



Public Records in Non-Government Repositories

A Guide for County and Local Governments

Local government officials have a legal obligation to provide for the proper care and accessibility of their public records. Maintaining a comprehensive records management program for inactive and archival records is an essential duty of any government. But what happens when a government runs out of space to store records or when they believe another entity can better care for their records? Local governments often turn to a local historical society or other repository, particularly for the storage and care of historical records. The following is the general policy of the State Archives regarding transfer of local government records to a historical society or other repository:

Whenever a local government makes an agreement with a private organization for records storage, the private organization must agree, *in writing*, to the following terms:

- That the records remain the property of the government and are being deposited, not transferred to, the private organization for safe keeping.
- That the records remain subject to all regulations governing public records, including the Pennsylvania Right to Know Act and the History Code provisions ensuring access to the records by the Pennsylvania Historical & Museum Commission, as if the records were maintained in government offices.
- That the records will remain in the same filing arrangement used by the government offices.
- That the records will be returned to the government offices, temporarily or permanently, upon request of an authorized representative of the government.
- That the records will be properly protected against fire, theft, damage, or other loss. Further, the environmental conditions of storage will be in accordance with archival practices, to the extent possible, and will not expose the records to excessive heat or humidity, rodents, or other elements that contribute to degradation of the records.
- That the records will not be loaned, or allowed to leave the premises, or be exhibited, without the expressed *written* permission of the government office.
- The agreement should acknowledge that the State Archives reserves the right to monitor the care and accessibility of the records as per the History Code, and acknowledge that if the State Archives finds the records at physical risk or inaccessible to the public, the Archives will work with the local government to remove the records and place them in more suitable custody, either with the local government or at the State Archives. A copy of the agreement should be filed with the Pennsylvania State Archives.
- A list and description of the records deposited with the private organization should be attached as an appendix of the agreement. The attachment should provide details such as date span, quantity and a clear description of the nature of the records involved.

The Pennsylvania State Archives can provide a sample agreement upon request.