



Public Records Policy 04: Electronic Records Management

Date Issued: December 1, 2022

Supersedes: This policy supersedes Public Records Policy 02: *Digital Imaging*, issued August 11, 2014.

I. Authority and Scope

Authority

The Office of the Public Records Administrator (OPRA) and the State Archives (SA) jointly issues this policy under the authority granted by *Connecticut General Statutes (C.G.S.)* §11-8, §11-8a, and §7-109.

This policy and the accompanying standards were developed using best practices as outlined in national and international standards such as the National Archives and Records Administration (NARA) and the International Organization for Standardization (ISO).

Scope

This policy applies to all state agencies within the executive branch; certain quasi-public agencies; towns, cities, boroughs, and districts; and other political subdivisions of the state (hereinafter “public agency/agencies”) in Connecticut. This policy applies to records of public agencies (hereinafter “public records/records”) that are (a) created or received in an electronic format (born digital) or (b) digitized images of analog records (scans of hard copies) (hereinafter “electronic records”).

For the purposes of this document, the terms “shall” or “must” indicate a requirement and the terms “should” or “may” indicate a recommendation or best practice.

This policy does not supersede existing federal, state, or local laws, regulations, or policies that require the maintenance of public records and documents in a prescribed format.

Purpose

The purpose of this policy is to ensure continued access to electronic records while protecting their authenticity, reliability, integrity, security, and usability throughout the record life cycle and in accordance with the appropriate records retention schedules published by the Office of the Public Records Administrator.

II. Electronic Records Policies and Standards

This policy shall be read together with the following policies and standards to ensure a full understanding of agency requirements:

- **Public Records Standards 04-1: *Electronic Records***
- **Public Records Standards 04-2: *Digital Imaging***
- **Public Records Policy 05: *Disposition of Public Records***
- **State Archives Policy 01: *Transfer of Historical Records to the State Archives or Other Approved Archival Repository***

III. Agency Requirements

Public agencies are responsible for establishing appropriate policies, procedures, business practices, and periodic reviews to ensure the authenticity, reliability, integrity, security, and usability of electronic records over time, irrespective of whether the information systems used to create, manage, and store the records are managed by the agency, central IT (where applicable), or a third party. All personnel who create, receive, access, use, or manage records must be notified of their records management responsibilities through records policies, procedures, and training. Policies and procedures should be developed with all relevant stakeholders (including Records Management Liaison Officers and/or designated records personnel) and must address records management requirements and guidance issued by the Office of the Public Records Administrator and State Archives.

If a public agency contracts with a vendor for imaging services, management, or storage of its electronic records, it remains the responsibility of the public agency to ensure that the vendor complies with all applicable sections of this policy. If a public agency uses an application such as an Electronic Records Management System (ERMS) to manage electronic records, the system must conform to these Electronic Records Policy and Standards.

Public agencies managing records in electronic format shall:

1. Identify electronic records they create or receive and apply standards for accurate and authentic records in accordance with the Electronic Records Standards and the Digital Imaging Standards cited in Section 2 of this policy.
2. Create and maintain accurate indexes and metadata to properly identify and retrieve electronic records throughout the designated retention period.
3. Establish and maintain a quality control process to ensure the creation and management of accurate and authentic electronic records, indexes, and production metadata.
4. Utilize secure information systems that store and protect electronic records against file corruption, alteration, or deletion throughout the designated retention period.
5. Maintain ownership and responsibility for electronic records created or received by the agency, regardless of where the record originates or is stored, including but not limited to, commercial applications, cloud computing services, and social media sites.
6. Ensure that electronic records remain accessible for their entire authorized retention period and that non-permanent records are destroyed after receiving disposition approval.
7. Maintain confidentiality of electronic records that are exempt from public disclosure for the required exemption period.
8. Ensure that electronic records, associated indexes, and metadata are maintained in a regularly tested, geographically remote manner to make certain there is continued access to records in the event of a business disruption, natural disaster, or emergency.
9. Migrate records, associated indexes, and metadata to a new media platform and/or file format as needed to ensure content remains accessible.
10. Define and document the normal operations and use of information systems and imaging technology to ensure system trustworthiness and to maintain an audit trail.
11. Require third parties managing and storing electronic records to return all records and indexing information to the public agency at the expiration of the contract or upon failure of the third party to comply with the Electronic Records Policy and Standards.

