

**CHAPTER 3
RECORDS RETENTION**

Authority

P.L. 1920, c. 46 (N.J.S.A. 47:2-3 through 8 as amended), P.L. 1953, c. 410 (N.J.S.A. 47:3-15 through 32 as amended), P.L. 1994, c. 140 (N.J.S.A. 47:3-26 et al. as amended), and P.L. 2003, c. 117, Sections 38 and 39 (N.J.S.A. 22A:4-4.2).

Source and Effective Date

R.2009 d.280, effective September 21, 2009.
See: 41 N.J.R. 2443(a), 41 N.J.R. 3461(a).

Chapter Expiration Date

Chapter 3, Records Retention, expires on September 21, 2014.

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 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: 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: 35 N.J.R. 2437(a), 35 N.J.R. 4084(a).

Subchapter 7, New Jersey Public Archives and Records Infrastructure Support (Paris) Grants, was adopted as new rules by R.2004 d.477, effective December 20, 2004. See: 36 N.J.R. 4000(a), 36 N.J.R. 5688(a).

Subchapter 8, Records Disaster Recovery and Triage (Records Direct) Grants, was adopted as new rules by R.2004 d.478, effective December 20, 2004. See: 36 N.J.R. 4003(a), 36 N.J.R. 5691(a).

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

Chapter 3, Records Retention, was adopted as new rules by R.2009 d.280, effective September 21, 2009. 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 Archives 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 ARMA A4759 (2007), Glossary of

Records and Information Management Terms; ANSI/AIIM TR2-1998, Glossary of Document Technologies; and SAA 460 (2005), A Glossary of Archival and Records Terminology, 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;