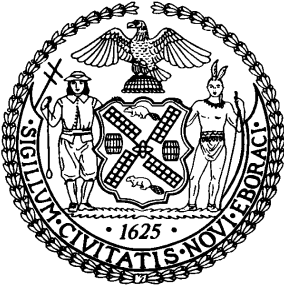


AUDIT REPORT



CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
BUREAU OF MANAGEMENT AUDIT
WILLIAM C. THOMPSON, JR., Comptroller

Audit Report on the Management and Safeguarding of City Records and Historical Archives By the Department of Records and Information Services

MH02-160A

March 14, 2003

To the Citizens of the City of New York

Ladies and Gentlemen:

In accordance with the Comptroller's responsibilities contained in Chapter 5, § 93, of the New York City Charter, my office has audited the management and safeguarding of City records and historical archives by the New York City Department of Records and Information Services

Our audit resulted in the findings and recommendations that are presented in this report. The findings and recommendations were discussed with City officials; their comments were considered in the preparation of this report.

Audits such as this provide a means of ensuring that City resources are used effectively, efficiently, and in the best interest of the public.

I trust that this report contains information that is of interest to you. If you have any questions concerning this report, please e-mail my audit bureau at audit@comptroller.nyc.gov or telephone my office at 212-669-8945.

Very truly yours,

William C. Thompson, Jr.

Report: MH02-160A
Filed: March 14, 2003

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*The City of New York
Office of the Comptroller
Bureau of Management Audit*

**Audit Report on the
Management and Safeguarding of
City Records and Historical Archives by the
Department of Records and Information Services**

MH02-160A

AUDIT REPORT IN BRIEF

We performed an audit of the management and safeguarding of City records and historical archives by the Department of Records and Information Services (Department of Records). The Department of Records is responsible for managing, processing, and preserving records and other materials in its custody produced by past and present City governments.

Audit Findings and Conclusions

This audit determined that, with the exception of the weaknesses noted below, the Department of Records generally complies with its Charter mandate and satisfactorily manages and safeguards City records and reference materials under its jurisdiction. The Department also has established policies and procedures and implemented controls to adequately manage those materials.

The Department has an ongoing problem with limited storage capacity at its storage facilities. Its Brooklyn facility has some environmental and security concerns that could pose a threat to records stored there. The Department also permitted the Reference Center to store depository items in public access areas and did not require the Reference Center to have a central database of all materials and to update its shelf-list to accurately reflect its holdings.

The Department of Records did not have updated written procedures pertaining to the transfer and lending of materials to outside organizations. Also, the Department did not have a comprehensive policies and procedures manual for its Municipal Archives division, and had not updated the policies and procedures manual for Records Management and the Reference Center.

Audit Recommendations

To address these issues we make 14 recommendations. Among the major recommendations are that the Department of Records should:

- Develop written procedures pertaining to the transfer and lending of materials to outside organizations.
- Ensure that Municipal Archives develops a comprehensive policies and procedures manual that addresses all processes and functions involved in the management of historical archives, including environmental controls, housekeeping, disaster preparedness, security, and the transfer, lending, and safeguarding of historical documents.
- Ensure that Records Management and the Reference Center revise their policies and procedures manual to include environmental controls, housekeeping, disaster preparedness, security, and the safeguarding of historical documents. In addition, each manual should be periodically reviewed and updated to reflect current policies and procedures.
- Ensure that broken and poorly insulated windows, window shades, and leaking pipes are repaired or replaced at the Brooklyn facility.
- Review existing environmental needs and controls in its storage facilities and devise a plan to improve these conditions, especially in areas housing extremely delicate, old, unique, and irreplaceable documents and materials.
- In the Reference Center, ensure that all depository items are removed from public access areas and stored in non-public areas.
- Meet with the building management of the Brooklyn facility to discuss and develop security procedures for safeguarding of City records and archives kept there.

Department of Records and Giuliani Center Responses

The matters covered in this report were discussed with officials from the Department of Records during and at the conclusion of this audit. On November 21, 2002, we submitted a draft report to Department of Records officials with a request for comments. In its response, the Department agreed with 13 audit recommendations and disagreed with one (#2).

We also provided a draft report to officials of the Rudolph W. Giuliani Center for Urban Affairs and received written comments from them. In consideration of comments made by both the Department of Records and the Giuliani Center, we have made modifications to this report. The full text of the comments of the Department and the comments of the Giuliani Center appear in their entirety as addenda to this report.

INTRODUCTION

Background

The Department of Records and Information Services (Department of Records) was created by Local Law 49 in 1977 to consolidate within one agency the responsibility of managing, processing, and preserving records and other materials in its custody produced by past and present City governments. In addition to maintaining the City's historical documents, the Department responds to reference and research requests from City officials and the public, and provides records management services to City agencies. The Commissioner of the Department of Records is responsible for promulgating rules and regulations pertaining to Chapter 72 of the City Charter that was established by Local Law 49 and that details the responsibilities of the agency.

The Department of Records has three divisions: the Municipal Records Management Division (Records Management), the Municipal Archives Division (Municipal Archives), and the Municipal Reference and Research Center (the Reference Center). Each division is responsible for establishing its own procedures, standards, and techniques for the care of materials in its custody.

Records Management maintains records that have continuing administrative and legal value and disposes of records no longer in use. Concurrently, Records Management provides records management services to City agencies, including: the storage, servicing, security, and transfer of records no longer needed by the owner agency but still having a legal retention period, and the disposal of records that the City is no longer required to retain. Records Management operates storage facilities that store, process, and retrieve records when requested by the owner agencies. The facilities currently include approximately 600,000 cubic feet of City records and of non-federal courts and the District Attorneys.

Records Management supports City agencies by developing uniform standards, procedures, and techniques for records retention and provides technical assistance on related matters. In coordination with the New York City Law Department and City agencies, Records Management establishes records retention and disposition schedules that serve as the basis for agency decisions concerning records, including the transfer of records to the Department of Records storage facilities. In addition, the division provides records management training to City agency personnel.

Municipal Archives receives and preserves all City records of historical, research, cultural, or other important value, and maintains a depository for the storage, conservation, processing, and servicing of archival records created by City government and of other historical materials. It is responsible for appraising, acquiring, classifying, arranging, and making available to the public, agencies, elected officials, etc., all records that come into its possession. The Municipal Archives collections include: government documents, such as agency records, mayoral papers, residents' vital records, and building records; and films, photographs, and other materials that document New York City history from colonial times. Some materials, such as records of proceedings and the correspondence of Dutch and English colonial governments, date back to 1647.

The Reference Center is New York City's official depository for all official and other reports and studies published by City agencies. It has been serving City officials, employees, and the public since it was established in 1913. The Reference Center is responsible for collecting, maintaining, and making available to the public and City officials: annual and special reports of City agencies; budgets and other financial materials; minutes and proceedings of City boards and legislative bodies; and biographical files. In addition to City publications, the Reference Center stores State, Federal, and commercial publications that relate to the City's past and present activities. The Reference Center has an extensive collection of clippings and pamphlets on New York City matters. Reports on comparative operations and finances of federal, state, and local government are also on file. An interlibrary loan service is available for official City business. Along with the Municipal Archives, the Reference Center provides the means by which the City's institutional memory is preserved. Furthermore, it provides reference and research assistance to the public and elected officials, and to other entities.

The Department's Fiscal Year 2003 budget totaled \$4.4 million, including \$2.1 million for Other Than Personal Services and \$2.3 million for Personal Services; it had an authorized headcount of 52 employees.

Objectives

The objectives of this audit were to determine whether the Department of Records:

- Established policies and procedures in accordance with the City Charter and implemented controls to adequately preserve, safeguard, and prevent the improper transfer, destruction, or disposition of City records, archives, and reference materials.
- Adhered to its own procedures and to existing laws, regulations, and standards pertaining to the custody, preservation, safeguarding, and disposition of City records, archives, and reference materials.

Scope and Methodology

The audit fieldwork covered the period February 11, 2002, through July 25, 2002. To accomplish our objectives and gain an understanding of the Department of Records operations, we:

- Researched Federal, State, and institutional standards and practices pertaining to the management, preservation, and safeguarding of municipal records, archives, and reference libraries.
- Interviewed Department of Records officials and staff associated with the agency's three organizational divisions to assess the key functions of each division, and the roles and responsibilities of personnel assigned to each division.

