three to five years retention).

Most records scheduling is done with state agencies, with which WSA records analysts work to develop an understanding of the records they are scheduling. Although statutes require agencies to have records officers to provide significant assistance in this process, WSA analysts do the bulk of the work scheduling work, which can be labor-intensive. This leaves records analysts little time to provide training or to address electronic records issues. Furthermore, the scheduling process is subjective, with WSA negotiating with agencies over retention periods.

The program's seemingly chronic need for additional records storage, coupled with its service-oriented approach to meeting agency desires, prompted us to question whether WSA may be scheduling records for lengthy retention periods. This would create pressure on WSA storage facilities. However, WSA schedules most state records for retention periods of five years or less.

### **Recommendation: WSA should reassess its approach to providing records services to free resources for other needs.**

The current WSA approach to managing records is resource intensive, leaving the program unable to address other vital aspects of the state's records management program. In view of the challenges posed by electronic records, WSA should reassess the manner in which it provides records scheduling services. The kind of services required by 21<sup>st</sup> century records systems are qualitatively different than those that fit paper records needs. WSA officials should consider shifting more records management responsibility to the agencies, and instead act more in a consulting or training capacity.

## ***Finding 6***

### **Archives Can Take Steps to Better Utilize Certain Staff Resources**

WSA productivity data for Archives staff suggests that Archives could better utilize several positions primarily dedicated to providing reference assistance. Currently, four reference archivists are available in the Archives reading room to assist patrons and agencies with research and requests. While they also perform additional duties, all staff in the reading room are not needed to assist patrons on a full-time basis. We believe WSA could devise a more efficient staffing pattern, one which would assign a limited number of staff to providing direct patron assistance.

WSA ascribes to a traditional gatekeeper approach to reference service that makes the presence of the reference archivists necessary. Under this approach, expert intermediaries place themselves between the user and both the primary access tools and the historical record. This approach limits patrons' ability to access research material without the help of a reference archivist. In contrast, the American Heritage Center, a University of Wyoming archives, ascribes to a more user-centered approach. In this approach, the reference archivist acts as a pointer to finding aides that patrons use, with minimal help, to obtain the type of information they seek. This user-centered approach enables AHC to staff the reference room with only one reference archivist at a time.

WSA has yet to develop either a comprehensive array of modern and readily searchable finding aides or thorough guides to finding aides that would facilitate the user-centered approach to reference. We believe WSA may be dedicating more staff resources to providing reference than is necessary, leaving other needs unattended.

### **Recommendation: The WSA should evaluate current staff assignments.**

The WSA should evaluate the utilization of reading room staff, and consider both the allocation of staff and procedures and practices used when providing reference services. Attention should be given to developing a more complete and modern set of finding aides, as well as guides to finding aides, that would make them easy to utilize without the assistance of a reference staff member. While not immediate, the eventual impact would be to lessen the burden on existing reference staff, freeing up time to focus on other projects.

## ***Finding 7***

### **Two State-Funded Entities Perform the Same Function**

The American Heritage Center (AHC) at the University of Wyoming and the Wyoming State Archives are both receiving state funds to collect non-governmental historical records. AHC's budget is supplemented by private donations used to process its collections, and it can seek additional donations when necessary. The historical collection at WSA is small and requires a disproportionate amount of resources to maintain it. WSA must also be judicious in deciding what additional material to acquire because of the significant costs incurred when cataloging, storing, and preserving historical materials.

Statutes are unclear about WSA's role in continuing to collect historical records. Two statutory references give WSA mixed direction regarding historical records. The uncertainty and expectation set out by statute gives WSA little incentive to expand current efforts in support of the collection. The same uncertainty may also have inhibited cooperative efforts with other Wyoming repositories, as envisioned by the 1995 SHRAB report.

## **Recommendation: WSA should evaluate maintaining its historical records collection.**

WSA should evaluate its policy with regard to whether and how it will continue to collect and manage historical records. Within the State, WSA performs a general government support function. Its small historical collection is more culturally directed than the rest of its materials, and also requires WSA to divert resources from its primary general government function. WSA may wish to propose a statutory amendment to clarify its responsibilities regarding the historical collection. Also, collaborative agreements with AHC could free up valuable space and resources for WSA.

### ***Conclusion***

WSA officials will likely agree that changes could be made in its existing program, but maintain that they lack the resources to do more than maintain the existing program. However, the magnitude of the electronic records impact is such that we believe WSA must re-evaluate its current practices. Therefore, WSA officials must rethink how the program will provide records management services in the future, and take the steps necessary to move forward.

# Recommendation Locator

<b>Finding Number</b>	<b>Recommendation Summary</b>	<b>Party Addressed</b>	<b>Agency Response</b>
<u>1</u>	<u>WSA should focus on developing its electronic records program.</u>	WSA	Agree
<u>2</u>	<u>WSA should seek temporary funding to develop and implement a comprehensive training program.</u>	WSA	Agree
<u>3</u>	<u>WSA should develop a plan to strategically use its microfilming resources and the special revenue funds they generate.</u>	WSA	Agree
<u>4</u>	<u>The Legislature should consider reviewing WSA's statutory responsibility for local government records.</u>	Legislature	Agree
<u>5</u>	<u>WSA should reassess its approach to providing records services to free resources for other needs.</u>	WSA	Agree
<u>6</u>	<u>The WSA should evaluate current staff assignments.</u>	WSA	Partially Agree
<u>7</u>	<u>WSA should evaluate maintaining its historical records collection.</u>	WSA	Agree

# INTRODUCTION

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## Scope and Methodology

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### A. Scope

W.S. 28-8-107 (b) authorizes the Legislative Service Office to conduct program evaluations, performance audits, and analyses of policy alternatives. Generally, the purpose of such research is to provide a base of knowledge from which policymakers can make informed decisions.

In November 1999, the Management Audit Committee directed staff to undertake a review of the Wyoming State Archives (WSA): Our research centered around the following questions:

- How is WSA adapting its policies and services to accommodate the electronic records environment?
- What training and outreach does WSA provide, and does the training reflect the changing records environment?
- Do WSA statutes clearly authorize the extent of and limits to WSA's responsibilities?
- Is WSA fully using its micrographics resources to contribute to the efficient and effective management of WSA?
- Is retention scheduling maximizing the efficient and economical management of non-permanent records?
- Is WSA fully using all resources available to the program?

### B. Methodology

The procedures used to conduct this review were guided by statutory requirements and professional standards and methods for governmental audits. Research was conducted from November 1999 to March 2000.

In order to compile basic information about the Wyoming State Archives, we reviewed relevant statutes, statutory history, annual reports, budget documents, strategic plans, previous studies, as well as additional internal documents. We toured WSA storage facilities, and we also interviewed key staff members at the WSA, professional staff at the American Heritage Center, members of the State Records Committee, and other interested parties.

To gather statistical information pertaining to WSA, we performed data analysis utilizing WSA outputs. We reviewed agency retention listing reports and microfilm camera operator logs, and extracted information on program outputs from annual reports. We examined all analysis of records forms approved in 1999, as well as quarterly report program outputs and State Records Committee meeting minutes. In order to determine the cost of records storage in WSA and within state agencies, we analyzed cost allocation reports as well as internal documents relating to cost avoidance. Finally, we conducted a broad review of professional literature related to archives and records management.

### **C. Acknowledgments**

The Legislative Service Office expresses appreciation to those who assisted in this research, especially to the Department of State Parks and Cultural Resources, the State Archivist, the Wyoming State Archives, and its personnel. We also thank the many other individuals who contributed their expertise, including staff at the American Heritage Center at the University of Wyoming.

# CHAPTER 1

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## Background

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***Documenting  
actions in records  
aids in making  
governments  
accountable.***

Access and accountability are cornerstones of any democratic process. By completely and accurately documenting its actions, a government ensures that it protects its own legal and financial rights, as well as those of the individuals and private organizations it affects. Archivists and records managers determine how long records must be kept to protect individual rights, provide accountability in government, and document governmental administrative history.

In Wyoming, the Wyoming State Archives (WSA), a program within the Department of State Parks and Cultural Resources (department), Division of Cultural Resources, performs this function. As its name implies, the program preserves records that document and interpret the state's history, but its responsibilities are much broader.

### **Statutes Assign WSA Multiple Duties**

***The Public Records Act specifies that some government records are closed. Statutes assign WSA a wide range of records management responsibilities. WSA serves all state political subdivisions, as well as state agencies.***

Two sets of statutes affect the WSA. The first, the state's Public Records Act (W.S. 16-4-201 through 16-4-205), defines public records and stipulates how government records custodians must make them available to the public. Public records are materials, regardless of physical form, made by governmental entities within the state in connection with the transaction of public business. The act also specifies those government records that are not available to the public, such as individual medical, adoption, library, school and welfare records, and trade secrets or other confidential commercial information. The second group (W.S. 9-2-401 through 9-2-419) assigns WSA a wide range of records management responsibilities. It also establishes the role of the state archivist, who can be the department director or a designated employee of the department. The state archivist has responsibility for all public records in his legal custody and for performing several other duties related to the administration of those records. Among those are securing all state records in a central archives, setting retention periods for records, operating a state records center, training interested agencies about records management, and operating a central microfilming division for public records.

**All Public Records Are Property of the State.** Indirectly, statute also creates a broad scope for WSA responsibilities. According to W.S. 9-2-410, all public records are the property of the state and they are to be preserved, stored, transferred, destroyed or disposed of, and otherwise managed according to the statutes that establish the state archives. WSA has implemented this encompassing statute by extending some of its services to political subdivisions in the state as well as to state government agencies. Some of WSA's statutes explicitly direct services to local governments, while other are less explicit.

**State Records Committee (SRC).** A statutory component of the state's records management process is the State Records Committee (W.S. 9-2-411). This committee makes legally binding final decisions on WSA staff recommendations with respect to the management of public records. Statute specifies that the Attorney General and the directors of the departments of Audit and State Parks and Cultural Resources, or their appointees, serve on this committee.

## **WSA Organized in Three Sections**

***Records  
schedules specify  
records as  
permanent or non-  
permanent.***

To accomplish its broad mission, WSA has three sections: Records Management, Archives and Historical Research, and Technical Services. The state archivist, a designated employee of the department, oversees these three sections.

**Records Management.** This section develops records retention schedules for state and local government records. Records schedules, which are legally approved by the SRC, are the documents that specify records dispositions, or what will happen to them when they are no longer needed for current government business. These schedules identify records as either permanent or non-permanent, and if non-permanent, specify for how long they will be retained before being legally destroyed. This is called a record's "retention period."

Records are scheduled as permanent if they have administrative, legal, or historical value that warrants it. Unless statutes specify that records be retained permanently, this decision is made by the SRC in consultation with the WSA staff and the offices of record origin. Schedules can specify that permanent records be transferred to the state archives for permanent storage, or that the entities creating them retain them permanently.

***Most of WSA's scheduling work is with state agencies. WSA stores non-permanent state agency records in the Records Center. The Records Center takes in more than 4,000 cubic feet of records each year.***

Although W.S. 9-2-406(a)(iii) does not explicitly extend WSA scheduling services to local governments, WSA has traditionally interpreted that directive from the inclusive language of the Public Records Act. Most of the schedules the section creates for local governments apply to multiple entities of the same kind. For example, there is a single schedule for all municipal fire departments or for all cemetery districts in the state. Records Management will schedule records individually for local governmental units upon request.

However, the bulk of the section's scheduling work is with state agencies. Records Management has scheduled records from 36 state agencies, most including multiple programs. In addition, it has scheduled records for 18 state boards and commissions. The section creates general schedules for records of certain more routine functions common to many agencies, as well as program-specific schedules. According to section officials, it has schedules for most paper records in all state agencies. The section creates more than 200 schedules each year.

As authorized by statute, this WSA section also operates a records center for the storage of semi-active non-permanent state agency records. The Records Center is operated in a state-owned warehouse facility in Cheyenne. Currently, the Record Center holds approximately 30,000 cubic feet of state agency records. These records are in boxes stacked on shelving, up to 14 boxes high.

In each of the past five years, state agencies have transferred, on average, about 4,460 cubic feet of records into the Records Center for temporary storage. During the same time period, Records Center staff has disposed of an average of 3,693 cubic feet each year, leaving a net annual accumulation of approximately 770 cubic feet.

State agencies retain custody of the records they transfer to the Records Center. Five agencies, the departments of Employment, Environmental Quality, Family Services, Health, and Game and Fish, each store 2,000 or more cubic feet of records in the Records Center. Other agencies store varying lesser amounts. Records Management provides a retrieval service for these records so agencies can access them until they are destroyed at the end of their retention periods.

Records Management employs a staff of five, including a supervisor and two records analysts, to develop records schedules. In addition, there are two administrative specialists who transfer, manage, retrieve, and dispose of the records in the Records Center.

***Archives manages and preserves permanent records. Archives South, an archival storage facility, holds 30,600 cubic feet of permanent records. Archives also holds a collection of non-governmental historical records.***

**Archives and Historical Research/Archives.** This section manages and preserves permanent government records that document and interpret the state's history. Since this is the WSA section that is generally associated with the term "archives," we will refer to it as Archives in this report. In addition to storing these documents, Archives prepares the records and provides reference services to make the records accessible to the public as educational resources for scholarly and personal research.

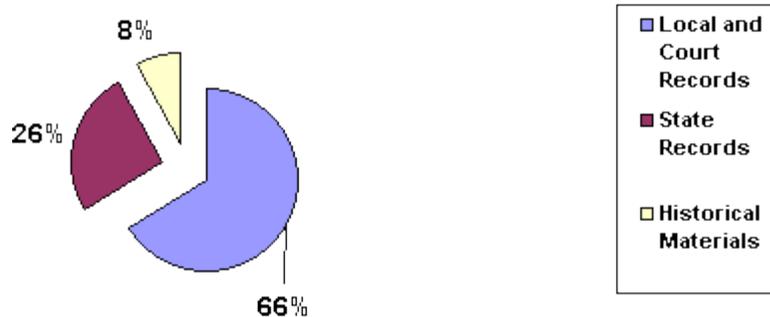
While the Records Management section operates the Records Center to store non-permanent state agency records, Archives stores permanent government records. It operates two Cheyenne facilities to provide this storage. The largest, Archives South, is in the same warehouse facility as the Records Center. Archives officials estimate it holds 30,600 cubic feet of permanent records. Records and historical materials are stored there on shelving in a non-climate controlled setting. In addition, Archives stores approximately 3,500 cubic feet of materials in a climate-controlled vault in the newly remodeled Barrett Building.

Another component of Archives holdings is a collection of non-government historical materials. These materials have been either purchased by the state or donated to it by private entities. The materials include books, newspapers, journals, manuscripts, and photographs that document and interpret the history of Wyoming and the region. WSA has not traditionally focused on collecting these types of non-government records. It acquired the current collection in 1995, when a department reorganization transferred the state's collection of non-government historical records, previously administered by the Wyoming State Museum, to WSA.

Finally, local government and court records constitute the largest portion of Archives holdings. Courts of all jurisdictions and local governments or political subdivisions throughout the state, including counties, municipalities and special districts can transfer permanent records to the state for preservation and management. See Chapter 4 for more information on the Archives services to local governments. Figure 1 portrays the distribution of permanent records among the three types that Archives currently stores.

***Most permanent records stored in Archives South are from local governments.***

**Figure 1: Permanent Records Stored in Archives South by Contributing Source**



**Source: LSO analysis of WSA data.**

***The state archivist has legal custody of all records in Archives South.***

When records come into Archives South, the state archivist assumes legal custody of them. Archives provides access to the records it holds, under the authorities and restrictions set out in the Public Records Act.

WSA has a staff of nine assigned to Archives. Three positions are assigned to Archives South to manage and process permanently valuable public records and archival collections. When Archives receives records, its staff must take steps to arrange the records, cull them if necessary, and describe them so they are accessible for future use. This is called records processing. One of these staff members is tasked half-time with maintaining the WSA web site and other outreach activities.

The remaining five staff members and the supervisor work in the Barrett Building. This group provides access to the Archives collection by providing research assistance and other services to government agencies and the public in the Barrett Building reading room. One individual serves as a receptionist for all department functions in the building.

***Most Technical Services resources go toward providing statutorily required microfilming services. WSA has climate controlled vault storage for vital records that have been microfilmed.***

**Technical Services.** The third WSA section consists of three functions: micrographics, photograph conservation, and paper conservation. The micrographics unit is WSA’s response to its statutory charge to operate a central division in which “all” records may be microfilmed if approved by the director of the office of origin and the state archivist. Statute also charges this unit with establishing standards for all microfilming done by state agencies and political subdivisions, and with consulting with those entities doing their own microfilming.

In practice, Technical Services provides microfilming services only to some state agencies, and only for certain non-permanent and permanent records. Chapter 4 includes more detail on these services. The unit also processes microfilm for state agencies doing their own microfilming, and creates duplicate microfilm for research and sale.

In addition, micrographics provides climate-controlled vault storage for security microfilm and negatives. Security microfilm and negatives are backup copies of records that were destroyed once microfilmed, permanent records with intrinsic value, and vital records. These backups are maintained in case of loss of the original or research copies of these records. The microfilm vault is separate but adjacent to the Archives Barrett Building vault, and is designed for the permanent storage of non-paper media. Such non-paper media include photograph negatives and computer generated records such as optical disks and magnetic tapes.

