



## Tennessee Archives Management Advisory

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1999

### **COUNTY PUBLIC RECORDS COMMISSIONS AND MUNICIPAL RECORDS: A HANDBOOK OF STATUTORY PROVISIONS, NOTES AND TSLA POLICIES**

#### Introduction:

A municipal newspaper once referred to the local public records commission as an “obscure” body. It should not be obscure. It is nothing less than the trustee of the public record, the guardian and champion of civic memory. Its successful work is the foundation of civic pride and community welfare.

Civic memory is a resource every bit as precious to community welfare as fiscal integrity, public health, education, law and order, and economic development. Civic memory is found in public records, the documents that are tools of government and evidence of the actions of government. The confidence of citizen voters and taxpayers in their governments rests on the integrity of the public record.

State law recognizes this by requiring that certain records be kept for a time until their usefulness is gone and they may be destroyed; and by requiring that other records are “permanent” and should be kept available for public inspection for so long as it is humanly possible to preserve them.

These records and the civic memory they embody are easily damaged by neglect. Records heaped in attic or basement storage are not available for public inspection.

The public records commission is a crucial and integral part of government. Civic memory and the integrity of the public record deserve the best attention and energy of good and honest people. They deserve the resources to realize their full potential for the public good. County commissions, county executives, county officials, and citizens should serve this cause willingly, energetically, and proudly. State and county government auditors should include the integrity of the public record and the health of records management programs in their periodic reviews of the functioning of government agencies.

A strong and active public records commission is an investment in governmental integrity and public confidence.

**Note:** *A sample resolution that may be used by a county/municipal executive and county/municipal legislative body to establish a public records commission is offered at the end of this handbook. Language for this sample resolution was provided by the County Technical Assistance Service (CTAS), but, it can no doubt be adapted for use by municipalities*

## **COUNTY PUBLIC RECORDS COMMISSION**

### **Roles:**

**1. A public records commission sees to the integrity of public records and civic memory.** As a board of trustees and a board of directors for public records and records management, a public records commission:

- oversees the records and archives management activities of government;
- develops knowledge and expertise in records and archives management;
- recommends steps to improve the efficient management and effective preservation of a sound public record; and
- recognizes significant contributions to civic memory by responsible management.

**2. A public records commission decides what is important enough to preserve permanently and what may be destroyed without damage to the integrity of the public record.** As a regulatory agency, a public records commission:

- reviews records disposition requests from government agencies, and it authorizes destruction or permanent retention according to guidelines that are prepared by the County Technical Assistance Service (CTAS) of the University of Tennessee's Institute for Public Service;
- reviews CTAS guidelines, consults with the officers of government and their staffs, and recommends changes or improvements in the guidelines according to the practical experience and needs of local communities;
- works as a full partner with other public records commissions, CTAS, and the Tennessee State Library and Archives (TSLA) to provide the soundest advice on records retention and disposition that practical experience and informed judgment can offer.

**3. A public records commission assures that a good public record is available for public inspection.** As a champion of the public interest, a public records commission builds support among government officials and citizens of the community for a strong records management and archives program. This assures the ready availability of records for public inspection and inspires public confidence in governmental integrity.

### **Activities and Guidelines**

1. Hold meetings at least twice a year or more often as circumstances require.
2. Elect its own officers (at least a chairman and a secretary).
3. Keep records of decisions and transactions.
4. Report at least once a year to the local executive and legislative body on

commission activities and the state of records and archives management in the locality.

