

**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

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 3, Records Retention, expires on September 21, 2016. See: 43 N.J.R. 1203(a).

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.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 15:3-1.1 Purpose; scope
- 15:3-1.2 Definitions
- 15:3-1.3 Systems of recording; rules; alteration, correction and revision of records

- 15:3-1.4 Examination and transfer of public records; preservation and acquisition
- 15:3-1.5 Responsibilities of public agencies; records programs
- 15:3-1.6 Standards referenced

SUBCHAPTER 2. RECORDS RETENTION

- 15:3-2.1 Retention and disposition of public records
- 15:3-2.2 Disposal of public records
- 15:3-2.3 State Records Center
- 15:3-2.4 State Archives
- 15:3-2.5 Vital records program
- 15:3-2.6 Records of extinct agencies
- 15:3-2.7 Standards for paper for permanent records

SUBCHAPTER 3. STANDARDS FOR MICROFILMING OF PUBLIC RECORDS

- 15:3-3.1 Standards for microfilming public records; purpose
- 15:3-3.2 Authority to establish microfilm standards
- 15:3-3.3 Microfilm standards; definitions
- 15:3-3.4 Microfilm standards incorporated by reference
- 15:3-3.5 State and local agencies; microfilmed records
- 15:3-3.6 Microfilm standards; reproduction of original records
- 15:3-3.7 Aperture cards
- 15:3-3.8 Computer output microfilm
- 15:3-3.9 Microfiche
- 15:3-3.10 Updateable microfiche systems
- 15:3-3.11 Microfilm created from digital images; certification, approval
- 15:3-3.12 Duplication of original records after microfilming
- 15:3-3.13 Storage of microforms
- 15:3-3.14 Transfer of microforms
- 15:3-3.15 Disposal of original records after microfilming
- 15:3-3.16 Inspection of microforms, micrographics equipment, and procedures in government agencies
- 15:3-3.17 Notice of intention to microfilm public records
- 15:3-3.18 Microfilm projects

SUBCHAPTER 4. IMAGE PROCESSING OF PUBLIC RECORDS

- 15:3-4.1 Purpose
- 15:3-4.2 Definitions
- 15:3-4.3 Image processing systems
- 15:3-4.4 System administration
- 15:3-4.5 Image storage and retrieval
- 15:3-4.6 Scanners and scanning
- 15:3-4.7 Operation and management of image processing systems
- 15:3-4.8 Security
- 15:3-4.9 Public access
- 15:3-4.10 Scanning legacy records; best evidence
- 15:3-4.11 Disaster recovery/contingency planning

SUBCHAPTER 5. CERTIFICATION OF IMAGE PROCESSING SYSTEMS

- 15:3-5.1 Purpose
- 15:3-5.2 Correspondence and inquiries
- 15:3-5.3 Definitions
- 15:3-5.4 Responsibilities of the Division of Archives and Records Management
- 15:3-5.5 Responsibilities of State and local agencies
- 15:3-5.6 Annual review of image processing systems
- 15:3-5.7 Submission of information generally
- 15:3-5.8 Notification of stakeholders; public notices

SUBCHAPTER 6. STORAGE OF PUBLIC RECORDS

- 15:3-6.1 Purpose
- 15:3-6.2 Definitions
- 15:3-6.3 Record storage facility
- 15:3-6.4 Storage of microforms and other processed film

- 15:3-6.5 Storage of magnetic media and other electronic records
15:3-6.6 Exclusions

SUBCHAPTER 7. NEW JERSEY PUBLIC ARCHIVES AND RECORDS INFRASTRUCTURE SUPPORT (PARIS) GRANTS

- 15:3-7.1 Purpose
15:3-7.2 Definitions
15:3-7.3 Eligible applicants
15:3-7.4 Grant categories eligible for funding
15:3-7.5 Eligible costs
15:3-7.6 Ineligible costs
15:3-7.7 Procedures
15:3-7.8 Awarding of PARIS grants
15:3-7.9 Criteria for review and ranking of applications
15:3-7.10 Annual public notice
15:3-7.11 Commencement of project and payment
15:3-7.12 Grant amounts and duration
15:3-7.13 Termination of grants

