

F.

RECORDS MANAGEMENT ACT

67 O.S. 201. Short title.

This act shall be known as the "Records Management Act".

Added by Laws 1961, p. 498, § 1, eff. Jan. 2, 1962.

67 O.S. 202. Purpose.

The Legislature declares that programs for the efficient and economical management of state and local records will promote economy and efficiency in the day-to-day record-keeping activities of state and local governments and will facilitate and expedite government operations.

Added by Laws 1961, p. 498, § 2, eff. Jan. 2, 1962.

67 O.S. 203. Definitions.

As used in the Records Management Act, Section 201 et seq. of this title:

(a) "Record" means document, book, paper, photograph, microfilm, computer tape, disk, record, sound recording, film recording, video record 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 the expenditure of public funds, or the administration of public property. Library and museum material made or acquired and preserved solely for reference or exhibition purposes and stocks of publications are not included within the definition of records as used in this act.

(b) "State record" means:

(1) A record of a department, office, commission, board, authority or other agency, however designated, of the state government.

(2) A record of the State Legislature.

(3) A record of the Supreme Court, the Court of Criminal Appeals or any other court of record, whether of statewide or local jurisdiction.

(4) Any other record designated or treated as a state record under state law.

(c) "Local record" means a record of a county, city, town, village, township, district, authority or any public corporation or political entity whether organized and existing under charter or under general law unless the record is designated or treated as a state record under state law.

(d) "Agency" means any department, office, commission, board, authority or other unit, however designated, of the state government.

(e) "Essential record" means a state or local record necessary to the operation of government during an emergency created by a disaster, or necessary to protect the rights and interests of persons or to establish and affirm powers and duties of governments in the resumption of operations after a disaster.

(f) "Disaster" means any occurrence of fire, flood, storm, earthquake, tornado, explosion, epidemic, riot, sabotage, or other condition of extreme peril resulting in substantial damage or injury to persons or property within this state, whether such occurrence is caused by an act of nature or by persons, including an enemy of the United States.

(g) "Preservation duplicate" means a copy of an essential record used for preservation purposes pursuant to the Records Management Act.

Added by Laws 1961, p. 498, § 3, eff. Jan. 2, 1962. Amended by Laws 1989, c. 367, § 5, eff. Nov. 1, 1989.

67 O.S. 204. State Records Administrator, State Librarian - Program.

The State Librarian, as the State Archivist, is hereby designated the State Records Administrator, hereinafter called the Administrator. The Administrator shall establish and administer a records management program, which will apply efficient and economical management methods to the creation, utilization, maintenance, retention, preservation and disposal of state records.

Added by Laws 1961, p. 498, § 4, eff. Jan. 2, 1962.

67 O.S. 205. Duties of Administrator.

1. The Administrator shall, with due regard for the functions of the agencies concerned:

(a) Establish standards, procedures, and techniques for effective management of records;

(b) Make continuing surveys of records and information operations and recommend improvements in current records management practices including the use of space, equipment and supplies employed in creating, maintaining, storing and servicing records;

(c) Establish standards for the preparation of schedules providing for the retention of state records of continuing value and for the prompt and orderly disposal of state records no longer possessing sufficient administrative, legal or fiscal value to warrant their further keeping;

(d) Establish programs for the selection and preservation of essential records; and

(e) Obtain reports from agencies as are required for the administration of the program.

2. The Administrator may remove an essential record from its legally designated and customary location if a disaster has occurred or is imminent, make or cause to be made preservation duplicates, and designate as preservation duplicates existing copies of essential records.

Added by Laws 1961, p. 498, § 5, eff. Jan. 2, 1962. Amended by Laws 1989, c. 367, § 6, eff. Nov. 1, 1989.

67 O.S. 206. Duties of Heads of Agencies.

A. The head of each agency shall:

1. Establish and maintain an active, continuing program for the economical and efficient management of the records of the agency;
2. Make and maintain records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of the agency designed to furnish information to protect the legal and financial rights of the state and of persons directly affected by the agency's activities;
3. Submit to the Administrator, in accordance with the standards established by the Administrator, schedules proposing the length of time each state record series warrants retention for administrative, legal or fiscal purposes after it has been created or received by the agency. The head of each agency also shall submit lists of state records in the custody of the head of the agency that are not needed in the transaction of current business and that do not have sufficient administrative, legal or fiscal value to warrant their further keeping for disposal in conformity with the requirements of Section 210 of this title;
4. Cooperate with the Administrator in the conduct of surveys made by the Administrator pursuant to the provisions of this act; and
5. Comply with the rules, regulations, standards and procedures issued by the Administrator.