- Reviewed and assessed the policies and procedures established by the three Department of Records divisions regarding the management and safeguarding of materials in their custody.
- Toured the public rooms, processing areas, and storage areas at the Department of Records' main office and Brooklyn and Queens storage facilities, and reviewed the processes for handling records and materials to assess the safeguards and controls that the Department of Records maintains over City materials.
- Evaluated the controls, documentation, and database records kept by each division to determine whether they maintained an accurate, up-to-date accounting of all records, archives, or reference materials in their custody.
- Tested the accuracy of the various listings of Municipal Archives holdings by tracing 15 randomly selected items stored at the main office to the listings.
- Tested the accuracy of the Reference Center's master record of its holdings (the "shelf-list") by tracing a sample of 10 randomly selected shelf-list cards to the corresponding items on the shelves. We also traced a sample of ten randomly selected items on the shelves to the shelf-list.
- Reviewed 14 disposal applications from July 1, 2001 through December 31, 2001, from City agencies to determine whether Records Management had proper authorization to dispose of City records.
- Reviewed applicable laws, procedures and regulations, and consulted with the Comptroller's legal department, to determine whether the Department of Records has the right to transfer control of City archives, records, or reference materials to a third party, and, if so, what controls it has to ensure the safeguarding of such records.
- Reviewed the procedures, practices, and related documentation maintained by the three Department of Records divisions pertaining to the transfer of City records, and the lending or transfer of City archival and reference materials outside the agency.
- Met with officials from the La Guardia and Wagner Archives (LGW Archives) at La Guardia Community College, toured the storage facilities, and reviewed related documentation to gain an understanding of the safeguarding and processing procedures for the Municipal Archive materials in the custody of the LGW Archives.
- Interviewed officials from the Rudolph W. Giuliani Center for Urban Affairs (the Giuliani Center) and the Winthrop Group, Inc., and toured the Fortress storage facility in Queens, N.Y. We also reviewed the agreement between the Department of Records and the Giuliani Center and related documentation to gain an understanding of the safeguarding and processing procedures for the papers and records of former Mayor Giuliani in the custody of the Giuliani Center at the Fortress.

- Requested and reviewed documentation of the Department of Records response to Freedom of Information requests for access to the Giuliani papers, as part of our review of the agreement between the Department of Records and the Giuliani Center.
- Met with officials from the Mayor's Office and toured the Mayor's Office Records Center, where current and active mayoral records are stored, to gain an understanding of the conditions and handling of the Mayor Giuliani papers prior to their transfer to the Fortress storage facility pursuant to an agreement between the Department of Records and the Giuliani Center.
- Reviewed the New York City Executive Budget, including Personal Services and Other Than Personal Services budgets for a 10-year period (Fiscal Year 1992 through Fiscal Year 2002) to determine the resources available to the Department of Records to carry out its mandated functions.

We used the following sources as standards in evaluating Department of Records management and safeguarding of City records and historical archives:

- Chapter 72 of the Charter of the City of New York
- Rules of the City of New York, §§ 1-01 et seq.
- Comptroller's Directive #1, *Internal Controls Checklist*
- The National Archives and Records Administration (NARA)
- The New York State Archives and Records Administration (SARA)
- The Archivist's Code of The National Archives (the Archivist's Code)
- The Code of Ethics for Archivists adopted by the Council of the Society of American Archivists and other applicable standards.

Our audit was conducted in accordance with Generally Accepted Government Auditing Standards (GAGAS) and included tests of the records and other auditing procedures considered necessary. This audit was performed in accordance with the City Comptroller's audit responsibilities as set forth in Chapter 5, § 93, of the New York City Charter.

Discussion of Audit Results

The matters covered in this report were discussed with officials from the Department of Records during and at the conclusion of this audit. A preliminary draft report was sent to Department of Records officials and was discussed at an exit conference held on October 30, 2002. On November 21, 2002, we submitted a draft report to Department of Records officials with a request for comments. We received a written response from Department of Records

officials on December 10, 2002. In its response, the Department agreed with 13 of the audit recommendations and disagreed with one (#2).

We also provided a draft report to officials of the Rudolph W. Giuliani Center for Urban Affairs. On December 17, 2002, we received their written comments. The Giuliani Center stated: "As a contractor with the City, the Center's archiving is a subject of the above Report, and we therefore appreciate being given the November 21, 2002 draft Report for comment as provided. by Generally Accepted Government Auditing Standards ('GAGAS'), which the Report states that it follows."

In consideration of comments made by both the Department of Records and the Giuliani Center, we have made modifications to this report. The full text of the comments of the Department and the comments of the Giuliani Center appear in their entirety as addenda to this report.

FINDINGS AND RECOMMENDATIONS

We determined that, with the exception of the weaknesses noted below, the Department of Records generally complies with its Charter mandate and satisfactorily manages and safeguards City records and reference materials under its jurisdiction. The Department has established policies and procedures and implemented controls to adequately manage, preserve, safeguard, and prevent the improper transfer, destruction, or disposition of City records, archives and reference materials. Furthermore, we determined that the Department generally complies with established archival standards.

The Department has an ongoing problem with limited storage capacity at its storage facilities. Its Brooklyn facility has some environmental and security concerns, including broken and poorly insulated windows, missing window shades, leaking pipes, and unlocked doors, that could pose a threat to historical documents and other records stored there. The Department also permitted the Reference Center to store depository items in public access areas and did not require the Reference Center to have a central database of all materials and to update its shelf-list to accurately reflect its holdings.

The Department of Records did not have updated written procedures pertaining to the transfer and lending of materials to outside organizations. Also, the Department did not have a comprehensive policies and procedures manual for its Municipal Archives division, and had not updated the policies and procedures manual for Records Management and the Reference Center. The results of these and other matters are discussed in greater detail in the following sections.

Policies and Procedures Governing the Transfer or Loan of City Records to Outside Entities

As part of our review of the safeguards the Department of Records maintains over its holdings, we reviewed applicable laws and regulations and consulted the Comptroller's legal staff to determine whether the Department of Records has the right to transfer its control of City archives, records, or reference materials to a third party, and, if so, what controls it has to ensure the safeguarding of such records. Specifically, we reviewed Chapter 72 of the City Charter and Title 49 of the Rules of the City of New York (RCNY) §§ 1-01 et seq.¹

According to the legal opinion we obtained, "Neither the Charter nor the RCNY specifically addresses whether the Department of Records has the right to transfer control of City records or archival materials to a third party." We noted that the only reference that the Charter makes to the transfer of materials addresses the Reference Center. The Charter states: "the Reference Center shall . . . arrange for the exchange, sale, purchase and loan of information materials from and with legislative and research services, libraries and institutions in other municipalities, governmental bodies, and public authorities."

¹ Chapter 1, §§ 1-01 et seq., of the Rules of the City of New York was promulgated by the Commissioner of the Department of Records pursuant to § 3008 of the Charter.

Both the Charter and the RCNY set forth various methods for the disposition of City records. These include: (i) destruction or donation of temporary records;² (ii) transfer of records to the Department of Records, including those determined to have value warranting continued preservation; and (iii) transfer of records from one City agency to another City agency. There is no provision for—and no proscription against—the transfer of records to an outside entity. However, neither the language of the Charter (“removal methods which may include,” § 3011 (5)), nor that of the RCNY (“Methods of disposal include, but shall not be limited to,” § 1-02 (1)) restricts an agency from record disposal by methods other than those cited in this paragraph.

To determine whether the Department of Records itself has any established procedures or practices pertaining to the transfer of records, archives, or reference materials to an outside entity or organization, we interviewed the Directors of each division and reviewed their respective policies and procedures. The results of our evaluation are discussed below.

Municipal Archives

According to the Director, the Municipal Archives makes interlibrary loans of microfilms. However, it rarely transfers or lends original collections or materials from its holdings to outside entities or institutions; therefore, it has not promulgated formal written procedures for such situations. However, in the event that Municipal Archives lends archival materials to museums, the Department of Records requires the borrowing institution to insure the items. The appraised value of the items may be determined by the borrower or by Municipal Archives.

We reviewed all records provided by the Director of Municipal Archives that described materials temporarily loaned or transferred by Municipal Archives to six different museums between September 1997 and August 2001.³ In each instance, the documentation clearly identified the materials (photographs, mayoral papers, etc.), their insurance valuation, and the purpose and the period of the loan. In addition, each set of documents included either a loan agreement between the Municipal Archives and the borrower, or a certificate of insurance provided by the borrower.

We concluded that Municipal Archives procedures over the transfer and lending of materials to museums are adequate and in accordance with its standards. However, to ensure uniformity in any future lending of materials, the Municipal Archives should develop formal written procedures that address the lending and transfer of materials, similar to those of the Reference Center (discussed later).

In addition to loans of archival material to museums, the Director noted two outside organizations, the La Guardia and Wagner Archives and the Giuliani Center that entered into

² “Temporary records” are records deemed not to have archival or historic value that may be disposed of at the end of their legal retention period with appropriate approvals.

³ The San Francisco Museum of Modern Art; the Flushing Council on Culture & the Arts; The New York Historical Society; the Shomburg Center of the New York Public Library; The Metropolitan Museum of Art; and The Parrish Art Museum on Long Island.

separate agreements with the Department of Records to take physical custody, store, index, and/or maintain specific city records. These organizations and their agreements with the Department of Records are discussed below.

The La Guardia and Wagner Archives

The La Guardia and Wagner Archives (LGW Archives) was established in 1982 at La Guardia Community College to collect, preserve, and make available materials that document the social and political history of New York City, especially Queens and the mayoralty. The LGW Archives is funded in part by New York City, and in part by public and private grants.

Since its beginning, the LGW Archives has augmented its collections through a number of joint projects with the Municipal Archives relating to the indexing, microfilming, and creating of finding aids for Municipal Archive collections, including the official papers of Mayors La Guardia, Wagner, and Koch. The LGW Archives is also working with the Municipal Archives to process the official papers of Mayor Beame and is in discussion with the Municipal Archives about the prospective processing of Mayor Dinkins' papers. In addition, the LGW Archives is undertaking a joint initiative with the Municipal Archives to process portions of the City Council records from 1647 to 2001 that are part of the Municipal Archives collections.