The photograph conservation unit preserves and duplicates photographs from the Archives collection for research and sale, and provides technical conservation services for deteriorating photographic records. The paper conservation unit provides technical conservation services for deteriorating permanent paper documents in the Archives.

Technical Services employs eleven people in the three functions. Three positions are assigned to the photo conservation and processing lab, one position to the paper conservation lab, one position to WSA fiscal work, and the remaining staff to the micrographics production area. All are housed in the Barrett Building.

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**Figure 2: Wyoming State Archives**  
Summary of Functional and Organizational Structure

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<b>State Archivist</b>		
<b>Records Management</b>	<b>Archives</b>	<b>Technical Services</b>
Develops records schedules for: <ul style="list-style-type: none"> <li>• State government</li> <li>• Local government</li> <li>• Courts</li> </ul> Operates storage for inactive non-permanent state records	Manages and preserves permanent records from: <ul style="list-style-type: none"> <li>• State government</li> <li>• Local government</li> <li>• Courts</li> </ul> Operates storage for permanent records	Provides micrographics, photo conservation, and paper conservation services. Operates storage for permanent state and local non-paper records

## Current Storage Space and Capacity

***WSA has approximately 74,000 cubic feet in storage capacity.***

The state’s current storage capacity, including the Records Center, Archives South, and the Archives vault, is approximately 74,000 cubic feet. Most of this space, 68,000 cubic feet, is in the warehouse facility in south Cheyenne that houses both Archives South and the Records Center. The newly remodeled Barrett Building includes two climate-controlled vaults that are reserved for a limited volume of records requiring special storage conditions. Figure 3 shows how WSA storage space is allocated.

**Figure 3: Wyoming State Archives Storage Facilities**

<b>Cheyenne Warehouse</b>	
<b>Archives South</b>	<b>Records Center</b>
Stores permanent state, local and court records.	Stores non-permanent state government records.
<b>Barrett Building</b>	
<b>Archives Vault</b>	<b>Micrographics Vault</b>
Stores permanent state and local government records requiring special storage conditions.	Stores permanent non-paper state and local government

records requiring special storage conditions

***WSA stores and manages records for \$3.58 - \$4.85 per cubic foot per year.***

***WSA receives about 6,000 cubic feet of records each year, and destroys 4,000 cubic feet.***

**Off-Site Storage is Cost-Effective:** The storage WSA provides in these two facilities is cost-effective compared to keeping the records in state office space. We estimate the annual cost of maintaining a cubic foot of records in a state office building to be approximately \$6.60 - \$6.70, based solely on the cost of the space those records occupy. In contrast, WSA stores and manages records in the Records Center for \$3.58 per cubic foot, and \$4.85 per cubic foot in Archives South. See Appendix C for our methodology in estimating these costs.

Of the storage space in its facilities, WSA officials estimated that approximately 11,000 cubic feet is not filled. However, roughly 3,000 cubic feet of that is in the Barrett vaults, which is space reserved for significant collections, such as governors' papers, or low-volume fragile and valuable records. Between transfers to Archives South and the Records Center, WSA receives about 6,000 cubic feet of non-permanent and permanent records each year, and destroys nearly 4,000 cubic feet. A minimal amount is transferred to the Barrett Building vaults.

If the differences between the amounts of records annually transferred and destroyed remain constant with current rates, we estimate that the combined available paper record storage space (Archives South and Records Center) may be adequate for approximately four more years. If WSA were to receive additional shelving in the amount it requested for the 2001-2002 biennium, and the rates remain constant, the space may be adequate for approximately another eleven years.

## **WSA Operates With a Small Budget**

***WSA operates on approximately \$1 million each year, all from the General Fund. WSA does not budget for the cost of its storage space.***

WSA's budget for the 1999-2000 biennium was approximately \$1.8 million, or about one-half of one percent of the state's \$3.25 billion budget during that biennium. A 1994 national survey of archives and records management programs indicated that it is typical for such programs to represent a small portion of states' overall budgets. Proportionately, Wyoming's program is more costly than the 1994 average (one-tenth of one percent). According to an analysis of the survey, states with smaller total budgets typically spend more on archives and records programs, suggesting that there is a set of fixed costs in maintaining a functioning program.

WSA is funded entirely from the General Fund, but the state is able to recover a portion of those funds. By providing record management services, WSA is one of five General Fund state agencies that generate federal cost allocation payments<sup>1</sup>. A few large federally funded state agencies provide cost allocation to the General Fund based upon the WSA services they use. In FY 1999, WSA services generated approximately \$276,000 to the General Fund. Self-funded boards and commissions also allocate funds to the General Fund based on the WSA services they use.

WSA also generates revenue for the General Fund and for a special revenue fund for its own use through the sale of copies, photograph prints, and duplicate microfilm. In FY99, WSA sales netted \$11,155 to the General Fund and another \$21,281 to a special revenue fund. Other than for copies, it does not charge governmental entities for its services.

**Most WSA Costs Are Personnel.** Professional literature indicates that archives and records management is a labor-intensive function. Most WSA costs (90 percent) are for personnel services. Its 25 FTEs include the state archivist, 3 section supervisors, 11 administrative specialists, and 10 non-supervisory professional positions. Most of the professional positions are cultural resource specialists in the Archives section.

Nationally, major costs for archive programs are associated with maintaining storage space. However, WSA does not budget for those costs because they are included in the Department of Administration and Information's budget. The exception is the cost of shelving, for which WSA must request funds in addition to its standard budget.

## **Previous Studies of WSA**

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<sup>1</sup> Other agencies in this category are the State Auditor, State Treasurer, Department of Audit, and Department of Administration and Information.

**1995 SHRAB report included a state assessment and a plan for the improvement of state records programs. SHRAB has not been operational since release the 1995 report. WSA strongly recommended against imposing fees for its services.**

**The Wyoming SHRAB Report.** In 1992, Governor Sullivan appointed the State Historical Records Advisory Board (SHRAB), funded by the National Historical Publications and Records Commission (NHPRC). Members of this board included the state archivist, the state historian, and representatives from state and local governments and from private archives in the state. Having a SHRAB is important to state archives and record management programs because it can provide leadership in the area of records management, as well as making certain grants available through the NHPRC.

- Wyoming's SHRAB received a grant in 1994 to meet and hire a private consultant to conduct a records assessment and strategic planning study. *The Wyoming SHRAB Report*, published in 1995, recommended that WSA, in cooperation with SHRAB, should:
- Increase the knowledge of records creators through training.
- Establish itself in the electronic records leadership position by forming an office of technology to assist state and local government agencies with creating and preserving electronic records.
- Improve access to records in order to increase and facilitate their use.
- Encourage local governments and organizations to take more responsibility in managing their records.

However, because ongoing funding was not sought to maintain it, SHRAB was discontinued after the report was published, and little has been done with the recommendations. WSA has received a small grant from NHPRC to reconstitute SHRAB, and it is currently doing so. WSA officials say the first priority will be to review the 1995 report recommendations.

**Legislatively Directed Report on Fees.** In approving the 1995-96 WSA biennial budget, the Legislature directed the program to develop a fee schedule that would make it self-sufficient, and report on the feasibility of implementing the fee schedule. WSA developed a schedule based on the level of services provided in 1994 and the cost of supporting the program that year. Proposed fees ranged from \$30 per cubic foot for processing records into Archives South, to \$11 per cubic foot for records transferred into the Records Center. The WSA report proposed a \$2.50 per cubic foot annual storage fee to maintain records in either facility, as well as fees for microfilming, records scheduling, and other services.

However, WSA strongly recommended against imposing the comprehensive fee schedule. It maintained that doing so would cause many state agencies and political subdivisions to stop using WSA services because of lack of funds. This, WSA contended, would be costly to both the state and local governments in the long term because

records would be inefficiently managed. Further, administering a fee structure would add costs and be cumbersome.

## **Urgent Need for WSA and Policy Makers to Respond To Records Management Issues**

### ***WSA faces challenges with electronic records.***

Counting the SHRAB report and WSA's own report related to implementing a fee structure, ours is the third study of this small but vital aspect of state government in the past five years. In addition, the 1999 Joint Legislative and Executive Revenue and Expenditure study touched upon records management. Yet, despite significant concerns with state records management expressed in earlier reports and by policymakers, we found that WSA has changed little in response to them. As the 21<sup>st</sup> century begins, WSA remains focused on the paper-based record keeping systems that are rapidly being replaced by electronic formats. WSA must change so that it is positioned to address the challenges that all reports agree it faces.

***This report discusses areas where change is needed, and suggests ways to reallocate program resources. The state is at a critical juncture with its records management program.***

Our report discusses areas where change is needed, and suggests ways to reallocate resources internally to enable WSA to begin making those changes. In Chapters 2 and 3, we discuss records management issues that the SHRAB also identified as priorities: electronic records and records management training. In addition, in Chapter 4, we discuss a WSA function, microfilming, that has not been specifically addressed in earlier reports. We see all of these as critical areas in which WSA should take steps to improve its program.

In Chapter 5, we discuss WSA responsibilities for local government records. SHRAB indirectly touched on this issue by recommending that there be an overall review and revision of statutes affecting WSA to ensure that they reflect its changing needs and responsibilities. We again profile this need in light of the open-ended obligation that current statutes imply to WSA.

In Chapters 6, 7 and 8, we identify three aspects of WSA that should be evaluated for their relevance to current needs. We see these as areas in which WSA could modify its procedures and activities and redirect its resources to meet the critical program needs addressed in the earlier chapters.

We believe it is important that both policy makers and WSA respond to this third report. The state is facing a critical juncture with its records management program: it could run out of storage space to maintain paper records in the next four years. Moreover, staying focused on a paper-records system could create even more costs. These will occur as governmental agencies, attracted by the increased productivity and access electronic records afford, implement systems without considering the records implications.

# CHAPTER 2

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## Electronic Records

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### *Finding* **WSA Has Not Developed an Electronic Records Program**

***Governments are increasingly creating records electronically.***

In the early 1990's, nationwide information resource and records management professionals identified addressing electronic records as a top priority. Nearly a decade later, however, WSA has only a nominal electronic records program and very limited input into state information technology decision-making. This places state records at risk, since with the proliferation of technology, government agencies and employees are increasingly creating records electronically. Without electronic records management guidance, the state lacks assurances that these records are adequately collected and organized to facilitate their preservation, retrieval, use, and disposition.

### **WSA Lacks Meaningful Input in State Technology Decisions**

***WSA's representation is on a third-level information technology panel.***

WSA does not have significant influence in the state's information resource policy arena. It lacks representation on the statutorily created Information Technology Oversight Panel (W.S. 9-2-1018), which establishes the standards that guide state government computer purchases. Nor does it have representation on the Information Technology Review Committee that reviews agency requests and makes recommendations to the Oversight Panel. WSA's representation is on a third-level committee of technology representatives from all agencies who share information.

***Records retention requirements should be addressed in the planning phase of new information systems. WSA is not necessarily involved in the planning of new systems.***

The National Association of Government Archives and Records Administrators (NAGARA), a professional association that advocates sound practices and innovative programs for government records, stresses the importance of asserting archives and records management concerns in states' information resource management policy arenas. Decisions made at the state level have critical implications for the accessibility and management of government records. Archivists and records managers need to participate in shaping state policies to ensure that records-related issues are addressed in the development and operation of new information systems. The creation, management, and use of electronic information entail high levels of expenditures, and this information needs to be managed so that it can best serve both government and the public.

NAGARA states that to ensure the preservation of electronic records of long-term value, records retention requirements should be addressed in the planning and design stages of new information systems. However, WSA officials told us that when state agencies institute information systems, they typically are not aware that there are records issues involved. WSA does not believe it has the authority to demand involvement in planning discussions for these systems, and it participates only at the request of agencies. In some cases, WSA learns about agency information management system plans and then attempts to “get their foot in the door.”

Without the archives and records management perspective in technology decisions, the state may expend funds on systems that do not address records needs. Agencies may create records on electronic information systems that will most likely become obsolete, leaving the records stored in them inaccessible. Records stored electronically and scheduled as permanent or for long periods must be periodically “migrated” to formats compatible with subsequent systems. Migration strategies are expensive, and may only be cost-effective if the records will be heavily used. Further, if agencies fail to routinely migrate the records they store electronically, the records could be lost.

## **WSA Progress in Establishing an Electronic Records Program Has Been Minimal**

***Adapting practices to accommodate electronic formats has been an issue since the 1990s. WSA’s program consists of one electronics records analyst to serve both state and local government. WSA has developed an electronic imaging policy for local governments. WSA does not want state agencies to***

National and state records professionals have endorsed the need for archives and records management programs to adapt their practices to accommodate electronic formats. The National Association of State Information Resource Executives (NASIRE) recognized the retention and disposition of government electronic records as one of the most important information policy issues of the 1990’s. The 1995 *Wyoming SHRAB Report* stated that WSA should take the lead in addressing the long-term preservation and access of computerized records.

However, WSA acknowledges that it has not progressed far in developing an electronic records program. Its program consists of one electronic records analyst hired in 1997 to assist both state and local government agencies with electronic records issues. In addition, this staff member schedules paper records and develops WSA automation projects, such as data-based finding aides for permanent records.

WSA’s electronic records program is primarily one of offering consultation to state agencies on request. WSA helps agencies identify and evaluate information stored electronically, and develop

***consider electronic records as different from paper records.***

plans to protect these records. However, the single electronic records analyst provides these services only when invited to do so, and acknowledges that if every agency called, "I would never get it all done."

Two policies form the core of the existing WSA electronic records program. The most recent is the State of Wyoming E-mail Policy, issued in December 1999 through Executive Order. The policy's purpose is to ensure professional use of e-mail and the preservation of public records created through e-mail. WSA staff helped draft this policy and provide training on it.

WSA has also developed an electronic imaging policy for political subdivisions. With WSA approval, local governments may convert non-permanent paper records to digitized, electronic images, as long as they ensure their integrity for the duration of paper record retention period. Electronic records appraised as permanent must be converted to paper or microfilmed.

**No Overall State Guidance for Electronic Records.**

While it has a policy instructing local governments on how to identify and control electronic records, WSA has not developed overall electronic records guidance for state government. WSA allows state agencies to maintain non-permanent records in the electronic format, but it has not developed guidelines for this practice. WSA does not want state government personnel to consider electronic records as different from paper records. WSA staff view the electronic format as a processing medium only, with paper copies serving as the records.

But, as the current Archivist of the United States acknowledges, the reality at the beginning of the 21<sup>st</sup> century is that most records are created electronically and may be maintained in a variety of media. WSA cannot assume that agencies will always convert electronic records to paper, and therefore, needs to develop guidance to enable agencies to maintain records electronically until their legal disposition.

**Many State Records Created Electronically Are Likely Unscheduled**

***Electronic information that has not been managed and filed will be lost to the state.***

Furthermore, WSA officials themselves acknowledge that state employees are creating records electronically, and that those records are going unscheduled and unpreserved. With the increasing use of personal computers, individual staff members have greater control over the creation of records and may be the only ones ever to see them.

Direct creation of records by executive, professional, and technical staff increases the likelihood that paper file copies will not be

***WSA's limited electronic records assistance may translate into unnecessary paper storage.***

prepared. As those staff members leave, electronic information that has not been managed and filed, either electronically or in paper files, will be lost to the state. Agency efficiency may be impaired because information and records are not available. Government accountability will suffer if agencies are less able to respond to legislative and public inquiries.

WSA's limited program for assisting agencies in managing electronic records may translate into unnecessary reliance by state government on paper record retention. For example, although the electronic format is not approved for long-term storage because there are no standards of permanency for electronic media, it is an alternative for short-term records (retentions of one to five years). WSA estimates that more than 9,000 cubic feet of the records stored in the records center are short-term, using that definition. If WSA had a viable approach to training agencies to manage electronic records, some of these could be maintained in that format.

Shifting storage from the paper to the electronic format could decrease the need for paper records storage. Doing so might increase state costs for computer storage capacity, although the state may already be maintaining much of that capacity. WSA staff believes that, lacking a system for managing electronic records, state employees are maintaining both the paper and electronic copies of the same information, even after the records are no longer needed for current business.

## **WSA Has Not Marshaled Existing Resources to Develop an Electronic Records Program**

***WSA struggles to maintain existing, paper-based programs. Without a SHRAB, WSA has been unable to access federal grants for electronic records projects.***

WSA officials cite a lack of resources as the reason it is not able to progress in developing an electronic records program. The SHRAB report also noted that WSA lacked the resources to take the lead in electronic records. The WSA position is that it struggles to maintain current programs with existing resources. Developing an electronic records program, officials maintain, would require additional positions and funds for training.

Although additional resources may be required, WSA has not made electronic records a priority and shifted existing resources to provide agencies with the training they need to begin managing some of their records electronically. Instead, it struggles to maintain existing paper-based programs. Furthermore, to meet other needs, it diverts its few electronic records resources from program development. The single position allocated to electronic records has other program responsibilities related to scheduling paper records and to addressing internal automation issues.

Finally, because the state has not maintained a SHRAB, WSA has not been able to access grant opportunities used by other states to plan and develop an electronic records program. Several states have received grants from the NHPRC to fund electronic records programs. For example, Minnesota received a two-year, \$90,000 grant to establish electronic records pilot programs with two agencies. The Mississippi program received a \$172,000 grant for a two-year project to establish an electronic records program in conjunction with the design and move to a new state archives building. Alaska received a \$10,000 grant for an electronic records consultancy.