SUBCHAPTER 8. RECORDS DISASTER RECOVERY AND TRIAGE (RECORDS DIRECT) GRANTS

- 15:3-8.1 Purpose
15:3-8.2 Definitions
15:3-8.3 Eligible applicants
15:3-8.4 Eligible costs
15:3-8.5 Procedures for applying for a grant
15:3-8.6 Awarding of Records DIRECT grants
15:3-8.7 Criteria for review
15:3-8.8 Commencement of project and payment
15:3-8.9 Grant amounts

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;

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

on the project during the previous year of the grant cycle is demonstrated by the applicant.

(c) Continued ongoing funding for dedicated archives and records management staff shall be a priority of the PARIS grant program according to the following schedule, but subject to the criteria in (c)1 through 3 below:

- Funding Year 1 — Funded 100 percent
- Funding Year 2 — Funded 100 percent
- Funding Year 3 — Funded 75 percent
- Funding Year 4 — Funded 50 percent
- Funding Year 5 — Funded 25 percent
- Funding Year 6 and beyond — Funded 0 percent

1. All PARIS grants shall be for one year only, and nothing in this section shall be construed to be a binding commitment to fund archives and records management beyond one year.

2. All PARIS grant proposals requesting funding of staff positions in subsequent years shall be subject to competitive review in future grant cycles, including demonstration in a county or municipal government’s second-round grant application that the staff achieved success in developing and improving the local government’s records program in the first year.

3. Future grants for continuation of staffing shall be subject to availability of sufficient funds in the New Jersey Public Records Preservation Account.

(d) The PARIS Grant Program shall support, as a priority, regional and, when appropriate, local records storage facilities operated by local governments, eliminating the need for commercial records storage.

1. County or municipal governments may request PARIS funding for the temporary use of commercial records storage vendors, to facilitate inventory, reorganization and protection of public records.

2. PARIS funding of commercial storage may be granted in cases where records are stored in sub-standard conditions, and the need for commercial storage is well justified as an intermediary step while other, more permanent, storage solutions are pursued.

3. The funding for continued use of commercial storage shall become the financial responsibility of the local government within three years of PARIS funding. PARIS grants may support full funding, as appropriate and as recommended by the professional review panels for no more than three years.

4. Funding for commercial storage shall include, but not be limited to, the following fees:

- i. Basic storage fees;
- ii. Transport fees;
- iii. Re-boxing and indexing fees;

- iv. Retrieval and re-filing fees;
- v. Permanent withdrawal fees; and
- vi. Destruction fees.

5. All PARIS grants shall be for one year only, and nothing in this subsection shall be construed to be a binding commitment to fund commercial records storage beyond one year.

6. All PARIS grant proposals requesting funding for commercial records storage in subsequent years shall be subject to competitive review in future grant cycles, including demonstration in a county or municipal government’s second-year or third-year grant application that the local government has made significant progress in planning and providing for a records storage facility operated by one or more local governments, eliminating the need for commercial records storage.

7. Future grants for continuation of funding for commercial records storage shall be subject to availability of sufficient funds in the New Jersey Public Records Preservation Account.

Amended by R.2006 d.210, effective June 5, 2006.
See: 37 N.J.R. 3030(a), 38 N.J.R. 2509(b).

Added (c).

Amended by R.2010 d.180, effective September 7, 2010.
See: 42 N.J.R. 53(a), 42 N.J.R. 2138(a).

Added (d).

15:3-7.13 Termination of grants

(a) Grant award recipients that fail to fulfill the terms of the grant will receive notice that their grant funding will be terminated.

(b) Failure to complete all interim or final reporting or other requirements outlined in the grant award shall result in withholding of grant payments.