5. Frame regulations for efficient management of local government records and archives to be issued as executive directives or to be adopted as resolutions or ordinances of the legislative body.
6. Authorize or disapprove requests from county or municipal offices to destroy original records, using records schedules prepared by CTAS and MTAS for guidance.
  - Public records commissions may authorize retention of records that are not designated as *permanent* by CTAS/MTAS schedules; but, they should do so *only* if the means to preserve and manage the records for public inspection are assured.
  - Public records commissions may NOT authorize destruction of any records that are designated permanent by CTAS/MTAS schedules, unless the records have first been copied onto a durable, archival medium that assures permanent preservation and the readily available means for prompt public inspection.
7. Assure that authorizations for destruction of public records are forwarded to the Tennessee State Library and Archives (TSLA) for review within 90 days of the PRC authorization.
8. Follow-up to assure that TSLA approval of the destruction has been received before records destruction takes place; or, if TSLA has deemed the records to be historically valuable, the records are properly transferred to TSLA, or to another repository designated by mutual agreement of the public records commission and TSLA.
9. Assure the executive and legislative body that actions taken by the commission and local government offices are in accordance with the Tennessee Code Annotated and with pertinent local resolutions or ordinances, including the complete destruction of public records that have been authorized for destruction.
10. Review and approve plans by local government offices for electronic imaging or data processing systems to assure that
  - the system employed will protect and preserve records designated as permanent by CTAS/MTSA schedules,
  - a permanent, archival-standard microfilm of permanent records is produced, and
  - the original camera-image film of any microfilm produced is sent to TSLA for quality-control testing and storage in the vault of the state archives.
11. Advise and propose to the local government executive and legislative body the planning, development, site selection, establishment, funding, budget, regulation, and operation of a local central records office and archives for the management and reference servicing of inactive records awaiting final disposition, and for the management of permanent records for long-term preservation and public inspection.
12. Advise and recommend to the local government executive the appointment and removal of personnel, including an archivist as director, for the central records office and archives.

13. Review operations of the local government records office and archives to assure the local legislative body that it meets records management and archives management standards and satisfies the need of the local government and its citizens.
14. Propose to the local government cooperative arrangements with other local governments or cultural institutions such as libraries and universities for keeping, management, and public inspection of historically valuable records, including permanent public records of the local government.
15. Work with local government offices, and with CTAS, MTAS, TSLA, and the Records Management Division of the state Department of General Services to draft, review, revise, and issue realistic records management schedules for local government records.
16. Review records keeping practices in local government offices and recommend to the offices and to the local government executive and legislative body remedies to correct faults and improvements to deal with emerging information and records needs.

#### **Pertinent Provisions of Tennessee Code Annotated—with TSLA Notes**

**Title 10:** Public Libraries, Archives, and Records

**Chapter 7:** Public Records

**Part 4:** **County Public Records Commission**

#### **§10-7-401. Creation and composition<sup>1</sup> of the County Public Records Commission**

To provide for orderly disposition of public records created by agencies of county government, the county legislative body shall create a county public records commission,<sup>2</sup> composed of **at least** six (6) members.<sup>3</sup>

The county mayor shall appoint three (3) members and the county legislative body shall confirm each appointee. Of the three appointees,

- one shall be a **county commissioner**,
- one shall be a **judge** of a court of record that holds court in the county,
- one shall be a **genealogist**.

The following *ex officio* members are to serve automatically by nature of the office they hold: **county clerk**, **county register**, **county historian**, and **county archivist** (if duly appointed). Each *ex officio* member shall be a member during the term for which elected or appointed to office, and shall be replaced by his/her successor in office.

If an appointed position becomes vacant, the county mayor shall appoint a replacement in the same manner as the original appointment.

It should be noted that state law places no limitations on the *ex officio* members. There are no distinctions between the *ex officio* members and appointed members. All members of the commission have the same rights and privileges, including voting rights.<sup>4</sup>

#### **§10-7-402. Election of officers; minutes; compensation; meetings**

- The county public records commission shall meet not less than twice annually.
- The county public records commission shall elect a chairperson, elect a secretary, and make and keep minutes of all proceedings and transactions.

**Note:** *Though **not** required to do so by statute, county public records commissions should report their proceedings and transactions to the county mayor and county legislative body and to the Assistant State Archivist of the Tennessee State Library and Archives.*<sup>5</sup>

- Members shall receive no compensation, except, a member who does **not** receive a fixed salary from the state or county may be paid twenty-five dollars (\$25.00) for each day of actual meeting.
- Members may be reimbursed for actual necessary expenses incurred in their duties.