## **WSA Organizational Location May Inhibit Its Ability to Affect Technology Decisions**

***Records management programs placed in historical agencies may have less influence.***

The literature reviewed for this project suggests that the positioning of a program such as WSA may affect its ability to participate in or otherwise influence information technology decisions. A report on programs nationwide notes that when they are independent agencies, or housed in the departments of administration (where information authority often resides), they are more likely to have influence in this arena. The report notes that placing these programs in historical agencies runs the danger of marginalizing them as merely cultural niceties and not essential to the functioning of government.

The Department of State Parks and Cultural Resources is not solely an historical agency, but many of its programs have that or a cultural characteristic. Furthermore, by calling itself the “Wyoming State Archives,” WSA assumes an historical focus to those unfamiliar with records management and potentially creates confusion about its role. In practice, the department director notes that WSA has a general government function.

## **Recommendation: WSA should focus on developing its electronic records program.**

***WSA needs cooperation and support from government managers and information technology staff. WSA must shift its focus from***

The SHRAB report stated that WSA must take the lead in addressing long-term preservation and access of computerized records. No program other than WSA will draw attention to the archival challenges posed by electronic records. This is a complex issue, and a costly one because of the expense entailed in the migration of electronic records necessary to keep them accessible. To address this issue, WSA must have the cooperation and support of government managers and information technology staff, as well as of staff that create and maintain records electronically. Therefore, WSA and its

***maintaining the  
traditional paper  
system.***

parent department must be more assertive in expressing electronic records management needs and the consequences of not addressing them. Requesting representation on higher-level state information technology panels would be a start.

At the same time, however, WSA should make developing a viable electronic records program for short-term records a priority, and shift its focus from maintaining the traditional paper system. WSA has taken the first steps by applying for funding to re-establish the SHRAB. This will open opportunities to obtain funding for a consultant to help WSA design its approach, and perhaps to implement some of the recommended steps. If WSA ultimately needs more funding to develop and maintain an electronic records program, it will be a stronger position to make the request if it has already reallocated existing resources to the extent it can.

# CHAPTER 3

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## Training

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### ***Finding* Archives-Provided Training Is Limited In Amount and Scope**

***Improved training and outreach can reduce the mismanagement of records.***

While WSA provides some formal training to state employees, its training and outreach effort is limited in amount and the focus does not extend to local government agencies. It is likely that without proper training, agencies and local entities mismanage their records. Mismanagement includes the misfiling, losing, improperly destroying, saving unnecessarily, or otherwise mishandling records. Mismanagement of records has several consequences that may be costing the state both time and money, such as the state being held liable during litigation or paying for more space than necessary. Improved training and outreach can reduce the mismanagement of records. However, developing a comprehensive way to train state agencies and local entities has been problematic for WSA, as it claims a lack of resources necessary to carry out an effective training program. With the reconstitution of SHRAB and guidance from professional standards and other states, WSA can implement a more effective training and outreach program.

### **WSA Can Be More Proactive In Providing Training**

***Statute charges WSA with providing information about records management to interested agencies. Formal training is limited in quantity and focused on state agencies. The results of the SHRAB survey indicate a need for additional training***

W.S. 9-2-406 (a)(vi) charges WSA with "gathering and disseminating to interested agencies information on all phases of records management and current practices, methods and procedures for efficient and economical management of records." WSA has chosen to interpret *interested parties* as those that ask for information or training.

As a result, most of the training that takes place between WSA and an agency or local entity is one-on-one informal consultation. WSA becomes involved when an agency calls asking what to do with a particular set of records. This often happens when the agency finds it is running short on space. Individualized consultation of this sort is repeated with each new call and transfer of records. In this manner, WSA has been responsive, but has offered few proactive training activities.

WSA's strategic plan states it will provide two trainings per year. Formal training is not only limited in quantity, but is narrowly

**and outreach on  
the part of WSA**

focused on state agencies. Most of the programs offered are geared primarily for state agencies, and normally, only a small number of state employees participate. While these trainings are also open to local entities, few attend.

The results of a survey done in 1995 for the SHRAB report, which is still considered valid by WSA officials, help describe conditions in the offices where records originate. According to the survey, twenty-nine percent of all state agencies did not have a records officer, or a person who is responsible for the management of records. Forty percent of state agencies did not use consultation or training provided by WSA on how long to keep records or how to store them. Local entities faced similar problems. Thirty-five percent of local entities did not have a records officer. Only twenty-six percent used consultation or training on how long to keep or store records.

Also according to the survey, a great concern to both local entities and state agencies was the lack of education regarding records management, especially in the area of electronic records. Overall, the results of the survey indicate a need for additional training and outreach for both state agencies and local entities.

## **Mismanagement of Records Can Cost the State**

***Without proper training, records could be damaged or lost. Electronic storage is not an approved medium for permanent records. Several potential legal costs can accompany the mismanagement of records. WSA says records managers often do not systematically file and destroy records. Storing and managing records in the Records***

Without a proper records management program, records could be damaged, lost, or simply never properly maintained. The consequences for the state could include being held liable during litigation, paying for more office space than is necessary, and having to provide additional funding for an archives that is running out of space.

As discussed in Chapter 2, the electronics age has made records management more challenging for WSA because every employee has become both a records creator and a records manager. Further, some agencies are scanning and storing documents on computer, and using electronic records without WSA guidance.

These practices may cause problems with long-term storage of records and could lead to their loss. With the rapid progression of technology, a storage medium can quickly become outdated, creating a vacuum from which information cannot be retrieved. Electronic storage is not an approved medium for permanent records, and there are no national standards. While standards have been developed for long-term storage of paper records, microfilm, and photo negatives, none exist for electronic storage, and professional organizations are just beginning to acknowledge the need for them.

**Loss of records can be critical.** Records provide context for policy decisions, as well as accountability for government actions. In

**Center or the  
Archives is  
inexpensive.**

the past, many discussions about policies and decisions took place through official memos that were properly archived. Today, many of these discussions take place over e-mail, creating an environment of virtual records that are difficult to catalogue and can be easily lost.

Several potential legal costs can accompany the mismanagement of records. Records provide an efficient means to support litigation.

Without proper documentation, an agency could experience adverse results in litigation. A lack of proper records management may also lead to a loss of time. For example, to prove its case, an agency may need to use staff time searching for records or serving as witnesses.

Worse, an agency could be subject to legal sanctions if it cannot produce records. To avoid that, it would be essential to be able to prove that records historically have been destroyed according to a retention schedule and that the records in question were treated like all others in the program.

**Mismanaged Records May Occupy Prime Office**

**Space.** Agencies that are not aware of WSA services and do not have a properly implemented records management program can create cost for the state in terms of expensive office space. Without a proper records management program, WSA says records managers often do not systematically file and destroy records.

We calculated the cost of storing records in state agency office space using cubic feet as a measure because a standard office file cabinet has a capacity of six cubic feet of records. The cost to the state to store records within an agency varies. If the agency occupies state-owned space, annually, storage can cost the state \$39.60 per six cubic feet, while if the agency occupies rented or leased space, it can cost up to \$84.00 per six cubic feet. These costs do not include the additional expenses of file cabinets, folders, or staff to manage the records.

Storing and managing records in the Records Center or in the permanent archives, on the other hand, is significantly cheaper. Transferring records from an agency to the Records Center or Archives South can save the state between \$10.50 and \$62.52 for each standard file cabinet of records transferred, depending on the agency's space costs. Transfers of large quantities of semi-active or inactive records may free up expensive office space for more productive uses. For example, Game and Fish recently transferred large quantities of records, freeing up a significant amount of space for other office uses.

Some of these savings are offset if agencies transfer records to WSA without first culling them. WSA suspects there is a low compliance rate with its rules regarding records management and transfer for storage. Based on its experience, WSA estimates that ten percent of the records in permanent archives should not be there, but are there as

a result of agencies not adequately culling their records before transfer. However, the permanent archives only account for half of the space at Archives South, and WSA has no estimate for the amount of mismanaged records that are brought to the Records Center. Consequently, the total volume of mismanaged records could be greater than this estimate.

## **Professional Organizations Stress the Importance of Training**

***The SHRAB report recognized that local entities need stronger support and guidance. Archives must provide agencies with sufficient guidance and training for records management. Laws and regulations requiring good record keeping practices are not enough. An active outreach and training program is an essential part of a state records management program.***

The SHRAB report made several recommendations regarding training. It recognized that a lack of knowledge is critical, especially in the area of electronic records, and that local entities also needed stronger support and guidance. The report recommended that a coordinated and ongoing training program be developed, with leadership from the SHRAB, by September 1996 and implemented by June 1997. However, nothing has been accomplished in that regard since the report was issued.

Meanwhile, other organizations and states have developed recommendations and models that could help the WSA develop an effective training and outreach program. The NHPRC, along with the National Records and Archives Association (NARA) and the Council of State Historical Records Association (COSHRCA) released a report in 1996 containing several recommendations for state archives about training and outreach:

- State archives and records programs must provide records creators in state and local agencies with sufficient guidance and training on long-term requirements for records management in all media.
- Archivists and Records Managers must promote the identification and adoption of best practices among all government archives and records programs.
- Agency personnel need guidelines and training to implement programs effectively. Laws or regulations requiring good record-keeping practices are not enough. To have a real effect on the proper creation and maintenance of records, archivists and records managers must make a concerted effort to provide ongoing guidance and training to all employees throughout the state. Telling agencies and organizations they must do something will not produce the desired results unless staff is shown how to do it.

The State of Texas' Records Management Program appears to have recognized the importance of training within the past few years. Their reorganization in 1998 made it possible to dedicate additional

staff and resources to consulting and training. The goal was to offer regularly scheduled classes and consulting services as needed to implement uniform retention schedule procedures. According to their figures, management consulting costs were calculated at \$75 per hour, while training was \$20 per hour. Consulting and training activities provided by the Records Management Division have resulted in savings to state agencies conservatively estimated at nearly one million dollars over a three-year period.

An active outreach and training program, like that of Texas, is an essential part of a state archives records management program. Training can improve the processing of records, or the steps that an archives goes through to acquire material. Processing should begin years before a transfer, with the establishment of records management procedures with the records creators. When the transfer of materials is the culmination of an orderly process of records management, all subsequent processing becomes easier and more efficient. Effective training is the key element in these processes.

## **WSA Has Not Prioritized Training**

***WSA could potentially train 51,500 people within Wyoming in effective records management.***

Considering that it has a potential audience of all government records creators in the State of Wyoming, WSA's current plan to provide two trainings a year is inadequate. As of 1999, Wyoming employed 13,300 state employees and 38,200 local government employees. Thus, WSA could potentially train 51,500 people within Wyoming in the area of effective records management. But, WSA has claimed it does not have the resources to make training a priority, and as a result, does not have a comprehensive plan to implement such a program.

The absence of a SHRAB has created problems for WSA in the area of training and outreach. The SHRAB report recommended that training be addressed jointly by the leadership of SHRAB and support from WSA. Shortly after the report's release, however, SHRAB funding ended and renewed funding was not immediately sought. Without SHRAB, not only has there been an absence of leadership, but certain funding opportunities have been unavailable. SHRAB will be reconstituted again in the Spring of 2000, and it can be an important way of generating support for records, as well as gaining the perspective of people in the state.

**Recommendation: WSA should seek temporary funding to develop and**

## **implement a comprehensive training program.**

***WSA may be able to obtain funding for a temporary position to implement a training program.***

A comprehensive training and outreach program can save WSA time, money, and space. Developing and implementing such a program should be a priority for WSA. An effective training program should eventually free up resources that could be focused on other projects.

WSA has a unique opportunity as SHRAB is reconstituted. Through SHRAB and the NHPRC, WSA may be able to obtain funding for a temporary position. This position could develop and implement a comprehensive training program for state and local entities. During the period of funding, a consultant could create lesson plans, develop train-the-trainer programs, and travel throughout the state to assess the needs of local entities. We believe an effective training program will eventually free up resources which could help support the program.

# CHAPTER 4

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## Micrographics

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### *Finding* **WSA Can Make More Full Use of Its Micrographics Resources**

WSA is not using its micrographics resources to the extent it could to increase available storage space or to preserve deteriorating records. Micrographics, which refers to all microfilming processes and formats, should be used as a tool to provide solutions to specific records and archives management problems. However, WSA is currently offering micrographics services according to long-established tradition, rather than using it as a management tool. WSA needs to develop a plan to strategically use its micrographics resources in support of the records and archives management function.

### **Microfilming Is a Valuable Records and Archives Management Tool**

***Microfilmed documents require only 2 percent of the storage space of paper documents.***

Microfilming records produces numerous benefits that make it an excellent records and archives management tool. Microfilm preserves important information by providing a reliable permanent alternative storage medium to paper. Microfilm is recognized as the legal original. In addition, microfilming can be used to decrease distribution costs of widely used records and to decrease record duplicating costs.

Records that do not need to be maintained in their original format can be microfilmed to save space. Microfilmed documents require only two percent of the storage space of paper documents. Bulky or frequently used documents can be filmed and then easily and cheaply distributed. Backup copies of valuable and vital records can be stored and protected against loss or damage, using a minimum of space.

### **Microfilming Preserves Deteriorating Records.**

Eventually, all paper records are at risk of deterioration. Each time a record is handled and exposed to light or temperature variations, some damage is done. Microfilm is an alternative long-term storage medium that allows continued use of the information contained in fragile and valuable records without endangering the original.

***Despite the initial expense, over time microfilming is a cost effective***

**Microfilming Is a Cost Effective Process.** WSA estimates it costs between \$60 and \$145 per cubic foot to microfilm records, depending on a number of factors including the amount of preparation required and the size, type, color and condition of paper records. Despite the initial expense of microfilming, over time it is a cost

***alternative to  
paper storage.***

effective means of storing any permanent record that can then be destroyed. This is because the cumulative cost of storing permanent paper records is higher than the cost of microfilming, even when including the cost of maintaining the microfilm in environmentally controlled space.

Microfilming certain non-permanent records is also cost effective. Based on its own estimate of paper storage costs, WSA has concluded that microfilming non-permanent records is a cost-effective alternative to paper storage for records with retention periods greater than 15 years. For records with a retention period less than 15 years, it is less expensive to store them as paper.

## **Space Savings Through Microfilming Can Be More Extensive**

***Unreliable  
equipment and  
unfilled camera  
operator  
positions limit  
productivity.***

Given its current staff and equipment, the Technical Services section is not contributing as much to space savings as it could. During the past five years, the section has filmed an annual average of 1,000 cubic feet of paper records, destroying 87 percent of those records once filmed.

However, the space savings are not as great as they could be if the section's equipment were fully maintained and camera operator positions were consistently filled. The section has four rotary cameras, plus two planetary cameras used for filming oversized documents. Staffing includes four FTE camera operators and one ¾ time contract position, not consistently filled. According to WSA and another micrographics program director, a trained rotary camera operator can film 2 to 2.5 cubic feet of records per day, and a planetary camera operator can film 1.5 to 2 cubic feet of records per day.

An efficient micrographics unit relies on fully operational camera, film processing, editing and reading equipment, and on a trained technical staff. Maintaining microfilming equipment and preparing documents for filming are labor intensive and time consuming processes. Further, WSA's cameras are in constant need of repair: none of the cameras was fully operational at the time of this report, and one planetary camera did not work at all during the last quarter of CY99. In addition, the section lost two FTE camera operators in a recent eight-month period and has experienced delays in hiring and training new operators. Loss of technical staff has been an ongoing problem.

***5,000 cubic feet  
of records await  
microfilming and  
destruction.  
Up to 95 percent  
of Archives'***

**A Large Backlog Exists.** Although the exact volume of records changes constantly, the Records Center is currently holding approximately 5,000 cubic feet of permanent records that are scheduled to be microfilmed and destroyed. This volume of records is equivalent to the average net transfers into both Archives South and the Records Center over the course of two and a half years.

**collection does not need to be retained in its original paper form.**

If this backlog of permanent records were to be microfilmed, the information could be stored on as few as 1,650 rolls of microfilm. Destroying these records would increase available storage space at the Records Center/Archives South by about 64 percent, while decreasing available microfilm storage space by only about 3 percent.

In addition, there is even greater potential to microfilm and save space, as the backlog represents just the volume of records that have been scheduled to be microfilmed and destroyed. Archives estimates that possibly as much as 95 percent of its collection does not need to be retained in the original paper form, and could be microfilmed.

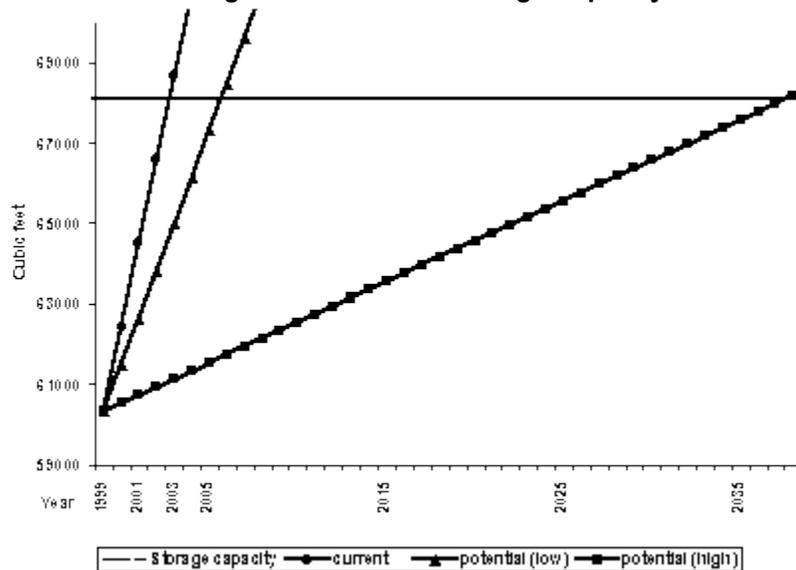
In FY99, 41 percent of the permanent records transferred into the Archives were scheduled to be microfilmed and destroyed, but were not. With the current backlog of permanent records waiting to be microfilmed, the expectation of microfilming additional non-permanent records is unrealistic.

