

**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;
 - 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

These test charts are industry standard targets scanned along with documents in order to provide an objective means of testing the resolution and legibility of scanned images.

31. CCITT Group III and Group IV Compression
(N.J.A.C. 15:3-4.6(g))

CCITT Group III and Group IV compression techniques are industry standards used to insure compatibility for information interchange.

32. ANSI/AIIM TR21-1991, "Technical Report on Information and Image Management—Recommendations for Identifying Information to be Placed on Write-Once/Read-Many (WORM) and Rewritable Optical Disks (OD) Cartridge Label(s) and Optical Disk Cartridge Packing/Shipping Containers"

(N.J.A.C. 15:3-4.7(c))

This technical report contains recommendations for identifying information to be placed on Write-Once/Read-Many (WORM) and Rewritable Optical Disks (OD) cartridge labels and optical disk cartridge packing and shipping containers.

33. AIIM TR28-1991, "Technical Report on Information and Image Management—The Expungement of Information Recorded on Optical Write-Once-Read-Many (WORM) Systems"

(N.J.A.C. 15:3-4.8(e))

This technical report contains recommendations for the establishment of policies and procedures for the expungement of information recorded on Write-Once/Read-Many (WORM) optical disks in compliance with court orders and similar events.

34. ANSI/NAPM IT9.11, "Imaging Media—Processed Safety Photographic Films—Storage" (Revision of ANSI PH1.43-1985)

(N.J.A.C. 15:3-6.3(b) and 6.4(c))

This document establishes standards for the handling, maintenance and storage of processed silver halide gelatin films.

35. ANSI/NFPA 40-1997, "Storage and Handling of Cellulose Nitrate Motion Picture Film" (Revision of ANSI/NFPA 40-1982 and ANSI/NFPA 40-1988)

(N.J.A.C. 15:3-6.3(b) and 6.4(b) and (c))

This document establishes standards for the handling, maintenance and storage of processed cellulose nitrate motion picture films.

36. N.J.A.C. 5:23, Uniform Construction Code (UCC). (Adopted by the Department of Community Affairs, Division of Codes and Standards)

(N.J.A.C. 15:3-6)

This document sets the standards for all building construction in the State of New Jersey, including installation, testing and use of sprinkler systems, fire extinguishers, and other means of fire prevention.

37. IBC-2000, "International Building Code"; IFC-2000, "International Fire Code"; and National Electrical Code-2000. (Adopted as subcodes of the Uniform Construction Code (UCC), N.J.A.C. 5:23, by the Department of Community Affairs, Division of Codes and Standards in 35 N.J.R. 1939(a), effective May 5, 2003)

(N.J.A.C. 15:3-6.1 et seq.)

These documents set standards for construction of buildings, including installation, testing and use of sprinkler systems, fire extinguishers, and other means of fire prevention.

38. ANSI/NFPA 1-1997, "Fire Prevention Code"; ANSI/NFPA 10-1994, "Portable Fire Extinguishers"; ANSI/NFPA 13-1996, "Installation of Sprinkler Systems"; and ANSI/NFPA 25-1995 (Revision of ANSI/NFPA 13-A), "Inspection and Testing of Sprinkler Systems"; and NBS Technical Notice 839, "Fire Protection"

(N.J.A.C. 15:3-6.3(b))

These documents set standards and guidelines to establish policies and procedures fire prevention, including installation, testing and use of sprinkler systems, fire extinguishers, and other means of fire prevention.

39. ANSI/NFPA 70-1996, National Electric Code

(N.J.A.C. 15:3-6.3(b))

This code regulates construction, installation, and maintenance related to electrical systems.

40. ANSI/NFPA 72-1996, National Fire Alarm Code

(N.J.A.C. 15:3-6.3(b))

This code establishes standards for construction, installation, and maintenance of fire alarm systems.

41. ANSI/NFPA 80-1999, "Fire Doors and Fire Windows"

(N.J.A.C. 15:3-6.3(b) and (c))

This document establishes standards for construction, installation, and maintenance of fire doors and windows for protection from interior and exterior fires.

42. ANSI/UL 155-2000, "Test for Fire Resistance of Vault and Fire Doors"

(N.J.A.C. 15:3-6.3(b))

This test method describes standards and procedures for determining the fire resistance capacity of vault doors.

43. ANSI/UL 72-1995, "Tests for Fire Resistance of Record Protection Equipment"

(N.J.A.C. 15:3-6.3(b))

This test method describes standards and procedures for determining the fire resistance capacity of record protection equipment such as fire resistant filing cabinets.

44. ANSI/NFPA 220-1993, "Types of Building Constructions" and ANSI/NFPA 221-2000, "Fire Walls and Fire Barrier Walls"

(N.J.A.C. 15:3-6.3(b) and (c))

These codes establish standards for the construction and composition of buildings, including specifications for the construction of fire walls and fire barrier walls.

45. ANSI/NFPA 231C-1998, "Rack Storage of Materials"; NFPA 232-2000, "Standards for the Protection of Records" (Revision of ANSI/NFPA 232AM-1986 and 232A-1995), and NFPA 909-1997, "Standards for the Protection of Cultural Resources Including Museums, Libraries, Places of Worship, and Historic Properties"

(N.J.A.C. 15:3-6.3(b) and (c) and 6.4(b))

These documents provide the requirements for records protection equipment and facilities and record-handling techniques that provide protection from the hazards of fire.

46. FEMA 302, "NEHRP Recommended Provisions for Seismic Regulations for New Buildings and Other Structures"

(N.J.A.C. 15:3-6)

This document provides recommended provisions for seismic regulations for the construction of new buildings and other structures.

47. NEDCC Technical Leaflet, "The Environment, Temperature, Relative Humidity, Light and Air Quality: Basic Guidelines for Preservation"

(N.J.A.C. 15:3-6.3(b))

This guide covers recommended standards for environmental conditions, temperature, relative humidity, light and air quality for the storage of records and archival material to insure long-term preservation thereof.

