

## 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 framework 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.

4. The master negative is the original reel of film produced.

i. Only a safe-base, permanent record film with a gelatin-silver halide emulsion, developed to a black and white image and meeting the standards of the American National Standards Institute: PH 1.28, PH 1.29, and PH 1.41, will be used for copies of records.

ii. For most documents, optimum density should read 1.0 to 1.20 for original first generation camera film. Acceptable standards will fall between a minimum of 0.80 and a maximum of 1.35. The supervisor must use judgment to determine the most suitable density within this range for the documents being filmed. To permit a more accurate reproduction of the original roll, each image should maintain, as far as possible, a specific density throughout the roll. Since the color of the original documents will affect the density of the image, and not all documents in a particular record series may have the same color, an average density aim point should be chosen.

iii. A density minimum reading taken from the non-image or clear area of the film will not exceed a reading of 0.12 or manufacturer's specifications using automatic retrieval systems. Readings should be made close to the center of the film strip to avoid edge fog interference. (Note: Both background density and D-min density must be taken with a transmission densitometer.)

iv. A microscope having a magnification of 50X to 150X with achromatic objectives must be used to read the resolution from the National Bureau of Standards' microcopy resolution test chart. The line direction method will be used in making the determination of resolution. A minimum resolution of 80 lines per millimeter on rotary cameras and 110 lines per millimeter on planetary cameras must be obtained on first generation camera film.

v. Thiosulfate residual content should be tested at least once a month. Only the methylene blue test method will be considered sufficiently reliable to determine archival quality. American National Standards Institute: PH 1.28, as amended and supplemented, states the levels of thiosulfate concentration that must be observed.

vi. A target indicating the beginning and end of retakes must be used. Retakes may be placed at the beginning or end of a roll of film and, when possible, in sequence. When computer-assisted or random retrieval methods are used, retakes may be placed on the following roll with retake targets. Placement of retakes should be decided before the start of filming and remain consistent.

vii. Splices should be kept to a minimum: no more than four splices per roll will be accepted. When

splicing images in proper sequence with duplicate rolls, only heat-weld splicing will be considered archival.

viii. All film will be processed to meet National Bureau of Standards' PH 4.8. Dry chemical processing will not be acceptable. Film failing to meet the specified limits for thiosulfate concentration will not be acceptable.

ix. All film must be inspected for proper indexing, density, resolution and for residual thiosulfate. Film should be free of scratches, abrasions, blemishes or other defects.

5. The original roll of film must be maintained in archival storage when the records contain information essential to the continuity of governmental operations and the protection of the rights of individuals. Any irreplaceable records having a retention period classified as permanent should be included in this category. When film is to be cut for jackets or aperture cards, the original roll may be used provided an uncut duplicate roll of silver halide film has been prepared for storage. American National Standards Institute requires film specifications for archival storage PH 1.28, PH 1.25 and PH 1.41. The following specifications must be followed for archival storage:

i. The relative humidity of the storage vault or room must not exceed 40 percent.

ii. Temperatures must not exceed 70 degrees Fahrenheit.

iii. Rapid and wide-range cycling of humidity or temperature must be avoided and in no instance exceed plus and/or minus five percent in a 24 hour period.

iv. No rubber bands, tape or other foreign objects may be used to hold film on the reels.

v. The materials used for storage should not ignite, decompose, or develop reactive fumes or vapors.

vi. Film must be stored in a closed container of such inert material as plastic.

vii. At every two year intervals, a one percent random sample must be inspected. For each biennial inspection, a different lot sample should be chosen with some samples of the previous lot reinspected. Any sign of deterioration noted must be reported to the Division of Archives and Records Management. Look for signs of peeling, emulsion, brittleness, molding and blemishes.

6. Methods of duplication include the use of silver halide, diazo and vesicular film.

i. Silver halide duplication film is the only duplicating film considered suitable for producing microfilm of archival quality. Silver halide film must be used when producing copies of the original master negative intended for archival storage. Although the cost is high

compared to other types of duplicating film, both negative and positive copies can be produced.

ii. Diazo duplication film is not considered archival in quality and must be used to produce master-negative copies of originals. A diazo copy will maintain the same polarity as the original master (negative to negative; positive to positive). Unexposed diazo film has a very short shelf life unless refrigerated. After exposure and processing, diazo film has an estimated usability of 100 years under ideal storage conditions. Diazo film is less expensive than silver halide film and very durable.

iii. Vesicular duplication film is not archival in quality and must not be used to produce master-negative film. Vesicular film is a reversing process film—the polarity of the copy will be reversed to that of the original master (positive to negative, negative to positive) through exposure and processing by heat. The shelf life of vesicular film is considerably longer than diazo film and the image is potentially more permanent. However, when not fully exposed, vesicular film may develop eye-legible, cosmetic blemishes. Vesicular duplication film may also be considered suitable for distribution or working copies when archival quality is not a factor.

As amended, R.1983 d.241, effective June 20, 1983.

See: 15 N.J.R. 590(a), 15 N.J.R. 1019(b).

In (a)2iii, added operator's certificate requirement.

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

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

Amended Division references throughout; in (a)4v, updated PH reference; in (a)5vi, deleted metal as inert material; and in (a)6ii, usability estimate increased from 20 years.

