

MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
TELECOMMUNICATIONS ADVISORY GROUP

March 18, 2004
MAG Office
302 North First Avenue
Phoenix, Arizona

MEMBERS ATTENDING

Greg Binder, Phoenix, Chair
*Kevin Hinderleider¹, Avondale
✓Dee Hathaway¹, Buckeye
✓Jim Keen¹, Carefree
*Pat McDermott, Chandler
*Mike Ciccarone¹, Fountain Hills
**Shawn Woolley, Gilbert
Ajay Joshi, Glendale
*John Imig¹, Goodyear
**Cary Parker², Maricopa County

**Dale Shaw, Mesa
*Duncan Miller¹, Paradise Valley
**Ralph Spencer, Peoria
*Lester Godsey¹, Queen Creek
*Kevin Sonoda, Scottsdale
Randy Jackson, Surprise
✓Dave Heck, Tempe
*Bruce Johnson¹, Tolleson
*Karen Strickland, ADOT
*Randi Alcott¹, RPTA

*Members neither present nor represented by proxy.

OTHERS PRESENT

✓Linda Garrison, Buckeye
Marla Paddock, Chandler
Nan Ursino, Chandler
✓Bev Bender, Fountain Hills
Galen Updike, GITA
Mark Johnson, Guadalupe
**Mark Goldstein, IRC
Jill Kennedy, Maricopa County
Beth Benning, Phoenix
Ron Campbell, Phoenix
Jeannie Miller, Phoenix
Kwan Mitchell, Phoenix
Mike Nevarez, Phoenix
Margie Pleggenkuhle, Phoenix

Melissa Carrao, MAG
Craig Chenery², MAG
Dawn Coomer, MAG
Valerie Day, MAG
DeDe Gaisthea, MAG
Debbie Kohn, MAG Telecommunications Assoc.
Denise McClafferty, MAG
Heidi Pahl¹, MAG
Elaine Trammell, MAG
Gordon Tyus, MAG
Richard Pearce-Moses, State of Arizona Library
Melanie Sturgeon, State of Arizona Library
Sherry Aguilar, Surprise
✓Steve Lengua, Tempe

**Participated via telephone conference call.

✓ Participated via video conference call.

¹ = RVS Site Coordinator

² = RVS Backup Site Coordinator

1. Call to Order

The meeting was called to order at 10:10 am by Chairman Greg Binder. Voting members Dee Hathaway, Jim Keen, Dave Heck and Bruce Johnson attended via videoconference. Voting members Shawn Woolley, Cary Parker, Dale Shaw and Ralph Spencer attended via telephone conference call. All members introduced themselves.

2. Call to the Audience

No comments were made by the audience.

3. Approval of February 19, 2004 Meeting Minutes

It was moved by Randy Jackson, seconded by Ajay Joshi and unanimously recommended to approve the February 19, 2004 meeting minutes.

4. E-Privacy and Public Records for Local Governments

Chairman Greg Binder welcomed Margie Pleggenkuhle and read her biography. Greg Binder stated that the City of Phoenix is taking steps to address several issues such as identity theft, disposition of electronic data and dealing with databases. Margie Pleggenkuhle gave a PowerPoint presentation titled, "Records Management and E-Privacy." The presentation covered the purpose of records management, definition and explanation of a record, records management, state mandate, records retention and disposition, public records, confidential information, and imaging standards. Mr. Binder discussed the last three slides of the presentation and described the City of Phoenix policies on e-mail and e-privacy.

Mr. Binder reminded the group that the PowerPoint presentations are available on the MAG Web site.

Heidi Pahl asked whether the e-mail policy in the presentation was a City of Phoenix policy or State of Arizona policy. Margie Pleggenkuhle replied that it is Phoenix's policy. Galen Updike asked if the micrographic form of imaging is a State or federal requirement. Margie Pleggenkuhle replied that it is a State requirement but that paper copies can also be used under certain conditions. Galen Updike asked for the length of media retention time. Richard Pearce-Moses replied that the State law is that the records must be a permanent archive, that is, they must last as long as Arizona is a State. Mr. Pearce-Moses stated that only paper and microfilm records are allowable and that sound recordings, Geographic Information Systems (GIS) data and other media forms are not allowable at this time, but that PDFA may be a future standard. Galen Updike asked about electronic media. Richard Pearce-Moses stated that only 3-5% of all records need to be kept permanently and recommended that computer-output microfilm be used.

Debbie Kohn asked what an imaging system is and for some examples of imaging systems. Kwan Mitchell replied that an imaging system is a scan, store, search, and retrieval system and includes

document management and revisions history. Debbie Kohn asked if it is an electronic system. Kwan Mitchell replied yes. Debbie Kohn asked if a copy machine is an imaging system. Kwan Mitchell replied no. Greg Binder stated that an example of an imaging system is the search capability on a Web site to find and retrieve official city documents such as on www.phoenix.gov.

Randy Jackson asked if the e-mail policy of one-month retention or transfer to a new file is the responsibility of the individual or the organization. Margie Pleggenkuhle replied that it is the organization's responsibility to delete e-mails and it is the individuals responsibility to retain records that they do not want deleted. She said that if something is received via e-mail and has a longer retention period because of the type of information contained in the e-mail, it would be the responsibility of either the person receiving or sending the e-mail, depending on whose record it is, to save the information to another electronic file or print it out and place it in a hard copy file and retain it for the length of time required by the file they were placing it in. The information determines retention. Ms. Pleggenkuhle stated that an organization cannot get rid of records, they must have a retention policy. Gordon Tyus asked what constitutes a permanent record. Margie Pleggenkuhle replied that one must ask whether it will be important 500 years from now; in other words, the historical value of the document needs to be determined. Richard Pearce-Moses stated that permanent records show how decisions were made and should be saved because records can be very helpful in various situations.