48. ANSI/NFPA 90A-2002, "Installation of Air Conditioning and Ventilating System" (Revision of ANSI/NFPA 90A-1999) and ANSI/NFPA 90B-2002, "Installation of Warm Heating and Air Conditioning Systems" (Revision of ANSI/NFPA 90B-1999)

(N.J.A.C. 15:3-6.3(b) and 6.4(b))

These documents establish standards for construction, installation, and maintenance of heating, ventilation, and air conditioning (HVAC) systems in buildings.

49. IEST RP-CC001.3, "HEPA and ULPA Filters" (Replaces Institute of Environmental Sciences (now Institute of Environmental Sciences and Technology) IES CS-1, Standard for HEPA Filters)

(N.J.A.C. 15:3-6.4(b) and (c))

This standard contains the specification for HEPA filters for heating, ventilation, and air conditioning (HVAC) systems in buildings.

50. ANSI/NFPA 40-1997, "Storage and Handling of Cellulose Nitrate Motion Picture Film"

This standard contains the specification for the storage and handling of flammable and combustible cellulose nitrate motion picture film.

51. ANSI X3.39-1986, "Recorded Magnetic Tape for Information Interchange (1600 CPI, PE)"; ANSI X3.54-1986, "Recorded Magnetic Tape for Information Interchange (6250 CPI, Group Coded Recording)"; and ANSI X3.180-1990 (R1996), "Magnetic Tape and Cartridge for Information Interchange 18-Track, Parallel, 12.65 mm (1/2 in), 1491 cpmm (37 981 cpi), Group Coded Recording"; ANSI X3.261-1996, "Information Technology—Extended Magnetic Tape Cartridge for Information Interchange (36-Track, Parallel Serpentine 12.65 mm (0.05 in), 1491 cpmm (37 871 cpi) Group-Coded Recording"; ANSI X3.265-1995, "Information Technology—Magnetic Tape Cartridge for Information Interchange—Unrecorded, 36-Track, Parallel, 12.57 mm (0.495 in), 1944 ft/mm (49 378 fpi) Group-Coded Recording"; and ISO/IEC 14251:1995, "Information Technology—Data Interchange on 12.7 mm 36-Track Magnetic Tape Cartridges"

(N.J.A.C. 15:3-6.5(b) and (d))

These documents contain the specifications for recorded and unrecorded magnetic tape to insure compatibility and information interchange.

52. ANSI/NAPM IT9.23-1996, "Imaging Materials—Polyester Based Tape-Storage" and CPA/NML 1995, "Magnetic Tape Storage and Handling: A Guide for Libraries and Archives"

(N.J.A.C. 15:3-6.5(b), (d), (g) and (h))

These documents provide standards and guidelines for storage and handling of recorded magnetic tape to insure long-term preservation thereof.

53. Executive Order 12906 of April 11, 1994 (3 CFR, 1995 Comp., p. 882). "Federal Geographic Data Committee—Content Standards for Digital Geospatial Metadata" and FIPS 173-1, "Spatial Data Transfer Standard (SDTS) (DOI/USGS Specs)-94 June 10"

(N.J.A.C. 15:3-6.5(b) and (d))

These documents contain the standards for metadata (identifying information) for digital geospatial records and the transfer of special data contained in such records.

54. ISO 18925:2002, "Imaging Materials—Optical Disc Media—Storage Practices"

(N.J.A.C. 15:3-6.5(f)1)

This standard establishes environmental conditions for the storage and maintenance of optical disks to insure long-term preservation thereof.

Amended by R.2007 d.363, effective November 19, 2007.
See: 39 N.J.R. 3487(a), 39 N.J.R. 4938(a).

Rewrote (a)1, (a)2, (a)3, (a)23 and (a)24; and in (a)28, deleted "Technical Report for Information and Image Management—" preceding "The Use".

SUBCHAPTER 2. RECORDS RETENTION

15:3-2.1 Retention and disposition of public records

(a) The following pertain to authorization for destruction of public records, under the Destruction of Public Records Law, P.L. 1953, c. 410 (N.J.S.A. 47:3-15 through 32):

1. Pursuant to P.L. 1994, c.140, § 9 (N.J.S.A. 47:1-14), no official responsible for maintaining public records or the custodian thereof shall destroy, obliterate or dispose of any paper, document, instrument, or index which shall have been recorded, filed, registered or indexed except as specifically permitted by law; furthermore, no law, statute or regulation shall be construed to permit the destruction, obliteration or disposal of any such records by implication.

2. No State or local government 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 section 3 of the Destruction of Public Records Law, P.L. 1953, c. 410, (N.J.S.A. 47:3-17).

3. Each State or local government agency shall secure from the Division in the manner and form prescribed by it per N.J.A.C. 15:3-2.2(a), 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.

4. Pursuant to the provisions of section 8 of the Destruction of Public Records Law, P.L. 1953, c. 410 (N.J.S.A. 47:3-22), no public official, State or local government agency shall be held liable in any manner, civil or criminal, because of the destruction of public records, if such records are destroyed according to the procedures established under this rule.

(b) The State Records Committee, composed 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, or their designated representatives, as established under P.L. 1953, c.410, § 6 (N.J.S.A. 47:3-20), must approve retention schedules, review requests for disposal of public records, certify image

processing systems, and approve standards, rules and regulations pertaining to public records.

1. The State Records Committee shall meet monthly, unless there is insufficient business as determined and declared by the Director of the Division of Archives and Records Management, as Secretary of the Committee, who shall notify or cause the members of the Committee to be notified of cancellation of such meeting.

2. Special meetings of the Committee may be called by the Secretary of the Committee as he or she may deem necessary.

3. All meetings of the Committee shall be held and conducted pursuant to the provisions of P.L. 1975, c.231 (N.J.S.A. 10:4-6 to 21), known and cited as the Open Public Meetings Act (OPMA), including, but not limited to, adequate public notice of all meetings, open public meetings, and availability of minutes of meetings to the public.

