

**Regulatory Review and Evaluation Act
Evaluation Report Form
2003 – 2011**

Chapter Codification: 14.18.02

Chapter Name: Records Retention and Disposition Schedules

Authority: State Government Article, 9-1007 and 10-632, Annotated Code of Maryland

Date Originally Adopted or Last Amended: Chapter revised effective November 15, 1999 (26:23 Md. R. 1777)

Purpose: To establish procedures to identify agency records series, to provide periodic transfer to the State Archives of permanently valuable records or disposal of records deemed not permanently valuable, to define certain terms, and to clarify the duties and responsibilities of State agencies, and county and local governments.

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.2003.20E)

- (1) Do the regulations continue to be necessary for the public interest? Yes No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? Yes No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? Yes No
- (4) Are the regulations effective in accomplishing their intended purpose? Yes No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i) – (viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

State agencies, the Judiciary, Legislative Reference, county and local officials, the University of Maryland System and other public colleges and universities, the Maryland Bar Association, the Maryland Land Title Association, Maryland Association of Counties, the Maryland Municipal League, and the Maryland Law Library were invited to review the regulations.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

The primary stakeholders for the State Archives are State agencies and the courts. These stakeholders were notified and given the opportunity to review and comment on the State Archives' existing regulations. Most State agencies and the courts have cooperated effectively with the Archives to insure proper retention of permanently valuable records and disposal of records deemed not permanently valuable.

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulations review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

The State Archives used a variety of traditional print and electronic media to insure wide-spread public notice including the Maryland Register (33:16 Md. R. 1360), the Daily Record, the Annapolis Capital, posting on the State Archives' web site; and traditional and electronic mailings to stakeholders, State agencies, the Judiciary, Legislative Reference, county and local officials, and the University of Maryland System and other public colleges and universities.

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
 - (b) the adopting authority's responses to those comments.

Records Management Division of Department of General Services appreciated the opportunity to comment, and recommended that the time frame for State Archives' review and response to retention schedule proposals, now 15 working days, be amended to a more realistic time frame in order to complete the necessary review and response for retention schedule proposals.

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

The State Archives does not anticipate any interunit conflict in amending our regulations.

- (6) Provide a summary of any relevant scientific data gathered.

Senior staff archivists have reviewed the professional archival literature and found that the State Archives' regulations are in line with professional archival standards for the preservation, storage, maintenance, accessibility and disposition of records.

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

Senior staff archivists have reviewed appropriate state archives and federal regulations and found that the State Archives' regulations are in line with archival standards for the preservation, storage, maintenance, accessibility and disposition of records.

- (8) Provide a summary of any other relevant information gathered.

Senior staff archivists have reviewed appropriate state archives and federal "best practices" and found that the State Archives' practices are in line with archival standards for the preservation, storage, maintenance, accessibility and disposition of records.

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? Yes No

Has the agency promulgated all regulations required by recent legislation? Yes No

Provide explanations of the above responses, as needed:

The State Archives issues policy statements from time to time to provide information and guidelines on the retention, disposal, transfer, and accessioning of public records and providing access to public records. A former State Archivist issued a policy statement concerning Governors' records which the State Archives proposes to revise and promulgate as a regulation.

D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)
(check all that apply)

- no action
- amendment
- repeal
- repeal and adopt new regulations
- reorganization

Summary:

The State Archives accepts the recommendation of the Records Management Division of Department of General Services to change the time frame for the State Archives' review and response to retention schedule proposals [currently 15 working days, as required in 14.18.02.02(1)]. The State Archives will propose amending this chapter to allow the State Archives 45 working days to review and respond to proposed retention schedules.

In addition, the State Archives will propose a regulation governing the retention, disposal, transfer, and accessioning of Governors' records.

Person performing review: Kimberly C. Moreno

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