**Microfilming could have a larger impact on extending existing storage space.**

**Alternatives Could Relieve Space Pressures.** At the current rate of net transfers into WSA storage space, with the current shelving configuration, we estimate that WSA will run out of storage space in about four years. To explore options, we analyzed two alternatives that could affect space availability.

Figure 4 below shows the potential impact that more microfilming could have on preserving WSA storage space. Our calculations assume that any additional microfilming contributes to space savings, that cameras are fully operational, and camera operators are trained. Calculations include the use of only one planetary camera because a second one is unreliable and is rarely used.

**Figure 4: Micrographics Section Remaining Life of Records Storage Capacity**



Source: LSO analysis of WSA quarterly and annual reports, 1995-1999, and staff reports on current volume of records held in Archives South and the Records Center.

***Based on WSA's net average annual accumulation, current available storage space should last about four years.***

- The upper line of Figure 4 shows that current available storage space should last about four years, based on WSA's net average annual rate of accumulation.
- The middle line shows that current available storage space could last another 7 years, with 3 camera operators filming 2 cubic feet per day on rotary cameras and 1 operator filming 1.5 cubic feet per day on a planetary camera.
- The lower line shows that current available storage space, under the ideal conditions described above, could last up to another 39 years. However, if WSA chooses to use its micrographics resources for other priorities, then space savings may not occur, either to that extent or at all. As such, 39 years should be considered a theoretical maximum contribution to space savings, not necessarily a practical reality.

## **WSA Needs To Use Micrographics Resources Strategically**

***WSA does not re-evaluate projects once they are accepted. No funds are set aside for micrographics equipment replacement or repair. Grants may provide a source of temporary funding for specific micrographics projects.***

Once microfilming projects are taken on, WSA does not re-evaluate the ongoing appropriateness of microfilming that material. Approximately 50 percent of the section's micrographics resources are committed to projects categorized as "in-house daily use filming" projects. These are projects with a mix of permanent and nonpermanent records, only some of which contribute to space savings for either the agency that creates them or WSA. One of these projects, for example, does not contribute to space savings for either the agency or WSA. However, it does generate \$3,500 per year in sales for that agency.

Technical Services has been microfilming these in-house daily use filming projects for many years. Overall, WSA has not examined the impact of these projects on its space or technical resources, and has not reviewed the appropriateness of these projects since accepting them.

**Need for More Preservation Microfilming.** According to staff, the current level of preservation microfilming for reasons of deterioration is inadequate. Staff has identified one molding collection in urgent need of preservation microfilming. This collection is not currently available for use by researchers because it is not indexed. Loss of access because no index exists is a temporary and reversible loss. However, loss of the actual document due to deterioration is not.

**Some Special Revenues Were Available.** Until April 2000, WSA was able to apply through the budgetary "B-11 process" to use

special revenue funds generated through the duplication and sales of certain microfilm. However, a recent application to use these funds was denied. In the future, all earnings will go into the General Fund. Since FY96, micrographics generated \$42,780 for WSA's special revenue fund and \$13,760 for the General Fund, but used only used \$16,573 or 39 percent of these funds.

WSA has not developed a plan to purchase new equipment, or to replace or maintain existing equipment. WSA receives a biennial equipment appropriation. However, funds are not specifically set aside for Technical Services, and the amount appropriated is not sufficient to cover ongoing maintenance costs and replacement of equipment. Because the special revenue fund will no longer be available, it is imperative that WSA develop a plan to support micrographics so it can operate efficiently.

With SHRAB expected to reconvene, WSA will be in a position to apply for funding for specific micrographics projects. Previous grant funding contributed to Technical Services productivity. In 1993, the National Endowment for the Humanities (NEH) funded a joint U.W. Coe Library/WSA microfilming project. During the funding period, the average annual volume of records filmed was 46 percent higher than the average annual volume filmed the following 5 years. Grants may provide a source of temporary funding support for the program while a more viable plan is developed.

## **Conditions Warrant Improved Planning for Micrographics Use**

***Technical Services is unable to take on additional microfilming projects.***

Currently, WSA has a sizeable backlog in permanent records waiting to be microfilmed; it also has unreliable equipment and recurrent turnover among camera operators. Consequently, Technical Services is unable to take on microfilming of any additional records, except in cases of extreme need. Further, only a small volume of backlogged permanent records can be worked in as the microfilming schedule allows.

WSA has not assessed the extent to which deterioration is threatening its collections and has no plans to do such assessment. Consequently, the section will continue to depend on identifying deteriorating records in the course of routine archival work. This set of circumstances puts the state at a real but undetermined risk of losing permanent valuable records.

**Recommendation: WSA should develop a plan to strategically use and financially support micrographics.**

Micrographics is a valuable but expensive management tool. It should be used as such, not provided as a matter of custom to those agencies who have traditionally used it. WSA needs to develop a plan which will balance the technical costs associated with micrographics against its space savings, records preservation, and other management contributions. This plan might include a request to change legislation so that funds generated directly by the program can be used for program support. Once a plan is developed, WSA needs to constantly evaluate and re-evaluate all micrographics projects to ensure that they continue to meet the criteria for microfilming.

# CHAPTER 5

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## Local Government Records

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### *Finding* **WSA’s Implementation of Statute Creates an Open-Ended Obligation**

***WSA creates retention schedules and stores permanent records for local governments.***

Although statutes are imprecise, WSA officials have implemented them as a directive to provide services to local governments and political subdivisions throughout the state. We use the term “local governments” to include non-state agency governmental units, such as counties, municipalities, and school boards, as well as courts of all jurisdictions. Primarily, WSA provides them the services of creating records retention schedules and accepting permanent records for storage in Archives South. WSA does not store local governments’ non-permanent records, however.

While scheduling local records is a manageable undertaking for WSA, storing the permanent records is potentially more problematic. Currently, local government records represent two-thirds of the records stored in Archives South. By accepting local government records for permanent storage, the state is assuming the costs of maintaining them forever. However, WSA does not have the means to assist local governments in managing those records so they are as efficiently prepared as possible. Further, as local governments move into electronic records, WSA may face greater costs in maintaining them.

### **Statutes Are Not Explicit About WSA Responsibilities for Local Records**

***WSA ensures that a record of the state government, its courts, and political subdivisions, is maintained. WSA scheduling services allow local governments to legally dispose of their records.***

Statutes setting out the WSA responsibility for the records of the state’s political subdivisions are not clear. WSA has traditionally interpreted its legal authority for the records of the state’s political subdivisions from W.S. 9-2-410, which states, “All records are the property of the state,” and that they shall be managed according to the statutes that describe WSA responsibilities. For WSA, the intent of this law is to make sure that a record of the state government, its courts, and its political subdivisions is maintained for future generations.

Thus, while the statutes directing WSA’s specific responsibilities (W.S. 9-2-405 through W.S. 9-2-419) do not clearly indicate that they extend to all state political subdivisions, WSA has interpreted the all-encompassing W.S. 9-2-410 as doing so. For example, statute directs WSA to arrange retention schedules for the records of all state departments and other agencies of state government. In practice, WSA establishes record retention schedules for all political subdivisions, as well as for state

***Only WSA's microfilming responsibilities for local governments are explicit in statute. WSA has encouraged local governments to transfer their permanent records.***

government agencies. This is beneficial because it allows local governments to legally dispose of their records according to schedules approved by the State Records Committee.

Similarly, the statutory directive to manage and preserve local government permanent records is not specific. WSA has traditionally interpreted this from W.S. 9-2-407 (a). It directs the state archivist to collect, arrange, and make available all records in his custody, including official records of the state and its political subdivisions. However, this statute implies the same charge for records of the United States and foreign nations that are in the state archivist's possession, which WSA does not store.

Only statutes dealing with microfilming explicitly establish responsibilities for WSA with respect to local governments. W.S. 9-2-406(a)(vii) clearly directs WSA to establish standards for microfilming with which all counties, municipalities and political subdivisions must comply. Further, W.S. 9-2-413 requires that if political subdivisions microfilm records with the intent of disposing of the original copies, they must send master negatives to the WSA.

### **Local Governments Can Choose To Transfer Records.**

Whether or not statutes direct WSA to take responsibility for storing local government permanent records, in many cases, WSA lets local governments make that choice for themselves. WSA does this through the records scheduling process. Some records schedules require transfer to the state archives, while others give local governments the choice of transferring their public records or retaining them permanently in their own facilities.

WSA officials indicate that some local governments elect to keep their own permanent records, especially the older, more valuable ones. Others elect to keep them for a time, and then transfer large volumes of records to the state all at once. WSA has accepted local government records, and even encouraged their transfer, because it fears that many lack adequate storage facilities to maintain them properly. WSA also stages an annual trip throughout the state to gather and transport the records that local governments want to transfer.

### **Most Permanent Records Originate in Local Governments**

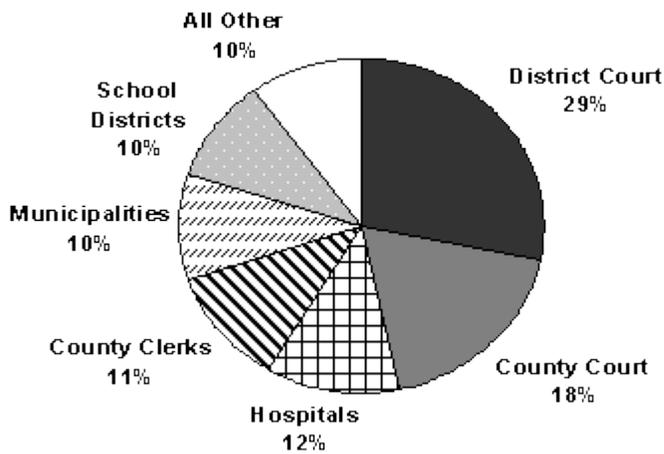
***County and district courts are the major permanent records contributors. Special districts rarely transfer***

Most (66 percent) of the permanent records stored in Archives South are local government public records. Records from county and district courts make up nearly half of the local government permanent records in Archives South. Archives retains criminal case files and dockets from courts of every jurisdiction, as well as district court journals, probate records, and coroners' inquests. County clerks, municipalities, school districts, and publicly funded hospitals are other major record contributors.

**permanent records.**

More than 500 political subdivisions in the state could potentially request WSA services. This includes courts of all state jurisdictions, county and municipality governments, school districts, and special districts. However, the majority of these political subdivisions are special districts, which, if they transfer records at all, do so only in small amounts. Figure 5 shows the distribution of local government records in the Archives permanent holdings.

**Figure 5: Local Government Permanent Records Stored in Archives South By Contributing Source**



Source: LSO analysis of WSA data.

**The 20 publicly funded hospitals in the state transfer significant volumes of records. Patient records are closed by statute and permanent by schedule**

**Hospital Districts Use WSA Storage Services.** Several special districts do, however, transfer significant volumes of records. These are the publicly funded hospital districts in the state, of which there are twenty. These districts' storage requirements are representative of the local government obligation WSA meets.

Hospital records, mostly patient medical records, make up approximately eight percent of the permanent records stored in Archives South. These records are permanent because they have been scheduled so, not because statute requires it. However, statute closes these records to anyone other than to the patient to whom they pertain or the hospital that generated them. These records are scheduled for transfer to the state archives, or to be microfilmed and destroyed. A few hospitals in the state microfilm their records, but most transfer them to WSA. After investigating changing the schedule for these records, WSA found that hospitals in the state strongly resist any changes.

## **Improperly Prepared Local Government Records Impact WSA Resources**

***WSA must either cull the records, or store the unnecessary volume. WSA may be setting a precedent to take responsibility for local governments' electronic records.***

WSA officials told us that local governments often transfer records to Archives South that are not permanent records. They say this occurs because local governments lack the resources to cull unnecessary materials that have been mixed in with permanent records. In addition, as noted in Chapter 3, WSA believes it lacks the resources to properly train local governments in records management techniques. When WSA receives records that are poorly arranged or need culling, it must either assign its own staff to the time-consuming process, or store the unnecessary volume.

**Potential for Even Greater Costs.** By choosing to take responsibility for local government permanent records, WSA sets a precedent for maintaining that responsibility when those records are moved to an electronic storage format. As discussed in Chapter 2, the migration strategies necessary to make electronic records accessible far into the future represent an expense of unknown magnitude. Now, WSA will not accept migration responsibilities for either state or local government electronic records. Further, it tells local governments that permanent records cannot be scanned and stored on any electronic media unless the paper copies are retained or microfilmed.

However, local governments have indicated that they either are already storing or expect to store records electronically, including records that are currently scheduled as permanent. If they cannot currently afford either their own storage or the personnel to cull paper records, we believe it is doubtful they will be able to afford the technology necessary to migrate these records in the future. WSA will face either revising its interpretation of its statutory responsibilities to include only paper local government records, or accepting the migration responsibilities that go along with them.

**Recommendation: The Legislature should consider reviewing WSA's statutory responsibility for local government records.**

***If WSA is to continue services to local governments, it needs to be able to affect the quality of their records.***

Currently, the WSA interpretation results in open-ended costs to state government without the means to control them. If the Legislature wants to reduce the services the state offers to local governments, it needs to revise the applicable statutes so that its intent is clear. If, on the other hand, the Legislature wants to continue the current services to local governments, WSA needs resources to affect the quality of the records it must store forever.

Some states have increased filing fees paid to county officials to support archives and records management programs for local governments. Others have instituted fees for services and put the money toward local government training programs. Grant funds may also be available for short-term solutions, but training and records management assistance need to be on going to have the necessary impact.

# CHAPTER 6

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## Records Management Services

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### ***Finding* WSA Records Management Services Are Geared to the Paper Environment**

***WSA has not adapted to accommodate the changing records environment.***

Even though information technology is rapidly changing the ways records are created, WSA continues to focus its configuration of records management services on the paper-based environment. Its services include labor-intensive records scheduling and off-site records storage for state agencies' paper records. At this juncture, when agencies are creating both paper and electronic records, WSA must offer services for both paper and electronic records. However, WSA has not adapted its work processes to accommodate the changing records environment, nor to free up limited resources to address other program needs. In order to do so, WSA should modify its approach to scheduling records.

### **WSA is Service-Oriented in its Approach**

***WSA does most of the work in scheduling records for state agencies. Statute requires agencies to have records officers, but WSA says their competency varies. WSA rarely works with program managers.***

Although WSA schedules records for local governments, most of its scheduling work is with state agencies. Furthermore, WSA records analysts prefer to do most of the work entailed in describing agency records and researching the appropriate disposition for them. They do this even though statute (W.S. 9-2-409) directs state agencies to designate records officers to supervise agency records programs and prepare records for transfer either to the Records Center or Archives South. WSA records analysts told us that the competency and expertise of these agency records officers varies throughout state government. As a result, the analysts prefer to do the work themselves, because, "the less work we ask the agency to do, the faster (the process) goes."

WSA records analysts work with the agencies to develop an understanding of the programs for which they are scheduling records. They need to understand the function of the records being scheduled, and what they are documenting. Analysts research state statutes and rules, as well as pertinent federal laws and regulations to determine how long records should be retained and other disposition requirements.

However, WSA analysts rarely have access to the program managers who best understand the functions and operations of their programs. Program managers, or other professional staff, may be able to readily

provide information that records analysts have to research. But, according to WSA officials, records analysts do not typically work directly with program managers or anyone with decision-making authority. As discussed in Chapter 2, electronic records will increasingly remove the support staff with whom WSA analysts currently interact from the recordkeeping process.

## **Records Scheduling is Subjective**

***Few record retention periods are set by statute. SRC members are not concerned with retaining records for as short a period as possible.***

Ensuring that records are scheduled to the most efficient and economical disposition is the responsibility of WSA analysts, working in cooperation with the state agencies. However, scheduling records is a subjective process. Few Wyoming statutes set record retention periods or other disposition parameters, nor are there national standards for records retention. WSA record analysts prefer to let the logic of the records materials determine the retention. Negotiation with agency personnel with respect to their preferences is also a determining factor in how long records are scheduled for retention

The State Records Committee, which has final authority to approve record schedules, is not necessarily concerned with seeing that records are retained as briefly as possible. Rather, its members are primarily concerned with ensuring that records are retained long enough to satisfy legal and audit requirements. Yet, WSA records management officials told us that in negotiations with agencies, they were reluctant to press their own recommendations for fear that agencies will stop using WSA services. Further, they noted that WSA has compromised on retention periods to satisfy the comfort levels of their “clients.”