4. Public notice, including publication in one or more legal newspapers and posting in the Office of the Secretary of State, shall be made of all public meetings of the Committee, including the agenda of the meeting. Written comments concerning proposed actions on the published agenda may be filed with the Committee, but no public comment shall be allowed during meetings of the Committee, except by representatives of agencies or their consultants who have business before the Committee, or unless the meeting is constituted as a public hearing by the Committee.

5. No official vote or action shall be taken by the Committee unless a quorum of the members is present. A quorum of the Committee shall be a simple majority of the members thereof or their designees.

6. No official vote or action shall be required for administrative actions of the staff of the Division of Archives and Records Management previously authorized by the Committee, including, but not limited to, approval of destruction of public records in accordance with established record retention schedules, changes in previously approved record retention schedules due to name changes or reorganization of State or local agencies or units within such agencies, and annual renewal of certification of image processing systems for public records or other administrative actions regarding certifications of such imaging systems. Notification of such administrative actions by the Division shall be declared and recorded at the subsequent meeting of the Committee.

7. The Director of the Division of Archives and Records Management, acting as Secretary of the Committee, or his or her designee, shall serve as the custodian of the records of the Committee per P.L. 2001, c.404 (N.J.S.A. 47:1A-1 et seq.), known and cited as the Open Public Records Act (OPRA). The minutes of the meeting and other records of the Committee shall be held and maintained by the Division of Archives and Records Management. Min-

utes of the meetings of the Committee and related documents shall be available to the public pursuant to the provisions of P.L. 1975, c.231, §§ 7 and 9 (N.J.S.A. 10:4-12 and 14).

8. The State Records Committee shall have the authority to form sub-committees and other groups as may be deemed necessary to fulfill and carry out the functions and duties of the Committee per P.L. 1953, c.410, §§ 6 et seq. (N.J.S.A. 47:3-20 et al.). Such sub-committees and other groups shall be established and constituted by a majority vote of the Committee.

(c) The following pertain to certification, authorization and assistance provided by the Bureau of Records Management:

1. Any proposed records retention schedule must receive the approval of the Chief of the Bureau of Records Management or the Supervisor of Records and Forms Analysis before it is submitted to the State Records Committee for adoption.

2. Any image processing system established and maintained for the creation and/or management of public records in a State or local government agency must receive the approval of the Deputy Director for Records Management of the Division of Archives and Records Management or his or her designee, pursuant to the provisions of P.L. 1994, c. 140, and the rules and regulations related thereto, including N.J.A.C. 15:3-4, Image Processing of Public Records, and N.J.A.C. 15:3-5, Certification of Image Processing Systems, before the system can be submitted for certification by the State Records Committee.

3. Any agency requesting authorization for destruction of public records must submit a completed "Request and Authorization for Records Disposal" form per N.J.A.C. 15:3-2.2 to the Supervisor of Records and Forms Analysis or his or her designee for approval before any such records may be destroyed.

4. Pursuant to the provisions of 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 Bureau of Records Management shall research, develop and, upon approval by the State Records Committee, promulgate standards, procedures and guidelines for the creation, management, and preservation of public records for State and local government agencies and shall promote and provide training and assistance for the implementation of the same.

(d) The following pertain to records retention schedules and the disposal of public records:

1. The Division shall issue no authorization for destruction of public records to an agency unless a records retention schedule has been prepared and approved for that particular agency or department.

2. Any agency requesting authorization for destruction of public records must receive notification of the approval

of the Supervisor of Records and Forms Analysis or his or her designee, if said request conforms to a records retention schedule established by the State Records Committee, before such records may be destroyed. The Division shall report all authorizations for destruction of public records to the State Records Committee at each regularly scheduled meeting of the committee. Such reports shall become part of the records maintained in perpetuity for the said committee.

3. Per the procedures established under N.J.A.C. 15:3-2.2(b), the State Records Committee may, upon recommendation of the Division, grant special authorization for disposal of public records damaged or destroyed in a fire, flood, or other natural or man-made disaster that have not passed the approved records retention period, if the Division determines that other copies of the records exist, the records can be reconstituted from other sources, or the records cannot be restored or recovered due to the damage they have received.

(e) Record retention schedules provide a uniform, effective and systematic control on recordskeeping 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 recordskeeping and the establishment of approved retention and disposal schedules within State and local government agencies shall include the following steps:

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

2. When the inventory and appraisal are completed, a Records Retention and Disposition Schedule shall be prepared.

3. After the Records Retention and Disposition Schedules are prepared, clearances for the recommended records retention schedule shall be obtained. Initial clearances are made by the officials primarily concerned with the record. These officials indicate their approval by initiating the form. The department or division heads or the chief executive officer of any autonomous agency gives approval by signing the schedule in the designated space.

4. Proposed record retention schedules shall be reviewed by the State Records Committee and either approved, disapproved or amended. If approved, the record retention schedule is signed by the Director of the Division as Secretary to the State Records Committee and the agency shall be notified.

(f) Instructions for preparing a Records Retention and Disposition Schedule are as follows:

Telephone: (800) 699-9277
 Fax: (734) 913-3946
 Website: <http://www.niso.org>

“NIST” means the National Institute of Standards and Technology, formerly known as the National Bureau of Standards, the principal standards agency within the United States government. NIST oversees the development of Federal information processing standards and conducts related studies for other Federal agencies. The Institute’s address for the purpose of ordering copies of their standards is as follows:

National Technical Information Service (NTIS)
 U.S. Department of Commerce
 Springfield, VA 22161
 Telephone: (800) 553-6847
 Fax: (703) 605-6900
 Website: <http://www.nist.gov>

“Open system” means a system that implements sufficient open specifications for interfaces, services, and supporting formats to enable properly engineered image processing applications that can be ported with minimal changes across a wide range of systems, can interoperate with other applications on local and remote systems, and can interact with users in a style that facilitates access and maintenance of public records on such systems.