In relation to these collaborative projects, Municipal Archives has established formal procedures to which the LGW Archives must adhere. The LGW Archives hires the staff and raises the funds, and the Department of Records trains, and in many cases, supervises the staff. With the exception of the Koch papers and the City Council papers that are being processed at the LGW Archives, the other collections were primarily processed at the Municipal Archives by LGW Archives staff. All microfilming is conducted offsite by a vendor selected by the Department of Records. Furthermore, in accordance with established agreements or requirements, the original documents remain the property of the City and are generally accessible to the public through written requests to the Department of Records, even while LGW Archives is doing its work. According to the Directors of the LGW Archives and the Municipal Archives, with the exception of certain papers of City Council members and officers that will remain on indefinite loan to the LGW Archives, all original records will be returned to the Municipal Archives when the LGW Archive completes its work.

Based on our observations, the LGW Archives maintains a clean, well-organized, and climate-controlled facility to house its collections and those undergoing processing. The facility also provides a large capacity of available storage. At the time of our visit on June 25, 2002, the LGW Archives was in the process of constructing an additional climate-controlled storage room for its expanding collections.

According to both the Director of the Municipal Archives and the Director of the LGW Archives, there is continuous communication between the two entities pertaining to the collaborative projects and related matters. This relationship has resulted in the successful preservation of the official papers of the various mayoralties involved, as well as of papers of members of the City Council, while the City maintains custody of the papers themselves.

The Giuliani Center

On December 24, 2001, the Department of Records entered into an agreement with the Giuliani Center, a recently established not-for-profit corporation.⁴ The agreement gives the Giuliani Center indeterminate custody of official papers, records, and other documents of Mayor Giuliani and requires it to store, process, index, microfilm, and create finding aids for the collection. The length of the agreement is not specified; however, it states: "Either party may terminate this agreement for any reason upon 90 days written notice." According to the Giuliani Center's Archival Standards and Processing Plan, the processing of the collection and its preparation for public use will be performed in accordance with the Records Project Work Schedule. The Work Schedule indicated that the project would be completed in no more than three years, at which time all of the original records are to be returned to the Municipal Archives.

In accordance with the agreement, the Giuliani Center hired outside professional archivists, the Winthrop Group, to carry out the indexing, processing, and copying of the Giuliani collection, and rented space in a private storage facility, the Fortress in Queens, to store the collection. Based on our observations, the Fortress facility provides a clean, stable, and secure storage environment that is adequately protected from fire and theft. In addition, we determined that the Giuliani Center, in accordance with its agreement, provides an environment that is conducive to the preservation of archival records. It has also prepared and submitted an Emergency Preparedness Plan to the Department of Records and the Law Department. Furthermore, since April 2002 the Winthrop Group has provided the Department of Records and the Giuliani Center with periodic status reports about its progress in processing the Giuliani papers, although not required by the agreement to do so. Our review of Freedom of Information requests for access to the Giuliani papers found that the Department of Records and the Corporation Counsel address such requests in the same manner as they handle all other Freedom of Information requests.

Unlike the agreements with the La Guardia Community College, the agreement with the Giuliani Center has led to numerous questions and concerns from archivists, historians, scholars, and advocates of open government. They maintain that this agreement is an unprecedented one and is clearly a means by which the Giuliani Center was able to circumvent established protocols and take exclusive control of the Giuliani papers. The Department of Records commented on the preceding discussion as follows:

Department of Records Response: "The draft report describes the work of the La Guardia and Wagner Archives ('LGW Archives'), which has played an important role in the archival preservation of the official and private papers of certain former Mayors and the historical papers of the City Council. The final report should note that, pursuant to an agreement countersigned by the Department, the historical papers of the City Council are transferred directly from the Council to the LGW Archives for archival processing, without first being accessioned by the Municipal Archives. In this regard, the procedure

⁴ The Rudolph W. Giuliani Center for Urban Affairs, Inc. initially filed with the New York State Department of State, Division of Corporations on December 6, 2001.

for processing the historical papers of the Council is substantially similar to the corresponding procedure for the official papers of the former Mayor Giuliani.”

Auditor Comment: We recognize that the City Council papers, like the Giuliani papers, were not accessioned by the Municipal Archives prior to the transfer of their custody to the LGW Archives. Also, we note that the Department’s agreement with the LGW Archives over the processing of the City Council papers and its agreement with the Giuliani Center over the processing of the papers of the former Mayor Giuliani both address matters and procedures for the handling, storage, and processing of these collections.

Despite these noted similarities, there is a major difference between these two organizations. The LGW Archives is a public institution that serves college students, scholars, and the general public. It houses a variety of collections on the history of 20th-century New York, with a focus on the City’s mayoralty and on the borough of Queens. The LGW Archives also has a long-established affiliation with the Municipal Archives in the processing of various collections of historical public records. However, the Giuliani Center is a newly organized, private, not-for-profit organization whose sole interest in City archives and public documents lies in the papers of former Mayor Giuliani.

Although the agreement provides that the City retain the ownership and ultimate authority over the Giuliani documents, the integrity and trustworthiness of and the access to these public documents has been called into question because of the change in their custody: the Giuliani documents were transferred out of City custody into the custody of the Giuliani Center, a private organization. The City Council papers, however, have remained in the custody of a public institution, the LGW Archives, obviating any questions about the right of continuing access to that collection.

Giuliani Center Response: “Your Report’s findings and recommendations [in the draft report] show that the DORIS [Department of Records]-Center archiving contract was a necessity of the City’s lack of financial resources for such archiving, a situation which has in the present economic circumstances only worsened. That arrangement can hardly be ‘unprecedented’ (the word attributed to its critics at page 11), since you report at page 9 that ‘the LaGuardia and Wagner Archives entered into agreement with DORIS to take physical custody, store, index and/or maintain specific city records.’”

Auditor Comment: Notably, the Giuliani Center takes issue with the term “unprecedented” when used in reference to its agreement with the Department of Records. However, the sheer nature of the Giuliani Center—a newly organized, private, not-for-profit corporation with a sole interest in the Giuliani mayoral collection—clearly makes the agreement “unprecedented.” Except for this agreement, there have been no other instances in which the Department of Records approved the transfer of public records in its charge to the custody of a private entity.

Clearly, we do not agree with the Giuliani Center’s argument that the Giuliani Center-Department of Records agreement is parallel to that of the LGW Archives-

Department of Records agreement. The Giuliani Center is a private entity; the LGW Archives is a public institution with a long-standing affiliation with the Department's Municipal Archives Division for the processing of various collections of historical public records.

***Physical Custody of the Giuliani Records
Never Transferred to the Department of Records***

The handing of the Giuliani mayoral papers is the only instance in which a mayor's papers were placed directly and exclusively in non-public hands, i.e., the Giuliani Center. In the past, mayoral papers were first transferred to the Department of Records by the Mayor's Office. Municipal Archives initially created a preliminary inventory of the collection's contents. A more detailed indexing of the contents would be done at a later date along with the microfilming of the collection and creation of finding aids. However, in the case of the Giuliani records, approximately 2,100 boxes of original materials were removed from the Mayor's Office Records Center and directly transferred to the Fortress storage facility. Neither the Mayor's Office nor the Giuliani Center provided the Department of Records with a general inventory of the 2,100 boxes listing the contents of the boxes, nor did Municipal Archives have the opportunity to perform its own preliminary inventory of the collection.

Department of Records Response: "The Department is in possession of two inventories describing the records in the custody of the Giuliani Center, made available to it by the Mayor's office and the archivists retained by the Center to process the records. It is the Department's understanding that the inventory prepared by the Center's archivists has been made available to the Comptroller's auditors."

Auditor Comment: Although the Department of Records stated that it received two inventory listings describing the records in the custody of the Giuliani Center, based on our audit it is clear that these listings were not provided to the Department at the time the records were transferred.

At a meeting we had at the Fortress on June 11, 2002, the Winthrop archivists provided us with a copy of their preliminary survey and processing schedule that was prepared after receiving the Giuliani records at the Fortress. These documents provided greater detail about the contents of the 2,100 boxes of records stored at the Fortress. On June 19, 2002, the Winthrop Group provided us with a copy of an early December 2001 report it had generated based on a brief survey of various Giuliani mayoral records it had observed at City Hall, Gold Street, and the Mayor's Records Center, prior to the shipment of the records to the Fortress. Based on various interviews we had with representatives from the Department of Records and the Winthrop Group, this early December 2001 survey report was not provided to the Department of Records in late December 2001, when the physical custody of the boxes was transferred to the Fortress. This would suggest that there was an apparent lapse in the chain of accountability for these public records.

Giuliani Center Response: “Page 11 [of the draft report] states that DORIS never received the records from the Office of the Mayor. Our on the scene observations, reported to your auditors, was that a substantial portion of the boxes of records which the Center received from the Mayor’s record storage area bore DORIS accession numbers, the contents matching the labels’ listings, a clear indication of DORIS’ involvement. Page 13 states that neither the Mayor’s office nor the Giuliani Center provided the Department of Records with a general inventory of the 2,100 boxes listing the contents of the boxes. The Center in fact provided an inventory, as well as a series by series summary, to the Office of the Corporation Counsel.”

Auditor Comment: Evidently, the Giuliani Center is unaware of Department of Records policies concerning “accession” or index numbering of records. Department officials told us that the Department does not assign accession or index numbers to each series of records. Rather, the Department maintains the index numbers already assigned to the records by the agency that owns the records. In this manner, the Department can identify a particular agency’s records and expedite agency retrieval requests as well as requests for records permanently in its custody.