## **WSA Schedules Most State Records Short-Term**

***WSA estimated the retention periods of state agency records stored in the Records Center. Almost half have retention periods of five years or less. Yet WSA says it needs more***

The program’s seemingly chronic need for additional storage, coupled with its service-oriented approach to meeting agency desires, prompted us to question whether WSA may be scheduling records for lengthy retention periods. This practice would create pressure on WSA storage facilities, and affect local governments’ storage needs as well, since they must store their own non-permanent records. WSA does not have a management information system that can provide aggregate information about the schedules it creates. However, program staff was able to estimate the retention periods of state government records stored in the Records Center using their destruction dates. WSA estimated that:

***shelving: it unsuccessfully requested funds for additional shelving this biennium.***

- 46 percent of records scheduled for destruction had retention periods of between one and five years.
- 27 percent had retention periods of six to nine years.

In addition, our review of the retention schedules created in 1999 found that:

- Nearly 64 percent of the schedules were for periods of five years or less.

Thus, we concluded that WSA is scheduling most state agency records for retention periods of five years or less, which makes them short-term records. Further, it appears that the WSA records retention process generally results in records being stored for a relatively short, rather than lengthy, time period.

**More Shelving Has Been Requested.** WSA currently says it is experiencing a shelving shortage. Although the Governor denied the request and the Legislature did not appropriate the funding, WSA requested nearly \$100,000 for an additional 14,000 cubic feet of shelving for the 2001-02 biennium. WSA requested the funds in order to continue accepting records in the Records Center and in Archives South. WSA received approximately \$131,000 in the 1995-96 biennium for 13,500 cubic feet of shelving to meet the same need, which was installed at the end of 1994.

Further, the 1999 Joint Legislative-Executive Revenue and Expenditure Study also suggested that records were being scheduled for too long. Policymakers were concerned about the expense of maintaining records at both the state and local levels, and surmised that government could realize savings from reviewing retention periods. However, as WSA officials note, to realize the storage savings and other benefits of a records management program, governmental entities must dispose of records as scheduled. Unless WSA monitors non-permanent records, as it does those of state agencies in the Records Center, there are no assurances that records are disposed of as scheduled.

## **Focus on Traditional Services Impedes Progress on Needed Program Changes**

***Each year, WSA takes in more non-permanent records than it destroys. WSA has not promoted the use***

By concentrating its limited resources on managing records in traditional ways, WSA creates pressure on its facility capacities. Even though WSA appears to be scheduling a large percentage of state agency records for minimum retention periods, each year it takes more records into the Records Center than it destroys. From program statistics, we estimate a 770 cubic foot average annual

**of the electronic  
format for short-  
term records.**

deficit over the last five years. Program officials cite this deficit as part of the basis for requesting additional shelving.

The WSA focus on a paper-records environment, which is rapidly being displaced by the spread of computer technology, inhibits it from looking at alternatives for record storage. For example, as noted in Chapter 2, WSA has not promoted the use of the electronic medium for short-term records, even though there is little likelihood that technology will change before those records reach the end of their retention periods. WSA officials note that there are very few schedules for electronic records, and that only two agencies have decreased their record volume by using them.

WSA officials also acknowledge that records analysts are unable to review existing record retention schedules on a regular basis. They cite a lack of staff and resources as the reason that analysts cannot review schedules every ten years, as would be optimal. These reviews have the potential to reduce pressures on WSA storage resources. For example, in 1998 WSA initiated a modification of county court schedules, reducing their transfers to Archives South by 89 percent (300 cubic feet) each year.

## **Other States Modify Practices to Meet Needs**

**South Carolina  
changed its  
records scheduling  
approach to free up  
resources for other  
needs.**

Facing similar circumstances, another state records management program changed its established modes of operation and resource allocation to enable it to address areas of concern. Like WSA, the South Carolina Archives provided comprehensive records inventories and scheduling services for state agencies. This left the program with little time to provide regular, ongoing training or to address electronic records issues.

To free up the resources for these priorities, South Carolina refined its record scheduling process. Instead of record analysts doing the bulk of the inventorying and research work for the entities they scheduled, these responsibilities were shifted to the agencies and local governments. Coupled with this was an active training and publications program that gave agencies and local governments the basics for handling their new duties.

Similarly, Kansas requires *state agency* record officers to prepare and submit retention and disposition schedules in cooperation with the records management staff. Kansas' records management regulations also call for state agency records officers to periodically review agency schedules and submit requests for needed modifications. Each records officer is required to be a staff member holding an administrative or professional position, although the record officer duties may be collateral duties to an existing position in the agency.

## **Statutes and Tradition Prompt WSA to Provide Comprehensive Services**

***Statutes specify comprehensive records scheduling services. Changing its approach would require training for agency records officers.***

In providing comprehensive services to the state agencies, WSA is following the directives provided in statute. W.S. 9-2-406 (a)(iii) directs WSA to inspect, inventory, catalog and arrange retention and transfer schedules for all state departments and other agencies of state government. WSA is choosing to emphasize its role in these functions, rather than calling upon the agencies to develop their records officer positions as described in statute.

WSA officials contend that they cannot shift records management responsibilities back to the agencies because WSA lacks the authority to obtain the necessary support from those agencies' management. In addition, WSA does not believe agency records managers consistently have the expertise to assume these responsibilities. Thus, this approach would entail significant records management training that the program is not currently able to provide.

Finally, perceiving resources as inadequate, WSA officials have elected to focus upon what the records management section has traditionally done best: schedule and store paper records. Further, they have adopted a service posture that makes the program reluctant to demand more of state agencies. Program officials cited a concern that agencies will not store records in the Records Center if WSA analysts withdraw assistance. At the same time, however, they note that program capabilities would be overwhelmed if all agencies requested their services.

## **Recommendation: WSA should reassess its approach to providing record services to free resources for other needs.**

***Services required by 21<sup>st</sup> century records systems are qualitatively different from those that fit the paper environment.***

The current WSA approach to managing records is resource intensive, leaving them unable to address other vital aspects of the state's records management program. In view of the challenges posed by electronic records, WSA should reassess the manner in which it provides records scheduling services. The kind of services required by 21<sup>st</sup> century records systems are qualitatively different than those that fit paper records needs. If agency and program officials feel obliged to maintain current services by statutes, they should seek legislation to amend statutes to better fit the current records environment.

In addition, WSA officials should consider shifting more records management responsibility to the agencies. It is not effective for record analysts to continue working with agency personnel that are being increasingly displaced from the recordkeeping process. Furthermore, it is not effective for WSA to research information that higher-level program officials already have. Therefore, WSA needs the authority to ensure that agencies provide the professional input necessary to manage records effectively. Enhancing the statutory role of agency records managers may be a way to accomplish this.

# CHAPTER 7

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## Reference Assistance

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### *Finding* **Archives Can Take Steps to Better Utilize Certain Staff Resources**

***WSA's approach to reference makes the staff's presence necessary.***

Within WSA, the Archives section ascribes to a traditional approach to providing reference assistance, one that makes the staff's presence and individual knowledge necessary. WSA productivity data for Archives staff suggests that Archives could better utilize several staff positions currently primarily dedicated to providing reference assistance. Adopting a more user-centered approach to reference assistance could free up staff to focus on projects that would address currently unmet needs.

### **Staffing Emphasizes Reference Assistance**

***All staff in the reading room are not needed to assist patrons on a full time basis.***

Half the professional staff in Archives, or four positions, are dedicated primarily to responding to patrons' and agencies' requests for reference assistance. Located in the reading room of the Barrett Building, where micrographics readers and a portion of the collection are housed, these reference archivists assist the government and the public with research. Other Archives staff pull requested materials, deliver documents from Archives South, and help to manage and process material that Archives has acquired.

WSA output data for Archives staff for FY99, a year representative of its normal workload, indicates that these staff members spend most of their time assisting patrons and agencies with their research and reference requests. This work is interwoven with various other duties, such as developing finding aides, cataloging publications, processing collections, supervising volunteers and temporary employees, and developing databases.

All staff in the reading room are not needed to assist patrons on a full-time basis. We believe WSA could devise a more efficient staffing pattern, one which would assign a limited number of staff to providing direct patron assistance. Other staff could then concentrate on projects without interruption from patrons in the reading room. Consequently, some could be carrying out more focused long-term projects, such as developing databases and finding aides, that would support users in becoming more self-sufficient.

### **WSA Uses a Traditional Approach to Reference Services**

***Patrons needing information from WSA must request the assistance of a reference archivist. WSA has yet to develop a comprehensive array of modern finding aides.***

WSA has followed a traditional gatekeeper approach to reference services. Under this approach, patrons needing information from the Archives do not go directly to finding aides, which are tools such as indexes and guides for locating materials, to initiate their own searches. Instead, patrons generally request the assistance of a reference archivist.

WSA finding aides are in mixed formats. Some are being developed in electronic form, but are only useful for staff. Only a small portion of WSA's collection is indexed on its web site, and many of the aides currently available to the public are manual, such as books or card catalogues. There are no printed guides directing patrons how to use finding aides, and even archivists must locate certain items by memory.

WSA has yet to develop a comprehensive array of modern and readily searchable finding aides that are available to the public. WSA recognizes that its patrons are not scholarly researchers with archival skills, and thus makes the services of four reference archivists available. Since its staff resources are limited, we believe WSA can more fully develop the tools and systems that will assist patrons in conducting their own searches.

## **The User-Centered Approach As a Model**

***AHC's approach to reference is characteristic of a self-service approach to archival research. WSA's approach limits patrons' ability to access research material without assistance.***

In recent years, many archival facilities have adopted a user-centered approach to providing reference services. One example is the American Heritage Center (AHC), a research facility at the University of Wyoming that houses the University of Wyoming Archives. It also collects and preserves items that focus on Wyoming and the West and popular culture, among many other topics. While WSA and AHC have many differences, both provide reference services to patrons, not all of whom are familiar with the archival setting.

The AHC appears to have developed an effective way of providing reference services without dedicating its staff exclusively to that work. While AHC has six reference staff positions, only one is available to the patrons in the reading room at a time. AHC officials believe it is confusing to the public to have staff working in the reading room if they are not there solely to assist patrons. By scheduling staff to be in the reading room in four hour shifts, other staff members can devote time away from the reading room to projects such as developing finding aides.

The AHC's approach to reference service is characteristic of a self-service approach to archival research. The reference assistant acts as a pointer to the finding aides, which are then used by patrons to

obtain the type of information they seek. This user-centered approach sees use of the materials as the primary reason for archives, with the key concept being to provide users the information they need.

In contrast, WSA's gatekeeper approach limits patrons' ability to access research material without the help of a reference archivist. Expert intermediaries place themselves between the user and both the primary access tools and the historical record. While this approach was useful in the past, the electronic age offers other possibilities for providing patron access to archival information.

## **Recommendation: The WSA should evaluate current staff assignments.**

***WSA should evaluate the utilization of reading room staff.***

We believe WSA may be dedicating more staff resources to providing reference assistance than is necessary. At the same time, other needs, such as developing easily accessible finding aides, have gone unattended.

The WSA should evaluate the utilization of reading room staff, and consider both the allocation of staff and procedures and practices used when providing reference services. As part of this review, attention should be given to the importance of developing a more complete set of finding aides, as well as providing information on how to utilize finding aides. Finding aides could be computerized in a database, making them easy for the public to utilize without the assistance of a reference staff member. While not immediate, the eventual impact would be to lessen the burden on existing reference staff, freeing up time to focus on other projects.

# CHAPTER 8

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## Historical Collection

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### *Finding* **Two State-Funded Entities Perform the Same Function**

***AHC and WSA are both receiving state funds to collect non-governmental historical records.***

The American Heritage Center (AHC) at the University of Wyoming and the Wyoming State Archives are both receiving state funds to collect non-governmental historical records. The historical collection at the WSA is small, but requires a disproportionate amount of WSA's resources to maintain. AHC, which has a similar, but larger and more diverse historical collection, benefits from private as well as General Fund support.

WSA needs to evaluate its responsibilities regarding its historical collection. Such consideration may lead to creating collaborative agreements between AHC and WSA that could capitalize on the strengths of each, as well as eliminate some of the duplication.

### **The Two Have Similar Collections**

***WSA incurs significant costs when cataloging, storing and preserving historical material. AHC receives sizeable private donations to process its collections.***

WSA's historical collection comprises letters, minutes, reports, and related records created by individuals and organizations in Wyoming dating from the territorial period, as well as a photographic collection. The historical collection is considered to be distinguished in the areas of local history, women's history, religion, agriculture, and mining. In all, however, historical records constitute a small part of WSA's archival materials.

WSA incurs significant costs when cataloging, storing, and preserving historical materials. As a result, WSA is judicious in deciding what material to acquire, acknowledging they do not have the resources to pursue additional records.

In contrast, most of the records at AHC are historical records. AHC's historical collection is somewhat focused on Wyoming history, but is much broader, containing material relating to many different subjects, including popular culture.

AHC is actively pursuing historical records held by private donors. AHC also receives sizeable private donations to process its collections, and claims that it is able to raise additional money when necessary. Recently, an anonymous donor pledged \$2 million to the AHC to research and preserve documents related to Western politics. Many of the important historical documents of the state of Wyoming, such as those of Territorial Governor and U.S. Senator Francis E.

Warren, and more recently Alan K. Simpson, already reside at the American Heritage Center.

## **A Disproportionate Amount of Resources Supports the WSA Historical Collection**

***Up to 15% of WSA resources are dedicated to its small historical collection.***

WSA estimates that at any given time, up to 15 percent of its resources are dedicated to the historical collection. These materials, however, constitute only about 8 percent of the total permanent collection. In 1995, the state's collection of non-government historical records, previously administered by the Wyoming State Museum, was transferred to the WSA. At the time of the merger, the collection was largely unprocessed, and weeding through the materials has been time-consuming. While some of the collection has been culled, more remains to be done, and it requires approximately 3,000 cubic feet of WSA space.

Currently, all but a small percentage of WSA's collection is catalogued in some fashion, although many aides are either old-fashioned manual finding aides or in WordPerfect, which is not a readily searchable database. As discussed in Chapter 7, a lack of modern finding aides and guides for using them increases the likelihood that a patron will need to rely on WSA researchers for assistance.

## **Inconsistent Statutes Create Uncertainty About Authority**

***It is unclear whether WSA responsibility for historical records is mandatory or optional***

Wyoming Statutes are unclear about Archives' role in continuing to collect historical records. Two statutory references give WSA mixed direction regarding historical records. W.S. 9-2-404 (c) says the director of the Archives *may* acquire historical records. However, W.S. 9-2-415, which WSA has incorporated since acquiring the historical collection from the state museum, states the director *shall* collect historical records.

Thus, it is not clear whether this responsibility is optional or mandatory for WSA. The uncertainty of purpose and expectation set out by these statutes gives WSA little incentive to expand current efforts in support of the collection. The same uncertainty may also have inhibited cooperative efforts with other Wyoming repositories, as envisioned by the 1995 SHRAB report.

## **SHRAB Recommended Collaboration Between Repositories**

The Wyoming SHRAB report recognized the need for collaboration between repositories, which are various locations throughout the state where records are stored. Several of its recommendations stressed not only the importance of building linkages between the different repositories in the state, but also fostering cooperation between them. The report pointed out that collaboration in collecting and the development of systematic collecting strategies would discourage the haphazard placement of records and greatly enhance their value.

## **Recommendation: WSA should evaluate maintaining its historical records collection.**

***WSA performs a general government support function, while the historical collection is culturally directed.***

WSA should evaluate its policy with regard to whether and how it will continue to collect and manage historical records. Within the State, WSA performs a general government support function. Its small collection of historical records is more culturally directed than the rest of its materials, and also requires WSA to divert resources from its primary general government function.

WSA may wish to propose a statutory amendment to clarify its responsibilities regarding the historical collection. Collaborative agreements with the AHC could free up valuable space and resources for WSA. As well, such agreements would give WSA the opportunity to focus on government records, which are its primary function.

# CHAPTER 9

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## Conclusion

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***WSA officials believe they lack the resources necessary to do more than maintain the existing program. We believe WSA should adopt approaches that assist government agencies in managing their own records.***

Although the Wyoming State Archives is a small program within state government, it has significant impact on all government functions and ultimately, on all citizens that government serves. This program serves as a central resource to assist citizens as well as government officials to identify, locate, and make accessible government information.

In the course of our research, we found areas in which this program could be improved, and have discussed those in the preceding chapters. Among those are the program's needs to develop a viable electronic records program, enhance training for records creators, and better support its microfilming resources. WSA officials with whom we worked in preparing this report will likely agree that more can be done in these areas, but they believe they lack the resources to do more than maintain the existing program.

However, we believe the magnitude of the impact of electronic records is such that WSA should change its focus from maintaining the existing program. Instead, it must evaluate its current practices in the context of the new records environment. Along those lines, we recommend that WSA assess the way it provides its services and adopt approaches that assist government agencies in managing their own records. As electronic records become more prevalent, it is not possible for WSA to oversee records management in every agency and political subdivision. Therefore, WSA officials must rethink how the program will provide record management services in the future, and take the steps necessary to move forward.

We believe that the Legislature, through the Management Audit Committee, should monitor WSA actions to ensure that these issues are addressed. If necessary, statutory changes are a means to ensure a program reorientation that meets future records management needs.

