

● ● ● | Providing Access to Your Records



● ● ● | Today, we will

- Define access
- Identify access values
- Define physical and intellectual access
- Determine access rights
- Discuss research needs
- Offer other access options

● ● ● | Access is...

...the permission,
opportunity,
and ability to use a
record





Access Serves Many Needs

- Administration
- Development
- Litigation
- Education
- Public relations
- Family history research
- Citizen rights





Providing Access

- Make information available while protecting your records
- Record characteristics
 - condition
 - importance
 - intended use
 - format
 - confidentiality





Types of Access

- Physical
 - Actual use of records
- Intellectual
 - Access to information within and about records





Physical Access



Should be governed by policies and security needs





Access Policies

- Reference policy (for staff) governs the internal operations of your reference area
- Rules for use policy (for researchers) governs the use of your records





Reference Policy

- Monitor and track use
 - Who is using your records?
 - What records are being used?
- Restrict access to records that are
 - unprocessed
 - fragile
 - confidential





Rules for Use Policy

- General research rules
- Hours of service
- Records retrieval
- Duplication issues
- Appropriate handling
 - Including special formats





Access to E-Records



- Integrate into access policies
- Restrict access on government terminals
- Have public-use terminals
- Have rules for downloading records





Security

- Separate storage from research
- Keep strict control over entry
- Maintain records of all transactions
- Require staff to comply with access policies
- Maintain locator system
- Conduct regular inventories
- Install security cameras



● ● ● **Fees**

- Copying and printing
- Research
- FOIL sets rules on fees
 - 25¢ per page
 - Cost of medium for photos, large documents, e-records
- Some set fees outside FOIL
- Online services



● ● ● **Access Laws**

- FOIL: NYS Freedom of information law
- USA PATRIOT Act: Allows access to many personal records
- FERPA: Covers access to education records
- HIPAA: Ensures security and portability of individual health records



● ● ● **FOIL 1**

- Requires appointment of Records Access Officer
- Requires subject matter list
- Requests must reasonably describe records
- Sets deadlines for responding to request
- Denial of access must be in writing





FOIL 2

- 2006 amendment
 - Requests can be by email
 - Fees can be imposed if denial is unreasonable
- 2008 amendment
 - E-records cannot be created in a way that impairs public access
 - E-records should be designed to allow the segregation and retrieval of information





USA PATRIOT Act 1

- Gives Justice Dept expanded access to
 - Telephone and email communications
 - "Business records" (Section 215)
- Allows more electronic surveillance
- Requires immediate compliance
- Includes a "gag order"





USA PATRIOT Act 2

- Reauthorization passed in 2006
 - Made permanent 14 of 16 sections
 - Sections 206 and 215 due to sunset in 2009, extended one year
 - Allows for more oversight





FERPA 1

- Protects privacy of student records
- Gives parents and students certain rights about records
 - Can inspect and review
 - Can request corrections





FERPA 2

- Schools generally need written permission to release information
- Information can be released to
 - other schools
 - specified officials
 - comply with court order or subpoena
 - accrediting organizations





FERPA 3

- Schools may disclose directory information without consent
- Schools must notify parents annually of rights under FERPA





HIPAA 1

- Enacted 1996
- Assures health insurance portability
- Reduces healthcare fraud and abuse
- Enforces standards for health information
- Guarantees security and privacy of health information





HIPAA 2

- Privacy standards to protect patient records
- Key provisions address
 - access to medical records
 - notice of privacy practices
 - confidential communications
 - complaints processing





HIPAA 3

- Additional resources
 - National Institutes of Health
privacyruleandresearch.nih.gov/research_repositories.asp
 - First Amendment Center
www.firstamendmentcenter.org
 - Society of American Archivists
www.library.vcu.edu/tml/speccoll/hipaa.html





Selected Questions

- FOIL
 - Should all requests to use records be treated as FOIL requests?
 - Status of police records re: FOIL
- HIPAA
 - What is the status of historical records in regard to HIPAA?