#### **§10-7-403. Definition of “public records”<sup>6</sup>**

Public records in a county are:

1. all documents, papers, records, books, and books of account in all county offices, including, but not limited to the county clerk, register, trustee, sheriff, assessor, executive, and commissioners;
2. the pleadings, documents, and other papers filed with the clerks of all courts — including courts of record, general sessions courts, and former courts of justices of the peace, and minute books and other records of these courts; and
3. the minutes and records of the county legislative body<sup>7</sup>

**Note:** *Records of other offices, such as county schools, that are allocated funds from the county budget are also public records subject to the authority of the public records commission and these statutory provisions.*

#### **§10-7-404. Destruction of records; guidance and retention manuals**

##### **(a) Records destruction.**

The county public records commission has the right to authorize the destruction of any and all public records as defined in § 10-7-403, which are required by law to be retained, when records have been photographed, photocopied, filmed, microfilmed, or preserved by microphotographic process, as hereinafter provided; provided that no record required by law to be permanently retained shall be destroyed without a majority vote of the commission.<sup>8</sup>

A county officer or judge of a court of record shall be entitled to **prevent** the destruction of documents, minutes, or records in the office or court as appropriate.

The requirement to photocopy, photostat, film, microfilm, or preserve by microphotographic process before destruction in accordance with this section shall **not** be required of temporary records and/or working papers as defined in §§ 10-7-301 and 10-7-403.

The commission does **not** have the authority to authorize destruction of any financial or other record that is determined by the comptroller of the treasury to be required for audit purposes until the pertinent audit has been completed. After the audit, disposition will be determined pursuant to procedures developed by the comptroller; provided that the commission shall **not** have the authority to authorize the destruction of any other record which is otherwise required by law to be retained.

**(b) Records retention and disposition schedules; CTAS guidance manuals**

The county technical assistance service (CTAS),<sup>9</sup> in cooperation with the state library and archives and the division of records management, department of general services, is authorized to compile and print manuals that shall be used as guides by all county records commissions, county offices, and judges of courts of record.

The manuals shall set out which records shall or may be destroyed, and which should **not**<sup>10</sup> be destroyed, after photographing, photostating, filming, microfilming, or other microphotographic process. Until these manuals are available, the Tennessee county records manual compiled by the Tennessee state library and archives shall be used.<sup>11</sup>

**(c) Original process in civil actions or criminal proceedings protected.**

**Nothing** in §10-7-401, §10-7-413(c), subdivision (b)(2) of this section, or the amendment to §10-7-403(4) by Acts 1994, ch. 884, shall be construed to permit or authorize a county public records commission, court clerk, county or municipal official or any other person to destroy or authorize the destruction of any original process in a civil action or criminal proceeding.

**Note:** *Certain of the foregoing references are to provisions for municipal records that are superceded by new Part 7, but they were not appropriately modified by the 1999 legislation previously referred to in footnote 5 of this handbook.*

**(d) (1) Destruction of records after reproduction onto computer media.**

The county public records commission may authorize destruction of original public records that have been reproduced onto electronic media (including CD ROM disks). It may do so when asked by any office of county government that has custody of public records, including court records.

This procedure must be done in accordance with the provisions of §10-7-121<sup>12</sup> and with the provisions of this subsection, below.

**Note:** *Since electronic media are not established as a sound and reliable medium for permanent retention, TSLA advises county governments to maintain paper or microfilm copies of any records that should be kept permanently.*

The Secretary of State, as supervisor of the state library and archives, shall promulgate regulations regarding the approved technology, standards, and procedures that are to be used in reproducing records under this subsection, and the regulations shall be

followed by county officers, department heads, and the county public records commission.