## AGENCY RESPONSE

# WYOMING

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May 1, 2000

Senator Jim Twiford, Chairman  
Management Audit Committee

Dear Senator Twiford:

The Department of State Parks and Cultural Resources greatly appreciates the efforts by the staff of the Legislative Services Office to assess the conditions and issues confronting the State Archives. It is our fervent hope that attention to the issues raised in this report will provide the impetus for improving the state's records management system in a manner which is not only cost efficient, but serves to more effectively provide quality services to the public and governmental entities. The report highlights a number of different issues which we recognize merit attention. While we are not sure that the report has provided the answer to all the issues and problems facing the state, we feel it has raised legitimate issues and recommendations which merit further discussion and action. The report has provided excellent guidance for possible statute revisions as well as justification for further budgetary support for the program.

The following are the agency's responses to each recommendation included in the report.

*Recommendation: WSA should focus on developing its electronic records program.*

*Agree.* Management of electronic and paper records is an incredibly complex issue requiring increased levels of support and attention by the department and state and local government entities. Attention to this issue is of paramount importance. Prior to resolution of this issue, the legislative and executive branches of government must reach a consensus as to the mission and function of the Wyoming State Archives. Is the State Archives primarily an administrative, records storing vault for state government, for state and local government or should it focus more closely on providing services to the general public? These issues must be determined to successfully develop an electronic and paper records management system. Executive Order 1999-4, dated December 23, 1999 and issued by Governor Geringer was a critical first step in the development of an electronic records management system.

*Recommendation: WSA should seek temporary funding to develop and implement a comprehensive training program.*

*Agree.* The department will investigate the potential for increasing funding to develop and implement a comprehensive training program through grants and partnerships. A supplementary budget request may also be submitted in order to meet this identified need.

*Recommendation: WSA should develop a plan to strategically use and financially support micrographics.*

*Agree.* The re-appointment of the State Historic Records Advisory Board (SHRAB) should help provide the impetus for the development of such a plan. SHRAB members can provide guidance for the development of procedures and statute revision necessary to most effectively provide support for micrographics services.

*Recommendation: The Legislature should consider reviewing WSA's statutory responsibility for government records.*

*Agree.* This issue is central to most of the problems confronted by WSA. WSA is statutorily directed to be Aeverything for everybody@, but lacks the staffing and financial supports to fulfill these responsibilities in a truly effective manner. Full consideration of these complex issues and the development of a consensus direction would be helpful for both state and local government agencies.

*Recommendation:* WSA should reassess its approach to providing records services to free resources for other needs.

*Agree.* A careful assessment of records services should be accomplished on a regularly scheduled basis. Changing needs of agencies, technological innovations, administrative directions and other factors suggest periodic redirection of efforts may be in order. Such an assessment must be done in conjunction with affected governmental entities and involve consideration for the implication of such actions on both the WSA and the agencies served. SHRAB, along with state and local government and the legislature can serve a central role in the consideration of this issue and its implications.

*Recommendation:* The WSA should evaluate current staff assignments.

*Partially Agree.* While we feel that staff assignments have been made to most judiciously serve the program needs, we cannot refute the basic value of an evaluation of these assignments to assure the most efficient level of service for the public.

*Recommendation:* WSA should evaluate maintaining its historical records collection.

*Agree.* An investigation and evaluation of the historical records collections is merited in order to insure the most effective and efficient manner for the collections in question. A heightened working relationship between the American Heritage Center and the WSA should be pursued to fully explore the potential and determine policies for care and management of public records and collections.

*Conclusion:*

The majority of the problems identified within the Legislative Services Office Program Evaluation for WSA relate to the general lack of attention and interest in the subject over the course of many years. from department management, agency commissioners, local government officials, state agency directors, various Governor's and the Wyoming State Legislature. All are culpable.

Archives issues are not of great general interest because they involve the minutiae of government. This is the paperwork everyone complains about. It is the physical manifestation of the bureaucracy of government that most people loathe. Because of that, issues related to records management are easily ignored or put off for another time. Unfortunately, this continued placement of archival and records management issues on the back burner comes at a cost to all of government. Storing paper or electronic records which have no value is a cost. Elimination of records of importance to the public also bears a cost. Wyoming's public records are those materials which show how the Apublic's business@ is conducted. They are a record of the many policies and decisions by which the interests of the public are manifested into action or inaction by the very government which they have elected and supported through their tax dollars to serve them. Efficient records management is a critical element of government serving the public.

While always a complicated issue, the complexity has grown commensurately over the years due to variety of factors. The size and breadth of government has increased dramatically over the past 100 years. There are not only more people in the state, there are more communities. There are also significantly more government programs with a broad array of bureaucratic support systems which require documentation at an ever increasing level. Although there has been an increase in the size and number of governmental entities, there has not been an increase in the interest of government officials to manage the increased number of records generated. The attention to the management of public records to determine what needs saved, what doesn't, for how long it should be saved, has not increased in a fashion consistent with the growth of government. This lack of attention by various program managers suggests much is being saved without sufficient reason or justification.

The increased emphasis on legal liability has increased the complexity of records management. Many people are afraid to throw any materials away for fear the information could help them in a later legal or administrative battle. Many others are afraid to keep any materials for fear that the information may be used against them in a later legal or administrative battle. These divergent perspectives suggest a lack of

uniformity to records management and heighten the need to address the issue before a court case comes along that has significant cost implications on the taxpayer due to the state's inconsistent records management system.

The advent of electronic records is merely the latest manifestation of an ongoing records problem. The issue of technology transfer and data collection are technically driven as are the solutions. However, the most critical point of emphasis is that government is creating more and more paperwork, because it is just so easy to do so. When people had to write everything by hand, it was quite labor intensive and therefore, files were kept to more manageable levels. The advent of carbon paper, electronic typewriters, photocopiers, wordprocessors and computers have served to increase the amount of paperwork created by various governmental entities at a phenomenal rate. It's so easy to create paperwork that the issues of managing those materials have been largely ignored.

Now is the time to provide attention to these issues and the LSO Program Evaluation provides the state with a mechanism to do so. The Department of State Parks and Cultural Resources is strongly supportive of efforts to improve the management of public records and to increase the effectiveness of our programs. We recognize that such an effort will not be accomplished solely by staff, but will involve the cooperation of the legislature, the Office of the Governor, local government officials, other state agencies and the public. We are willing to do our part and look forward to working for the quality management of our state's public records.

Sincerely,

John T. Keck

Director

JTK:klm

Attachments

**Wyoming State Archives  
Response to Legislative Service Office Report  
to the  
Management Audit Committee  
May 2000**

The Wyoming State Archives appreciates the efforts of the Legislative Service Office to conduct a thorough evaluation of WSA programs in a relatively short period of time. Overall, the final report is quite good in identifying areas related to WSA responsibilities which require additional resources and attention. The following responds to observations and recommendations made by the LSO team. An attachment responds to additional specific points in the report.

**Space Needs**

Estimates in the report regarding existing open storage space for records includes space not suitable for the storage of boxes, such as library shelving and file cabinets for non-government historical collections and photographs. Further, the climate controlled storage space in the Barrett Building should not be included in these estimates. Space in that facility should be reserved for significant records and collections, not the bulk records series such as case files which take up most of the storage space for permanent records at Archives South. Therefore, the estimate on page 10 of the report for existing available storage space should be reduced by about 3,000 cubic feet. Also, LSO's estimate that new shelving in WSA's existing facility would provide storage space for an additional eleven years is high. WSA estimates seven to eight years of additional box storage space if shelving is received. It should be noted that the influx of boxes can vary significantly year to year. When agencies or county offices have to move and want to transfer their records, WSA space is rapidly filled.

Other points emphasizing the need for additional shelving include the desirability to have certain types of records series located together. For example, when law enforcement officials need to inspect several files from a particular court, it is more efficient to have those records stored in the same area, rather than requiring staff to retrieve files from several different locations.

Obviously, such an arrangement is not always possible, but the more we can do to keep records from the same office together, the more we save retrieval time. Only a few groups of seven or more shelves are currently available at Archives South. Also, as more agencies and local government offices learn of WSA's services through training, chances are good that large transfers will follow. Finally, it is important for installers of shelving to have a large amount of floor space for staging parts and for work space. If the acquisition of shelving is delayed and records must be stored on pallets the installation of new shelving units will be impeded.

**Electronic Records Management**

WSA supports the use of properly managed electronic record systems. However, there is no sign that the production of paper records is decreasing in Wyoming state and local government. Indeed, the creation of paper based records may be increasing. WSA staff must continue to

provide services for dealing with these records. Electronic records must be brought fully into the sphere of records management processes through cooperation between WSA and the creators of government records.

As the LSO report indicates, training is a key ingredient if this need is going to be recognized and addressed. WSA has no authority to intervene in the development of electronic records systems, nor any mechanism for finding out when such systems are being developed. Adding to this problem is that vendors are seriously remiss in addressing information management considerations when selling digital products. Their interest is in record making, not record keeping. Nationally recognized scholars continually stress that new technological ways to create records have out-paced our technical abilities to manage them. And digital information management solutions that are available are currently unaffordable. Dealing with these issues, and providing for adequate training, will require the cooperation of decision makers in every agency and in the state's IT management groups.

WSA does caution agencies on the vulnerability of electronic storage media, and the constantly changing information management technology which threatens to make records irretrievable after only a few years. Costs for migrating this information to upgraded systems is prohibitive. Expenses for creating, maintaining, and migrating electronic information need to be investigated and summarized as a complement to the LSO report.

### **Training and Records Management Assistance**

The LSO report stresses the need for WSA to become more pro-active in providing training. WSA offers a quarterly workshop on records management, which includes segments on retention scheduling, file management, records center services, e-mail management, permanent records, microfilming, and preservation. This workshop is advertised through the Human Resources Division of the Department of Administration and Information. WSA has accepted the responsibility of doing the training mandated by the Governor's Executive Order 1999-4, which relates to the Executive Branch E-Mail Policy. Much time and effort has been devoted to this activity since January 1, 2000. Additionally, a workshop on conservation techniques is conducted for local historical records caretakers when they express a need. Lack of staff time, limited travel funds, and lack of enforcement authority restrict WSA staff efforts to be more pro-active in the area of training and consultation.

Various management aids are located on WSA's website to assist government records managers. Also, from time to time, bulk mailings of guidelines and technical papers, such as *Preservation and Management of Paper Records*, are made to local government offices. However, because of reduced budgets and the increasing expense of printing and postage, this activity is limited. WSA tries to make its constituents aware of the services it provides, and the necessity for information management. Staff then respond to the expressed needs of state and local government agencies.

WSA looks forward to receiving direction from any source regarding how it can assist agencies with better management of their records and information. Implementing processes and procedures that will help government employees manage their electronic records must be a team effort involving top management, IT staff, the WSA, and the employees who create the records. If statutory changes will help provide more emphasis on records management, WSA will support them. Below are some suggestions for responding to concerns identified in the report:



A legislative rule requiring each piece of legislation to contain a paperwork impact statement may help define the ongoing costs of new programs and legislative mandates.

- ✎ Funding and approval of any new IT programs should include an impact statement relating the cost to maintain the data for its life cycle, and funding for the WSA to properly analyze the data and establish a retention period, and to preserve any permanent information for future generations.
- ✎ A records and information management audit team could be established to ensure compliance with retention schedules. This would require additional resources, support from management, and, possibly, legislation.
- ✎ Cost Allocation funds for paper based records go into the General Fund. Investigate methods to extend the Cost Allocation program to pay for the maintenance of electronic records?

## **Services to Political Subdivisions**

Addressing the report's evaluation of WSA's services for local governments, the statutes clearly place an obligation to maintain records of the political subdivisions on WSA. W.S. 9-2-401 includes political subdivisions in its definition of public records. W.S. 9-2-410 states that all public records are the property of the state. W.S. 9-2-408 states that all public records, including those of political subdivisions, not required in the current operation of the office where they are made or kept should be transferred to the State Archives or to a recognized supplementary depository agency. The intent is clearly to centralize the archives of the state. This provision

provides for a central location for public and governmental access, preservation, and low cost storage of public records. Without such a facility available to local governments valuable records would be at great risk. Archives staff have found records scheduled for permanent retention in cellars, attics, garages, sheds, and basements, places hardly conducive to the long term preservation of paper, or any other information storage medium. Permanent records have been destroyed by local government offices. These facts were behind the preparation and distribution of WSA's technical paper *Preservation and Management of Paper Records*. These occurrences also emphasize the need to continually educate local government records keepers, especially with new officials elected every four years, and the need for a central agency authorized to acquire, maintain, and provide access to local government records. Since local governments produce similar records, it also makes sense to have a central agency creating legally established retention schedules applicable to these records.

## **Reference Services**

WSA staff have developed and continue to develop public finding aids that include the published guide to the Archives, widely distributed to schools and libraries; descriptions of all county record series (up to 1990) held by the Archives available on the WSA website; the growing number of descriptions of stage agency records on the website including all governors and the Secretary of State's office (work on the Department of Agriculture is proceeding); the large number of state government record series and historical collections cataloged on national databases and available through the Library of Congress website and the Wyoming Library Database; the inventories of non-government historical resources listed on the website; and the comprehensive card catalog which is completely accessible to the public at the front center of the reference room. This manual database provides access to the historical collections, oral history collections, and books in the western history library.

All collections listed on the website and cataloged on the Wyoming Library Database are accessible through the public terminal located in the reference room, and, of course, from any location with Internet access. These resources are being used heavily by researchers and use

continues to grow at a great rate. Because many of the users of these resources cannot come to the Archives, staff must conduct research for them. Most of the time spent on researches is for people, private citizens and representatives of government offices, who cannot come to the Archives' reference room.

Staff and patrons rely heavily on finding aids that are constantly being developed, revised, and updated to insure the accurate representation of WSA collections.

Databases are fine for locating information on subjects, authors, titles, and such discrete information. However, if someone is looking for information in government records on a family member, for example, and knows little about that person, or of how government records are kept and what types of information are available in them, a database is of little use without the assistance of someone who can point them in the right direction. WSA can't enter even a small fraction of all the names, places, and subjects included in state and local government records in an automated database. We can and do provide bibliographic information about our government holdings, but if a patron does not even know what government functions belong to which office, they need direct assistance.

WSA and the American Heritage Center (AHC) both offer resources designed to provide information to the public. Because of the nature of their holdings, AHC generally attracts different types of researchers than does WSA. AHC patrons are primarily students and scholarly researchers who are acquainted and experienced with reference sources and research into historical collections. They are researching individuals, topics, and events and will spend more time in unassisted research evaluating information in collections. Only a small percentage of WSA's patrons are of a similar vein.

It is true that researchers who come to the Archives and cull information from large collections do not need as much assistance from reference staff. However, a high percentage of WSA patrons are not scholarly researchers. They are people often quite unfamiliar with research techniques and sources. They don't know government functions or where the information they need might be located. They may in need a record to document high school graduation, building plans for renovations, documentation of the payment of a fine, land records to clear title to property, medical information, and numerous other documents for personal or official reasons.. Law enforcement officers need a court case files. Government agencies need to retrieve files or have records copied. These people need a particular record, not a collection to sift through, and they expect staff to be able to locate the record for them. They don't need to sit down at a computer to find out where the record they need is located. Most of them have already been told by a government office, or found out using the WSA website, that the record they need is at the Archives. They want to get the information and get out, not sit for long periods of time in study. Some people are just beginning genealogical research and want to know how to go about it. WSA deals more with people needing personal or official documentation, people who have had very little training and experience in researching records. AHC does not deal with this constant flow of requests for personal and official documentation from private citizens and government agencies, patrons who need more direct and frequent assistance than AHC visitors. Therefore, WSA staff see themselves as gate makers, not gate keepers. The frequent high praise from WSA customers supports this belief.

There are additional differences between WSA and AHC. AHC staff do not have to be concerned with restricted records, and making sure files given to researchers do not contain confidential information. WSA staff deal with a high volume of researches for people who

cannot come to the Archives' reference room. Therefore, WSA staff conduct all the research for those individuals or government agencies. .

The report suggests that WSA reference staff would have more time to devote to collections management and finding aid development if more automated databases are created. Each reference staff member now averages about 15 hours each week cataloging accessions, developing finding aids and databases, processing collections, performing conservation measures, managing WSA paperwork, and supervising volunteers, interns, and summer temporaries. In addition to those duties, staff are also busy responding to research requests received via e-mail, regular mail, telephone and from people who come to the reference room. We have created multiple work stations in the reference room so that staff can respond to research requests as well as work on non-reference activities.

In summary, assigning additional non-reference tasks to existing reference staff positions could negatively impact service to customers and require innovations such as appointments for in-house researchers and/or fewer hours open to the public, slower turn-around time to citizens and government offices, and, possibly, automated phone answering and messaging services. Reduced services could affect an agency's or local government office's decision to transfer records to WSA, creating storage and preservation problems for those offices.

### **Non-Government Collections**

LSO's report suggests a re-evaluation of WSA's statutory authority for acquiring non-government historical records. This activity has a long history, dating from laws established in 1895. Other state archives programs maintain both government and privately donated collections, though in some states the non-government records are managed by a publicly funded state historical society. WSA's responsibility for collecting privately donated historical materials related to the history of Wyoming and the region, correlates with its obligation to maintain the permanently valuable public records of the state. The American Heritage Center, the example used in the report, has different collecting goals than does WSA. The State Archives focuses on Wyoming state and local history. Privately donated collections complement in many ways the government records maintained by WSA. For example, private papers of political families (such as Barrett, Richards, and Wilkins) supplement government records associated with family members' years in office or in the state legislature; records of women's organizations supplement government commissions on women's issues and suffrage records; records on businesses can be found in government records and donated collections; county and family histories and manuscripts supplement the many local government sources useful for researching family and community history. Therefore, WSA offers many related resources for the study and research of regional history at a single location, making it easier for researchers to find useful sources.

