

## CHAPTER 3

### RECORDS RETENTION

#### Authority

P.L. 1920, c.46 (N.J.S.A. 47:2-3), P.L. 1953, c.410 (N.J.S.A. 47:3-26 et al.) and P.L. 1994, c.140 (N.J.S.A. 47:3-26 as amended).

#### Source and Effective Date

R.2003 d.357, effective September 2, 2003.  
See: 35 N.J.R. 2437(a), 35 N.J.R. 4084(a).

#### Chapter Expiration Date

Chapter 3, Records Retention, expires on September 2, 2008.

#### 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, Records Management, 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, Records Management, expired on July 7, 1991. In accordance with N.J.A.C. 1:30-4.4(f), the rules proposed for reoption 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: 28 N.J.R. 3513(a), 28 N.J.R. 5183(a).

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

Chapter 3, Records Retention, was adopted as new rules by R.2003 d.357, effective September 2, 2003. See: Source and Effective Date.

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#### SUBCHAPTER 1. GENERAL PROVISIONS

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

(a) Pursuant to P.L. 1920, c.46 (N.J.S.A. 47:2-3 et seq.), P.L. 1953, c.410 (N.J.S.A. 47:3-26 et al.), and P.L. 1994, c.140 (N.J.S.A. 47:3-26 as amended), the Division of Ar-

chives and Records Management in the Department of State is charged with the responsibility for establishing the framework for the management of public records of the State of New Jersey in a systematic and comprehensive fashion. State and local government agencies are required to make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency and to provide prompt and timely access to the same.

(b) This chapter encompasses all public entities at the State, county and local government levels, including subdivisions thereof, any department, division, board, bureau, office, commission, district, or institution, or other instrumentality within or created by the State or political subdivision or combination of political subdivisions; or any school, fire, or water district or other special district or districts; and any independent authority, commission, district, institution, or instrumentality; or special districts, and authorities.

### 15:3-1.2 Definitions

The words and phrases used in this chapter shall have the meanings as defined in the "Glossary of Records Management Terms," ANSI/ARMA 10-1999 as amended and supplemented, incorporated herein by reference, except the following words and phrases which shall have the designated meanings, unless the context clearly indicates otherwise:

"Accession" means:

1. The transfer of the legal and physical custody of permanent records from an agency to the State Archives or other archives;
2. The records, also called "accessioned records," so transferred; or
3. The physical and recordkeeping process involved in transferring legal and physical custody of such records.

"Agency" or "agencies" means:

1. Generally, an organization that provides some service, a body having the authority to represent another or others, a government bureau or administrative division, or the place of business of the same; or
2. Specifically, any, or all, or any combination of the following public agency or agencies, as defined herein, currently or previously existing or to be established, depending on the context:
  - i. The Office of the Governor and any of the departments of the Executive Branch of State government, and any division, board, bureau, office, commission, institution, or other instrumentality within or created by such department;
  - ii. The Legislature of the State, and any office, board, bureau, committee, or commission within or created by the Legislative Branch;

iii. Any independent State authority, commission, district, institution, or instrumentality;

iv. Any political subdivision of the State;

v. Any department, division, board, bureau, office, commission, district, or institution, or other instrumentality within or created by a political subdivision of the State or combination of political subdivisions;

vi. Any school, fire, or water district or other district or districts;

vii. Any independent authority, commission, district, institution, or instrumentality;

viii. Any agency or institution created by a political subdivision, district or other independent authority, or combinations thereof;

ix. Any subordinate office or agency of i through viii above;

x. Any office, officer, official, board, or governing body of i through ix above; or

xi. Any combinations of i through x above.

"Active records or files" means any group of public records maintained in the office of a public agency for conducting daily operations and which is referenced at least once per month.

"Archival records" means:

1. Records which have a permanent or enduring administrative, legal, fiscal, research or historical value, and in consequence thereof should be retained and preserved in perpetuity, and which are noncurrent and are not required to be retained in the office which they originated; or

2. Records found by the Division to contain significant information about the government and history of this State that are therefore worthy of long-term preservation and systematic management for historical and other research. (See definitions of "record.")

"Archives" means:

1. An organization or agency responsible for appraising, accessioning, preserving, and making available permanent records, which in the State of New Jersey is the New Jersey State Archives, otherwise known as the "State Archives," "Bureau of Archives," or "Bureau of Archives and History," established under N.J.S.A. 47:3-16;

2. The noncurrent records of an organization preserved because of their continuing or enduring value and which have been determined to have sufficient historical value to warrant their continued preservation and have been transferred to the legal custody of such an agency; or

i. Low relative humidity shall be maintained to protect against fungus growth on tapes, particularly tapes that have been spliced. Growth takes place at spliced sites.

ii. If tapes are transferred from an air conditioned storage area to a normal office or reference area, they shall be given 24 hours to acclimate to the new environment before use.

iii. Tape storage areas shall be kept free of dust and other contaminants.

iv. Creation of changing stress in audiotapes by thermal and hydroscopic cycling will result in print-through, deterioration of sonic content, and changes in timing, as well as loss of oxide coating.

7. Accidental exposure of audiotapes to magnetic fields, especially tapes in long-term storage, may cause erasure of recordings.

i. Tapes shall not be stored on metal shelving or in metal storage equipment or enclosures.

8. Tapes shall be stored in polyethylene bags or their plastic boxes may be retained for storage. Cassette tapes without containers shall be provided with new boxes.

9. Tapes shall be stored vertically on shelves to minimize distortion of the tape.

10. Audiotape equipment shall receive periodic maintenance to minimize possible damage to tapes and maximize playback quality. Major areas of maintenance include:

i. Cleaning magnetic heads, capstan, pinch rollers, tape guides and lifters, scape and flutter filters, and tape tension arms;

ii. Demagnetization of tape heads, as well as other metal parts tape contacts;

iii. Replacement of pinch rollers; and

iv. Maintenance operations normally performed by technical personnel, including:

(1) Alignment of magnetic heads;

(2) Adjustment of tape tension;

(3) Replacement of worn heads; and

(4) Adjustment of bias and equalization.

#### 15:3-6.6 Exclusions

(a) Nothing in this subchapter shall be deemed to restrict any public agency from promulgating, implementing or employing more restrictive standards, procedures or rules for the storage of records in any media, type or format.

(b) The provisions promulgated under this subchapter notwithstanding, the Division of Archives and Records Management and the State Records Committee may, in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., promulgate, establish or enact such standards, rules or guidelines for the storage of public records which they may deem necessary for the preservation, security or integrity of any public record or series or group of public records.