**Note:** *These regulations were issued as Tennessee Archives Management Advisory #99-007, "Guidelines for the use of Digital Imaging for Permanent Records", by the Assistant State Archivist, as approved by the State Librarian and Archivist and the Secretary of State On 24 June 1999.*

The county public records commission shall **not** order the destruction of such original public records that have been reproduced according to this subsection **unless** the commission has already complied with the provisions of 10-7-413 and 10-7-414.<sup>13</sup>

But, before destruction can take place, the officer or department having custody of records to be destroyed must advertise in a newspaper having general circulation in the county that certain records, described by title and year have been electronically stored, reproduced, and protected, and that the office or department has applied for permission to no longer retain the originals.

The authority to destroy records that is granted by this subsection is not exclusive, and it shall not prevent destruction of original public records where otherwise authorized.

**(d) (2) Notice to State Library & Archives required.**

If the county public records commission fails to act on the written request of a county officer or department head under § 10-7-404(d)(1), above within six (6) months, then the officer or department head may forward the request to the state library and archives, whereupon the state librarian and archivist shall have authority to authorize the destruction or transfer of the public records instead of the public records commission.

Failure of the state library and archives to respond to the records disposal request of the county officer or department head within nine (9) months of receiving such a request shall authorize the county officer or department head to destroy the original public records that have been reproduced in accordance with any regulations on this subject promulgated the Secretary of State.

**§ 10-7-405.** [Repealed by 1994 Pub. Acts, c. 884, § 4, eff. May 2, 1994.]

**§10-7-406. Reproduction of original records before destruction; storage; repeal of conflicting laws**

**(a) Reproduction of original records**

(1) When, in accordance with § 10-7-404, a county public records commission (with the consent of the pertinent officers) decides to destroy original permanent records, the commission shall cause the records to be photographed, microphotographed, filmed, or microfilmed in duplicate.<sup>14</sup>

This duplication process shall result in permanent records of a quality at least as good as prescribed by the minimum standards of quality permanent photographic records

made and established by the bureau of standards of the United States government.<sup>15</sup>

If a marginal release or other information on an old record has failed or has been obliterated to a degree that it is impossible to photograph, the same may be verified on the margin by the register before microfilming.

One (1) copy [of the two copies] of such reproduction shall be stored for safekeeping in a place selected by the commission and concurred in by the county legislative body.

(2) The place of storage shall be in the state of Tennessee if proper facilities are available; but, if not, then in a place outside the state.

(3) The storage location shall be chosen to protect records from fire and other hazards. The other copy of each document shall be kept in an office in the county accessible to the public and accessible to county officers and clerks, together with the proper equipment for using, examining, projecting, and enlarging the same, wherever required and requested by the public reasonable office hours.

The records of each office may be kept in that office, or, if the commission so determines, all the reproduced records may be kept in one (1) central records office.

**Note:** *TSLA recommends that the **original, camera-image negative** of microfilm be stored in the State Library and Archives vault, and that a positive-image copy be placed in the local public library, and that a second-generation negative copy be stored in the local public archives. Microfilm deteriorates rapidly if it is not properly processed. It deteriorates rapidly if it is not stored in dark, cool, dry, dust-free, and pollutant-free conditions.*

**(b) Repeal of other laws.**<sup>16</sup>

The purpose and intent of this chapter [ *i.e.* Chapter 7 of TCA Title 10 ] is to provide for the original recording of any and all instruments by photograph, photostat, film, microfilm, or other microphotographic process.

If any laws or part of laws as set forth in this chapter are in conflict with such purpose, such laws or part of laws to that extent are hereby repealed.

**§ 10-7-407.** [Repealed by 1994, Pub. Acts, c. 884, § 5, eff. May 2, 1994.]

**§ 10-7-408. Appropriations**

The county legislative body of any county which shall create a county records commission has the power to appropriate such funds as may be required to carry out the purposes of this chapter, including but not limited to purchase or leasing of equipment, equipping an office and payment of the expenses thereof, furnishing of secretaries and clerical help and employment of expert advice and assistance.<sup>17</sup>



### **§ 10-7-409. Copying charges**

The county public records commission has the power to establish charges for and to collect such charges for making and furnishing or enlarging copies of records.