“Open systems environment” means the comprehensive set of interfaces, services, and supporting formats, plus user aspects for portability or interoperability of applications, data, or users, as specified in information technology standards and profiles referenced in this subchapter.

“OSF” means the Open Systems Foundation, which hosts industry-wide, collaborative software research and development for the distributed computing environment. Founded in 1988, OSF joined with X/Open Company Ltd. (X/Open) to form the Open Group in February 1996 to work together to deliver technology and wide-s-scale adoption of open systems specifications. The address of the Open Group, for the purpose of ordering copies of their standards, is as follows:

The Open Group
 Publications Department
 Thames Tower
 37-45 Station Road
 READING, Berkshire RG1 1LX
 United Kingdom
 Telephone: (415) 276-3760 (U.S. number)
 Website: <http://www.opengroup.org/bookstore/>

“Public record” or “records” means any and all public records as defined in P.L. 1953, c.410 (N.J.S.A. 47:3-16) as amended.

“Resolution” means digital resolution as defined in Technological Report for Information and Image Management—Resolution as It Relates to Photographic and Electronic

Imaging (ANSI/AIIM TR26, as amended and supplemented, incorporated herein by reference).

“SAA” means the Society of American Archivist (SAA), the oldest and largest organization for archives and archivists in North America. The association establishes standards and guidelines for the identification, preservation and use of records of historical value. The address of the Society, for the purpose of ordering copies of their standards, is as follows:

Society of American Archivists
 527 S. Wells Street, 5th floor
 Chicago, IL 60607-3922
 Telephone: (312) 922-0140
 Fax: (312) 347-1452
 Website: <http://www.archivists.org>

“State Records Committee” or “committee” means the State Records Committee, composed of the Attorney General, State Treasurer, State Auditor, 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 designees, as established pursuant to P.L. 1953, c. 410 (N.J.S.A. 47:3-20).

“TAPPI” means the Technical Association of the Pulp and Paper Industry, founded in 1915, TAPPI has grown into the world’s largest professional association serving the pulp, paper, converting and packaging industries. Through TAPPI, suppliers and consultants working in the pulp, paper, packaging, and converting industry contribute their technical expertise to the industry, set standards, and develop their core competencies. The address of the Association for the purpose of ordering copies of their standards is as follows:

Technical Association of the Pulp and Paper
 Industry
 TAPPI PRESS
 P.O. Box 791190
 Baltimore, MD 21279-1190
 Telephone: (800) 332-8686
 Fax: (770) 209-7206
 Website: <http://www.tappi.org>

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

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

Rewrote definitions “AIIM”, “ANSI”, “ARMA”, “CCITT”, “DoD”, “IEEE”, “ISO”, “NISO”, “NIST”, “OSF”, “SAA” and “State Records Committee”; added definitions “ASTM” and “TAPPI”.

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

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

Rewrote the introductory paragraph; and added definition “Multi-function device”.

15:3-4.3 Image processing systems

(a) State and local government agencies planning and procuring automated image processing systems intended to supplement or replace paper recordkeeping systems shall use the guidelines set forth in Electronic Imaging Request for Proposal (RFP) Guidelines (ANSI/AIIM TR27-1996, as

amended and supplemented, incorporated herein by reference), for any preliminary system definition, feasibility assessment, procurement specifications, request for proposal (RFP), or formal monitoring of systems, insofar as they do not conflict with rules promulgated by the State Records Committee, or procurement procedures established by their State or local government.

(b) The life expectancy rating of any optical or magnetic media employed by any image processing system used for keeping of records shall correspond to the retention period of the records, unless otherwise approved by the State Records Committee under procedures established according to the provisions of N.J.A.C. 15:3-4.7(e).

1. The life expectancy rating of any optical media shall be demonstrated according to criteria established by the National Institute of Standards and Technology in Development of a Testing Methodology to Predict Optical Disk Life Expectancy Values (NIST Special Publication 500-200).

2. Vendors' claims for life expectancy shall be accompanied by detailed specifications of the test parameters.

(c) Any image processing system used to create, store or maintain public records designated for long-term or permanent retention by retention schedules approved by the State Records Committee shall provide for the preservation of such records; otherwise, retention and storage of the original records is required. Such records and backup copies shall be stored and maintained in accordance with N.J.A.C. 15:3-6, Storage of Public Records. The options for providing preservation of records are as follows:

1. Backup copies of such records on paper that meet the standards set forth at N.J.A.C. 15:3-2.7;

2. Backup copies of such records on microfilm that meet the standards set forth in N.J.A.C. 15:3-3; or

3. A completely and clearly documented, demonstrated and tested path to migrate data to other media, upon written application by the agency and review and approval by the Chief of the Bureau of Records Management, in the Division of Archives and Records Management. Any proposed data migration routine or facility shall be tested for viability on a periodic basis or following any changes to the configuration of the system according to procedures established under the provisions of N.J.A.C. 15:3-4.7.

(d) Preference shall be given to WORM (Write-Once-Read-Many) non-erasable optical disks for recordkeeping systems employing optical disks for storing or transferring images of records with long-term or permanent retention schedules, since WORM optical disks permit images and associated information to be recorded but not erased from the disk, and images on WORM disks can be reviewed, if necessary, for evidentiary purposes to prove that images have not been erased or altered in any way.

(e) Whenever applicable and appropriate, preference shall be given to systems, which support:

1. The standard volume and file structure for WORM and rewritable media as set forth in Volume and File Structure of Write-Once and Rewritable Optical Disks Using Non-Sequential Recording for Information Interchange—Universal Disk Format (ISO/IEC 13346, as amended and supplemented, incorporated herein by reference);

2. The standard media and operating system independent volume and file structure for CD-ROM and WORM applicants as set forth in Volume and File Structure of Read-Only and Write-Once Compact Disk Media for Information Interchange (ISO 13490, as amended and supplemented, incorporated herein by reference);

3. The standard software-related volume and file structure for use on CD-ROM optical media as set forth in Volume and File Structure of CD-ROM for Information Interchange (ANSI/NISO/ISO 9660, as amended and supplemented, incorporated herein by reference); or

4. Standard commercial off-the-shelf (COTS) electronic document management systems (EDMS) and electronic content management systems (ECM) supporting image capture, processing and management.

