

## CHAPTER 3

### RECORDS RETENTION

#### Authority

N.J.S.A. 47:3-15 et seq.

#### Source and Effective Date

R.1996 d.590, effective December 16, 1996.  
See: 28 N.J.R. 3513(a), 28 N.J.R. 5183(a).

#### Executive Order No. 66(1978) Expiration Date

Chapter 3, Records Retention, expires on December 16, 2001.

#### Chapter Historical Note

The rules in Chapter 3, Records Management, were formerly codified at N.J.A.C. 6:66. Pursuant to N.J.S.A. 52:146-2, the Bureau of Records Management Services in the Division of the State Library in the Department of State and the Archives Section in the Bureau of Law, Archives and Reference Services in the Division of the State Library, Archives and History in the Department of Education, were transferred to the Division of Archives and Records Management in the Department of State, effective June 24, 1983. See: 15 N.J.R. 818(a). Pursuant to Executive Order No. 66(1978), Chapter 3 expired on May 20, 1986 and was adopted as new rules by R.1986 d.238, effective July 7, 1986. See: 18 N.J.R. 820(b), 18 N.J.R. 1401(b). Pursuant to Executive Order No. 66(1978), Chapter 3 expired on July 7, 1991. In accordance with N.J.A.C. 1:30-4.4(f), the rules proposed for readoption with amendments were adopted as new rules by R.1991 d.452, effective August 19, 1991. See: 23 N.J.R. 1912(b), 23 N.J.R. 2519(a). Pursuant to Executive Order No. 66(1978), Chapter 3, Records Management, expired on August 19, 1996.

Chapter 3, Records Retention, was adopted as new rules by R.1996 d.590, effective December 16, 1996. See: Source and Effective Date.

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#### SUBCHAPTER 1. GENERAL PROVISIONS

##### 15:3-1.1 Purpose and scope

The Division of Archives and Records Management is charged with the responsibility for establishing the frame-

work for the management of public records in a systematic and comprehensive fashion. This chapter encompasses all public entities at the State, county and local government levels, including subdivisions thereof.

### 15:3-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

"Agency" means any unit of State, county, or municipal government whether known as a department, division, board, commission or otherwise.

"Archival records" means permanent records which are noncurrent and are not required to be retained in the office in which they originate.

"Current year" means year prior to date on which a record had been filed.

"Disposable records" means records which have a temporary value and, in consequence, may be destroyed after the lapse of a specified time, or after the occurrence of some Act which renders them valueless.

"Division" means Division of Archives and Records Management in the Department of State.

"Permanent records" means records which have a permanent or enduring administrative, legal, fiscal, research or historical value, and, in consequence thereof should be retained and preserved indefinitely.

"Public records" means any paper, written or printed book, document or drawing, map or plan, photograph, microfilm, sound-recording or similar device, or any copy thereof which has been made or is required by law to be received for filing, indexing, or reproducing by any officer, commission, agency or authority of the State or of any political subdivision thereof, including subordinate boards thereof, or that has been received by any such officer, commission, agency or authority of the State or of any political subdivision thereof, including subordinate boards thereof, in connection with the transaction of public business and has been retained by such recipient or its successor as evidence of its activities or because of the information contained therein.

"Records center" means an intermediate area where agencies send inactive material which is maintained in an accessible manner until the agency obtains authority for its disposal.

"Records series" means any groups of related records which are normally used and filed as a unit and which permit evaluation as a unit for disposition purposes.

"Retention period" means the period of time that must elapse before the records are disposed.

"Retention schedule" means a list indicating the length of time records must be retained.

"Semicurrent records" means any records that are needed infrequently for the conduct of current operations and are not required to be retained in the office in which they accumulate.

"State records committee" means a committee established under N.J.S.A. 47:3-20 to approve retention schedules and review requests for disposal of public records. The committee consists of the State Treasurer, the Attorney General, the State Auditor, the Director of the Division of Local Government Services, and the Director of the Division of Archives and Records Management, or their designated representatives.

Amended by R.1996 d.590, effective December 16, 1996.  
See: 28 N.J.R. 3513(a), 28 N.J.R. 5183(a).