Intellectual Access

- Help researchers find the right records
- Supply sufficient information
- Use a variety of access tools
- Reduce reliance on institutional memory

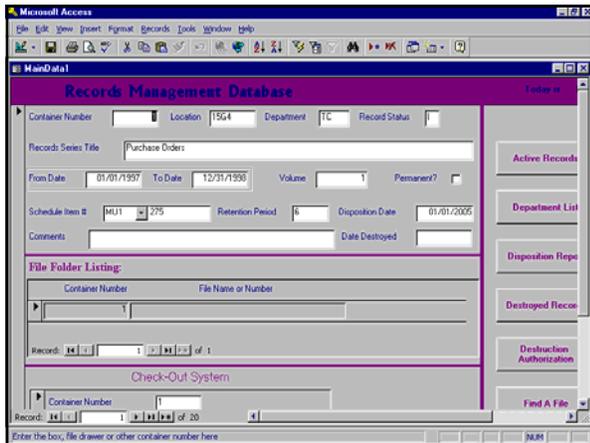




Internal Access Tools

- Sound filing systems
- Records inventories
- Good retention practices
- Locator systems





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External Access Tools

- Collection guides help to publicize the collection
- Finding aids provide more detail about a record group
 - Index to minutes
 - Card file to a map collection
 - Series description
 - Key-word searchable



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Providing Access with Series Descriptions

- Which records would be better for researching when tractors came into use in a town?
 - Chattel mortgages
 - Tax assessment rolls



Chattel Mortgages/Conditional Sales 1877-1940

- These ledger books contain a record of chattel mortgages registered with the Town. Entries include name of mortgagor and mortgagee, date, amount borrowed, when due, and when filed.
- The Record of Conditional Sales includes name of buyer and seller; description of goods; price named in contract; date of contract; and the time of filing.



Tax Assessment Rolls 1880-1920

- Arranged chronologically, these volumes list properties by tax map number. Information includes tract number, farm lot number, boundaries, acres, land value, assessed value, amount of tax, and when paid.



Collection Guides and Finding Aids

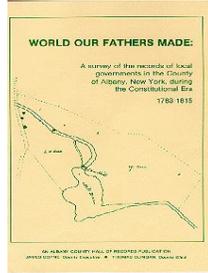
- Can be published or unpublished, hard copy or electronic
- Guides and finding aids can be available beyond your community
 - Your website
 - Historical Documents Inventory



Examples

Collection guide
produced
by the
Albany County Hall
of Records

<http://www.albanycounty.com/achor/>



Series Descriptions
10 record series

Click the hyperlinked title to view further information

Ashokan Reservoir Court Orders	c.(1936-1946)	1 volume	0.3 cu.ft.
Ashokan Reservoir Court Orders	c.(1947-1958)	1 volume	0.3 cu.ft.
Ashokan Reservoir Orders Depositing Money	c.(1906-1917)	3 volumes	1.10 cu.ft.
Ashokan Reservoir Orders of Confirmation	c.(1907-1911)	1 volume	0.3 cu.ft.
Ashokan Reservoir Orders of Confirmation	c.(1910-1918)	1 volume	0.3 cu.ft.
Ashokan Reservoir Orders of Confirmation	c.(1918-1948)	1 volume	0.3 cu.ft.
Ashokan Reservoir Papers	c.(1907-1948)	21 boxes	17.48 cu.ft.
Ashokan Reservoir Papers	c.(1907-1919)	1 box	1.0 cu.ft.
Ashokan Reservoir Papers (Kingston Viaduct)	c.(1913-1915)	1 box	0.3 cu.ft.

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Series Title
Ashokan Reservoir Court Orders
c.(1936 - 1946)

Description
One volume, leather bound, canvas covered, 18 1/2" x 13 1/2" x 2 1/2", very good condition, 634 pages, alpha index

Volume
0.3 cubic feet

Language Note
English

Medium
Typewritten

Content Note
Various recorded orders of special terms of Supreme Court in the matter of New York City's claims of land for reservoir purposes. Records show court, district, location, date, Justice, parcel numbers, section numbers, proceedings, orders, monies for owners, award amounts, recording date and time, and name of Applicant.

