

RICHARD L PIFER

From: RICHARD L PIFER <rlpifer@wisc.edu>
Sent: Tuesday, January 5, 2016 11:35 PM
To: DOA Public Records Board Comments
Subject: Transitory Records

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From: Richard L. Pifer, PhD
Professional Archivist, retired
Adjunct Assistant Professor, emeritus

Date: January 5, 2016

Subj: Transitory Records Commentary

For the record, I wish to submit a commentary on the Public Records Board's recent clarification of the definition of transitory record, and the lack of understanding reflected in the actions of state officials, the articles by newspaper reporters and the concerns of watchdog groups.

I retired in 2015 after thirty-five years as a professional archivist: at the University of Wisconsin – Eau Claire and the Wisconsin Historical Society. For twenty-two years I also taught in the archives education program at the School of Library and Information Studies, University of Wisconsin-Madison. For all practical purposes, I have trained a generation of students in the theory and practice of archival work. Most recently, I delivered a series of lectures in China on the development of 20th century archival literature in the United States and Canada.

The recent revision of the definition of transitory record by the Public Records Board was an important clarification of the meaning and retention period of transitory records.

1. The new language brings clarity and transparency to the RDA for transitory records.
 - By replacing vague and ambiguous language with specific examples and finite retention periods, the nature of the records covered by the RDA becomes clearer and the retention period more transparent.
 - The changes reflect good records management practices and effective government.
 - Modern archival thinking about records retention derives from the writings of Theodore Schellenberg, one of the founders of the National Archives. He and his colleagues in the 1930s quickly realized that government generated such voluminous records that it was important to manage records effectively to avoid being bankrupted by their possessions. They understood that the great bulk of records have little meaning and need not be preserved once they have fulfilled their informational function. Archivists still struggle with these issues today. They know that good, effective, efficient government depends on managing records well. Best practice today requires that record keepers focus on keeping what is important and disposing of low value records promptly – in the case of transitory records, best practice mandates disposing of the records immediately after use.
2. The language in the 2010 general schedule was so vague as to be more confusing than clarifying.

- The meaning of the phrase “which have no documentary or evidential value” would be clear to an archivist or records manager, but not to the average records creator. “Evidentiary value,” for example, is often assumed to mean evidence as one would use it in court. In fact, the term means that the record has no value for documenting the functioning of the agency, nor the implementation of its policies.
 - Likewise, the meaning of “no longer needed” is subject a wide range of interpretations. By definition, a transitory record may be destroyed immediately after it is used, and “no longer needed” can only mean destroy immediately after use. In other words, if interpreted correctly in the context of the definition, the retention period can only be event + 0. As has been demonstrated by criticism of the PRBs revisions, few critics or records creators are likely to interpret “no longer needed” in a correct manner.
 - If the record should be kept longer than immediate use requires, then it is, by definition, not a transitory record in the first place and not covered by the transitory RDA.
 - Press accounts have noted that changing the phrase “no longer needed” to event + 0 is a change from some retention, no matter how ill-defined, to no retention at all. The point is without substance. If the records are truly transitory, the proper interpretation of “no longer needed” would result in immediate destruction; the proper interpretation would be event +0.
3. Critics of the changes have pointed out that the examples of transitory records do not include logs or text messages.
- It is impossible to compile a comprehensive list of transitory records. Indeed, the list is meant as informative examples. Examples are meant to provide the understanding necessary to allow accurate extrapolation.
 - The form and medium of a record are not the basis for retention decisions. The CONTENT of the record and its function are what define value.
 - The lengthy definition of transitory record used in the 2015 schedule is clear and addresses the problems noted above. These are records of no ongoing value. If they have ongoing value, they are not transitory and do not fall under this RDA.
 - The retention period of “event + 0” is clear and unambiguous.
4. The use of “transitory record” to explain why records were not kept represents a fundamental misreading of the general schedule and takes the concept of transitory record completely out of context. It is inappropriate to read the definition of Transitory Record in isolation. To understand the definition adopted by the PRB, it must be read within the context of the rest of the general schedule, in particular, the two cells directly preceding transitory records that deal with correspondence. When the three entries are read together the following becomes clear:
- The concept of transitory records does not apply to agency heads or the governor. Correspondence of agency heads and other appointed administrators is covered by RDA # ADM00009 and must be kept until the individual leaves their position plus three years and is then turned over to the WHS or UW Archives. By definition, the correspondence of these major figures cannot be transitory regardless of format.
 - If correspondence or other records fall under an existing RDA specific to an agency, then that RDA takes precedence over the general schedule. The governor’s office is already covered by approximately 40 RDAs. Correspondence of virtually everyone in the governor’s office is scheduled for retention by the state archives. Text messages are covered by these RDAs.

The changes made by the Public Records Board are in keeping with best practice and clarify the

general schedule.