## SUBCHAPTER 2. STATE RECORDS MANUAL

### 15:3-2.1 Destruction of State public records

No State agency shall destroy, sell or otherwise dispose of any public records, archives or printed public documents which are under its control or in its care or custody, whether or not they are in current use, without having first secured from the Division authorization to do so in accordance with the provisions of Destruction of Public Records law.

### 15:3-2.2 Authorization for destruction of State public records

Each State agency shall secure from the Division in the manner and form prescribed by it, authorization to destroy or otherwise dispose of those records in its possession which are considered by it to have no further administrative, legal, fiscal or historical value sufficient to warrant their continued retention.

### 15:3-2.3 Records retention schedule

No destruction authorization shall be issued by the Division to a State agency unless a records retention schedule has been prepared and approved for the particular agency or department.

### 15:3-2.4 Secretary to State Records Committee

The Director of the Division of Archives and Records Management shall act as secretary to the State Records Committee and shall be responsible for the proper recording or its proceedings.

Amended by R.1996 d.590, effective December 16, 1996.

See: 28 N.J.R. 3513(a), 28 N.J.R. 5183(a).

**15:3-2.5 Procedure for establishing records retention  
schedules for State agencies**

(a) Record retention schedules provide a uniform, effective and systematic control on records keeping and destruction. Through the use of such schedules, agencies can insure that valuable records are preserved and that records of temporary nature are disposed of when no longer needed.

This, of course, will reduce the need for expensive filing equipment and, in general, provide a more efficient filing system. The installation of systematic controls on records keeping and the establishment of approved retention and disposal schedules within State departments shall include the following steps:

1. The Division will assist the various departments in preparing the inventory and drafting the records retention schedule.

i. An agency shall state if a feasibility study had been conducted prior to the purchase and implementation of the imaging system;

ii. If a feasibility study has been conducted for such an image processing system, a copy of the study shall be submitted along with any request for evaluation and certification of the system;

4. System configuration:

i. An agency shall identify the name, version, and manufacturer of any hardware, operating system, and network systems employed by the system per N.J.A.C. 15:3-4.5, as applicable;

ii. An agency shall state if the image processing system employs or otherwise meets an established open system architecture standard as set forth in N.J.A.C. 15:3-4.3(g) and, if so, identify the applicable open architecture standard;

iii. An agency shall list the name, version, and manufacturer of any software that is currently used by the image processing system;

iv. An agency shall describe if the system stores and retrieves records and information on-line or off-line, such use of external drives or a juke box;

v. An agency shall list the types of file contained on the system, such as data, text, database, forms or image files, including file formats per N.J.A.C. 15:3-4.5;

vi. An agency shall list all media used by the system to store records and information, such as magnetic tape, diskettes, or WORM, CD-ROM, or other types of optical disks;

vii. An agency shall list all scanners used by the system, including manufacturer and model number, as well as scanning standards maintained for scanning various types of documents, such as dots per inch (dpi), density and resolution, as required by N.J.A.C. 15:3-4.6;

viii. An agency shall describe its problem management system or any problem management measures it maintains, such as maintenance of a Hardware/Software Error Log, per N.J.A.C. 15:3-4.7(d)3;

ix. An agency shall describe its quality control system or any quality control measures it maintains, such as maintenance of a Scanned Images Log and routine visual quality control measures for images; and

x. An agency shall document security measures for system administration and file access for the image processing system as required by N.J.A.C. 15:3-4.8;

5. Disaster prevention/recovery: The agency shall describe and document disaster prevention and recovery plans for their records as required by N.J.A.C. 15:3-4.4(d) including:

i. Disaster prevention/recovery plans, policies and procedures in use;

ii. Disaster prevention/recovery plan documents and manuals;

iii. Plan test cycle, including quarterly, annually, or otherwise scheduled tests of agency disaster recovery plans;

iv. Offsite storage/vital records, including storage for magnetic tape, disks, microfilm and hardcopy; and

v. Hot site/offsite designation;

6. Backup:

i. The agency shall document established policies and procedures of the agency for daily, weekly, monthly, quarterly, or annual backup of the image processing system on microfilm, disk, tape, or other media, as required by N.J.A.C. 15:3-4.4(c)1;

ii. The agency shall identify the offsite location(s) and storage conditions for storage of backups for the system, as required by N.J.A.C. 15:3-4.4(e);

iii. The agency shall document any schedule for refreshing (copying) media established or adopted by the agency per N.J.A.C. 15:3-4.4(f);

iv. An agency shall indicate if a data library or other systems administration system is maintained for magnetic tapes, disks, or other recordkeeping media by or for the agency; and

v. An agency shall describe media, such as microfilm, hardcopy, other media used to backup any records on image processing systems which are scheduled for permanent or long-term retention, including documented life expectancy (LE) ratings or other standards for such media.