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A major reason for the higher percentage of resources used for historical collections is that many were either not arranged and described, or inadequately described prior to the transfer of the collections to the Archives from the State Museum. This is one reason the transfer was made. This work needed to be done, no matter who maintained the collections.

Also, to expound on the information in the report, over the nearly 100 years of collecting activity, many materials not dealing with Wyoming or having little research value were accepted by the State Museum and its antecedents. These are gradually being weeded from the collections, but the process is time consuming, partly because State Museum staff are required to review each deaccession and they have little time for such review. Once all the collections are

properly arranged and described, and the deaccessioning activity is completed, the percentage of resources devoted to historical collections should decline. But again, whoever maintains these collections will have to deal with these issues. Even collections needing work are at least referenced in the card catalog.

WSA does occasionally seek collections appropriate to the agency's mission. However, there are no budgeted funds for purchasing items offered by private citizens or professional dealers. Therefore, when staff learn of items for sale that would be valuable additions to WSA collections, they are unable to acquire them. Many items and collections are donated. WSA's Acquisitions Review Committee meets monthly to evaluate offered records.

### **Conclusion**

LSO's evaluation of Wyoming State Archives responsibilities and programs adequately highlights the issues facing the Archives and information management functions in Wyoming state and local government. Overall, WSA agrees with the identified needs. Modification of current management emphases and staff responsibilities could provide a limited amount of additional focus on the problems outlined in the report. During this biennium, WSA had two positions removed by the division management in place at the time. Statutory authorities as well as additional and consistent fiscal support are required to fully respond to all the identified information management issues.

**WSA'S RESPONSE TO LSO'S CONFIDENTIAL DRAFT AUDIT REPORT**

**Attachment**

**May 2000**

<u>Page No.</u>	<u>Comment</u>
5	First paragraph: W.S. 9-2-401 Definitions include language about local government, as does 9-2-405 Classifications of public records; 9-2-410 requires activities relating to local government records; 9-2-412 refers to 9-2-411 and discusses the scheduling process. Also, change to: Most of the schedules the section creates for local governments apply to multiple ...
6	Paragraph heading should just be Archives and Historical Research
6	First paragraph under A & H Research: In addition to providing proper and secure storage of these documents, Archives processes the records applying basic conservation techniques and inventorying them, and makes the records accessible to government agencies and organizations, and also the public who uses them for scholarly and personal research.
7	Third paragraph: One person serves as a receptionist for the Archives answering the phone for all of the WSA, along with doing work for the entire program. The remaining four staff members and supervisor also process collections, develop finding aids, and supervise volunteers, interns, and JTPA temporary employees, including training them.
7	First paragraph under Technical Services: Should read ...consists of three functions: Micrographics, photographic, and paper conservation.
8	Third paragraph: Should simply be the photograph unit.
	Note: WSA has the only conservation lab in Wyoming that is operational with trained staff.
11	Third paragraph: During the Barrett Building remodeling, program funds were used to move the offices and collections to and from U.S. West, along with WSA program funds used for the consolidation of records centers and the moving of the microfilm from a leased facility to the Barrett Building. These moves not only took financial resources from the program, but were also very demanding on staff time to prepare for the moves and the time consuming tasks after the moves.
13	Last paragraph and 14: All indications are that the volume of paper records is not decreasing, and the volume of incoming or new records must be managed properly, even with decreasing budgets and personnel. Also, previous reports also discuss the need to increase resources to handle not only paper-based record keeping systems, but electronic formats as well. State agency staff are not comfortable with pure electronic information systems, and are retaining paper records as backup, even though the WSA works at eliminating the paper, just as it does with paper that has been microfilmed. Lack of adequate funding for new electronic information systems

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	which is appropriated to the agency of record, does not help the WSA when it comes to working with the paper and electronic media generated by the new system and managing it when the agency contacts the WSA. Lacking funds to convert current active files, they then become the responsibility of the WSA to manage.

16 Last paragraph before the new section: Delete "likely", as all electronic information system will become obsolete, and have to be migrated to new storage media and current software.

17 Paragraph headed **No Overall State Guidance for Electronic Records:** The last sentence states that "WSA staff view the electronic format as a processing medium only, with paper copies serving as the records." does not fully clarify. When going through the scheduling process, WSA attempts to determine which medium is retained as the record copy. If the record has short term value, WSA has no preference as to which medium is retained, but will discourage maintenance of duplicate records. If the record has long term value, WSA may recommend that paper or microfilm be retained as the record copy, because of the vulnerabilities of digital media. The only time that WSA recognizes "the electronic format as a processing medium only" is when paper or microfilm serve as the record copy. WSA expects state agencies to convert digital records to paper only for permanent records.

18 Paragraph headed **Many State Records Created Electronically Are likely Unscheduled:** This condition is not new and not peculiar to digitized records. An unscheduled record can be recognized at some point in time and the situation corrected, but an un-managed record can be a real problem, particularly when it is a digitized series. When an agency begins to store a record series digitally, there is no need for additional scheduling if the information is already scheduled; it is the information that is scheduled, not the medium. The difficulty agencies have with digital records is not how long to keep them, but how to manage them. Specially designed systems for data bases are normally highly structured and are not a problem. The most unmanageable area seems to be text documents which are created on computers or received through the e-mail system. There are document management systems (EDMS) designed to handle text documents but they are, at this time, quite expensive. To WSA's knowledge there are no EDM systems in Wyoming government. This is generally the condition nation wide.

In the e-mail classes that WSA conducts, guidance is provided on how to create directories that mirror paper classification systems and comply with records retention schedules. However, these directories are simply a stop-gap method, using an inadequate solution until EDM systems can be acquired.

18 Last sentence of the paragraph starting "WSA's limited program...": Most of these records do not relate or are part of an electronic database. Also, the information from records that is maintained electronically, like vouchers and payroll records, still requires the source records to be maintained for audit, and legal and administrative use.

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19	Second paragraph: At present, WSA has no influence regarding how an agency chooses to create or maintain its records. State agencies still choose to or must use high volumes of paper. These records must then be managed.
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19	In third paragraph discussing grants, the major reason for not seeking grants is because we don't have the program monies to provide a 50/50 match which is usually required.
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20	First paragraph under new section: The WSA can't "manage" electronic information in every state and local government office. Only if the information is required to be kept permanently by the SRC, can the WSA attempt to make sure that it is preserved, or force litigation if it is not. A strategy in the SHRAB report called for adequate budget to preserve electronic data, etc.
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20	Second full paragraph which encourages WSA to make development of a short-term electronic records program a priority: WSA concurs that more and effective use of digital records
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40 Second paragraph under heading **Records Scheduling is Subjective**: The report states that WSA may not press their own (retention) recommendations for fear that agencies will stop using WSA services. It is more accurate to say that this condition could occur if an analyst thought that a steadfast position would stop the process. Little would be accomplished if an analyst consistently took a bully position. While there are sometimes other influences on retention scheduling, the experience possessed by personnel involved in the program is a valuable facet that should not be ignored. However, an analyst would not permit the writing of a schedule that would permit the destruction of records before a known legal requirement.

43 First and second paragraphs: The report states how two other states have assigned responsibility to agency appointed records officers to perform records analysis and submit recommended disposition to the record management function, relieving records management to focus on other areas. The WSA lacks adequate authority to require agency records officers perform analysts tasks. WSA is also concerned that these designees would not have the time and expertise to perform these functions. Our experience is that records functions are low on agency priority lists. Also, without following the proper process and scheduling records, the State's liability payments could increase, caused by improperly scheduled, or no scheduling of records.

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50 First paragraph: Public records, such as those of Governor Warren, are the responsibility of the State Archives and are currently maintained there.

50 Third paragraph: The statement "lack of modern finding aids" ignores those collections whose description are described in accessible electronic databases and on WSA's website.

# APPENDIX A

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## Selected Wyoming Statutes

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### Title 9, Article 2

#### State Archives, Museums and Historical Department

**9-2-401. Definitions.**

- (a) As used in W.S. 9-2-401 through 9-2-415:
  - (i) Repealed by Laws 1991, ch. 55, § 2.
  - (ii) "Department" means the department of state parks and cultural resources;
  - (iii) "Director" means the director of the department;
  - (iv) "Political subdivision" means a county, municipality, special district or other local government entity;
  - (v) "Public record" includes the original and all copies of any paper, correspondence, form, book, photograph, photostat, film, microfilm, sound recording, map, drawing or other document, regardless of physical form or characteristics, which have been made or received in transacting public business by the state, a political subdivision or an agency of the state.

**9-2-402. Repealed by Laws 1991, ch. 55, § 2.**

**9-2-403. Repealed by Laws 1991, ch. 55, § 2.**

**9-2-404. Creation of department; director; references to department.**

- (a) The state archives, museums and historical sections within the department are created and shall be in the charge of the director. The director is subject to the Wyoming Government Reorganization Act of 1989.
- (b) The director shall:
  - (i) Be a college graduate who has had work in social science and history or has educational and administrative experience satisfactory to the board;
  - (ii) Perform the duties of the state historian, state archivist and museum curator;
  - (iii) Have an official seal as director which shall be used to authenticate all official documents, instruments and official acts of the department.
- (c) The director may:
  - (i) Appoint necessary deputies, assistants and employees;
  - (ii) Acquire by gift, devise, bequest, donation, purchase, lease or otherwise, money, books, manuscripts and other personal property of historical value. He shall hold and own the property in the name of the state and provide for its restoration, care and preservation;
  - (iii) Sell books, pamphlets, papers, pictures or other material produced by the department;
  - (iv) Operate sales desks, or contract under terms determined by the board with nonprofit and charitable corporations, to sell materials relevant to the interpretation of museums and historic sites;
  - (v) Do anything necessary to implement W.S. 9-2-404 through 9-2-415.
- (d) The proceeds received from sales authorized in subsection (c) of this section shall be deposited in the general fund of the state.
- (e) Any statute or legal or other document which refers to the state archives and historical department means the department of state parks and cultural resources which is the successor agency to state archives, museums and historical department.

**9-2-405. Classifications of public records.**

- (a) Public records shall be classified as follows:

- (i) Official public records include:
  - (A) All original vouchers, receipts and other documents necessary to isolate and prove the validity of every transaction relating to the receipt, use and disposition of all public property and public income from all sources whatsoever;
  - (B) All agreements and contracts to which the state or any agency or political subdivision thereof is a party;
  - (C) All fidelity, surety and performance bonds in which the state is a beneficiary;
  - (D) All claims filed against the state or any agency or political subdivision thereof;
  - (E) All records or documents required by law to be filed with or kept by any agency of the state; and
  - (F) All other documents or records determined by the records committee to be official public records.
- (ii) Office files and memoranda include:
  - (A) All records, correspondence, exhibits, books, booklets, drawings, maps, blank forms or documents not defined and classified as official public records;
  - (B) All duplicate copies of official public records filed with any agency of the state or political subdivision thereof;
  - (C) All documents and reports made for the internal administration of the office to which they pertain but not required by law to be filed or kept with the agency; and
  - (D) All other documents or records determined by the records committee to be office files and memoranda.

**9-2-406. Director; management of public records.**

- (a) The director shall properly manage and safely keep all public records in his custody, and administer the state archives. He shall:
  - (i) Manage the archives of the state;
  - (ii) Centralize the archives of the state to make them available for reference and scholarship and to insure their proper preservation;
  - (iii) Inspect, inventory, catalog and arrange retention and transfer schedules on all record files of all state departments and other agencies of state government;
  - (iv) Maintain and secure all state public records and establish safeguards against unauthorized removal or destruction;
  - (v) Establish and operate state record centers for preserving, servicing, screening and protecting all state public records which must be preserved temporarily or permanently, but which need not be retained in office space and equipment;
  - (vi) Gather and disseminate to interested agencies information on all phases of records management and current practices, methods, procedures and devices for efficient and economical management of records;
  - (vii) Establish and operate a central microfilm division in which all memoranda, writing, entry, print, representation or combination thereof, of any act, transaction, occurrence or event, may be microfilmed. The division shall microfilm public records approved for filming by the head of the office of origin and by the director, and shall establish standards for microfilming. All state departments, agencies and subdivisions of the state government and all counties, municipalities and political subdivisions thereof shall consult with the director prior to microfilming within the departments, agencies or political subdivisions and shall comply with the standards for all microfilming established by the central microfilm division. The central microfilm division may microfilm records which are required to be kept a specified length of time or permanently, or to be destroyed by specific methods or under specific supervision. When records are microfilmed, the microfilm may be substituted for the original documents and retained in lieu of the original documents and the original documents may be destroyed;
  - (viii) Maintain necessary facilities for the review of records approved for destruction and their economical disposition by sale, shredding or burning, and supervise the destruction of public records.

**9-2-407. Director; duties regarding public records in his custody.**

(a) The director shall collect, arrange and make available to the public at reasonable times in his office in original form, copies or microfilm copies or negatives, all records in his custody not restricted by law, including official records of the state and its political subdivisions, of the United States or of foreign nations. He is the legal custodian of all public records in the custody of the board.

(b) The director may designate an employee of the department to serve as state archivist who may perform all the duties of the director under this act with respect to state records and archives. The director shall furnish certified copies or photocopies of records in his custody on payment in advance of fees prescribed by the department. Copies of public records transferred pursuant to law from the office of their origin to the custody of the director when certified under seal by the director to be true, complete and correct have the same legal force and effect as evidence as if certified by their original custodian, and shall be admissible in all courts and before all tribunals the same as the originals thereof.

(c) The director has the right of reasonable access to and may examine all public records in Wyoming. He shall examine into and report to the board on their condition. He shall require their custodians to put them in the custody and condition prescribed by law and to secure their custody, the recovery of records belonging to their offices, the delivery of records to their successors in office and the adoption of sound practices relative to the use of durable paper and ink, fireproof filing facilities and photographic processes for recording and copying.

**9-2-408. Transfer of public records to archives or other depository agency; transfer of records of uncollectible accounts receivable to department; duties of department thereto.**

(a) All public records, not required in the current operation of the office where they are made or kept, and all records of every public office of the state, agency, commission, committee or any other activity of the state or political subdivisions which are abolished or discontinued, shall be transferred to the state archives or to a recognized supplementary depository agency, selected by the board. Any public officer in Wyoming may deliver to the director for preservation and administration records in his custody if the director is willing and able to receive and care for them.

(b) Repealed by Laws 1985, ch. 221, § 2.

(c) Repealed by Laws 1985, ch. 221, § 2.

**9-2-409. Designation of records officer by state departments or agencies; duties.**

Each department or agency of the state government shall designate a records officer who shall supervise the departmental records program and who shall represent the office in all departmental matters before the records committee. The records officer and the director shall prepare transfer schedules for the transfer of public records to the records centers or to the archives.

**9-2-410. Records as property of state; delivery by outgoing officials and employees to successors; management and disposition thereof.**

All public records are the property of the state. They shall be delivered by outgoing officials and employees to their successors and shall be preserved, stored, transferred, destroyed or disposed of, and otherwise managed, only in accordance with W.S. 9-2-405 through 9-2-413.

**9-2-411. Records committee created; composition; expenses; meetings; action by majority vote; duties as to retention and disposition of public records.**

The records committee is created to be composed of the director or his deputy, who shall act as chairman and secretary of the committee, the attorney general or his appointee and the director of the state department of audit or his appointee. Committee members shall serve without additional salary, but shall be entitled to traveling expenses incurred incident to committee business. Expenses shall be paid from the appropriations made for operation of their respective departments or offices. The records committee shall meet upon call by the chairman at least once every quarter. Action by the committee shall be by majority vote and records shall be kept of all committee business. When the disposition of records is considered by the records committee, it shall ascertain the recommendations of the head of the department or the departmental records officer. The records committee shall approve, modify or disapprove the recommendations on retention schedules of all public records and act upon requests to destroy any public records. Any modification of a request or recommendation shall be approved by the head of the agency originating the request or recommendation. Upon written request of the department or agency head, the

director shall furnish the film or a copy of the film to be retained by the department if deemed necessary or expedient by the records committee. The department shall provide forms, approved by the records committee, upon which it shall prepare recommendations to the committee in cooperation with the records officer of the department or other agency whose records are involved.

**9-2-412. Destruction or disposition of public records; procedure.**

Public records of the state and political subdivisions shall be disposed of in accordance with W.S. 9-2-411. The records committee may approve a departmental written request upon proper and satisfactory showing that the retention of certain records for a minimum period of ten (10) years is unnecessary and uneconomical. Recommendations for the destruction or disposition of office files and memoranda shall be submitted to the records committee upon approved forms, prepared by the records officer of the agency concerned and the director. The committee shall determine the period of time that any office file or memorandum shall be preserved and may authorize the division of archives, records management and centralized microfilm to arrange for its destruction or disposition.

**9-2-413. Reproduction of public records of political subdivisions.**

(a) Subject to this section and with the approval of the governing body of the political subdivision, any department, agency, board or individual of any political subdivision may record or copy by any microfilming, microphotographic, photographic, photostatic or other permanent reproductive device any public record which the department, agency, board or individual of the political subdivision records, keeps, retains, or is by law, rule or regulation required to record, keep or retain for a period of years or permanently. The microfilm, microphotograph, photograph, photostat or other permanent reproduction is deemed the original or official copy of the public record so reproduced for all purposes. If any department, agency, board or individual of any political subdivision is required to record any writing or document in books or on other forms, recording done directly onto microfilm, microphotograph or other permanent storage medium in lieu of the other required form of recordation constitutes compliance with the requirement. A master negative of microfilm or microphotographs shall be made whenever any process is used to reproduce public records with the intent of disposing of the original or copies of the original. The master negative shall be sent to the director. One (1) copy of all master negatives shall be retained by the governmental entity or officer having custody of the writings or papers thus recorded or copied as the official copy.