(f) Preference shall be given to those image processing systems which physically store the index entries related to an image, including the creation or scanning date, with the image.

1. Electronic date-stamping of imaged records, in addition to being useful for indexing purposes, shall be used to certify and authenticate the images for legal purposes.

2. If an imaging system creates and maintains external indexes, documented policies and procedures shall be established for backup and refreshing of such external indexes stored on magnetic or other media.

3. Documented policies and procedures shall be established to ensure the migration of all indexes, along with the associated images, to other systems or other media.

(g) Image processing systems used for keeping public records shall conform to a standard architectural framework for open systems standards, such as the Technical Architectural Framework for Information Management (TAFIM) published by the United States Department of Defense (DoD), the IEEE Guide to Open Systems published by the Institute of Electrical and Electronic Engineers (IEEE), or the X/Open Architectural Framework published by the X/Open Users Council of the Open Software Foundation (OSF), or their equivalent, whenever possible.

(h) Image processing systems shall implement an open systems environment, including a comprehensive set of interfaces, services, and supporting formats, plus user aspects for portability and interoperability of applications, data or users,

as specified by the information technology standards and profiles cited in this subchapter.

(i) Preference shall be given to standard turn-key imaging systems and systems implemented in a commercial off-the-shelf (COTS) manner.

1. Customization of image processing systems shall be implemented only as necessary and appropriate.

2. Any customization or changes in configuration of an image processing system shall be completely and thoroughly documented.

(j) Application development software shall be based on the open systems model defined in N.J.A.C. 15:3-4.2 and (g) above, which allow for migration and portability of all application coding.

1. Application development software shall incorporate a full set of Application Program Interfaces (API). Application development efforts shall rely on API to the maximum extent practical.

2. Software customization implemented through any means other than API shall be discouraged, unless there is extraordinary and demonstrable justification for utilizing alternate software development approaches.

(k) Non-proprietary image file header labels shall be used by the image processing system, or the system developer shall provide a detailed definition of the image file header label structure by the image processing system. If a proprietary image header label is used, the system developer shall provide a completely and clearly documented, demonstrated and tested bridge to a non-proprietary image file header label.

(l) The system hardware and/or software shall provide a quality assurance capacity to verify that information is written to the optical media.

(m) All images reproduced by image processing systems shall exhibit a degree of legibility and readability comparable to the original image. The legibility of any such image displayed on a monitor or reproduced on paper shall be equivalent to resolution standards established under N.J.A.C. 15:3-4.6. Monitors and printers utilized by imaging systems shall have the ability to meet such standards.

(n) Public agencies shall ensure that optical disk or magnetic media storage systems receive periodic maintenance, inspection, and testing, as established under procedures in N.J.A.C. 15:3-4.7(e).

(o) Unless otherwise specified in rules promulgated by the State Records Committee, The Use of Optical Disks for Public Records (ANSI/AIIM TR25-1995, as amended and supplemented, incorporated herein by reference) is recommended as guidance for system planning, implementation and operation of imaging systems for public records.

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

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

Rewrote (c).

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

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

In (a), deleted "Technical Report for Information and Image Management—" following "set forth in" and substituted "1996" for "1991"; in (b), inserted "or magnetic"; in (d), deleted "image processing systems employing" preceding the first occurrence of "WORM" and substituted "employing optical disks for storing or transferring images of" for "which include"; in (e)2, deleted "or" from the end; in (e)3, substituted "; or" for the period at the end; added (e)4; in (n), inserted "or magnetic media"; and in (o), deleted "Technical Report for Information and Image Management—" following "Committee,".

15:3-4.4 System administration

(a) Procedures for administering imaging systems, as established under procedures in N.J.A.C. 15:3-4.7(e), shall include, provision for journaling, logging, backup, and recovery of system components.

(b) Documentation of the use and administration of all imaging systems during the normal course of operation of an agency shall be created and maintained in order to ensure the legal integrity of the system.

(c) A schedule of incremental and complete backups of the system, including optical media and any indexes on magnetic media, shall be established and adhered to strictly, according to procedures established in N.J.A.C. 15:3-4.7(e).

1. A regular schedule of backups shall be instituted and performed for all information on the system, including indexes.

2. Backups shall be periodically tested for restoring lost data or reestablishing the system after a system failure.

(d) Documented disaster recovery plans and procedures shall be established for all image processing systems used for keeping public records. Disaster recovery plans and procedures shall be reviewed and updated at least annually.

(e) Security copies of public records on optical disks or other media shall be stored in secure and suitable facilities according to record storage rules promulgated by the State Records Committee.

(f) Appropriate schedules for refreshing images and associated indices on optical disks and magnetic media shall be established and strictly adhered to whenever it is determined to be necessary for continued preservation of optical and magnetic media.

1. Byte error rates (BER) shall be reviewed periodically to evaluate deteriorating data on optical disks and magnetic media.

2. Imaging systems shall be capable of detecting and correcting errors automatically. Optical disks and magnetic media shall be refreshed while the information can still be corrected, to avoid losing the ability to read them.

(g) Imaging systems shall produce a standard set of reports for capacity, monitoring, maintenance, auditing, security, and system operations management. Systems shall also be capable of creating and producing customized management reports.

(h) An agency may use more than one image processing system.

1. If an agency uses more than one imaging system, each system must meet all the requirements for imaging processing systems established in this subchapter.

2. If an agency ceases to maintain the hardware and software necessary to satisfy the conditions of the standards, procedures and rules, imaged records that are contained in the system shall be deemed destroyed by the agency unless the existing imaged records are converted to a format compatible with a compliant imaging system that the agency implements or continues to maintain.