Greg Binder thanked Margie Pleggenkuhle for her presentation.

Greg Binder welcomed Richard Pearce-Moses and read his biography. Richard Pearce-Moses introduced Melanie Sturgeon, State of Arizona Director of History and Archives. Richard Pearce-Moses gave a PowerPoint presentation titled, "Privacy, Confidentiality, and the Best Interest of the State." The presentation covered key concepts, privacy, access vs. obscurity, confidential records, pending State legislation, redaction, hidden confidential information, and recommendations for dealing with e-privacy. Mr. Pearce-Moses stated that employees have a reasonable expectation of privacy, adding that if an employer allows employees to use company equipment for personal use then the employer should make their privacy policy clear by having employees sign a privacy policy. Mr. Pearce-Moses stated that confidentiality is defined by the law. Mr. Pearce-Moses stated that some courts are designing their imaging system to have personal information from a document displayed on a cover sheet that can be easily redacted before making it available to the public.

Greg Binder commented that Phoenix's designated privacy and public access person is also an auditor and suggested that member agencies may want to invite their auditor to conduct a privacy audit of the organization.

Debbie Kohn asked if an e-mail address and phone number given as part of an on-line complaint form would be public information. Richard Pearce-Moses said that yes, it probably would be public but would not be easily accessible.

Greg Binder thanked Richard Pearce-Moses for his presentation.

Greg Binder welcomed Jill Kennedy and read her biography. Jill Kennedy gave a PowerPoint presentation titled, "E-Privacy and Accountability with Arizona's Public Records - Protecting Rights to Access and Privacy." The presentation covered the State public records law, principles of e-government, mutual objectives of public access and e-government, accountability, e-countability, identity theft, confidential information, public disclosure, unintended consequences, best practices, Federal E-Government Act, e-privacy and e-record policies, solutions and next steps, and the future of e-privacy. Jill Kennedy noted that federal laws can supersede State and local records laws.

Galen Updike asked whether public officials have gone to jail for releasing confidential records. Jill Kennedy replied not to her knowledge, but there have been numerous civil and administrative disciplinary actions involving public officials and employees for those violations, and a pending investigation in Tempe. Galen Updike asked how much liability public custodians have as a result of records privacy. Jill Kennedy replied that to her knowledge these exposures have not been quantified. Jill Kennedy stated that she recommends that organizations put a disclaimer on their Web site that says communications and confidential information may be subject to the public records law. Jill Kennedy stated that wrongful release can be subject to civil and criminal action.

Randy Jackson asked if an e-mail should be redacted if it contains a phone number and e-mail address. Jill Kennedy stated that Maricopa County on many occasions has justified the non-release of this information for safety and other reasons. Ms. Kennedy stated that Maricopa County does some sorting and redaction of e-mail to and from the offices of the elected officials such as the Board of Supervisors in response to a standing request for access to all e-mails by media organizations. Ms. Kennedy recommended that a public organization give notice to citizens and website users that the information is subject to the public records law.

Jill Kennedy stated that public custodians must also ensure integrity, and security of records and data released electronically. Ms. Kennedy stated that Maricopa County sometimes has the media sign a hold harmless statement that they will not alter or use the data in violation of law.

Margie Pleggenkuhle asked whether the charging for redaction bill has a chance of passing at the legislature. Jill Kennedy replied that there are two bills but that she does not know if they are likely to pass.

Greg Binder thanked Jill Kennedy for her presentation.

5. MAGTAG Working Group Projects

Heidi Pahl reported that several videoconferencing materials were included as attachments to the MAGTAG agenda. Ms. Pahl stated that MAG can produce the attachments in color and send them out to member agencies at their request, adding that the materials are also available on the MAG Web site. Ms. Pahl noted that the materials can be found by going to the URL <http://www.mag.maricopa.gov>. User should click on Information Services and then click on Telecommunications and finally on the Regional Videoconferencing System link or they can go to <http://www.mag.maricopa.gov/project.cms?item=403>.

6. MAG Regional Videoconferencing System Awards

Heidi Pahl reported that MAG gave out six Regional Videoconferencing System (RVS) awards for Calendar Year 2003 RVS usage at the March Management Committee meeting. Heidi Pahl reported that Management Committee Chair, Terry Ellis, presented the awards to:

- Guadalupe for the Most Videoconferences by a MAG Member Agency
- MAG Building Codes Committee for Most Videoconferences by a MAG Committee
- Management Subcommittee on 2005 Population Options for MAG Committee With the Most Remote Videoconference Participants
- Wickenburg for Most Miles Saved by a MAG Member Agency
- Valley Metro for Best Use of Multipoint Videoconferencing
- MAGTAG for being the RVS Committee Champion

Heidi Pahl congratulated the winners and explained that a RVS Awards PowerPoint presentation will be given to the mayors at the next Regional Council meeting.

7. Announcements and Public Input

There were no announcements and no public input was received.

8. Date of Future Meetings

Chairman Binder reminded the group that the next MAGTAG meeting will be Thursday, April 15th at 10:00 am.

The meeting was adjourned at 12:03 p.m.