### **§ 10-7-410. Admissibility of reproductions**

Any reproduction of any record herein authorized to be made shall be deemed to be the original of the record so reproduced for all purposes, and any facsimile of such record duly certified to be such by the officer or clerk charged by law with the custody thereof shall be admissible as evidence in any court of proceeding in this state and shall have the same force and effect as would the original of the document or a certified copy thereof if made from the original record, document or paper.

### **§ 10-7-411. Commission rules and regulations**

(a) The county public records commission has the authority to promulgate reasonable rules and regulations concerning the making, filing, storage, exhibiting, and copying or reproduction of records by chapter 7, title 10, TCA.

**Note:** *Rules and regulations should be in accord with standard principles of records & archives management, & with TCA & TSLA, CTAS, & MTAS guidance.*

(b) The rules and regulations include but are not limited to the following:

- Standards and procedures for the reproduction of records for security or for disposal of original records in all local government offices;
- Procedures for compiling and submitting to all local government offices lists, schedules, or time tables for the disposition of particular records; and
- Procedures for the physical destruction or other disposition of public records.

(c) All rules and regulations of the public records commission shall be approved by a majority of the voting members of the commission.<sup>18</sup> The chair of the commission signs all rules and regulations on behalf of the commission.<sup>19</sup>

### **§ 10-7-412. Destruction of terminated mortgages, deeds of trust, & chattel mortgages.**

Public records commissions may authorize destruction of public records (as defined in § 10-7-403) that pertain to mortgages, deeds of trust on personal property, and chattel mortgages, terms of which have expired, or the conditions of which have been complied with in their entirety, provided that no such document of record of the county register's office shall be destroyed without the consent of the county register, and further provided that no such mortgages and deeds of trust on personal property and chattel mortgages shall be destroyed without a majority vote of the public records commission.

### **§ 10-7-413. Records of permanent value**

(a) **TSLA reviews destruction authorities to prevent loss of historically valuable records**

Before any records are destroyed, after being so authorized by a public records commission, ninety (90) days' notice shall be given to the state librarian and archivist, whereupon the state archivist or the archivist's representative shall examine the records approved for disposal and shall take into the archivist's possession, for preservation in the state library and, any records the archivist believes to be of value for permanent preservation.<sup>20</sup>

**(b) Encapsulation [NOT lamination] of records.**

The public records commission may authorize the *Mylar*<sup>21</sup> **encapsulation [NOT lamination]** of certain original records such as wills, will books, deeds, deed books, marriage licenses, marriage bonds, marriage registers, and other records that are to be preserved permanently.

**(c) Note:** *Subsection (c), having to do with TSLA microfilming responsibility for local records, has been moved by Senate Bill 1029 (11 FEB 99) to be a new section of part 5 of chapter 7, title 10 TCA. It is included in this handbook after the provisions for county and municipal records.*

**§ 10-7-414. Alternate custody of destructible records**

**(a) Authority to place destructible records in a non-government repository**

A public records commission may after authorizing destruction of any public records and after examination of these records by TSLA, authorize by majority vote to place any document or record that would otherwise be destroyed in the custody of a local or regional public library a local, regional, or state college library, or a county or regional historical society, to be held for historical purposes.

**(b) Authority to change the repository in which such records are deposited**

After custody of any record has been given to any designated institution, the public records commission, by majority vote, may transfer custody of any record to another designated institution after giving one (1) month's notice to the institution originally designated.

Further, upon request of the state librarian and archivist, the public records commission may cause the transfer of any of the records from a designated institution to the state library and archives.

**(c) Authority to expend funds for the foregoing**

The public records commission is authorized to expend funds appropriated by the governing body of the locality the purpose of transferring these records, and may also expend funds so appropriated for the maintenance of these records at any of the designated institutions.

## **Part 7: Municipal Records**

There is no provision in current law for a municipal public records commission. However, there is no reason why a municipality cannot establish such a commission if it is found to be useful to the orderly disposition of municipal records.