(i) If images of records of a State or local government agency are stored or maintained for access or archival storage by a vendor or third party:

1. The contract with the vendor for such services must recognize that:

i. Legal ownership and custody of such records and associated indices remain with the government agency;

ii. The vendor or third party assumes physical custody of the records and responsibility for security, storage and maintenance of the same in accordance with this chapter and State retention schedules;

iii. Adequate backup and disaster recovery measures and procedures will be provided to insure the preservation of public records in their care; and

iv. The contract shall include provisions for return of the images and associated indices to the government agency or other recipient designated by the agency if the vendor or third party holding the images, changes or defaults on the provisions of the contract, goes out of business, or changes ownership; and

2. The government agency must provide for a redundant copy of the images of their records and associated indices. Such copies shall be held by their agency or a third party to insure the preservation, security and authenticity of such records.

i. The third party for such services may be either a public or private agency.

ii. If a third party is selected for such services the contract between the agency and the third party shall provide for the same safeguards as those provided for in a contract with a vendor pursuant to the provision in (i)1 above.

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 (f), inserted "images and associated indices on" and substituted "magnetic media" for "associated indexes"; and in (f)1 and (f)2, inserted "and magnetic media"; and added (i).

15:3-4.5 Image storage and retrieval

(a) Standard file formats and compression methods. Any image processing system used for public records shall support standard file formats and compression methods and allow for the interchange of documents with other systems. Required standards include single-page Tagged Image File Format (TIFF) with CCITT Group III and/or IV compression, Portable Network Format (PNG) for grayscale or color images, and Open Document Architecture/Open Document Interchange Format (ODA/ODIF) for text. Image processing systems shall include compression capabilities and standard file formats, incorporated herein by reference.

1. Multi-page Tagged Image File Format (TIFF) may be used and implemented for image processing systems only at the direction, and with the review and written approval, of the Division of Archives and Records Management, upon written application by the agency to the Chief of the Bureau of Records Management in the Division of Archives and Records Management.

i. To be approved, the application must include the following:

(1) Justification for use of multi-page Tagged Image File Format (TIFF) files by the image processing system;

(2) Limitation on the size of any multi-page TIFF file to no more than 2,800 pages;

(3) Completely documented and tested procedures and techniques for adequate back up and disaster recovery procedures; and

(4) Provision for data migration and the conversion of images and data in compliance with these standards.

2. Use and implementation of the PNG file format (International standard ISO/IEC 15948:2003, incorporated herein by reference, as amended or supplemented) for grayscale or color images, shall only be at the direction and with the review and approval of the Division of Archives and Records Management, upon written application by the agency to the Chief of the Bureau of Records Management in the Division of Archives and Records Management.

i. To be approved, the application must include the following:

(1) Copies of scanned images in both TIFF and PNG formats; and

(2) An attestation that using TIFF format to scan a record or group of records (ordinarily used for digital imaging of bitonal (black and white) records) cannot create legible and accurate reproductions of

(d) All aspects of the design and use of the image processing systems shall be documented. Documentation on an image processing system shall include:

1. Administrative procedures for imaging, storage, and retrieval of records;
2. Technical specifications for all the components of the system;
3. Problems encountered in the operation of the system and measures taken to address such problems; and
4. Any and all hardware and software modifications made to the system.

(e) Pursuant to the provisions of section 6 of P.L. 1994, c. 140, N.J.S.A. 47:1-12, the Division of Archives and Records Management, with the approval of the State Records Committee, is required to review and approve all image processing systems used for recordkeeping by State and local government agencies.

1. The Division shall conduct an annual review of agencies employing image processing systems for keeping public records, which will include a review of systems maintenance, operation and administration; backup, disaster recovery and data migration procedures; and compliance with other rules for image processing promulgated by the State Records Committee.

2. Each agency employing image processing systems for keeping public records shall report any changes or addition to their system, annually, on the anniversary date of the original certification of their imaging system, or no later than 23 working days, excluding State holidays, following that date. Failure to make such an annual report may result, upon action of the State Records Committee, loss of certification of said system.

3. An agency shall submit an annual report to the Chief of the Bureau of Records Management as specified in N.J.A.C. 15:3-5.6.

4. The Division shall, based on this report and any other supplementary information it may require, issue a certificate to the agency stating whether or not the image processing system complies or continues to comply with applicable rules.

5. If the Division determines that an image processing system fails to comply with applicable rules, it shall state in writing to the agency how the system and operational procedures are not in compliance, and provide guidance as to changes that must be made to achieve compliance.

6. A copy of a certification of compliance from the Division shall be presented with every request by an agency for approval of record retention schedules or disposal of original records used or maintained on image processing systems.

(f) The Bureau of Records Management of the Division of Archives and Records Management shall provide training and other records and information management support services to State and local government agencies to assist in the planning, implementation, and maintenance of image processing systems used for keeping public records; and serve as a repository for information concerning State, national and international standards, procedures and guidelines for image processing systems, including all published documents cited or referred to in this subchapter; and produce, publish and distribute technical bulletins, guidelines and other publications to implement and explain established standards, procedures and rules for image processing systems; and shall revise and reissue the same as warranted by advances in technology, issuance of new national and international standards, or other relevant events.

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 (e), substituted "Pursuant to the provisions of section 6 of" for "Per" and "c. 140, N.J.S.A. 47:1-12" for "c.140", and inserted "all" and "used for recordkeeping by State and local government agencies".

15:3-4.8 Security

(a) A security subsystem and procedures for system administration and file access that cannot be disabled or circumvented, except for properly authorized functions of a systems manager, shall be provided for all image processing systems used for keeping public records.

(b) Imaging systems shall not be capable of altering a record as scanned and/or recorded, except for standard computer-enhancement routines used to improve the legibility of scanned documents.

(c) Means of control shall be established and maintained to prevent unauthorized creation, addition, alteration, deletion, or deterioration of any imaged record.