7. Data migration: The agency shall provide documentation on a demonstrated and tested plan to migrate data from legacy systems and current or future recordkeeping systems to other media, including microfilm, computer output microfilm or other media which shall meet standards established by the Division of Archives and Records Management and approved by the State Records Committee per N.J.A.C. 15:3-4.3(c)3. Any proposed data migration routine or facility shall require approval by the State Records Committee and testing on a periodic basis;

8. System documentation:

i. An agency shall list the various types of documentation such as manuals, logs, source code, and testing results that are being maintained as a reference/history file for the hardware, software, and operating procedures for an imaging system, network, scanner, and operating system per N.J.A.C. 15:3-4.4(b) and 4.7(d);

ii. Copies of such documentation shall be submitted with any request for evaluation and certification of a system or annual review, when substantive changes are made to a system, or as may be deemed necessary by the Division or the State Records Committee to carry out the provisions of this subchapter;

9. Vendor support: An agency shall indicate whether it has contracted with a vendor or supplier to provide technical support for hardware and software-related questions and problems for the image processing system, staff training for hardware and software usage, and new or upgraded versions of software as they are released; and

10. Agency verification: An agency shall certify that information and documentation listed in or attached to forms submitted for evaluation and certification of image processing systems or annual reviews of the same are true and accurate reflections of the agency's system upon the date of such submissions, as verified by the dated signature of the responsible agency official, along with that of the Management Information Services (MIS) representative or the equivalent for the agency, if applicable.

#### **15:3-5.6 Annual review of image processing systems**

(a) State and local public agencies shall provide information and documentation on any changes in the configuration or use of any image processing system previously certified as being compliant with N.J.A.C. 15:3-4 and this subchapter.

(b) The imaging system evaluation form provided by the Division shall be used by all agencies for annual reporting on image processing systems used for public recordkeeping, but unchanged items on the report may be simply marked as being "unchanged" and need not be answered or otherwise documented.

(c) Per N.J.A.C. 15:3-4.4(h)2, if an agency ceases to maintain an image processing system per N.J.A.C. 15:3-4, the imaged records that are contained in the system shall be deemed destroyed by the agency according to the provisions of the Destruction of Public Records Law (P.L. 1953, c.410) (N.J.S.A. 47:3-15 to 32) as amended unless the imaged records on such a system are in or converted to a format compatible with and accessible by a compliant imaging system that the agency implements or continues to maintain.

#### **15:3-5.7 Submission of information generally**

(a) State and local public agencies shall maintain complete and accurate documentation on any image processing system use for public recordkeeping and shall retain all records of certification and annual review of such systems according to record retention schedules established per N.J.S.A. 47:3-19 to 21.

(b) Agencies shall submit copies of completed image processing systems evaluation and certification forms and any current annual review forms with every request or group of requests regarding records retention schedules or records disposal requests per N.J.A.C. 15:3-2.5 and 2.6 for any public records stored or maintained on an image processing system. Evidence of compliance with established standards shall be required by the State Records Committee prior to approval of retention schedules or approval of disposal of public records on an image processing system.

(c) Nothing in this subchapter shall be deemed to preclude the State Records Committee or the Division from requesting additional information or documentation from an agency concerning any image processing system used for public records which it may deem necessary for the decision-making process for the evaluation and certification or annual review of the same or approval or any records retention schedule or records disposal request for any record or record series stored or maintained on such a system.

(d) Nothing in this subchapter shall be deemed to preclude any State or local agency, at its own expense, from employing a vendor, service supplier, or other party to prepare such information or documentation as required in this section, provided such vendor, supplier, or other party shall certify the accuracy and veracity of any such information and documentation and shall be held responsible for the same.