

Davidson County Public Records Commission

Policy and Procedures Manual

Revised and Adopted

November 14, 2018

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1. Public Records Commission

The metropolitan public records commission shall be composed of eight members. (Tenn. Code Ann. § 10-7-401; see also Metropolitan Code of Laws § 2.140.030.).

2. Organization of the Commission

The county records commission shall elect a chairperson and a secretary and shall keep and preserve minutes of all its proceedings and transactions. Members of the commission shall receive no compensation except that any member who does not receive a fixed annual salary from the state or the county may be paid a per diem of twenty-five dollars for each day of actual meeting. Members may be reimbursed for actual expenses incurred in attendance upon their duties. The commission shall not meet less than twice annually. (Tenn. Code Ann. § 10-7-402; see also Metropolitan Code of Laws §§ 2.140.040 and 2.140.060.)

3. Membership

The mayor shall appoint three members, subject to confirmation by the metropolitan council. Of the three appointees, one shall be a member of the metropolitan council, one shall be a judge of one of the courts of record for Davidson County, and one shall be a genealogist. The county clerk, county register, director of ITS, duly appointed county archivist and the county historian shall be ex-officio members of the commission. Each elected member of the commission shall hold office during the term of which the member was elected to office. Appointed members shall serve for the term of the appointing official. If a vacancy occurs in one of the appointed positions, the mayor shall appoint a person in the same manner as the original appointment.

4. Statutory Authority of the Commission

The commission has the authority to promulgate reasonable rules and regulations regarding the making, filing, storage, and copying of the reproductions of records authorized by Tenn. Code Ann. § 10-7-401 et seq. Such rules and regulations shall provide, but not be limited to, the following:

- standards and procedures for the reproductions of records for security or for disposal of original records in all county offices;
- procedures for compiling and submitting to all county offices lists, schedules or time table for disposition of particular records within the county;
- procedures for the physical destruction or other disposition of public records;
- all rules and regulations shall be approved by a majority vote of the voting members of the county public records commission and signed by the chair of the commission.

5. Public Records Commission Mission Statement

In accordance with Tennessee Code Annotated § 10-7-403 and the Metropolitan Code of Laws § 2.140.050, the public records commission of Metropolitan Nashville and Davidson County is established by the Metropolitan Council of Nashville and Davidson County, and its members appointed in accordance with the same provision by the mayor. The mission of the public records commission is to:

- review and to revise, approve, or disapprove requests for records retention or disposal by issuing records disposition authorizations (RDAs);
- advise the records management system, the metropolitan clerk, mayor and metropolitan council on ways and means to improve records management services to the metropolitan government;
- advise the metropolitan archives, the director of the public library, mayor, and metropolitan council on ways and means to improve archives management services to the metropolitan government;
- report to the mayor and metropolitan council on the state of archives and records management in the metropolitan government;
- provide for the process for public records requests, including a schedule of fees and charges for records including procedures for billing and payment (see BL2017-708);
- accept via the chairperson the records officer for each department of the metropolitan government.

6. Metropolitan Government Archives Mission Statements

The Metropolitan Government Archives of Nashville and Davidson County collects and maintains the historical permanently valuable records of metropolitan government. Those records include governmental records of the old city of Nashville and Davidson County. The Archives also collects the papers, both public and private, of former metropolitan, city, town, or county officials. Primary records of Nashville or Davidson County businesses, churches, and schools also may be collected.

7. Metropolitan Records Center

The Metropolitan Records Center (MRC) serves as an off-site facility for the storage of inactive records. Records transferred to the MRC remain under the control of the transferring department. Information stored in the MRC is requested by and made available to the department of record. Direct public access is not permitted.

8. Definition of Terms

ACTIVE RECORD is any record that is being used or that must be retained by an operating department under its immediate custody and control for reference in order to conduct current business of the department.

ARCHIVES is a secure repository for the permanent retention, maintenance, and public inspection of permanently valuable records.

ESSENTIAL RECORD is any public record needed to resume or continue operations of state, county, or municipal government, to re-create the legal and financial status of government, or to protect and fulfill obligations to citizens.

INACTIVE RECORD is any record that is not active; it must be decided whether to retain it for future reference at public expense, or destroy it as unworthy of retention.