Moreover, the Winthrop Group archivists noted in its initial survey report that the various series of Giuliani records were “generally organized, within the original filing scheme retained.” Therefore, the “accession numbers” printed on storage boxes and accompanying labels observed by Giuliani Center officials and its representatives were undoubtedly those that originated with and were assigned by the Mayor’s Office, not the Department of Records.

Regarding the general inventory listing, we have already addressed this matter in our above comments on the Department of Records response.

Records Management Division

Records Management is the custodian of records that City agencies transfer to the Department of Records for storage. In addition, it stores papers for courts with jurisdiction over New York City. With the exception of records subpoenaed by law enforcement officials, the agency that owns the records and Records Management are the only parties with access to the records. Each agency’s access to its records is through retrieval requests it places with Records Management.

Records Management continues to store an agency’s records until the agency instructs the division to dispose of them in line with established disposition schedules or at a later date determined by the agency. The transfer and disposition of records is strongly controlled. Before any records are destroyed, Municipal Archives reviews either the Records Disposition Request or an Agency Disposal Application to assess whether the records may have archival value. Those records determined to have archival value are transferred by Records Management to Municipal Archives. Records without archival value are disposed of, but only after the disposition request is approved by the Commissioner of the agency that owns the records, the Commissioner of the

Department of Records, and the Law Department. We reviewed all 14-disposal applications submitted to the Department of Records during the period July 1, 2001, through December 31, 2001, and found that all applications had the required signatures prior to the disposal of the records.

The Reference Center

At one time, the Reference Center maintained a circulation policy that extended borrowing privileges to City, State, and Federal employees for a limited collection of materials. That policy was discontinued in the 1990s because of reductions in clerical and professional staff. However, the Reference Center's policies and procedures manual addresses the circulation of materials between libraries (interlibrary loans).

According to the Director of the Reference Center, interlibrary loans are extremely infrequent. However, when a loan is requested, a form is completed that identifies the borrowing library, the description of the borrowed items, the date borrowed, and the required date of return—generally four weeks from the borrowing date. If the item is not returned by the return date, a reminder notice is sent. The Director stated that if all attempts to retrieve the item fail, the Department of Records could file suit to have the items returned.

We requested all the forms and records for interlibrary loans made by the Reference Center over the last five years; the Director provided us with documentation that showed one completed interlibrary loan from the Reference Center to the Queens College art library in August 2001.

Recommendation

The Department of Records should:

1. Develop written procedures pertaining to the transfer and lending of materials to outside organizations.

Department of Records Response: The Department agreed, stating that it “is in the process of developing such a set of written procedures.”

Policies and Procedures

According to the City Charter, each of the three Department's organizational divisions is responsible for establishing procedures, standards, and techniques for the management, processing, and preservation of records, archives, or other materials in their charge.

Municipal Archives has written policies and procedures that address specific areas, such as the appraisal, acceptance, processing, and handling of records and materials. In addition, it has formal procedures governing the public use of archival materials as well as procedures for its public reference room staff. The Director of the Municipal Archives stated that the division also

follows the “Archivist’s Code,” which broadly defines the archivist’s “moral obligation to society” and role in appraising, preserving, protecting, and promoting access to historical records. Nevertheless, the division does not have a formal policies and procedures manual that addresses processes and functions involved in the management, preservation, and safeguarding of historical archives. In addition, Municipal Archives has no formal procedures that address such issues as environmental controls, housekeeping, disaster preparedness, security, the safeguarding, and the transfer and lending of historical documents previously discussed. These fundamental procedural elements are addressed in the “Archivist’s Code” and by the American Institute for Conservation of Historic and Artistic Works, NARA, and SARA.

Both Records Management and the Reference Center have policies and procedures manuals; however, neither manual includes policies and procedures regarding the safeguarding of materials. According to the Director of each division, these manuals have not been updated since 1991 and therefore do not reflect all the policies and procedures currently followed by each division.

For example, the Records Management’s manual states that the RIMS system “will generate notices to agencies who have kept material out too long.” However, we found that this is not the current policy and that the Records Management Unit does not send out reminder notices to agencies. After we brought this matter to the attention of the Director of Records Management, the Commissioner of the Department of Records issued a memo to all City agencies on March 26, 2002, advising them that records retrieved from the Department of Records storage facility “should be returned in a reasonable amount of time. However, if an agency chooses to keep the records longer or the remainder of the retention time, the Department of Records will not send any reminders to return them.”

In another example, the Reference Center’s manual includes a circulation policy (previously discussed) and related procedures pertaining to the circulation of limited Reference Center materials. However, in a memo to us dated April 15, 2002, the Director stated that the circulation policy had been “discontinued in the 1990s due to reduction in clerical and professional staff.”

The Directors of Records Management and the Reference Center both stated that the primary reason that their policies and procedures are not up-to-date is the reduction in staff and resources over the last several years that has prevented them from concentrating on the updating of the policies and procedures manuals.

Based on our analysis of the Department’s staffing levels, agency personnel decreased by 47 percent from 104 employees in Fiscal Year 1992 to 55 employees in Fiscal Year 2001. The Department’s overall budget decreased from \$4.6 million in Fiscal Year 1992 to \$4.2 million in Fiscal Year 2001, an overall decrease of 7.1 percent.⁵

⁵ The 7.1 percent decrease in the overall budget of the Department of Records from Fiscal Years 1992 to 2001 did not reflect the 46 percent decrease in authorized staff. This was due to the overall increase in payroll costs during those nine years. The additional payroll costs included higher salaries and increases in payroll taxes and health and welfare costs.

As a result of the reduction in staffing and resources, it is essential that the Department of Records formalize, maintain, review, and update all of its policies and procedures so that it can carry out its mission. An up-to-date policies and procedures manual can be an effective management tool that provides direction and training to staff and that serves as a mechanism for achieving compliance with standards.

Recommendations

The Department of Records should:

2. Ensure that Municipal Archives develops a comprehensive policies and procedures manual that addresses all processes and functions involved in the management of historical archives, including environmental controls, housekeeping, disaster preparedness, security, and the transfer, lending, and safeguarding of historical documents.

Department of Records Response: The Department generally disagreed with this recommendation, implying that it already has policies and procedures in force for the management and use of the Municipal Archives collection as well as for disaster preparedness. The Department noted that “the Municipal Archives currently has separate guidelines . . . taken together, these materials set forth policies and procedures which are essential for the preservation and expansion of the Municipal Archives collections. . . . The Department will update these materials as appropriate and develop appropriate written instructions.”

Auditor Comment: We recognize that the Municipal Archives has separate written policies and procedures that address *some* specific areas, but the division does not have a formal policies and procedures manual that addresses *all* processes and functions involved in the management, preservation, and safeguarding of historical archives. A comprehensive departmental policies and procedures manual that is distributed to personnel and periodically updated would better ensure that the responsibilities of the Municipal Archives are addressed systematically. Furthermore, such a comprehensive manual would serve as a common reference and would assist staff training.

3. Ensure that Records Management and the Reference Center revise their policies and procedures manual to include environmental controls, housekeeping, disaster preparedness, security, and the safeguarding of historical documents. In addition, each manual should be periodically reviewed and updated to reflect current policies and procedures.

Department of Records Response: The Department generally agreed, stating that it “will review its current procedures for the Records Management Division and the Reference Center, and will update them, as appropriate.”

Physical Conditions at the Main Office and Storage Facilities

According to the Archivist's Code, records must be protected against exposure to light, dampness, and dryness, and their evidentiary value should not be impaired in the normal course of rehabilitation, arrangement, and use. In addition, NARA's Professional and Practical Information states: "Preservation encompasses the activities which prolong the usable life of archival records. Preservation activities are designed to minimize the physical and chemical deterioration of records and to prevent the loss of informational content. These activities include providing a stable environment for records of all media types, using safe handling and storage methods."

Records Management stores its materials in the space allotted to the Department of Records at a Queens storage facility and on one floor at a Brooklyn storage facility. Municipal Archives stores its materials, including mayoral collections and other frequently accessed collections, in three large rooms at the Department's main building on Chambers Street in lower Manhattan, as well as on two floors of space at the Brooklyn storage facility. The Reference Center stores its materials in the public access area, non-public processing areas, and other depository areas in the main building. The Reference Center also stores some materials, such as extra copies of publications, bound versions of *The City Record*, and collections that are infrequently accessed on one of the floors used by Municipal Archives at the Brooklyn storage facility.

We toured all of the facilities and observed that materials were on shelves and stored in boxes. The sites were generally clean and organized. Furthermore, the basement storage rooms at the Chambers Street headquarters were climate controlled and monitored. However, we observed specific problems that the Department of Records management should address.

The Brooklyn facility had windows that were broken and others that were poorly insulated. Some windows did not have shades to block the sunlight and protect archival materials. In addition, there were dried water stains on the floor, possible evidence of leaky pipes or radiators. Moreover, the Brooklyn facility is not equipped with adequate environmental controls to monitor and regulate humidity. Furthermore, there was a lack of available storage capacity, as follows.