(b) If any document is presented for recording or notation in public records the document shall, after recording, be returned to the party from whom it was received. If the party cannot be located or refuses to accept it, the document shall be disposed of in accordance with W.S. 9-2-411.

(c) Prior to adopting any microfilming, microphotographic, photographic, photostatic or other reproductive process, the governing body of a political subdivision shall consult with the director. If any of the public records which are reproduced pursuant to this section are permanent records or, under the laws, rules or regulations in effect at the time of reproduction, are required to be transferred at a later date to any agency or department of the state, the particular microfilming, microphotographic, photographic, photostatic or other reproductive process shall be approved by the director as one which clearly and accurately makes copies that will last the time they are to be kept, or can be subsequently reproduced without distortions that substantially affect their legibility.

(d) If the original documents are disposed of as allowed by law, the set of official microfilm retained by the local governmental entity or official shall be stored in a safe place and protected from destruction. The official microfilm shall be available to the public for inspection in the same manner as the original documents would have been, and sufficient microfilm and microphotographic readers or other suitable devices shall be available to the public to permit inspection.

(e) The clerk of district court shall not microfilm, microphotograph, photograph, photostat or otherwise reproduce, for official record purposes, the files of any action or proceeding kept in his office until two (2) years have lapsed since the initial filing in the action or proceeding. The clerk of district court may make certified or other copies of documents in his office for individuals or officials.

(f) In recording, reproducing or copying any public records as authorized by this section and in disposing of the originals or copies, no restrictions or provisions of law regarding recording, reproducing

or copying, or the disposition of originals or copies inconsistent with this section apply to the governmental entity or its officers, agents and employees.

**9-2-414. Department of commerce; powers and duties relative to museums, historical sites and parks.**

- (a) The director may:
  - (i) Assemble and collect archaeological and ethnological collections, relics of the history of the state and material illustrative of the natural history of the state, and works of art;
  - (ii) Preserve, repair and display in an orderly and educational manner the materials in the possession of the department;
  - (iii) Store and maintain these materials in the Wyoming state museum, the Wyoming state art gallery and other facilities.
- (b) The department shall:
  - (i) Supervise, maintain, restore, interpret and control museums or historical sites;
  - (ii) Prepare and arrange all items, objects, furnishings and information in the museums and historical sites;
  - (iii) Furnish and supervise employees in the museums and historical sites;
  - (iv) Approve and perform or supervise restorations, improvements, changes and alterations of museums, historic sites and parks under the control of the department;
  - (v) Interpret historic sites, museums and parks by arranging and preparing all items, objects, furnishings and information relating to historic sites, museums and parks;
  - (vi) Assume and exercise responsibilities as the state historic preservation officer (SHPO), including supervising and assisting the Wyoming consulting committee on nominations to the national register of historic places and to implement the National Historic Preservation Act of 1966 (Public Law 89-665; 80 Stat. 915; 16 U.S.C. § 470 et seq.), as amended;
  - (vii) Research and prepare legends for all historic monuments and markers;
  - (viii) Consult with the parks and cultural resources commission on archives, museums and historical related activities.
- (c) As used in this section, "museums" and "historical sites" includes Trails End, Fort Fetterman, Historic Governor's Mansion, Fort Phil Kearney (including the Wagon Box Fight Site and Fetterman Massacre Site), Wyoming State Museum and Fort Bridger.

**9-2-415. Director; duties relative to promotion of history of state and region.**

- (a) The director shall:
  - (i) Collect books, maps, charts, documents, manuscripts, other papers and any obtainable documentary material illustrative of the history and development of the state and region;
  - (ii) Collect, compile and publish data of the events which mark the progress of Wyoming from its earliest day to the present time, through the medium of a state historical periodical, to be published as and when the board directs;
  - (iii) Procure facts and statements relative to the history and ethnology of the Indian tribes and other inhabitants within the state;
  - (iv) File and carefully preserve all the historical data collected or obtained and arrange and classify it so it is readily accessible for disseminating historical or biographical information requested by the public;
  - (v) Accept and receive gifts;
  - (vi) Promote the founding and development of a state historical society and of county historical societies; and
  - (vii) Create and maintain local and statewide interest in the history of the state and region.

**9-2-416. Repealed by Laws 1991, ch. 29, § 6.**

**9-2-417. Renumbered as 9-2-1026.6 by Laws 1991, ch. 29, § 4.**

**9-2-418. Renumbered as 9-2-1026.7 by Laws 1991, ch. 29, § 4.**

**9-2-419. Marking, defacing, removing or tampering with certain materials; penalty.**

Any person marking, defacing, removing or tampering in any manner whatsoever with any property acquired under W.S. 9-2-404 through 9-2-415, by the director or, acquired under W.S. 9-2-1026.5 through 9-2-1026.7 by the state librarian or state library board is guilty of a misdemeanor punishable by a fine of not more than one hundred dollars (\$100.00).

# APPENDIX B

---

## Public Records Act

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### Article 2 Public Records

#### 16-4-201. Definitions.

- (a) As used in this act:
- (i) "Custodian" means the official custodian or any authorized person having personal custody and control of the public records in question;
  - (ii) "Official custodian" means any officer or employee of the state or any agency, institution or political subdivision thereof, who is responsible for the maintenance, care and keeping of public records, regardless of whether the records are in his actual personal custody and control;
  - (iii) "Person in interest" means the person who is the subject of a record or any representative designated by the person, except if the subject of the record is under legal disability, "person in interest" means the parent or duly appointed legal representative;
  - (iv) "Political subdivision" means every county, city and county, city, incorporated and unincorporated town, school district and special district within the state;
  - (v) "Public records" when not otherwise specified includes the original and copies of any paper, correspondence, form, book, photograph, photostat, film, microfilm, sound recording, map drawing or other document, regardless of physical form or characteristics that have been made by the state of Wyoming and any counties, municipalities and political subdivisions thereof and by any agencies of the state, counties, municipalities and political subdivisions thereof, or received by them in connection with the transaction of public business, except those privileged or confidential by law;
  - (vi) Public records shall be classified as follows:
    - (A) "Official public records" includes all original vouchers, receipts and other documents necessary to isolate and prove the validity of every transaction relating to the receipt, use and disposition of all public property and public income from all sources whatsoever; all agreements and contracts to which the state or any agency or subdivision thereof is a party; all fidelity, surety and performance bonds; all claims filed against the state or any agency or subdivision thereof; all records or documents required by law to be filed with or kept by any agency or the state of Wyoming; and all other documents or records determined by the records committee to be official public records;
    - (B) "Office files and memoranda" includes all records, correspondence, exhibits, books, booklets, drawings, maps, blank forms, or documents not defined and classified in subparagraph (A) of this subsection as official public records; all duplicate copies of official public records filed with any agency of the state or subdivision thereof; all documents and reports made for the internal administration of the office to which they pertain but not required by law to be filed or kept with the office; and all other documents or records, determined by the records committee to be office files and memoranda.
  - (vii) "Writings" means all books, papers, maps, photographs, cards, tapes, recordings or other documentary materials, regardless of physical form or characteristics;
  - (viii) "This act" means W.S. 16-4-201 through 16-4-205.

#### 16-4-202. Right of inspection; rules and regulations; unavailability.

- (a) All public records shall be open for inspection by any person at reasonable times, except as provided in this act or as otherwise provided by law, but the official custodian of any public records may make rules and regulations with reference to the inspection of the records as is reasonably necessary for the protection of the records and the prevention of unnecessary interference with the regular discharge of the duties of the custodian or his office.

(b) If the public records requested are not in the custody or control of the person to whom application is made, the person shall forthwith notify the applicant of this fact.

(c) If the public records requested are in the custody and control of the person to whom application is made but are in active use or in storage, and therefore not available at the time an applicant asks to examine them, the custodian shall notify the applicant of this situation.

**16-4-203. Right of inspection; grounds for denial; access of news media; order permitting or restricting disclosure.**

(a) The custodian of any public records shall allow any person the right of inspection of the records or any portion thereof except on one (1) or more of the following grounds or as provided in subsection (b) or (d) of this section:

(i) The inspection would be contrary to any state statute;

(ii) The inspection would be contrary to any federal statute or regulation issued thereunder having the force and effect of law; or

(iii) The inspection is prohibited by rules promulgated by the supreme court or by the order of any court of record.

(b) The custodian may deny the right of inspection of the following records, unless otherwise provided by law, on the ground that disclosure to the applicant would be contrary to the public interest:

(i) Records of investigations conducted by, or of intelligence information or security procedures of, any sheriff, county attorney, city attorney, the attorney general, the state auditor, police department or any investigatory files compiled for any other law enforcement or prosecution purposes;

(ii) Test questions, scoring keys and other examination data pertaining to administration of a licensing examination and examination for employment or academic examination. Written promotional examinations and the scores or results thereof shall be available for inspection, but not copying or reproduction, by the person in interest after the examination has been conducted and graded;

(iii) The specific details of bona fide research projects being conducted by a state institution;

(iv) Except as otherwise provided by Wyoming statutes or for the owner of the property, the contents of real estate appraisals made for the state or a political subdivision thereof, relative to the acquisition of property or any interest in property for public use, until such time as title of the property or property interest has passed to the state or political subdivision. The contents of the appraisal shall be available to the owner of the property or property interest at any time;

(v) Interagency or intraagency memoranda or letters which would not be available by law to a private party in litigation with the agency.

(c) If the right of inspection of any record falling within any of the classifications listed in this section is allowed to any officer or employee of any newspaper, radio station, television station or other person or agency in the business of public dissemination of news or current events, it may be allowed to all news media.

(d) The custodian shall deny the right of inspection of the following records, unless otherwise provided by law:

(i) Medical, psychological and sociological data on individual persons, exclusive of coroners' autopsy reports;

(ii) Adoption records or welfare records on individual persons;

(iii) Personnel files except those files shall be available to the duly elected and appointed officials who supervise the work of the person in interest. Applications, performance ratings and scholastic achievement data shall be available only to the person in interest and to the duly elected and appointed officials who supervise his work. Employment contracts, working agreements or other documents setting forth the terms and conditions of employment of public officials and employees are not considered part of a personnel file and shall be available for public inspection;

(iv) Letters of reference;

(v) Trade secrets, privileged information and confidential commercial, financial, geological or geophysical data furnished by or obtained from any person;

(vi) Library, archives and museum material contributed by private persons, to the extent of any limitations placed thereon as conditions of the contributions;

(vii) Hospital records relating to medical administration, medical staff, personnel, medical care and other medical information, whether on individual persons or groups, or whether of a general or specific classification;

(viii) School district records containing information relating to the biography, family, physiology, religion, academic achievement and physical or mental ability of any student except to the person in interest or to the officials duly elected and appointed to supervise him;

(ix) Library circulation and registration records except as required for administration of the library or except as requested by a custodial parent or guardian to inspect the records of his minor child; and

(x) Information obtained through a 911 emergency telephone system except to law enforcement personnel or public agencies for the purpose of conducting official business, to the person in interest, or pursuant to a court order.

(e) If the custodian denies access to any public record, the applicant may request a written statement of the grounds for the denial. The statement shall cite the law or regulation under which access is denied and shall be furnished to the applicant.

(f) Any person denied the right to inspect any record covered by this act may apply to the district court of the district wherein the record is found for any order directing the custodian of the record to show cause why he should not permit the inspection of the record.

(g) If, in the opinion of the official custodian of any public record, disclosure of the contents of the record would do substantial injury to the public interest, notwithstanding the fact that the record might otherwise be available to public inspection, he may apply to the district court of the district in which the record is located for an order permitting him to restrict disclosure. After hearing, the court may issue an order upon a finding that disclosure would cause substantial injury to the public interest. The person seeking permission to examine the record shall have notice of the hearing served upon him in the manner provided for service of process by the Wyoming Rules of Civil Procedure and has the right to appear and be heard.

**16-4-204. Right of inspection; copies, printouts or photographs; fees.**

(a) In all cases in which a person has the right to inspect and copy any public records he may request that he be furnished copies, printouts or photographs for a reasonable fee to be set by the official custodian. Where fees for certified copies or other copies, printouts or photographs of the record are specifically prescribed by law, the specific fees shall apply.

(b) If the custodian does not have the facilities for making copies, printouts or photographs of records which the applicant has the right to inspect, then the applicant shall be granted access to the records for the purpose of making copies, printouts or photographs. The copies, printouts or photographs shall be made while the records are in the possession, custody and control of the custodian thereof and are subject to the supervision of the custodian. When practical the copy work shall be made in the place where the records are kept, but if it is impractical to do so, the custodian may allow arrangements to be made for this purpose. If other facilities are necessary the cost of providing them shall be paid by the person desiring a copy, printout or photograph of the records. The official custodian may establish a reasonable schedule of time for making copies, printouts or photographs and may charge a reasonable fee for the services rendered by him or his deputy in supervising the copying, printing out or photographing as he may charge for furnishing copies under this section.

**16-4-205. Penalty.**

Any person who willfully and knowingly violates the provisions of this act is guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed seven hundred fifty dollars (\$750.00).

# APPENDIX C

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## Storage Cost Calculation Methodology

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### Methodology for Calculating Costs to Store State Government Records in the Records Center and Archives South

In the past, WSA estimated a cost avoidance savings based upon the amount of office space released to state government by storing records in its repositories (Records Center and Archives South). It stopped doing this in the 1995-1996 biennium budget request because program officials believed that it was too complex and difficult to arrive at an accurate cost avoidance figure. WSA officials noted that the national cost avoidance estimates, which were based upon the costs of the filing supplies and personnel necessary to manage a typical, four-drawer file cabinet holding six cubic feet of records in an office setting, seemed inflated.

However, for this project, we believe some estimate is necessary to portray to policymakers the value and cost of operating the WSA storage repositories. Therefore, we have developed estimates of the costs of storing a cubic foot of records in both of the Records Center and Archives South, as well as a combined cost for the two. Our estimates follow:

Combined facilities, cost per cubic foot: \$4.23

Records Center, cost per cubic foot: \$3.58

Archives South, cost per cubic foot: \$4.85

To obtain these estimates, we have included the costs of the facilities used, the WSA staff employed to manage the records, and the shelving.

**Facility Costs/Records Center and Archives South:** Both of these facilities are located in the state-owned property known as Supply System Warehouse, Building 38. According to the state archivist, combined, the two storage repositories occupy 26,585 square feet. To calculate the state's cost for maintaining this space, we used Department of Administration and Information, Budget Division figures cited in the Statewide Cost Allocation Plan for the Fiscal Year Ending June 30, 1999. The costs in this plan are based upon lagging, FY 1997 costs. Using these figures, we calculated a \$4.35 per square foot cost for depreciation and maintenance of the space in Building 38. Thus, we used a total cost of \$115,644.75 for the square feet WSA occupies in Building 38.

**Total Cubic Feet/Records Center and Archives South:** We based our cost estimate on 61,000 total cubic feet being stored in the combined repositories. This figure derives from 31,000 total cubic feet stored in Archives South, and 30,000 cubic feet in the Records Center.

**Staff Costs/Records Center and Archives South:** We calculated staff costs based upon two positions dedicated to the Records Center and two and half positions at Archives South. This was the staffing complement that WSA officials told us existed. We obtained total annual current staff costs of \$129,618 from the LSO Fiscal Division. Using information provided by LSO, we were also able to calculate the total staff costs for each facility individually.

**Shelving Costs/Records Center and Archives South:** WSA officials provided a current estimate of the cost of shelving as .21 per cubic foot, based upon a 33 year depreciation.

**State Office Building Costs:** We did not attempt to calculate the costs of maintaining records in office settings in terms of supplies and staff. Instead, we based our estimate of the cost solely on the cost of the space the records would occupy. To do this, we used the standard used in the records management field for the amount of space necessary to store and maintain a typical four-drawer file cabinet that holds six cubic feet of records. This standard is that such a file cabinet requires six square feet of office space, including space to open the files drawers and aisle space. Granted, state agencies likely maintain file cabinets in less space, but this is the industry standard. Using this, a cubic foot of records occupies a square foot of office space.

The cost estimate for a square foot of office space also came from the A&I Budget Division Statewide Cost Allocation Plan for the fiscal year ending June 30, 1999. We used figures from the Herschler and Hathaway Buildings to generate a square foot cost, including depreciation, utilities, and maintenance, of between \$6.60-\$6.70 a square foot. If agencies lease office space, they do so at rates of between \$7.50 and \$14 per square foot, according to A&I Facilities Management officials.

**Cost Avoidance Realized by Using WSA Storage Facilities:** Based upon the calculations described above, we conclude that it is less expensive to store records in either the Records Center or Archives South than in state office buildings. The estimated savings range from \$1.75 to \$10.42 per cubic foot. Again, this savings compares what it costs to store and manage records in the WSA facilities to what it costs to simply store records in the office buildings. Office building costs are higher than we have estimated when staff and supplies costs are included. Thus, the savings would be higher than we have estimated.