(c) Grant award recipients shall have 30 days from the notice of termination to satisfy all terms of the notice of termination or remaining grant payments shall be withheld.

(d) Grant award recipients not in good standing shall be ineligible to apply for other PARIS grants.

SUBCHAPTER 8. RECORDS DISASTER RECOVERY AND TRIAGE (RECORDS DIRECT) GRANTS

15:3-8.1 Purpose

This subchapter constitutes the rules of the Records Disaster Recovery and Triage grant program for the award of grants to county and municipal governments where immediate response is necessary to prevent the irretrievable loss of vital, permanent or archival records damaged by man-made or natural phenomena.

15:3-8.2 Definitions

The words and phrases used in this subchapter shall have the same meaning as defined in N.J.A.C. 15:3-1.2, as amended and supplemented, except the following words and phrases which shall have the designated meanings, unless the context clearly indicates otherwise.

“Applicant” means any duly chartered and incorporated county, city, township, town, borough, or village government in New Jersey.

“DARM” means the Division of Archives and Records Management in the Department of State, as established by the

Governor’s Reorganization Plan filed April 25, 1983, as set out under N.J.S.A. 18A:73-26.

“Director” means the Director of the Division of Archives and Records Management in the Department of State, who also serves as the Secretary of the State Records Committee.

“Emergency disaster and response efforts” means a response to damage caused by fire, water, man-made or natural phenomena where immediate response is necessary to prevent the irretrievable loss of vital, permanent or archival records.

“Project Manager” means the full-time management-level executive or officer designated by the governing body to have the authority and subject matter knowledge to oversee the fulfillment of the grant terms. Pursuant to the provisions of N.J.S.A. 40A:9-133(e)(6), the Municipal Clerk shall serve as project manager for any application for a PARIS grant for a municipality.

“State Records Committee” means the body established by P.L. 1953, c.410, Section 6 et seq. (N.J.S.A. 47:3-20), comprised of the State Treasurer, the Attorney General, the State Auditor, the Director of the Division of Local Government Services in the Department of Community Affairs, and the Director of the Division of Archives and Records Management in the Department of State, or their designee.

15:3-8.3 Eligible applicants

County and municipal governments are eligible to apply for these emergency grants.

15:3-8.4 Eligible costs

(a) Costs attendant to the following shall be eligible for grants:

1. Personnel such as conservation/preservation consultants, clerical workers, and laborers;
2. Purchased services such as freeze drying, micro-filming, freezer storage, transportation and rental;
3. Supplies, such as acid free boxes, folders, and other enclosures, cleaning materials, plastic milk crates, and storage boxes; and
4. Lease or rental of temporary office space or records storage for disaster recovery, upon approval by the State Records Committee, upon written application, by the agency to the head of the PARIS grant program in the Division of Archives and Records Management and review and approval by the State Records Committee. Such office space must meet the requirements set forth at N.J.A.C. 15:3-6.

Amended by R.2006 d.446, effective December 18, 2006.

See: 38 N.J.R. 3495(a), 38 N.J.R. 5403(a).

In (a)2, deleted “and” from the end; in (a)3, substituted “; and” for a period at the end; and added (a)4.

15:3-8.5 Procedures for applying for a grant

(a) Applicants shall immediately contact the Records DIRECT Grants Coordinator in the Division of Archives and Records Management (DARM) after records have sustained damage caused by fire, water, man-made or natural phenomena where immediate response is necessary to prevent the irretrievable loss of vital, permanent or archival records.

1. The contact information for the Records DIRECT Grants Coordinator is as follows:

Records DIRECT Grants Coordinator
Division of Archives and Records Management
P.O. Box 307
Trenton, NJ 08625-0307
Telephone: (609) 530-3212
Fax: (609) 530-5467
E-mail: recordsdirect.grants@sos.state.nj.us

(b) A DARM representative will make a site visit to determine the nature and scope of the emergency and the immediate danger to vital, permanent or archival records.