- Records Management has a total storage capacity of approximately 600,000 cubic feet. According to the Director of Records Management, the storage space allotted to Records Management for storing inactive City records at both the Queens and Brooklyn facilities is near or at full capacity.
- The Reference Center has approximately 1.34 miles (7,068 linear feet) of shelf space to store the bulk of its materials in the depository, public access room, and processing area at the main office. We observed that all of the shelves were filled and no additional space was available to store or shelve new items. We also observed a large collection of depository items that were shelved in the public access rooms. Depository items are not supposed to be stored in the public access areas, but according to a Reference Center official, there was no room remaining in

the depository. A similar observation was noted in a 1997 report generated by Wontawk, a vendor hired by the Department of Records to conduct an inventory of materials at the Resource Center. As discussed later in this report, Wontawk noted that depository materials were placed outside the depository in the public access area.

Space for materials is an inherent and ongoing concern for the Department of Records. At both the Municipal Archives and the Reference Center, space will always be an issue since each division continues to add to their collections while permanently retaining their existing archival and reference materials. At Records Management, the largest user of storage, space is made available through the disposal of City records each year in accordance with records disposition schedules. However, each agency that owns the records must first initiate the process and obtain appropriate authorization from the Department of Records and the Law Department before Records Management can dispose of the records. Furthermore, some agencies may decide to retain records beyond their scheduled disposition dates.

We discussed the lack of storage space with the directors of the three divisions to determine what, if any, strategies or plans are in place to alleviate the storage constraints. Aside from Records Management's records disposition procedures, the Department of Records officials had no documentation to reflect plans or strategies to address the agency's limited storage capacity. The Department of Records officials stated that storage space made available to the agency is assigned by the New York City of Department of Citywide Administrative Services (DCAS). However, based on discussions with the Department of Records officials there was no indication that the Department of Records and DCAS were working together to address this problem.

Recommendations

The Department of Records should:

4. Ensure that broken and poorly insulated windows, window shades, and leaking pipes are repaired or replaced at the Brooklyn facility.

Department of Records Response: "The Department agrees."

5. Review existing environmental needs and controls in its storage facilities and devise a plan to improve these conditions, especially in areas housing extremely delicate, old, unique, and irreplaceable documents and materials.

Department of Records Response: "The Department agrees."

6. In the Reference Center, ensure that all depository items are removed from public access areas and stored in non-public areas.

Department of Records Response: "The Department agrees."

7. Meet with DCAS regularly to address and plan for current and future capacity needs for the storage of City records, archives, and reference materials.

Department of Records Response: “The Department agrees.”

Security

Based on our observations, the Queens storage facility appears to be adequately secured. There is a security guard on duty at all times, and there are surveillance cameras around the premises. Access to the facility is monitored by the security guard and only authorized personnel are granted access. However, security was lacking at the Brooklyn storage facility and in the public access rooms at the main office.

We visited the Brooklyn storage facility on three separate occasions. Each time we observed that the building was not adequately secured. There were no security guards or surveillance cameras at or near the entrances to the building or on the floors occupied by the Department of Records. According to the Municipal Archives Director and the Records Management Director, the Brooklyn facility is neither open to the public, nor is it accessible to City agencies; access is limited to approximately six the Department of Records employees and, if required, law enforcement personnel. Furthermore, the doors to the storage rooms are supposed to be locked to prevent unauthorized access. During one visit to the Brooklyn facility, we found that the front entrance to the building was unlocked and unattended, and the entry door to one of the Municipal Archives storage areas was open. We gained access to the building through the unlocked entry door without being stopped or questioned by building personnel.

At the Department’s main office, there is a security checkpoint at the main entrance of the building. All visitors to the building must go through security screening to enter. However, the guards are present only to secure the building as a whole, which is also occupied by other City agencies. They are not responsible for monitoring Department of Records public access rooms.

According to the Directors of the Municipal Archives and the Reference Center, both divisions have procedures that address security concerns. Patrons of the Municipal Archives public room are required to sign a guest book and complete an access request form for archival materials they wish to view. At the Reference Center, patrons are required to turn over an acceptable form of identification to be held by Reference Center staff while they view items from the depository or any material that is considered irreplaceable or fragile. Moreover, both the Municipal Archives and the Reference Center require patrons to check bags and briefcases at the reference desk. According to the Directors of the Municipal Archives and the Reference Center, personnel at the reference desks, in addition to carrying out their other duties, watch over the patrons who are studying materials.

While these procedures provide Municipal Archives and the Reference Center a degree of control over materials viewed in the public areas, they may be somewhat limited. The personnel at the reference desks are not able to monitor all patrons at all times. The Director of Municipal

Archives stated that he was not aware of any items being removed without authorization. On the other hand, the Director of the Reference Center stated that on rare occasions, books have been taken from the Reference Center, and books have been defaced (e.g., pages are torn out).

According to the Archivist's Code, records must be guarded against defacement, alteration, theft, and physical damage. One way that the Municipal Archives and the Reference Center could strengthen their security controls would be to install surveillance cameras or other security devices to monitor the public rooms at all times. These measures would enhance the safeguarding of materials and would provide a strong deterrent to theft or destruction of materials.

Recommendations

The Department of Records should:

8. Consider installing security cameras or other security devices in the public access rooms at the main office.

Department of Records Response: "The Department agrees."

9. Ensure that all storage areas occupied by the agency at the Brooklyn storage facility are locked.

Department of Records Response: "The Department agrees."

10. Meet with the building management of the Brooklyn facility to discuss and develop security procedures for safeguarding of City records and archives kept there.

Department of Records Response: "The Department agrees."

Central Inventory Records

Safeguarding assets and minimizing the risk of misuse or abuse of resources are key elements in providing a strong internal control system within an organization. According to Comptroller's Directive #1, "all inventory items require strong controls to ensure accurate recordkeeping and good security Inventory primarily refers to items used by the Agency for its operations. However, it could also include items stored by the agency." Although the records, archives, and reference materials in the Department's charge are not inventory items in the traditional sense (e.g., supplies), they are important resources and historical treasures that should be adequately protected and accounted for accurately.

We reviewed the methods that Records Management, Municipal Archives, and the Reference Center use to record and account for all of the materials in their respective custody, and noted the following:

Records Management Has Strong Controls

Records Management has strong controls in place to accurately account for City records in its charge. The transfer of records from an agency to Records Management begins when an agency submits a written transfer request to Records Management. Records Management picks up the records at the agency. At the Department of Records main office, Records Management personnel enter information about the records (the agency of ownership, the agency index numbers, types of records, number of boxes in the collection, etc.) into the Records Information Management System (RIMS) database, which provides a perpetual record of items in the division's custody. Bar code labels containing unique numbers are generated by RIMS and then affixed to each box of records. Thereafter, the Department of Records personnel physically transport the records to the Queens storage facility where each box of records is scanned to verify entry into the system. The shelf storage location number assigned to each box is also entered into RIMS. RIMS is also used to process and track agency requests to retrieve records. Record Management's use of scanning technology in tandem with the RIMS database provides constant updating of information and ensures accurate recordkeeping and tracking of all City records in its charge.

Municipal Archives Lacks a Central Master Listing

Municipal Archives lacks a central master listing of all items in its custody. However, it records and tracks its extensive holdings through various means, including a database, finding aids (inventory forms, indexes, etc.), a card catalog, and use of pre-inventory and acceptance forms for each item or collection of items permanently added to the archives. All of these methods provide the staff means to locate archival material requested by the public. According to the Director, the database is a central record of all materials added to the Municipal Archives since the database was implemented in the 1980s. The Director stated that the database has been updated to include most of the pre-1980 holdings; however, there are some collections that have not yet been added.

To test the accuracy of various listings of the Municipal Archives, we traced 15 randomly selected items stored at the main office to the listings (see Appendix I for a list of these items). Fourteen of the 15 items in our sample were recorded in the Municipal Archives database, in finding aids, or the card catalog. The remaining item, a box from a larger collection, was not recorded in any of these listings. According to the Director, the box was from a collection of approximately 900 boxes of records from the Department of Buildings with information about buildings in lower Manhattan, such as ownership records, dating back to 1866. The boxes are labeled and arranged by building, block, and lot number. However, there is no permanent listing to account for this collection in the records of Municipal Archives holdings.

As part of our review of the adequacy of Municipal Archives listings for identifying and locating specific materials, we also examined the manner in which Municipal Archives indexes its various collections. According to the Director, each collection is indexed, but the extent to which a particular collection is indexed varies from collection to collection. For example, the mayoral collections are generally indexed at two different levels: the box level and the folder level. When new records are accepted, a preliminary inventory is made of the collection, and

general information about the records' contents is noted on the preliminary inventory forms. These forms serve as finding aids for the boxes until a more detailed indexing of the folders in each box can be performed.

We reviewed the collections of the four mayoral administrations preceding the Giuliani administration—Mayors Dinkins, Koch, Beame, and Lindsay—to determine the extent to which these collections had been indexed. Based on discussions with the Director and on information he provided, Municipal Archives has completed indexing the Koch and Lindsay collections to the folder level and is currently in the process of working with the LGW Archives to index the Beame collection. The Director stated that the priority for indexing the mayoral collections to the folder level is based on the demand for access to those records rather than the chronological order of the mayor. Also, Municipal Archives is considering having the LWG Archives assist with indexing the Dinkins collection to the folder level.

The Department's ability to complete the indexing of a collection is contingent upon available resources. According to the Director of Municipal Archives, the reduction in staffing over the years has delayed the indexing of the Beame and Dinkins collections. Over the years, the Department of Records has obtained non-City revenue, such as grants, to fund various projects. In Fiscal Year 2001, the Department of Records obtained \$113,000 for "Municipal Archives Reference," \$14,950 for microfilming City Council papers, and \$6,516 for microfilming the Robert Moses papers.

