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STATE OF TENNESSEE

EXECUTIVE ORDER

BY THE GOVERNOR

No. 38

AN ORDER RELATING TO THE USE AND DISPOSITION OF RECORDS AND FORMS IN THE OPERATION OF TENNESSEE STATE GOVERNMENT

WHEREAS, the departments and administrative bodies in the Executive Branch of State government have during the years of their existence required numerous records to be created and maintained and numerous forms be printed, distributed and completed for the purpose of assisting in the administration of the law and the delivery of governmental services; and

WHEREAS, the multiplicity of those records and forms and the information required by them has now resulted in a proliferation of "red tape" which is seriously impairing the ability of State employees to render effective service, imposing an unnecessary burden on cities, counties, school districts and other units of local government, as well as creating a burdensome and costly responsibility for our citizens, businesses and other organizations which are required to fill out an endless number of forms; and

WHEREAS, the Public Records Act created the Public Records Commission and through the Commission directs the Commissioner of General Services to establish and implement an effective Records Management Program for all State agencies; to include the development and implementation of rules, policies and procedures for the purpose of managing the creation and retention of active and inactive records and forms created by State agencies; and

WHEREAS, Chapter 757 of the Public Acts of 1976, directs that the Commissioner of General Services establish and

implement a Forms Reduction and Management Program to conduct a comprehensive and ongoing examination of the policies and procedures of State government which have produced this paperwork burden; and

WHEREAS, the administration is committed to achieving efficiency, eliminating duplication, effecting economy and improving service to the public; and

WHEREAS, the cost of records keeping has become prohibitive due to the maintenance and storage of active and inactive records, ineffective management of vital records in paper media which should be microfilmed and the storage of useless records in State offices; and

NOW, THEREFORE, I, NED McWHERTER, Governor of the State of Tennessee, by virtue of the authority vested in me by the Constitution and laws of this State, do hereby order and direct the following:

1. Records or materials created to serve as interim documents or input to final reporting documents, including electronic data processed records, computer output microfilm and records which become obsolete immediately after agency use or publication and are not classified as being a permanent record, or a record of archival value, shall be purged from all state agency files subject to the Governor's jurisdiction and shall be under the direct supervision of the Commissioner of the Department of General Services. This action shall be referred to as "Operation Roundfile" and shall be conducted annually to ensure the continuing purging of unnecessary and useless records.

2. Agencies shall make every effort possible to minimize the physical space required to maintain records which have been determined to have administrative, fiscal, legal and/or historical value and which are required to be maintained for a minimum of twelve (12) years.

When possible these records should be microfilmed according to the State of Tennessee's established microfilming standards.

3. Vital records or any record or material which contains information necessary to the operation of government under all conditions, including a period of emergency created by a disaster, and records which contain information necessary to protect the rights and interests of citizens of the state or to establish or affirm the powers and duties of state or local governments in the re-creation of the legal and financial status of government in the state for resumption or continuation of operations after a disaster shall be protected. Therefore, every effort should be made to preserve these vital records in such a manner that they are economically maintained and easily accessible in the event of a disaster.

4. The commissioner of each state department and chief executive of each executive body not assigned cabinet or departmental status shall also establish a "Records and Forms Review Committee" and shall notify the Commissioner of the Department of General Services in writing of the committee members and chairperson. The committee's primary responsibilities shall include, but not be limited to; managing and reducing the mass accumulation of unneeded, useless and duplicative forms and records within their respective department. The committee shall be composed of representatives selected by the commissioner or chief executive to include the records officer and forms officer.

5. The Records and Forms Review Committee of each agency shall review all records and forms prior to an official request for the assignment of retention schedules for records and the official request for a form to be placed in service.

6. Pursuant to the procedures outlined, a record is defined as all documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and

output, films, sound recordings, or other material regardless of physical form or characteristics made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency. A form is defined as a document containing information printed or reproduced by whatever means with blank spaces left for the entry of additional information to be used in any transaction involving agencies of the State of Tennessee.

7. The Records and Forms Review Committee of each agency shall review all future records series using the following criteria as the determining factors for retention periods of records:

- (a) identify the administrative value of the records series, if any;
- (b) identify the legal value of the records series, if any;
- (c) identify the fiscal value of the records series, if any;
- (d) identify historical value of the records series, if any; and
- (e) identify all federal and state requirements for maintaining records for a specific time frame.

8. The Records and Forms Review Committee of each agency shall review all current and future forms using the following criteria as the determining factor for the continuing use and future use of all forms:

- (a) identify the need for the form;
- (b) identify the proper Records Disposition Authorization (RDA) number for the form;
- (c) review the form for compliance with design standards and guidelines issued by Records Management.

During fiscal year 1990-91, the Records and Forms Review Committee for each agency shall evaluate all the forms assigned

an official form number for their agency. The committee shall determine which forms can be eliminated and take appropriate action to delete these forms from the system. A forms justification and approval request shall be completed for each form determined to be essential to the operation of an agency. A draft of the form, along with the request shall be submitted to the Records Management Division. At the end of Fiscal year 1990-91, forms that have not gone through this process will be deleted from the system.

The Commissioner of General Services shall issue such guidelines as he deems appropriate to implement and carry out the intent of this Order.

9. The provisions of this Order shall be liberally construed to carry out the spirit and legislative intent of chapter 757 of the Public Acts of 1976 (T.C.A. 4-25-101) and chapter 728 of the Public Acts of 1984 (T.C.A. 10-7-302).

IN WITNESS WHEREOF, I have subscribed my signature and caused the Great Seal of the State of Tennessee to be affixed this 12th day of October, 1990.



GOVERNOR



SECRETARY OF STATE