



State Archives Policy 01: Transfer of Historical Records to the State Archives or Other Approved Archival Repository

Date Issued: October 15, 2019

Supersedes: This policy supersedes General Letter 2009-1.

I. SCOPE AND AUTHORITY

Scope

The State Library has established this policy regarding the transfer of public records with archival value to the State Archives or to another archival facility approved by the Office of the Public Records Administrator. This policy applies to public agencies and public entities.

The policy also applies to private donations of manuscript materials by individuals or non-public entities where applicable.

Authority

The State Archivist issues this policy under the authority granted by §11-1c, §11-4c, §11-8, §11-8a, §11-8b, and §7-109 of the *General Statutes of Connecticut*.

Definitions:

"Archival record" means a public record, which, regardless of format, possesses enduring value if it documents or contains information on one or more of the following: 1) the evolution of the organization, policies and practices of state or local government; 2) claims or petitions made on state or local government by its citizens and the disposition of those claims or petitions; 3) obligations and claims made on citizens by state or local government and their disposition; 4) the legal and legislative history of the state or local government; 5) topics of research value beyond the specific administrative, legal or fiscal reasons the records were originally created. [Source: State Archives Collection Policy, adopted 1992].

"Container list" means a written inventory of the records that describes the contents of a box or other container. The level of description may be at either the container or folder level.

"Official record copy" means the specific copy of a public record, as provided in CGS §1-200 (5), designated by the public agency as the legally recognized copy that must be maintained for records retention, preservation, and authentication. For example, if records are kept in both electronic and hard copy format, the agency must identify which format is the official record copy.

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“Public agency” means a state agency, municipality, or political subdivision falling under the authority of the records management program administered by the Connecticut State Library as referred to in CGS §11-8.

"Public entity" means the state and any agency, instrumentality or political subdivision thereof. [Source: CGS § 31-56a (2)].

“Public record” means any recorded data or information relating to the conduct of the public's business prepared, owned, used, received or retained by a public agency, or to which a public agency is entitled to receive a copy by law or contract under CGS § 1-218, whether such data or information be handwritten, typed, tape-recorded, printed, Photostatted, photographed or recorded by any other method. [Source: CGS §1-200(5)].

“Records custodian” means the individual or organization having possession of and responsibility for the care and control of material. [Source: Society of American Archivists (SAA)].

"Repository" means any type of organization that holds documents, including business, institutional, and government archives, manuscript collections, libraries, museums, and historical societies, and in any form, including manuscripts, photographs, moving image and sound materials, and their electronic equivalents. [Source: SAA].

II. TRANSFER OF RECORDS TO THE STATE ARCHIVES

The State Archives only accepts historical public records by transfer of legal custody from the custodial public agency or private donor, in the case of a private individual or entity. In certain circumstances, the State Archives may loan particular sets of records back to the public agency for a limited period as necessary. The transferring agency or private donor must provide a signed *Memorandum of Transfer* or *Deed of Gift* at the time of transfer.

A. *Public Agencies or Entities:*

State agencies may only transfer records that have been designated as having archival value on an approved records retention schedule published by the Office of the Public Records Administrator or appraised as having archival value during the disposition review process.

State Archives staff must appraise all records to confirm archival value prior to their transfer to the State Archives, which may require an on-site visit. For more information on archival appraisal see *How Archives Staff Appraise Records for Archival Value*. <https://ctstatelibrary.org/state-archives-records-appraisal-process/>

Records shall be prepared for transfer following the procedures outlined in the *Procedures for the Transfer of Historical Public Records to the State Archives*. <https://ctstatelibrary.org/transproceduresarchrecords/>

B. *Private Individual or Entity:*

According to IRS rules, the State Library or its staff cannot appraise any materials for monetary value nor can staff recommend specific appraisers. Potential donors can find a list of certified

appraisers on either the American Society of Appraisers website at <http://www.appraisers.org/find-an-appraiser> or the Appraisers Association of America's "find an appraiser" web page at <http://www.appraisersassociation.org/index.cfm?fuseaction=page.viewPage&pageID=741&nodeID=1>.