The Reference Center Lacks an Accurate Accounting for Items and Materials

The Reference Center lacks an accurate accounting for all items and materials in its charge. According to the Director of the Reference Center, the master record of materials in the Reference Center is the "shelf-list"—a card index of all items at the Center, arranged by collection and call number. The Reference Center also maintains a card catalog in the public room for patrons to use in locating materials. It also maintains a database to record all acquisitions obtained by the Center since the early 1990s. However, this database does not reflect all of the Reference Center's holdings.

Based on our tests of the accuracy of the Reference Center's shelf-list, we determined that it does not maintain an accurate account of all its holdings. One (10%) of the 10 items in our sample—a Mayoral report, *The Need for Bellevue South*, dated December 14, 1959—could not be traced from the shelf-list to the shelf. In addition, two (20%) of the 10 items we attempted to trace from the shelf—*The Council Calendar, January-April 2000* and *Fiscal Year 2000 Contract Budget*—did not have a corresponding card in the shelf-list (see Appendix II for a list of all items tested).

Department of Records Response: The Department stated, "The Reference Center's staff has determined that the report entitled 'The Need for Bellevue South,' was indeed on the shelf and not missing, as stated in the draft report. 'The Council Calendar, January-April 2000' and the 'Fiscal Year 2000 Contract Budget,' which the auditors

could not trace from the shelf to the shelf-list, are each part of a serial publication which is listed in a separate file of serial cards.

Auditor Comment: Although the Reference Center's staff may have been able to locate the noted items, at the time we conducted the test, these items could not be traced, despite assistance from Reference Center personnel. Moreover, the Department's response supports our conclusion that the shelf-card system is obsolete, outmoded, and in need of major updating.

We shared these results with the Reference Center Director who stated that the shelf-list is not reviewed periodically to ensure its accuracy. However, in 1997, the Department of Records contracted an outside vendor, Wontawk, to conduct a multi-phase inventory project at the Reference Center.

We reviewed Wontawk's final report to the Department of Records and related documentation that reflected that the Reference Center has had a continuing problem in maintaining an accurate account of its holdings. Wontawk reported that it had been able to inventory all volumes belonging in the Depository Collection. However, the work on the Public Health Collection (PHC) inventory had to be suspended and was never completed. Wontawk found that the "PHC was not in shelf-list order; books were in total disarray; some shelves were too compressed; there were books sagging on shelves; pamphlets and loose pages were found torn or scattered on shelves. A very high percentage of shelf-cards were missing."

In addition to the results of our tests and the conditions noted in Wontawk's report, we learned that the Reference Center has a large collection of materials donated by City agencies and other entities over the last 10 years that, according to Reference Center personnel, has not been cataloged or added to the shelf-list.

By failing to maintain an accurate up-to-date record of all its holdings, the Municipal Reference center cannot provide adequate safeguards and security for those holdings.

Recommendations

The Department of Records should:

11. Consider including the Reference Center's listings of materials in a centralized database.

Department of Records Response: "The Department concurs."

12. Continue to seek funding from public and private sources in order to complete the processing of its collections that require indexing.

Department of Records Response: "The Department concurs."

13. Ensure that the Reference Center shelf-list is updated to accurately reflect its holdings.

Department of Records Response: “The Department concurs.”

14. Consider soliciting private sources to fund the indexing of collections and to update the database at the Municipal Archives.

Department of Records Response: “The Department concurs.”

Other Matters

During the course of the audit fieldwork, we met with officials from the Giuliani Center to discuss concerns they expressed about the ability of the Department of Records to process the Giuliani papers and meet acceptable archival standards. Specifically, they expressed concerns about the Department’s ability to properly handle the Giuliani mayoral papers and preserve the “Giuliani legacy,” given the agency’s limited staffing, funding, and storage capacity. They also expressed concerns over the Department’s indexing practices and the environmental controls at its storage facilities, especially those where mayoral records are stored.

We addressed these matters in our audit and determined that overall, except for the limited storage capacity and the physical conditions requiring remediation at its Brooklyn storage facility, the Department satisfactorily carries out its Charter mandate in spite of its budgetary restraints. It satisfactorily manages and safeguards City records and reference materials under its jurisdiction. The Department has implemented controls to adequately manage, preserve, safeguard, and prevent the improper transfer, destruction, or disposition of City records, archives and reference materials.

The storage areas where mayoral records are stored are clean, climate-controlled, well-secured, and provide for the preservation of such records. There were no indications of flooding or of a potential threat of flooding, or of any other potential threats. Furthermore, the Department generally complies with established archival standards. Although there are collections that have not yet been completely indexed, such as the papers of Mayors Beame and Dinkins, the Municipal Archives has completed indexing many of the mayoral collections in its holdings, as well as other, non-mayoral, collections.

The Department’s ability to complete the indexing of a collection is contingent upon available resources. According to the Director of Municipal Archives, the reduction in staffing over the years has delayed the indexing of the Beame and Dinkins collections. The Municipal Archives is now working with the LGW Archives to process the official papers of Mayor Beame and is in discussion about completing the indexing of Mayor Dinkins’ papers to the folder level.

APPENDIX I

List of Items Traced from Shelves to Municipal Archives Index

	Collection Titles	Found	Not Found
1	Files from Office of the Mayor Fiorello La Guardia papers, 1934 – 1945.	X	
2	Papers from Office of the Mayor William F. Havemeyer, 1873 – 1874.	X	
3	Oaths, Bonds, and Appointments from the Kings County town of Flatlands, 1876 – 1898.	X	
4	Documents from City of Brooklyn Common Council, 1848 – 1897.	X	
5	Assessment Rolls from Kings County town of New Utrecht, 1830 – 1894.	X	
6	Photograph collection from W.P.A. Federal Writers' Project, 1936 – 1941.	X	
7	Videotapes from Channel L Working Group, 1977 – 1991.	X	
8	Building plans from Department of Building for the Borough of Manhattan, 1902 – 1921.	X	
9	Block and Lot folders from the Department of Buildings for the Borough of Manhattan.		X
10	Photographs, and Office of Public Information from the Department of Transportation, 1929- 1982.	X	
11	Files from Mayor's Committee on Reception to Distinguished Guests, 1912 – 1933.	X	
12	Files from Mayor Office, "I am An American Committee," Citizenship Day, 1941- 1960.	X	
13	Mayor Edward I. Koch files on Local Laws of Legislative Affairs, 1978 – 1989.	X	
14	Almshouse, Ledgers, 1758 – 1953.	X	
15	Assignment Records (insolvency) of the New York County Supreme Court, 1800's.	X	

APPENDIX II

List of Items Traced from Index Cards to Shelves at Reference Center

Title	Found	Not Found
NYC. Public Advocate, 1998.	X	
Statement of Community District, 1983.	X	
NYC. Commission on Intergroup Relations, 1961.	X	
N.Y. City. University. Center for the Study of Urban Problems, 1969.	X	
NYC. Estimate and Apportionment, Board of Estimate, 1916.	X	
NYCity. Health, Department of, 1918.	X	
NYCity. Housing and Development Administration, 1970.	X	
The Need for Bellevue South, 1959.		X
NYCity. Sanitation, Department of, 1992.	X	
NYCity. Temporary Commission on City Finances, 1966.	X	

List of Items Traced from Shelves to Index Cards at Reference Center

Title	Found	Not Found
The City Council's calendar, January – April 2000		X
Manual of the Common Council of New York (microfilm), 1843 – 1844.	X	
NYC Board of Ethics, 1960 – 1975.	X	
NYC Mayor's Private Sector Survey Cost /Benefit Analysis, 1989	X	
NYC Dept. of Personnel, Alphabetical Index of Active Titles. 1974.	X	
NYC DCO Atlas of City Property, 1990.	X	
Fiscal Year 2000 Contract Budget, 2000.		X
NYC Comptroller Report on . . . Sinking Funds, 1981/82 – 1990/91	X	
Wharves, Piers and Slips 1868 North River, 1868.	X	
NYPD Operations Order 1 – 40, 1997.		



NEW YORK CITY DEPARTMENT OF RECORDS AND INFORMATION SERVICES
OFFICE OF THE COMMISSIONER

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Brian G. Andersson, *Commissioner*

December 10, 2002

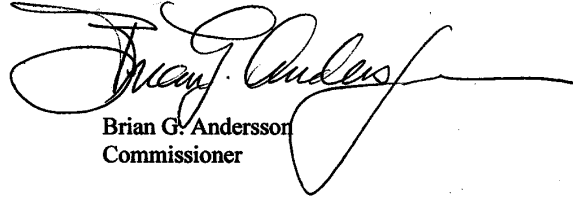
Mr. Greg Brooks
Deputy Comptroller for Policy, Audits, Accountancy and Contracts
Office of the New York City Comptroller
1 Centre Street
New York, NY 10007-2341

RE: Draft Audit Report on the Management and Safeguarding of City Records and
Historical Archives by the Department of Records and Information Services –
Audit Number MH02-160A

Dear Mr. Brooks:

Enclosed you will find the Department of Records and Information Services' response to
the above-captioned draft audit. If you have any questions regarding the Department's response,
please contact Stephen R. Rolandi, Deputy Commissioner, at (212) 788-8610.