(c) Upon recommendation of DARM staff, the Director of DARM may authorize the immediate disbursement of certain Records DIRECT funds and supplies established by the State Records Committee pursuant to the provisions of N.J.A.C. 15:3-8.9.

(d) The DARM representative may assist the applicant in preparing a Records DIRECT grant application developed by DARM. The application form shall be available at the address below and posted on the DARM website www.njarchives.org.

(e) Applications for Records DIRECT grants must be submitted to DARM within 23 working days of an emergency.

(f) The signatory on the application shall be a full-time management-level executive or officer designed by the governing body, with authority and subject matter knowledge to oversee the fulfillment of the grant terms. Pursuant to the provisions of N.J.S.A. 40A:9-133(e)(6), the Municipal Clerk shall serve as signatory for any application for a Records DIRECT grant for a municipality. The designated signatory shall also serve as project manager responsible for implementation and reporting for a grant.

(g) An original and either four copies or an electronic version of the completed application on a compact disc shall be submitted to:

Records DIRECT Grants Coordinator
Division of Archives and Records Management
P.O. Box 307
Trenton, NJ 08625-0307
Telephone: (609) 530-3212
Fax: (609) 530-5467
E-mail: recordsdirect.grants@sos.state.nj.us
Delivery: 2300 Stuyvesant Avenue, Ewing
Township, Trenton, NJ 08618

(h) Completed applications shall include:

1. The amount of grant and completion date;
2. The project period;
3. The project scope;
4. Special requirements;
5. A projected completion date;

6. Personnel and budget, including an organizational chart and resumes;
7. Governing body authorizations;
8. Annual or most recent fiscal action plan; and
9. Authorized signature.

Amended by R.2007 d.363, effective November 19, 2007.

See: 39 N.J.R. 3487(a), 39 N.J.R. 4938(a).

In the introductory paragraph of (a), inserted "the Records DIRECT Grants Coordinator in the Division of Archives and Records Management", the parentheses around "DARM" and "records have sustained"; added (a)1; and in (g), substituted "Coordinator" for "Administrator", inserted "Telephone: (609) 530-3212" and substituted "(609) 530-5467" for "(609) 530-6121".

15:3-8.6 Awarding of Records DIRECT grants

(a) The application shall be reviewed and acted upon by the State Records Committee within five working days of receipt.

(b) The State Records Committee reserves the right to award less or more funding than requested.

(c) The State Records Committee will notify the applicant by fax, telephone or e-mail whether the application has been approved or denied. A formal notification letter shall follow.

(d) All grant decisions of the State Records Committee shall be final.

15:3-8.7 Criteria for review

(a) Grant applications shall be reviewed based on the following:

1. Recommendations of DARM staff based on site visit(s) and other information gathered by the same;
2. Recommendations of preservation/conservation consultants, if any;

3. All expenditures shall be fully described and justified as to need, cost and choice of method for responding to the emergency; and

4. Applicants shall account for any associated insurance or other funds received in compensation from any liable parties.

15:3-8.8 Commencement of project and payment

(a) Payment of up to 90 percent of the grant award shall be issued upon receipt by DARM of a resolution of the governing body of the applicant and an executed agreement accepting the award.

(b) The remainder of the total grant shall be awarded after submission of a final report on a form provided by DARM.

(c) Grant award recipients who fail to submit a final report shall be ineligible to apply for other Records DIRECT grants.

15:3-8.9 Grant amounts

(a) The State Records Committee shall establish minimum and maximum amounts for Records DIRECT grant awards based on the funds available pursuant to P.L. 2003, c.117, sections 38 and 39, and shall post these amounts on the DARM website www.njarchives.org and publish them in a public notice in the New Jersey Register.

(b) DARM shall establish and maintain a stock of emergency disaster supplies for distribution to a county or municipality in response to a natural or man-made disaster where immediate response is necessary to prevent the irretrievable loss of vital, permanent or archival records.

(c) DARM shall provide a full accounting to the State Records Committee for supplies and funds expended for each Records DIRECT award.