Historical Note
Appreciation made up for the loss felt by the communities in the valley.



What Researchers Want 1

- Government officials
 - The records they or their predecessors created
 - Minutes
 - Maps and plans
- Average citizens
 - Land and other property records
 - Tax assessment rolls
 - Their own payroll or student records





What Researchers Want 2

- Scholars
 - Historical documents
 - Deeds and mortgages
 - Census records
 - Voter records
- Genealogists
 - Vital records
 - Tax rolls
 - School reports
 - Naturalizations





What Researchers Want 3

- The Media
 - Police records
 - Criminal records
 - Court records
 - Vital records
- Lawyers
 - Police records
 - Criminal records
 - Court records
 - Property records
 - Tax records





What Researchers Want 4

- Teachers and students
 - “Neat stuff”
 - “Old stuff”
- Items that will hook students
- Records for DBQs





You

- What questions of your own have you answered with your records?





Researcher Interview

- Clarify and focus the questions
- Determine what the researcher needs
- Help the researcher use
 - finding aids
 - computers
 - e-records
 - records in general





Access Options

- If you cannot provide regular access to your records, consider
 - copying and distributing the records
 - putting your records in another institution
 - putting records on your website
 - using public kiosks
 - putting computers in the office lobby





Copying Records

- Methods include
 - Microfilming
 - Document imaging (scanning)
 - Photocopying
- Provides
 - Backup copy
 - Use copy
 - Duplicates for other institutions





Putting Records Online I

- Involves
 - prepping the records
 - scanning
 - developing descriptions and indexes
- Saves wear and tear on records
- Saves staff time
- Allows access 24/7



● ● ● Putting Records Online 2

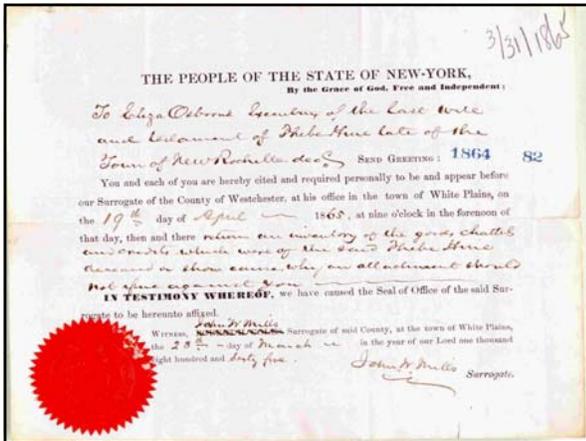
- Consider the political issues
 - Such as assessment rolls
 - And other sensitive data
- How much do you put online?
 - Scan everything?
 - Scan selectively?
 - What is the potential cost?





From Bronx Parkway Commission Report, 1922, Page 54. Caption States, "Nearly Five Miles Of Billboards Banished From Reservation."







Putting Records Elsewhere

- Transfer your records to an institution better able to provide access
 - Deposit: retain ownership
 - Donation: give up ownership





Deposit (vs. Donation)

- You retain ownership
- You can regain physical possession
- You can ensure records are not destroyed
- More common for governments
- Consider setting a time limit





Deposit Permission

- Local Government Records Law (Section 57.31) permits participation in cooperative records storage
- Must meet criteria of State Archives





Donation (vs. Deposit)

- You transfer ownership
- You cannot reclaim records
- Less common with government records
- Only option for non-permanent government records
- No permission needed from state unless the records predate 1910





Transferring Records

- Use formal, signed agreements
- Determine and indicate your terms in agreements
- Consult legal counsel
- Get approval of governing body
- Document existence of agreements





Conclusion

- You are responsible for making records as accessible as possible, while protecting them as much as possible



● ● ● Thank you for coming!

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