(d) Corrections or additions to records shall be recorded as new documents and maintained in the recordkeeping system along with the original record.

(e) Court-ordered expungement of information recorded on a Write-Once-Read-Many (WORM) optical disk system shall be implemented according to recommendations provided in Technical Report for Information and Image Management—The Expungement of Information Recorded on Optical Write-Once-Read-Many (WORM) Systems (AIIM TR28-1991, as amended and supplemented, incorporated herein by reference).

(f) Security subsystems and procedures for system administration and file access shall be completely and thoroughly documented and auditable.

1. To ensure the integrity, accuracy, and reliability of the public records contained in image processing systems, such systems shall create and retain a record of the loca-

tion, date, operator and equipment involved in the production of all images it copies or produces.

2. Imaging systems shall create and maintain logs of all system and file access and activities.

3. Only authorized persons shall have access to logs and other documentation of security subsystems and procedures.

15:3-4.9 Public access

(a) The implementation and use of image processing systems shall not limit or hinder public access to public records. Image processing systems shall provide access which is equivalent, or better than, that provided by previous record-keeping systems.

(b) The right of the public to inspect and copy public records pursuant to P.L. 1963, c.73 (N.J.S.A. 47:1A-1 et seq.) shall, with respect to the copying of records maintained by an image processing system, be deemed to refer to the right to receive printed copies of such records.

15:3-4.10 Scanning legacy records; best evidence

(a) Pursuant to the provisions of N.J.A.C. 15:3-4.6(h), in the event an image processing system created or maintained for the management of public records by a State or local government agency contains images of records that do not conform to State standards pursuant to the requirements of this subchapter, scanned images from uncertified microfilm that does not conform to State standards pursuant to the requirements of N.J.A.C. 15:3-3, or scanned documents that are not original records that conform to State standards due to loss, theft, destruction, natural disasters or human causes, the agency shall petition the State Records Committee to declare such records as the best available evidence of the action or transaction the records document.

(b) If, upon review of an agency's petition, the State Records Committee approves the designation of any images of records that do not conform to State standards as the best available evidence of the action or transaction the records document pursuant to (a) above, the declaration of a record series or series of records as the best available evidence shall be documented in the proceedings of the Committee and maintained in the files of the Committee for the duration of the retention schedule for such records.

(c) Upon approval of an agency's petition by the State Records Committee and the declaration of the images a record series or series of records as the best available evidence, each image of such records shall bear or be caused to bear a watermark, imprint, header or footer permanently associated with each image identifying it as best available evidence.

New Rule, R.2006 d.446, effective December 18, 2006.
See: 38 N.J.R. 3495(a), 38 N.J.R. 5403(a).

SUBCHAPTER 5. CERTIFICATION OF IMAGE PROCESSING SYSTEMS

15:3-5.1 Purpose

(a) The Division of Archives and Records Management in the Department of State, with the approval of the State Records Committee as established pursuant to P.L. 1953, c.410 (N.J.S.A. 47:3-20), promulgated at N.J.A.C. 15:3-4, "standards, procedures and rules for image processing of public records for the preservation, examination and use of such records, including indexing and arrangement thereof," as required by P.L. 1953, c.410 (N.J.S.A. 47:3-26) as amended, and P.L. 1994, c.140 (N.J.S.A. 47:1-12). This subchapter, N.J.A.C. 15:3-5, sets forth procedures to be used by State and local agencies for the evaluation and certification of image processing systems for public records and an annual review of the same per the provisions of P.L. 1994, c.140, including section 6 of the same (N.J.S.A. 47:3-20 as amended), and N.J.A.C. 15:3-4.7.

(b) P.L. 1994, c.140 amends section 12 of P.L. 1953, c.410 (N.J.S.A. 47:3-26) and other sections of the New Jersey Statutes to allow the use of image processing systems for keeping public records under standards, procedures and guidelines established by the Division of Archives and Records Management in the Department of State, with the approval of the State Records Committee (see N.J.A.C. 15:3-4). Per Article 6 of P.L. 1994, c.140 and N.J.A.C. 15:3-4.7(e), the Division of Archives and Records Management, with the approval of the State Records Committee, is required to review and approve image processing systems used by State and local agencies for public records. N.J.A.C. 15:3-4.7(e)1 requires the Division of Archives and Records Management to "create an annual report for agencies employing image processing systems for keeping public records, which will include a review of systems maintenance, operation and administration, backup, disaster recovery and data migration procedures, and compliance with other rules for image processing promulgated by the State Records Committee." This subchapter implements that requirement.

(c) P.L. 1994, c.140 provides for the replacement of paper records and records on other media with copies of the records in image processing systems and for the disposal of the original records with the approval of the State Records Committee under certain conditions. The conditions for disposal of original records include conformance with established standards for image processing systems and any related record retention schedules approved by the State Records Committee and that such disposal is not contrary to any other State or Federal statutes or regulations. These conditions include certification that such systems conform to State standards for image processing systems for public records and an annual review to confirm the continued compliance of the same. Evidence of compliance with such 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.

(d) The intent of P.L. 1994, c.140 is to ensure the preservation, integrity, and accessibility of public records in image processing systems by the establishment of relevant standards, procedures and guidelines. The implementation of procedures for certification and review of image processing systems ensure the preservation of public records created and maintained on image processing systems and aid in the future in the migration of records and other data maintained on such systems to new recordkeeping systems or other record storage media.

(e) Furthermore, P.L. 1994, c.140 provides that as long as these standards, procedures and guidelines are followed, image-processed documents can be used in evidence in any court or proceeding in New Jersey with the same force and effect as the original public record. The implementation of procedures for certification and review of image processing systems ensure the continued evidentiary value of public records created and maintained on image processing systems.