RECORDS APPRAISAL is the examination of records to determine their value, and particularly to decide how long they should be retained and maintained at public expense in the public interest; it is also the result of such an examination.

RECORDS CENTER is the central repository, used by many departments, for the temporary and relatively economical storage of inactive records that have not yet reached the end of their retention; said retention shall remain under department control.

RECORDS DISPOSITION is what is done to records—whether retention and preservation of a record in whole or in part by digital imagery, photographic, or other reproduction process, of inactive files of departments; or outright destruction of the record.

RECORDS DISPOSITION AUTHORIZATION (RDA) is the formal, recorded approval of a decision to retain or to destroy a record or set of records, including formal decisions to approve record schedules covering several types of records, together with the justification for that decision, and, it is the official document used by a department head to request authority for the disposition of records.

RECORDS DISPOSITION SCHEDULE (RDS) is a list of specific records or specific record series or classes of commonly-held records together with the term for which they must be retained in the control of the originating department before being transferred to the archives or destroyed.

GENERAL RECORDS SCHEDULE is a list of records and their retention that are common to several departments.

9. General Principles of Appraisal and Disposition

The following general principles are applied to the appraisal of records in the RDA process:

- If a federal, state or county legislative mandate requires permanent or temporary retention of any records or sets of records, then the records must be kept for as long as the mandate requires.
- Absent any mandate to the contrary, records should be retained by a department only as long as they are useful to the performance of the department's functions.
- The decision to retain records beyond such active usefulness or legislative mandate is one made as necessary to maintain them in such condition that they can be examined readily by the public.
- Records given permanent retention must be given perpetual care so that they can be examined by the public in perpetuity.
- Records necessary to the public interest should never be destroyed, including:
 - essential records that are needed to resume or continue operations or to recreate legal and financial status after a disaster, or that are needed to protect or fulfill obligations;
 - records that have lasting value as legal and fiscal evidence to account for responsible government;
 - records that are of such high evidentiary and historical value that they should be retained at public expense for that sake of a sound, comprehensive understanding of the historical context of government and culture.

10. Records Disposition Outline

1. Records Officer Appointed
 - Appointment made by Department Head to oversee the management of records and their legal and orderly disposition
2. Department Requests to Establish Disposition of Records (RDA)
 - Records officer or principal involved completes a records inventory with the assistance of Metro Records Management
3. Records Inventory
 - a. Identify the subject matter of the records series
 - b. Identify purpose and function of the series
 - c. Describe location and storage conditions
 - d. Establish beginning and ending dates
 - e. Identify format and volume of records series
 - f. Provide additional information about series, if needed
 - g. Suggest a retention period and justification
4. Metro Records Management
 - a. Appraises record series
 - b. Consults Metro Archives for historical value of records
 - c. Prepares RDA form and assigns RDA number
 - d. Transmits RDA to Department
5. Metro Department
 - a. Department Head/Division Head reviews and signs RDA
 - b. Transmits RDA back to Records Management
6. Metro Records Management
 - a. Transmits RDA to Metro Legal for review and signature
 - b. Schedules meeting of the PRC; prepares and distributes the agenda per PRC adopted policy
7. Public Records Commission
 - a. Chairperson calls meeting to order
 - b. RDAs are read by Records Management
 - c. PRC members sign approved RDAs
 - d. Approved RDAs are returned to Records Management for distribution and publication

11. Destruction of Public Records

Before any records generated by metropolitan government are destroyed, they must first be approved for such destruction by the PRC through the RDA process. For records that may be destroyed according to their retention and disposition, destruction is generally accomplished by shredding and shipped for pulping to a recycling facility. Electronic records of the same series are also governed by the approved retention and disposition, and may be deleted at the end of their cycle.

Those records of a permanent retention whose information needs to be retained may be digitally imaged, microfilmed, or stored by other photographic method. The original format may then be destroyed in accordance with Tenn. Code Ann. § 10-7-404, upon a majority vote of the commission.

12. Table of Authorities

Tennessee Code Annotated Title 10, Chapter 7 Part 4 - Public Records Commission - as last amended by 2014 Public Chapter 648 of the Tennessee General Assembly

Metropolitan Code of Laws Chapter 2.140 - Public Records Commission

Approved:



Commission Chairperson

Date: 11/26/18