

**305.9 Department of cultural affairs responsibilities.**

1. The department of cultural affairs shall do all of the following:

a. Provide administrative support to the state records commission through the state archives and records program.

b. Appoint a state archivist to head the state archives and records program.

c. Maintain all official records of the state records commission.

d. Provide training, advice, and counsel to agencies on government information policies, standards, and guidelines.

e. Recommend records series retention and disposition schedules to the commission for consideration.

f. Recommend plans, policies, standards, and guidelines on records issues to the commission for consideration.

g. Compile, update, and distribute the state records manual as adopted by the commission.

h. Manage any centralized records storage facility established by the commission for the temporary storage of agency records prior to their final disposition by destruction or permanent preservation in accordance with the records series retention and disposition schedules.

i. Develop and distribute operating procedures for agencies to use to implement the plans, policies, standards, and guidelines adopted by the commission.

j. Provide advice, counsel, and services to the legislative, judicial, and executive branch agencies subject to [this chapter](#) on the care and management of state government records.

k. Manage the state archives and develop operating procedures for the transfer, accession, arrangement, description, preservation, protection, and public access of those records the commission identifies as having permanent value.

l. Maintain physical custody and legal custody of archives that have been transferred and delivered to the state archives.

(1) Upon receipt by the state archivist, the archives shall not be removed without the state archivist's consent except in response to a subpoena of a court of record or in accordance with approved records series retention and disposition schedules or after review and approval of the commission.

(2) Upon request, the state archivist shall make a certified copy of any record in the legal custody or in the physical custody of the state archivist, or a certified transcript of any record if reproduction is inappropriate because of legal or physical considerations. If a copy or transcript is properly authenticated, it has the same legal effect as though certified by the officer from whose office it was transferred or by the secretary of state. The department of cultural affairs shall establish reasonable fees for certified copies or certified transcripts of records in the legal custody or physical custody of the state archivist.

m. Establish, maintain, and administer an archive of records created and maintained in electronic format in order to preserve and provide public access to state government records identified as having permanent historical value by the commission.

2. The department of cultural affairs may:

a. Upon written consent of the state archivist, accept records of political subdivisions that are voluntarily transferred to the state archives.

b. Provide advice and counsel to political subdivisions on the care and management of local government records.

[2003 Acts, ch 92, §12](#); [2004 Acts, ch 1086, §60](#); [2008 Acts, ch 1057, §4](#)