Sincerely,



Brian G. Andersson
Commissioner

BGA/moh
Attachment

C: Terri Matthews, Office of the Mayor
Steven Goulden, Law Department
Maria Guccione, Office of Operations
Helene Fromm, Office of Operations
Stephen R. Rolandi, Deputy Commissioner
Eileen M. Flannelly, Assistant Commissioner
Vickie Moore, Director of Administration
Kenneth R. Cobb, Director of the Municipal Archives Division
Mostaque Chowdhury, Director of the Records Management Division
Paul Perkus, Director of the Municipal Reference and Research Center

DECEMBER 10, 2002

**AUDIT RESPONSE – AUDIT REPORT NUMBER MH02 -160A
“AUDIT REPORT ON THE MANAGEMENT AND SAFEGUARDING OF
CITY RECORDS AND HISTORICAL ARCHIVES BY THE DEPARTMENT
OF RECORDS AND INFORMATION SERVICES - NOVEMBER 21, 2002**

The Department of Records and Information Services (“the Department”) is in receipt of the above-captioned draft audit report (“draft report”) prepared by the Office of the Comptroller, Bureau of Management Audit.

The Department’s Commissioner, Brian G. Andersson, and his executive and senior staff held an exit conference on October 30, 2002 with the staff of the Controller’s Office, Bureau of Management Audit – Ms. Vera Lavin, Audit Manager, Ms. Lynn Elfers, Audit Supervisor, and Mr. Domingo Alvarez, Auditor-in-Charge. On that occasion, the auditors’ preliminary findings and conclusions regarding the Department’s programs and operations were discussed.

This memorandum sets forth various comments on the draft report prepared by the Department’s senior staff. The Department understands that these comments will be incorporated into the Comptroller’s final audit report.

As a preliminary matter, the Department would like to bring to the attention of the Comptroller’s office certain technical matters which should be addressed before the audit report is made final. (1) On page 7, lines 13 and 14, the draft report refers to the National Archives and Records Administration (NARA) and the New York State Archives and Records Administration (SARA) as “sources” setting forth “standards” used by the auditors in evaluating the Department’s operations. The Department believes that the final audit report should specify which publications of NARA and SARA were relied upon for this purpose. (2) On page 8, line 6 of the first paragraph and footnote 1, the draft report cites to the rules of the Department. The final audit report should note that the Department’s rules are set forth in Title 49 of the RCNY.

The Department’s substantive comments on the draft report are set forth below.

On page 2, lines 3-5, the draft report states that the Municipal Archives lacks “a comprehensive policies and procedures manual[.]” On page 2 lines 19-21, the draft report recommends that the Municipal Archives “develop[] a comprehensive policies and procedures manual that addresses all processes and functions involved in the management of historical archives[.]” The Department notes that the Municipal Archives currently has separate guidelines governing public use of materials in its collection, appraisal and accessioning of records being added to its collection and processing of records for archival preservation in its collection. A disaster preparedness plan has also been developed for the Municipal Archives. Taken together, these materials set forth the policies and procedures which are essential for the preservation and expansion of the Municipal Archives collection.

On pages 9 and 10, the draft report describes the work of the LaGuardia and Wagner Archives ("LGW Archives"), which has played an important role in the archival preservation of the official and private papers of certain former Mayors and the historical papers of the City Council. The final report should note that, pursuant to an agreement countersigned by the Department, the historical papers of the City Council are transferred directly from the Council to the LGW Archives for archival processing, without first being accessioned by the Municipal Archives. In this regard, the procedure for processing the historical papers of the Council is substantially similar to the corresponding procedure for the official papers of former Mayor Giuliani (see below).

On pages 10 and 11, the draft report describes the arrangements made by the Department with the Giuliani Center for Urban Studies for processing the official papers of former Mayor Giuliani. On page 10, lines 27-28, the draft report states that, according to the Work Schedule attached to the Giuliani Center's Processing Plan, the processing of those papers will be completed in "approximately" three years. The final report should reflect that, according to both the original and amended Work Schedules, all processing work is intended to be completed in at most three years, i.e., three years is the outside deadline for completion of the work.

On pages 11 and 12, the draft report discusses at length statements made by or attributed to the President of the Giuliani Center regarding the storage facilities and practices of the Municipal Archives. These statements are irrelevant to and have had no impact on the operations and policies of the Department. Therefore, the Department believes that they are not properly part of the audit or the audit report.

On pages 12 and 13, the draft report states that "[t]he handling of the Giuliani mayoral papers is the only instance in which a mayor's papers were placed directly and exclusively in non-public hands," and that "[the] Municipal Archives [did not] have the opportunity to perform its own preliminary inventory of the collection" prior to the transfer of the records to the custody of the Giuliani Center. However, as noted above, the historical papers of the City Council have been transferred to the LGW Archives without previously having been appraised or accessioned by the Municipal Archives. The draft report further states on lines 2-4 of page 13 that "[n]either the Mayor's Office nor the Giuliani Center provided the Department...with a general inventory of the 2,100 boxes listing the contents of the boxes[.]" In fact, the Department is in possession of two inventories describing the records in the custody of the Giuliani Center, made available to it by the Mayor's office and the archivists retained by the Center to process the records. It is the Department's understanding that the inventory prepared by the Center's archivists has been made available to the Comptroller's auditors.

On page 13, the draft report states that "there were alternative approaches to handling the Giuliani papers that would have avoided much of the controversy" regarding the papers. However, the draft report does not discuss or demonstrate how any such alternative would have been superior to the agreement now in effect between the Department and the Giuliani Center.

On pages 19 and 20, the draft report indicates that the auditors were unable to locate certain materials in the Municipal Reference Center which are listed in the Reference Center's shelf list, and could not locate in the shelf list certain materials which are part of the reference Center's

collection. The Reference Center's staff has determined that the report entitled "The Need for Bellevue South", was indeed on the shelf and not missing, as stated in the draft report. "The Council Calendar, January-April 2000" and the "Fiscal Year 2000 Contract Budget", which the auditors could not trace from the shelf to the shelf-list, are each part of a serial publication which is listed in a separate file of serial cards. Only by developing a computerized data base encompassing all of its holdings, including serials and monographs, could the Reference Center successfully create a combined shelf list for its entire collection.

The draft report indicates on page 22 that its conclusions regarding the Municipal Reference Center are based in part on the Wontawk report, a survey of the Reference Center's collection performed by a consultant approximately five years ago. That report was to some extent self-serving, since the consultant fell considerably short of completing the library reconciliation it had agreed to perform. The specific problem mentioned in the Wontawk report regarding the condition and cataloging of the Reference Center's Public Health collection was largely addressed in 1999-2000, when a New York State grant made it possible for the Reference Center to inventory and reconcile that collection. The Department reviews on a continuing basis the Reference Center's collection and recordkeeping, with an eye to improving both. With diminishing staff levels, the best way to achieve these goals is through development of a computerized data base of the Reference Center's collection.

With regard to the recommended changes in policies and procedures set forth on pages 14-22 of the draft report, the Department has the following comments:

Audit Recommendation # 1:

"The Department should develop written procedures pertaining to the transfer and lending of materials to outside organizations."

Department Response:

The Department is in the process of developing such a set of written procedures.

Audit Recommendation # 2:

"The Department should ensure that Municipal Archives develops a comprehensive policies and procedures manual that addresses all processes and functions involved in the management of historical archives, including environmental controls, housekeeping, disaster preparedness, security, and the transfer, lending and safeguarding of historical documents."

Department Response:

As noted above, the Department's Archives Division does in fact have such a Disaster Preparedness Plan, as well as other guidelines governing the management and use of the Municipal Archives collection. Copies of these materials were transmitted to the Controller's Office Audit staff. The Department will update these materials as appropriate and develop appropriate written instructions.

Audit Recommendation # 3:

"The Department should ensure that Records Management and the Reference Center revise their policies and procedures manual to include environmental controls, housekeeping, disaster preparedness, security, and the safeguarding of historical documents. In addition, each manual should be periodically reviewed and updated to reflect current policies and procedures."

Department response:

The Department will review its current procedures for the Records Management Division and the Reference Center, and will update them, as appropriate.

Audit Recommendations # 4 - # 7:

"The Department should:

- Number 4: Ensure that broken and poorly insulated windows, window shades and leaking pipes are repaired or replaced at the Brooklyn facility.
- Number 5: Review existing environmental needs and controls in storage facilities and devise a plan to improve these conditions, especially in areas housing extremely delicate, old, unique and irreplaceable documents and materials.
- Number 6: In the Reference Center, ensure that all depository items are removed from public access areas and stored in non-public areas.
- Number 7: Meet with DCAS regularly to address and plan for current and future capacity needs for the storage of City records, archives and reference materials."

Department Response:

The Department agrees with these recommendation and will take appropriate action steps. Implementation of some of these recommendations may require requesting additional budget funds from OMB.

Audit Recommendations # 8 - # 10:

“ The Department should:

- Number 8 : Consider installing security cameras or other security devices in the public access rooms at the main office.
- Number 9: Ensure that all storage areas occupied by the agency at the Brooklyn storage facility are locked.
- Number 10: Meet with the building management of the Brooklyn facility to discuss and develop security procedures for safeguarding of City records and archives kept there.”