A bill introduced by Senator Harper in 1999 (SB 1029) effectively removed municipal records from the TCA sections for county public records commissions and disposition of county records. The bill provided that municipal records disposition should be guided by schedules issued by the Municipal Technical Advisory Service (MTAS). As of May 1999, MTAS schedules were still quite rudimentary compared to the detailed, office-by-office, series-by-series schedules prepared by CTAS for county records.

The bill placed provisions regarding municipal records in a new part 7 of chapter 7, title 10, TCA, and moved provisions for TSLA microfilming to a new section of present part 5. These effects are represented below, in reverse order—municipal records first.

### **§ 10-7-701 [new] Municipal records construed.**

All documents, papers, records, books of account, and minutes of the governing body of any municipal corporation, or of any office or department of any municipal corporation, within the definition of “permanent records”, “essential records”, and/or “records of archival value” [§ 10-7-301], are “public records” of the municipal corporation.

All documents, papers or records of any municipal corporation or of any office or department of the municipal corporation that constitute “temporary records” and/or “working papers” within the definition set forth in § 10-7-301(13) and (14) constitute “public records” of the municipality.

### **§ 10-7-702 [new] Municipal records disposition to be guided by MTAS manuals.**

The municipal technical advisory service, a unit of the Public Service Institute of the University of Tennessee, is authorized compile and print, in cooperation with the state library and archives, records retention manuals which shall be used as guides by municipal officials in establishing retention schedules for all records created by municipal governments in the state.

### **TSLA policy with respect to records in electronic formats**<sup>22</sup>

TSLA advises local government offices and public records commissions to invest in systems that will do the work efficiently will also produce an archival quality microfilm of all records that are designated permanent by CTAS or MTAS records retention schedules, and to transfer the camera-image microfilm negative of all such film to TSLA for testing and for storage in the TSLA vault.

TSLA will provide all local public records commissions with standard guidance and advice on the general specifications of archival quality microfilm. TSLA will provide (when requested) all prospective vendors with the same general advice and with citations of pertinent (copyrighted) national archival standards, from the American National Standards Institute (ANSI), which vendors then may obtain from commercial suppliers.

But it is up to local public records commissions and other local government staff to research the performance records and qualifications of prospective vendors, and to enter into their own contractual agreement with vendors.

**Sample resolution to establish the county public records commission**

**RESOLUTION NO.** \_\_\_\_\_

**RESOLUTION TO ESTABLISH THE MEMBERSHIP OF THE  
COUNTY PUBLIC RECORDS COMMISSION**

**WHEREAS, Tennessee Code Annotated Section 10-7-401,** directs the county legislative body to appoint a county public records commission in order to provide for the orderly disposition of public records created by agencies of county government; and

**WHEREAS, Tennessee Code Annotated Section 10-7-401,** directs that the membership of the public records commission shall have at least six (6) members, with the county executive appointing three (3) members subject to the confirmation of the county legislative body with one (1) of those appointees being a member of the county legislative body, one (1) appointee being a judge of a court of record in the county and one (1) appointee being a genealogist; and,

**WHEREAS, Tennessee Code Annotated Section 10-7-401,** directs that the county clerk, county register, county historian, and (if there be one appointed) county archivist shall be *ex officio* members of the commission; and

**WHEREAS,** the county legislative body of \_\_\_\_\_ County has determined the best interests of \_\_\_\_\_ County to confirm the appointment of the following persons to the \_\_\_\_\_ County Public Records Commission;

**NOW, THEREFORE, BE IT RESOLVED,** by the county legislative body of \_\_\_\_\_ County, Tennessee, meeting in regular session at \_\_\_\_\_, Tennessee, that the following persons are confirmed as the members of the \_\_\_\_\_ County Public Records Commission:

- \_\_\_\_\_ Member of the County Legislative Body
- \_\_\_\_\_ Judge of a Court of Record
- \_\_\_\_\_ Genealogist
- \_\_\_\_\_ County Clerk, *ex officio* member
- \_\_\_\_\_ County Register, *ex officio* member
- \_\_\_\_\_ County Historian, *ex officio* member
- \_\_\_\_\_ County Archivist, *ex officio* member
- \_\_\_\_\_ Member at large
- \_\_\_\_\_ Member at large
- \_\_\_\_\_ Member at large

This Resolution shall be effective upon its passage and approval, the public welfare requiring it.  
Adopted this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
**APPROVED:** County Executive

\_\_\_\_\_  
**ATTEST:** County Clerk

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<sup>1</sup> Although the language here closely follows the statutes, it is modified slightly so it is easier to read.