12. Maintain documentation about information systems used by the agency to identify, retain, read, process, migrate, or dispose of electronic records.
13. Work in conjunction with appropriate IT staff to implement information systems that are compliant with items 1-12 above.
14. Maintain written policies and procedures documenting compliance with items 1-13 above.

IV. Digital Imaging

Public agencies must establish and implement written policies and procedures for digitizing public records. If the digital images replace the original hard copy records, the digitized records are subject to the same legal requirements as the originals. Public agencies that implement written policies, procedures, and requirements regarding digital images submitted by external entities do not need to obtain the original analog record or print a physical eye-readable format unless specifically required by statute, regulation, or policy.

Public agency policies and procedures shall:

1. Meet requirements for all electronic records as stated in Section 2 in this policy.
2. Document a consistent process, including but not limited to, a project plan and workflows.
3. Ensure all pages and attachments in the record are included in the digital image.
4. Demonstrate the scanned records are complete and were created in a consistent, trustworthy manner.
5. Designate the digital image as the official record copy if the images replace the original records.
6. Specify requirements for scanned records submitted by external entities (such as the public or clients) that ensure the digital images meet the *Electronic Records Standards* and *Digital Imaging Standards* cited in Section 2 of this policy.

Provided there are no statutory, regulatory, or policy requirements to retain the record in a physical eye-readable format, and that the record is not designated on a records retention schedule, as (1) permanent, (2) archival, (3) archival review required, (4) may have historical value, or (5) life of structure, public agencies may destroy the paper or analog record after scanning and quality assurance is completed. There is no requirement to request permission for such destruction from the Office of the Public Records Administrator.

If a record is designated on a records retention schedule, as (1) permanent, (2) archival, (3) archival review required, (4) may have historical value, or (5) life of structure, the public agency may digitize the records, and must follow the requirements as outlined in Section 5. After scanning and quality assurance is completed, prior to disposal of analog records, public agencies must contact the State Archives. The State Archivist may request transfer of analog records to the State Archives or a scheduled transfer of the digitized records.

If there are statutory, regulatory, or policy requirements to retain the record in a physical eye-readable format, the agency may digitize the records but also must continue to maintain the required physical format.

V. Retention and Disposition of Electronic Records

Electronic records shall be maintained in compliance with the retention and disposition requirements listed on the applicable records retention schedule issued by the Public Records Administrator and by Public Records Policy 05: *Disposition of Public Records*, as cited in Section 2 of this policy. If changes to the records retention schedule occur prior to the records' planned destruction, and those changes alter the minimum retention period, the public agency shall follow the current approved records retention schedule.

Electronic records shall be maintained on public agency servers or in the cloud, not on removable media (e.g., CDs, CD-R, USB flash drive, external hard drives, etc.). Individual user storage accounts (e.g., desktop folders, OneDrive, Google Drive) should not be used to indefinitely store or maintain public agency records.

System and file backup processes and media do not provide adequate recordkeeping functionalities and must not be used as the agency's electronic records management system.

To dispose of electronic records once the retention requirements have been met, the public agency shall:

1. Obtain prior authorization for the disposal from the Public Records Administrator and State Archivist using the Records Disposition Authorization Form (RC-108 for state agencies, RC-075 for municipalities).
2. Follow defensible disposition practices for the destruction of electronic records. Document that the records were destroyed lawfully under the appropriate disposition authority. Destruction should be documented by recording the date of destruction on the form "Records Disposition Authorization" and attaching any supporting documentation (e.g., Certificate of Destruction); or alternatively, by following an established agency policy that defines how the agency documents its records destruction.