Department Response:

The Department agrees with these recommendations and will take appropriate steps to implement them. The Department may have to secure increased OTPS funding from OMB to help effectuate these recommendations.

Audit Recommendations # 11- # 14:

“ The Department should:

- Number 11 - Consider including the Reference Center's listings of materials in a centralized database.
- Number 12 - Consider to seek funding from public and private sources in order to complete the processing of its collections that require funding.
- Number 13 - Ensure that the Reference Center shelf-list is updated to accurately reflect its holdings.
- Number 14 - Consider soliciting private sources to fund the indexing of collections and to update the database at the Municipal Archives.”

Department response:

The Department concurs with these recommendations. The Department has been working closely with DOITT the last several months in developing a comprehensive IT needs assessment for the entire agency. This analysis will be developed into funding proposals for consideration by OMB and private grantors. The Department is also re-constituting its Advisory Board to include board members who may be able to assist in securing private grants to support these kinds of enhanced services. The Department continues to believe, however, that it is appropriate to contract with qualified entities for the performance, on terms favorable to the Department, of certain services which fall within its jurisdiction.

Rudolph W. Giuliani Center for Urban Affairs, Inc.

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December 16, 2002

BY HAND

Hon. William C. Thompson, Jr.
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The City of New York
Office of the Comptroller
Executive Offices
1 Centre Street
New York, New York 10007-2341

NEW YORK CITY
COMPTROLLER'S OFFICE
2002 DEC 17 A 9 17

Re: DORIS Audit Report - Giuliani Center

Dear Mr. Thompson:

The Giuliani Center, a not-for-profit entity incorporated and licensed by the State of New York, in December 2001 entered into a contract with DORIS to archive – that is, to organize, index records to the folder level, create finding lists, copy, etc. – the mayoral records of the Giuliani administration. The contract's key provisions make plain that the City owns the documents, has full access to them and may terminate the agreement at any time. Since a leading historian of the City noted in a current writing that New York "should think innovatively about public/private ventures" the intent of this public-private partnership is innovatively to speed up the archiving process and to broaden public access to these Mayoral records. As a contractor with the City the Center's archiving is a subject of the above Report, and we therefore appreciate being given the November 21, 2002 draft Report for comment as provided by Generally Acceptable Government Auditing Standards ("GAGAS"), which the Report states that it follows.

The Center respects greatly DORIS' use of its limited resources in performing the enormous tasks it has been given, primary among these the management, processing and preservation of the voluminous records of the City of New York. Only a tiny fraction of these are mayoral records, yet though a small percent of the total, mayoral records are, in themselves, voluminous. Thus, as noted at page 12 of your Report, the records of Mayor Dinkins, the last mayor prior to Mr. Giuliani, and who left office ten years ago, have yet to be indexed to the folder level (the archival standard) let alone microfilmed or put on CD-Rom or an Internet web site, and such indexing may occur only with the help of an outside party.

Your Report notes at page 16 that through fiscal 2001 DORIS operated with 55 employees and a budget of \$4.2 million. Presumably the Report will update these figures for fiscal 2002

and 2003, and will likely show even fewer resources available to DORIS. Thus it is not surprising that your auditors reported throughout the Report, and specifically at pages 2 and 3, that DORIS:

- "Has an ongoing problem with limited storage capacity at its storage facilities.
- Has some environmental and security concerns at its Brooklyn facility, including broken and poorly insulated windows, missing window shades, leaking pipes, and unlocked doors, that could pose a threat to historical documents and other records stored at the facility.
- Permitted the Reference Center to store depository items in public access areas; and did not require the Reference Center to have a central database of all materials and to update its shelf-list to accurately reflect its holdings."

And that you recommended that DORIS:

- "Ensure that Records Management and the Reference Center revise their policies and procedures manual to include environmental controls, housekeeping, disaster preparedness, security, and the safeguarding of historical documents.
- Review existing environmental needs and controls in its storage facilities and devise a plan to improve these conditions...
- In the Reference Center, ensure that all depository items are removed from public access areas and stored in non-public areas.
- [D]evelop security procedures for safeguarding of City records and archives kept in the Brooklyn facility."

What is surprising is that given the above, your Report attributes to the Center (and the New York Daily News) certain alleged "Misrepresentations" concerning DORIS; specifically, that having pointed out DORIS' limited resources we expressed doubts about DORIS' records storage facilities, indexing practices, and ability to meet accepted archival standards.

Also, two other errors in your Report need to be corrected:

1. Page 11 states that DORIS never received the records from the Office of the Mayor. Our on the scene observation, reported to your auditors, was that a substantial portion of the boxes of records which the Center received from the Mayor's record storage area bore DORIS accession numbers, the contents matching the labels' listings, a clear indication of DORIS' involvement; and

2. Page 13 states that neither the Mayor's Office nor the Giuliani Center provided the Department of Records with a general inventory of the 2,100 boxes listing the contents of the boxes. The Center in fact provided an inventory, as well as a series by series summary, to the Office of Corporation Counsel.

You may recall that at the time the DORIS-Center agreement was entered, it was criticized, principally for three reasons: a) concern that records potentially embarrassing to the Giuliani administration might be removed or destroyed by the Center – a fantasy disproved by your Report; b) the public's right to access through FOIL might be impeded – again, specifically refuted by your Report; and c) persons associated with the Giuliani administration in the broadest sense or aiding in the Mayor's writings might have preferential access to the records – again, something that has not occurred; in fact, a review of the depository's access list shows that no such person has ever sought access to the records, nor are such persons even on the admissions list. Your Report should reflect all of these facts.

In actuality, your Report's findings and recommendations show that the DORIS-Center archiving contract was a necessity of the City's lack of financial resources for such archiving, a situation which has in the present economic circumstances only worsened. That arrangement can hardly be "unprecedented" (the word attributed to its critics at page 11), since you report at page 9 that "the LaGuardia and Wagner Archives [have] entered into [an] agreement with DORIS to take physical custody, store, index and/or maintain specific city records."

As your Report makes plain, the Center's archiving is being accomplished to the highest professional standards. It is clearly benefiting the City. To quote page 10:

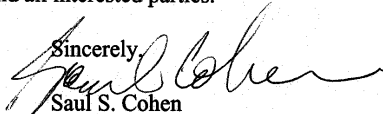
"Based on our observations, the Fortress facility provides a clean, stable, and secure storage environment that is adequately protected from fire and theft. In addition, we determined that the Giuliani Center, in accordance with its agreement, provides an environment that is conducive to the preservation of archival records. It has also prepared and submitted an Emergency Preparedness Plan to the Department of Records and the Law Department. Furthermore, since April 2002 the Winthrop Group has provided the Department of Records and the Giuliani Center with periodic status reports about its progress in processing the Giuliani papers, although not required by the agreement to do so. Our review of Freedom of Information requests for access to the Giuliani papers found that the Department of Records and the Corporation Counsel address such requests in the same manner they handle all other Freedom of Information requests."

These benefits supply necessary context to the guidance provided by GAGAS Section 3.15(f) that an audit organization should have controls in place to prevent it from being influenced by "biases, including those induced by political or social convictions that result from employment in, or loyalty to, a particular group, organization, or level of government". This makes plain that along with the "Misrepresentations" section, the section "Alternatives to the

Agreement" has no place in a GAGAS document. The Alternatives section ignores the sense of the Report itself, which is: DORIS' budget lacks funds to archive the Giuliani records; DORIS lacks storage capacity to house the archive when completed; DORIS' security arrangements require improvement; as summarized at page 21, "[DORIS]" ability to complete the indexing of a collection is contingent upon available resources... the reduction in staffing... has delayed the indexing of the Beame and Dinkins collections;" and the Alternatives section also ignores the crucial facts that the DORIS-Center partnership has worked perfectly, and that the City's control of the Giuliani records is in every meaningful respect the same as its control of all other mayoral papers, including those at LaGuardia College.

Finally, your Report's statement (page 13) that the Center's original estimate that the cost of the archiving will be "more than \$1 million" can now be more narrowly fixed: for the first eleven months of 2002, a period of ramping up, our archiving costs ran \$375,000. We have just entered a contract to microfilm and CD-Rom the records at an estimated cost of \$240,000 and archiving at full pace, which will begin next year, will run at \$50,000 per month. Thus the cost of archiving the records etc. will run at least \$1.8 million, a minimum of \$720,000 for each of 2003 and 2004. This is an amount equal to one-sixth of DORIS' budget. Understanding that the City cannot provide DORIS with additional resources for its general purposes let alone these mayoral records, your Report points out at page 21 that DORIS has obtained [federal government] grants for various archiving (in the broadest sense) purposes totaling \$135,000 in 2001. Ignoring its own evidence of the success of the present arrangement, your Report (again, in contravention of GAGAS) proposes that the Center raise the \$720,000 annually required to archive the Giuliani records and provide it to DORIS as a grant. Surely the "archivists, historians, scholars and advocates of open government" cited at page 11 of your Report would acknowledge that this would be "unprecedented". Of course, it would not be unprecedented for the Giuliani records to share the dismal archival fate of the records of Mayors Beame, Dinkins and, in fact, all but four of New York's 107 mayors.

We trust that you will correct the above errors and improper remarks so as to present a fair and complete report to the public and all interested parties.

Sincerely,

Saul S. Cohen
President

SSC:lba

cc: S. Rolande

S. Goulden, Esq.

A. Coles, Esq.