B. Confidential health, life, disability and dental claims or related files of the State and Education Employees Group Insurance Program shall be exempt from this act.

Added by Laws 1961, p. 499, § 6, eff. Jan. 2, 1962. Amended by Laws 1989, c. 367, § 7, eff. Nov. 1, 1989; Laws 1998, c. 297, § 1, eff. July 1, 1998.

67 O.S. 207. Local Governing Bodies - Program of Records Management.

The governing body of each county, city, town, village, township, district, authority or any public corporation or political entity whether organized and existing under charter or under general law shall promote the principles of efficient records management for local records. Such governing body shall, as far as practical, follow the program, established for the management of state records. The Administrator shall, insofar as possible, upon the request of a governing body provide advice on the establishment of a local records management program.

Added by Laws 1961, p. 499, § 7, eff. Jan. 2, 1962.

67 O.S. 208. Advice and Assistance of State Administrator.

Upon request, the Administrator shall advise and assist in the establishment of records management programs in the legislative and judicial branches of state government and shall, upon request, provide a program of services similar to those available to the executive branch of state government pursuant to the provisions of this act.

Added by Laws 1961, p. 499, § 8, eff. Jan. 2, 1962.

67 O.S. 209. Preservation of Records by Public Officials.

All records made or received by or under the authority of or coming into the custody, control or possession of public officials of this state in the course of their public duties shall not be mutilated, destroyed, transferred, removed, altered or otherwise damaged or disposed of, in whole or in part, except as provided by law.

Added by Laws 1961, p. 499, § 9, eff. Jan. 2, 1962.

67 O.S. 210. Preservation of State Records.

Except as otherwise provided by law, no state record shall be destroyed or otherwise disposed of unless it is determined by the Archives and Records Commission that the record has no further administrative, legal, fiscal, research or historical value.

Added by Laws 1961, p. 499, § 10, eff. Jan. 2, 1962. Amended by Laws 1989, c. 367, § 8, eff. Nov. 1, 1989.

67 O.S. 211. Destruction of nonrecord materials - Procedure.

Nonrecord materials or materials not included within the definition of records as contained in this act may, if not otherwise prohibited by law, be destroyed at any time by the agency in possession of such materials with the prior approval of the Administrator. The Administrator may formulate procedures and interpretation to guide in the disposition of nonrecord materials.

Added by Laws 1961, p. 499, § 11, eff. Jan. 2, 1962.

67 O.S. 212. Rules and regulations.

The Administrator shall promulgate such rules and regulations as are necessary or proper to effectuate the purposes of this act, except that rules and regulations relating to the disposal of records pursuant to Section 10 of this act shall be issued jointly by the Administrator and the Archives and Records Commission.

Added by Laws 1961, p. 499, § 12, eff. Jan. 2, 1962.

67 O.S. 213. Report to Governor by State Administrator.

The Administrator shall make a biennial report to the Governor for transmission to the Legislature. The report shall describe the status and progress of programs established pursuant to this act and shall include the recommendations of the Administrator for improvements in the management of records in the state government.

Added by Laws 1961, p. 500, § 13, eff. Jan. 2, 1962.

67 O.S. 214. Personnel - Expenditure of funds - Contract for records management - Bond.

(a) When a state agency institutes a records management program under the provisions of this act it is hereby authorized and directed to furnish the Administrator with as many persons in its employ as he considers necessary to

carry on the program, and such employees shall be under his direction and supervision while performing the duties connected with the execution of the provisions of this act, and the agency is furthermore authorized and directed to expend amounts from any funds under its control that the Administrator requests for the purpose of establishing and maintaining a records management program in the agency.

(b) In the furtherance of a records management program a state agency may contract, with the approval of the Administrator, with a reputable records management organization, having at least five (5) years of experience in the techniques of records management operations, for the establishment of a records management program in the agency and may pay out sums for this purpose from any funds under its control. Such organization shall give a performance bond with good and sufficient sureties, payable to the State of Oklahoma, for a sum not less than the amount of the contract and the bond shall be approved by the Attorney General. All work performed under such contract shall be under the general direction and supervision of the Administrator and shall have his written approval before any payments are made for such services.

Added by Laws 1961, p. 500, § 14, eff. Jan. 2, 1962. Amended by Laws 1968, c. 67, § 2, emerg. eff. March 25, 1968.

67 O.S. 215. Act cumulative.

The provisions of the Records Management Act, Section 201 et seq. of this title shall not affect and are cumulative to other statutory provisions pertaining to the disposition of records.

Added by Laws 1961, p. 500, § 15, eff. Jan. 2, 1962. Amended by Laws 1989, c. 367, § 9, eff. Nov. 1, 1989.