Records must be prepared for donation following the procedures outlined in the *Procedures for the Transfer of Historical Public Records to the State Archives*.

<https://ctstatelibrary.org/transproceduresarchrecords/>

The donor or authorized representative must complete a Connecticut State Archives Deed of Gift form. After the State Librarian signs the deed of gift, Archives staff will return a signed copy to the donor or authorized representative.

III. TRANSFER OF RECORDS TO ANOTHER APPROVED REPOSITORY

Before a public agency requests approval to transfer archival records to a repository other than the State Archives, certain requirements must be met:

1. **Right of First Refusal:** The State Archives reserves the right of first refusal for any state or municipal government public records that will be placed with an outside repository.
2. **Facility Approval:** The Office of the Public Records Administrator must pre-approve the repository's storage facility in accordance with its current policies and procedures. This requirement applies to all off-site facilities operated by either a public agency or a commercial vendor. The Office of the Public Records Administrator may decide to waive certain requirements, grant a variance, and/or recommend modifications for public libraries, university archives, or historical societies as long as the safety of the records is not compromised.
3. **Collections Policies, Mission Statements, etc.:** The repository shall have a collection policy and mission statement that allows it to accept public records related to local government functions.
4. **Security and Access:** The repository shall designate a staff member(s) to supervise limited access area(s) for the public to view and use public records during regularly scheduled access hours. The repository must have rules and procedures for researchers using archival records and secured collections detailing at a minimum the following: hours the limited access area is open for researchers; retrieval times and request procedures; and handling procedures.
5. **Transfer agreement:** The public agency and the repository shall have in place a written agreement, such as a Memorandum of Understanding, regarding transfers of public records that specifies:
 - the public agency is only transferring physical custody of the public records to the repository and that the public agency retains all legal title in and to the records;
 - the repository is able to properly care for, store, preserve and protect the records;
 - the repository is able to provide reasonable and regularly scheduled public access to non-confidential public records in accordance with CGS §1-210(a). The repository receiving the public records should have written policies outlining its provisions for supervised public access

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and reproductions of public records including permission to publish, exhibit, broadcast, or other use in accordance with CGS §1-212;

- the public agency shall be consulted in advance regarding any changes to the storage or the public's availability to access and reproduce the records;
- that if the repository is unable to meet these requirements at any future time, the public records will be returned to the public agency or transferred to the State Archives; and
- that any changes to the agreement and requirements be in writing and duly approved by both the public agency and repository.

The agreement should be formally approved by the appropriate legal authority for the public agency and the repository. It must be filed with the Office of the Public Records Administrator upon acceptance, reviewed at regularly scheduled intervals and any changes to the agreement must be filed with the Office of the Public Records Administrator when implemented.

6. **Records Transfers:** Historical public records transfers require prior written approval from the Public Records Administrator and the State Archivist using the RC-075 form for municipal records or the RC-108 form for state agency records.

The public agency should attach a box or container level inventory listing the archival records to be transferred. For volumes, the inventory should list the volume number and date range for each volume transferred.

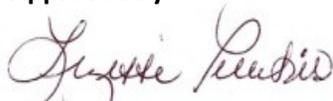
After the transfer is complete, the public agency shall notify the Office of the Public Records Administrator in writing. Any subsequent records transfers to the repository also require submission of the appropriate records disposition form for that specific transfer.

The agency RMLO or the Town Clerk shall maintain the record copy of the transfer agreement together with copies of the related approved records disposition request forms and records inventory lists.

IV. CONTACT

For answers to any questions regarding this policy, please contact the State Archives at (860) 757-6511.

Approved by



Lizette Pelletier

State Archivist

10/15/2019

Date