### 15:3-3.13 Service contract specifications and technical assistance

(a) A county or municipality may wish to have its microfilming done by a private company on a service contract basis. In considering any such arrangements, the contracting agency should be cognizant of the following points:

1. All contracts must meet the microfilm specifications established by the State Records Committee. This includes microfilm/fiche produced or utilized in computer-related microfilm technology.

2. The State Microfilm Supervisor will serve as a consultant to any county or municipality requesting such consultation, and/or will, upon request, review the microfilm service contracts prepared by local agencies.

As amended, R.1983 d.241, effective June 20, 1983.

See: 15 N.J.R. 590(a), 15 N.J.R. 1019(b).

Added last sentence to (a)1.

### 15:3-3.14 Disposal of original local public records after microfilming

(a) No original records may be destroyed after microfilming unless the agency obtains permission to do so from the Bureau.

(b) The Request and Authorization for Records Disposal form, as set forth in N.J.A.C. 15:3-3.15, may be used for this purpose. Signed certification shall accompany the form stating that the listed records have been microfilmed in accordance with the rules and regulations of this subchapter and that with the creation of these microfilm copies, the original records have ceased to have sufficient value to warrant their retention.

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

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

### 15:3-3.15 Request and Authorization for Records Disposal form

Request and Authorization for Records Disposal forms are available from the following address:

Department of State  
Division of Archives and Records Management  
CN 307, 2300 Stuyvesant Avenue  
Trenton, New Jersey 08625

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

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

### 15:3-3.16 Instructions for preparing Request and Authorization for Records Disposal forms

(a) These instructions are issued for your guidance in the preparation of disposal request forms. Before preparing a form, please read the instructions carefully.

1. Purpose. The disposal request form provides a procedure, approved by the State Records Committee, by which State, county and municipal officials may:

i. Request authorization for the destruction of records in accordance with N.J.S.A. 47:3-17;

ii. Obtain permission from the Division of Archives and Records Management for the destruction of records listed on an approved records retention schedule.

2. Preparation. This form is to be prepared in quadruplicate. The form is to be forwarded to the Division of Archives and Records Management. Upon approval the agency copy will be returned to the requesting agency, along with the follow-up copy. When destruction has been completed, destruction information shall be inserted on both the original and the follow-up copy and the follow-up copy then returned to the Division of Archives and Records Management.

3. Detailed instructions:

i. Item No. 1, Requesting Agency Name: When filling out this block, each agency shall identify itself and indicate the name of the organization unit responsible for the records. For example, this entry may read:

(1) Surrogate's Office  
Camden County  
Market and Federal 6th Streets

Camden, New Jersey  
 (2) City Clerk's Office  
 City of Newark  
 City Hall  
 Newark, New Jersey

ii. Item No. 2, Request Date: Each agency shall indicate the date upon which the form is submitted.

iii. Item No. 3, Requested By: Signature and title of the official primarily concerned with the record.

iv. Item No. 4, Request Approved By: Signature and title of officer approving the request, which shall be the head of the agency or one officially designated by him or her. Such person shall not be the same person affixing his or her signature in (a)3iii above.

v. Item No. 5, Series Number: In this column, numbers appearing on established records retention schedules shall be inserted. In cases where records have no established schedule number, contact the Division of Archives and Records Management for guidance.

vi. Item No. 6, Record Series Title: In this column, the titles and descriptions appearing on established records retention schedules shall be inserted. In cases where items are not on an established schedule, the entry shall explain in some detail the title and function of the record so that no misunderstanding may arise regarding the record itself or its use.

vii. Item No. 7, Inclusive Dates: This column shall include the date span for each series of records listed, by year.

viii. Item No. 8, Retention Period: The retention period shall be the same as that contained in an established records retention schedule. In cases where items are not on a schedule, the requesting official shall contact the Division of Archives and Records Management for assistance in establishing a schedule.

ix. Item No. 9, Volume: Volume shall be measured in cubic feet bearing in mind that one file drawer, either letter or legal size is equal to two cubic feet. Fractions shall be rounded-off. Do not use a measurement of less than one cubic foot.

x. Item 10, Audit Verification: Date records requested were audited and signature of auditor.

xi. Item No. 11, Authorization: Formal approval by the Division of Archives and Records Management. No entry shall be made in this section except by the Division, which shall assign an authorization number and date of approval.

xii. Item No. 12, Disposition: The disposition action shall state the date, method of disposal, and signature of the approving officer.

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

Amended form and Division references and N.J.A.C. cites throughout; and rewrote (a)3.  
 Administrative correction.  
 See: 29 N.J.R. 374(a).

In (a)3x, Item 10 was previously to be completed by Office of the State Auditor.

### 15:3-3.17 Updatable microfiche systems

(a) An updatable microfiche system is to be used only in special applications. Any agency considering using such a system should first contact the Supervisor of Microfilm Services to review the proposed application. The updatable microfiche must meet the microfilm specifications as outlined in N.J.A.C. 15:3-3.11 with the following additions:

1. Each microfiche must have the specified targets at the beginning and ending of each microfiche.
2. Each time a microfiche is updated a certificate of authenticity must be inserted at the end of the added documents.
3. If permanent records are to be microfilmed and the hard copy records destroyed, the microfiche security copy must be on silver halide film and stored under archival conditions.
4. The expunging equipment on the updatable microfiche camera must be rendered inoperable or the hard copy of the microfilmed records may not be destroyed.

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