VI. Permanent and/or Archival Electronic Records

Electronic records require proactive attention to ensure they are preserved and accessible as they are more fragile and complex to preserve than paper and microform records. Without preservation actions, electronic records can be overwritten in databases, lost in media migrations, or become inaccessible due to incompatible legacy systems. Public agencies must be aware of the new skill sets, training, considerable significant resources, and ongoing management that will be required over many decades to ensure that the electronic records remain available to future generations. Agencies must establish a clear and sustainable plan for maintaining long-term electronic records and dedicate sufficient resources to this plan.

Public agencies should weigh the pros and cons of maintaining analog records as protection against electronic records loss. Agencies should also consider access needs and ensure that public access would not be negatively impacted by the disposal of the paper records. Any decision to dispose of analog permanent records after scanning should be clearly outlined in the agency's records management policies and procedures.

The following requirements shall apply to electronic records that are either (1) archival and scheduled to be transferred to the State Archives; (2) archival and approved for transfer to an approved archival repository for municipal agencies; or (3) permanent but not archival. For the purposes of this policy, records with "life of structure" or similar retention requirements that indicate a potential retention of several centuries, shall also be subject to the requirements specified in this policy for permanent retention records.

The public agency shall:

1. Meet requirements for all electronic records as stated in Section 3 in this policy and meet requirements for any digital images as stated in Section 4.
2. Develop and implement a proactive sustainability plan to ensure that electronic records are accessible and readable for future use. The plan must address migration of records and metadata when operating systems and/or software applications are changed, upgraded, or scheduled for decommission.
3. Maintain the electronic records on a server or in the cloud and not utilize removable media (e.g., CDs, CD-R, USB flash drive, external hard drives, etc.) or individual user accounts for records storage.

4. Maintain documentation for the operating environment including the software with which the records were created or are being maintained.
5. Maintain metadata necessary to locate and understand the content, context, and structure of the records.
6. Store records in standard file formats as identified in the Electronic Records Standards and the Digital Imaging Standards cited in Section 2 of this policy, or else: (1) If business requirements necessitate use of non-standard formats, the records must be converted to standard formats before transfer to the State Archives or any approved archival repository or before going into long-term storage; and (2) If the records are stored in a proprietary system, the public agency must retain all licenses required to access records.
7. Not maintain redacted records as the official record copy but may store redacted records with the record copy.

Public agencies shall contact the State Archives to coordinate the transfer of electronic records in accordance with State Archives Policy 01: *Transfer of Historical Records to the State Archives or Other Approved Archival Repository* as cited in Section 2 of this policy and formal transfer protocols supported by IT. Should the State Archives be unable to accept physical and legal custody of the electronic records, they shall remain in the legal custody of the public agency until such time as the State Archives is able to accept custody.

Municipal agencies are permitted to transfer physical but not legal custody of electronic records to a digital preservation repository that meets the requirements set forth in the Electronic Records Standards cited in Section 1 of this policy in lieu of transferring records to the State Archives. Prior to sending electronic records to an approved archival repository, municipalities shall verify digital preservation system requirements are in place. Municipalities shall also establish a migration agreement with the repository in the event the repository goes out of business, merges with another entity, or no longer meets the requirements.

VII. Security

Public agency electronic records systems that maintain official copies of public records must provide an appropriate level of security to ensure the integrity of the records.

Security controls must include, at a minimum: (1) physical and logical access controls; (2) backup and recovery procedures; (3) file integrity monitoring; and (4) training for users.

Contact: If you have any questions regarding this policy, please contact our office at (860) 757-6540.

Office of the Public Administrator website: <http://ctstatelibrary.org/publicrecords/>

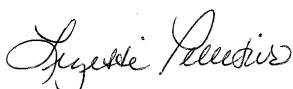
Approved by



LeAnn R. Power, CRM
Public Records Administrator

12/1/2022

Date



Lizette Pelletier
State Archivist

12/1/22

Date