<sup>2</sup> Note that this is a **commission** (not a committee). Formally, it should be written and referred to by its full title, as (for example) the “Maury County Public Records Commission”.

<sup>3</sup> This allows the county executive to appoint more than the three specified in the following sentence; but the executive must appoint at least those three.

<sup>4</sup> Op. Tenn. Atty. Gen. No. 98-114. June 23, 1998.

<sup>5</sup> Notes in italics are provided by the Assistant State Archivist, Tennessee State Library and Archives.

<sup>6</sup> This language reflects changes made by Senate Bill 1029 (Harper) filed for 11 February 1999. For municipal records, see Part 7, page 16.

<sup>7</sup> The county legislative body is commonly called the “county commission”, or (in former times and occasionally today, the “county court”) and its members are referred to as commissioners.

<sup>8</sup> The “majority vote of the commission” must be a majority of all the members of the commission since there is no provision in the law for a minimum number of members to make a quorum for transacting business.

<sup>9</sup> a unit of the University of Tennessee’s Institute for Public Service

<sup>10</sup> Emphasis added.

<sup>11</sup> This proviso no longer applies since CTAS manuals have been available since the 1980s, and a new, comprehensive manual was issued in the fall of 1999.

<sup>12</sup> § **10-7-121. Government records kept on computer or removable computer storage media.**

<sup>13</sup> See the summaries of these subsections in this handbook.

<sup>14</sup> That is, make two (2) copies of each document; or, two (2) copies of each roll of microfilm.

<sup>15</sup> There is no longer a US National Bureau of Standards; it is now the National Institute of Standards and Technology (NIST). Furthermore, standards promulgated by the American National Standards Institute (ANSI) and the American Society for Testing and Materials (ASTM) are regarded as acceptable archival authorities for these standards.

<sup>16</sup> This provision was originally subsection (c), but the original subsection (b), having to do with temporary records and working papers was deleted by Senate Bill 1029 in 1999. See footnote #5 of this handbook.

<sup>17</sup> This clearly empowers a county legislative body to establish, build, equip, furnish, fund, and maintain a county archives open to the public at reasonable hours.

<sup>18</sup> There is no provision in the law for a quorum, so this provision requires the vote of absent members of the commission.

<sup>19</sup> There is no provision in the law for approval of these rules and regulations by any other authority, so once approved by the PRC, they are binding on local government offices and officers.

<sup>20</sup> This provision does **not** authorize TSLA to overturn the decision of a local public records commission. It merely gives TSLA an opportunity to salvage records that are not required to be kept permanently if, and only if, TSLA believes they have historical value. The provision requires only that the local public records commission forward to the state library and archives a copy of the destruction authorization that clearly and completely identifies the records to be destroyed and the pertinent CTAS or MTAS guidance under which the destruction is to be authorized. TSLA will review the authority, description, and guidance, and in most cases will simply return it with approval. In rare cases, TSLA may recommend that records slated for destruction be transferred to TSLA or another repository agreeable to TSLA and the local public records commission. TSLA preference is to leave records within easy access of local citizens.

<sup>21</sup> Mylar is the popularly-used DuPont trade name for polyethylene terephthalate, a stable (inert) plastic film; other trade names are Celanar (Celanese) and Estar (Kodak).

<sup>22</sup> See also Tennessee Archives Management Advisory (TAMA) # 99-007: “Guidelines for the use of digital imaging for permanent records”, 13 June 1999, for detailed recommendations on the planning and installation of electronic records systems.