

Definitions

Deaccession: The process by which an archives, museum, or library permanently removes accessioned materials from its holdings.

Disposition: Materials' final destruction or transfer to an archives as determined by their appraisal of permanent, essential, and/or historical value.

Permanent Record: Records of enduring value based on the information they contain or as evidence of the functions and responsibilities of their creator. These may include records of vital, essential, or intrinsic worth.

Record: as defined by law, “ is a book, letter, document, paper, map, plan, photograph, film, card, tape, recording, electronic data, or other documentary material regardless of physical form or characteristics: (i) that is prepared, owned, received, or retained by a governmental entity or political subdivision; and (ii) where all of the information in the original is reproducible by photocopy or other mechanical or electronic means (UCA 63G-2-103(22)).

Record copy: The single copy of a document, often the original, that is designated as the official copy for reference and preservation for the entire retention period. The record-copy is not a convenience, duplicate, or working copy.

In some instances, copies are designated as originals by law. In particular, microfilmed records are legally equivalent to the originals.

Regional repository: Recognized institutions under the auspices of the Utah State Historical Records Advisory Board (USHRAB), the Utah State Archives, and State History, approved as a virtual branch of Utah State Archives and authorized to maintain and provide access to historical government records in the Archives custody.

Retention period: The length of time records should be kept in a certain location or form for administrative, legal, fiscal, historical, or other purposes.

Scheduled: The process of specifying the length of time each record series should be retained by a governmental entity and when it should be transferred to the state archives or destroyed (UCA 63G-2-103(26)).

Government records in regional repositories

The mission of the Utah State Historical Records Advisory Board (USHRAB) is to assist public and private nonprofit organizations throughout the state in the acquisition, preservation, and use of records with enduring value and to foster cooperation in carrying out these activities. To forward this mission, USHRAB has authorized regional repositories throughout the state to collect, process, preserve and make available historical records for research and study by the public.

One of the State Archives' responsibilities is to administer the state's official archives and records management programs. According to state law, "[a]ll records created or maintained by a state governmental entity are the property of the state" (Utah Code 63A-12-105). State laws provide that government records be made available to the public and that citizens of the state have a legal right to open and fair access to those records. Conversely, the public has a right of privacy in relation to personal data. Therefore, it is important to take care in handling state governmental records.

To further the mission of USHRAB and the State Archives and to promote cooperation and support of regional repositories, the Archives has developed the following guidelines regarding the custody and preservation of historical government records.

Custody of government records

The Archives is the repository for official records of the state and its political subdivisions and official custodian of all non-current public records of permanent value that are not required by law to remain in the custody of the agency of origin. The Archives holds Utah's documentary history as a public trust, belonging to the citizens of the state. These include historical, essential, and permanent records requiring continual access and preservation.

Some records have content of a strong local interest. In those cases, it may be more persuasive to have regional access to those records. The Archives relies on its regional repositories to support cooperation and community interests. For that reason, regional repositories are governmental entities.

Records that may be in a regional repository include government records or microfilm copies of those records, including records of counties, cities and towns, school districts, special improvements districts and other units of local government. In some cases, the records of state and federal agencies, or of quasi government associations, may be included. Since the State Archives is the legally mandated custodian of government records, the location and format of records will be evaluated by the State Archivist or a designee on a case-by-case basis.

If a regional repository believes there is a strong local community interest served through regional access of records, the Archives will work with the regional repository to achieve the best means to provide that access. In cases where original records are no longer the

record copy, which is the officially designated copy for reference and preservation, regional repositories are an appropriate repository for the original.

Microfilm copies of public records may be deposited at regional repositories at the will of the State Archives. Records with access restrictions and original records will require an agreement of understanding between the regional repository and the Archives. An agreement will allow the Archives to fulfill its responsibility as the state's records managers, will keep track of important records, and will help protect the regional repository from legal action.

An agreement will identify the record copy and clearly state the expected disposition in the event that the regional repository decides not to retain the records. The agreement will assign ultimate custody to the Utah State Archives, but place the records in a regional repository.

In cases where records are already in a regional repository, the Archives will want them to be appropriately scheduled and identified and may wish to microfilm them. Since all government records are the property of the state, retention and disposition are governed according to approved retention schedules. Therefore, no historical government record can be placed in a repository other than the State Archives without a written agreement with the Archives. Records that have been inappropriately de-accessioned are still property of the state and should be returned to Utah State Archives without compensation.

Responsibilities of maintaining government records

The regional repository will provide professional care and access to public records. Records with restricted access have special requirements and the Archives will train staff of the regional repository on the mandated process for access. Other training on records management, preservation, and access is also available to regional repository staff.

Utah law mandates a certain level of care for maintaining, preserving, and providing access to government records. It is unlawful to release information that is restricted by law other than through a lawful appeals process. Mismanagement of government records, through mutilation or improper destruction also carries legal consequences.

Local Government Preservation Project

The Archives engages in historical records preservation projects. The Archives Local Government Preservation Project is designed to identify and permanently preserve historical records on microfilm. The project's goal is to assist local governmental entities to find, identify, and preserve all of their historical records, including minutes of councils or boards, city or town charters, resolutions and ordinances, annual reports, cemetery burial records, and any other unique local historical records of interest. The project will eventually reach the entire state. The Archives will work to place copies of records

processed through these projects in regional repositories if it will contribute to their collection scope and community interest.

See Utah's open records law and public records management law:
Government Records Access and Management Act, Title 63G, Chapter 2; Public Records Management Act, Title 63A, Chapter 12.