15:3-5.2 Correspondence and inquiries

All correspondence and inquiries concerning this subchapter should be addressed to:

Director
 Department of State
 Division of Archives and Records Management
 2300 Stuyvesant Avenue
 PO Box 307
 Trenton, NJ 08625-0307
 (609) 530-3205
 Fax Number: (609) 530-6121

15:3-5.3 Definitions

The words and terms used in this subchapter shall have the standard meanings as established in ANSI/AIIM TR2-1998, Glossary of Document Technologies, incorporated herein by reference, as amended and supplemented, and in ARMA A4759 (2007), Glossary of Records and Information Management Terms, incorporated herein by reference, as amended and supplemented, except as otherwise defined in Title 47 of the State statutes or in rules promulgated by the Division of Archives and Records Management as approved by the State Records Committee, including those contained in N.J.A.C. 15:3-4.2. The addresses of AIIM and ARMA for the purpose of ordering documents may be found in N.J.A.C. 15:3-4.2.

Amended by R.2007 d.363, effective November 19, 2007.
 See: 39 N.J.R. 3487(a), 39 N.J.R. 4938(a).
 Rewrote the section.

15:3-5.4 Responsibilities of the Division of Archives and Records Management

(a) Pursuant to the provisions of section 6 of P.L. 1994, c. 140, N.J.S.A. 47:1-12, the Division of Archives and Records Management, with the approval of the State Records Committee, shall evaluate and certify image processing systems as

compliant with established standards, rules and procedures for such systems for the keeping of public records.

(b) Per N.J.A.C. 15:3-4.7(e)1, the Division shall create and maintain an image processing system evaluation form to be used by agencies employing image processing systems for keeping public records to evaluate and review systems maintenance, operation and administration; backup, disaster recovery and data migration procedures; and compliance with other rules for image processing. See N.J.A.C. 15:3-5.5(e). Said image processing evaluation form shall be used to evaluate systems for certification, that such systems are compliant with the rules for image processing systems promulgated by the Division and approved by the State Records Committee, as well as for the annual review of such systems.

(c) The Division shall distribute the image processing evaluation form upon request, or at least annually, to each agency employing image processing systems for public records within 30 days of the anniversary date of the original certification of their imaging system as required by N.J.A.C. 15:3-4.7(e)2.

(d) The Deputy Director for Records Management of the Division of Archives and Records Management or his or her designee shall review such forms and supporting documentation submitted by a public agency and, based on these reports and any other supplementary information it may require, shall determine if the documented system is in compliance with N.J.A.C. 15:3-4. Upon their recommendation, the Division shall, with the approval of the State Records Committee, issue or decline to issue a certificate to the agency stating whether or not the image processing system complies or continues to comply with applicable rules.

(e) Non-compliance. If the Division determines that an image processing system fails to comply with applicable rules, it shall state in writing to the agency how the system and operational procedures are not in compliance and provide guidance as to the changes that must be made to achieve compliance as required by N.J.A.C. 15:3-4.7(e)5.

1. An image processing system created or maintained for the management of public records by a State or local government agency shall not be certified or maintain its certification, if it contains:

i. Images of records that do not conform to State standards pursuant to the requirements of N.J.A.C. 15:3-4;

ii. Scanned images for uncertified microfilm that does not conform to State standards pursuant to the requirements of N.J.A.C. 15:3-3; or

iii. Scanned documents that are not original records that conform to State standards.

2. System certification or maintenance of certification cannot occur unless or until such records are deleted from the system or are approved by the State Records Com-

mittee as “best available evidence” and are identified as such pursuant to the provisions of N.J.A.C. 15:3-4.10.

(f) The Division shall acknowledge the receipt of forms and supporting documentation submitted by a public agency and, based on these reports and any other supplementary information it may require, shall determine within 23 working days if the documentation on the system is complete and the system is in compliance with established standards, procedures, and rules for image processing for public records, and shall notify the applicant of their findings within that time period.

1. Upon completion of the application process and approval of an application by the Deputy Director for Records Management of the Division of Archives and Records Management, or his or her designee, the Division shall submit the application for approval by the State Records Committee at the next regularly-scheduled meeting of the Committee following a period of 23 working days for receipt of written public comment on the application, including the required period for legal notice for the action to be included on the agenda of the meeting.

2. Upon the approval or disapproval of the State Records Committee of an application for certification or recertification of an image processing system in a regularly-scheduled meeting, the Division shall, accordingly, issue or decline to issue a certificate to the agency, stating whether or not the image processing system complies or continues to comply with applicable rules.

3. If the Division or the State Records Committee determines at any point in the process that an application or required documentation is incomplete or an image processing system fails to comply with applicable rules, it shall notify the agency in writing, as soon as such a determination is made, stating what actions need to be taken to complete the application or how the system and operational procedures are not in compliance and provide guidance, as to changes that must be made to achieve compliance as required by N.J.A.C. 15:3-4.7(e)5.

(g) The Division shall provide training and other records and information management support services to State and local government agencies to assist in the planning, implementation, and maintenance of image processing systems used for keeping public records, including implementation of the provisions of this section; serve as a repository for information concerning State, national and international standards, procedures and guidelines for image processing systems; produce, publish and distribute technical bulletins, guidelines and other publications to implement and explain established standards, procedures and rules for image processing systems; and revise and reissue the same as warranted by advances in technology, issuance of new national and international standards, or other relevant events.

Amended by R.2006 d.446, effective December 18, 2006.
See: 38 N.J.R. 3495(a), 38 N.J.R. 5403(a).

In introductory paragraph of (e), inserted “Non-compliance.”; and added (e)1 and (e)2.

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

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

In (a), substituted “Pursuant to the provisions of section 6 of” for “Per” and “c. 140, N.J.S.A. 47:1-12” for “c.140”; in (d), substituted “Deputy Director for Records Management” for “Chief of the Bureau of Micrographics and Alternate Storage and the Chief of the Bureau of Records Management” and “his or her designee” for “the acting chief of said bureaus”; in (f), inserted designations 1, 2 and 3; in (f)1, substituted “Deputy Director for Records Management” for “Chief of the Bureau of Micrographics and Alternate Storage and the Chief of the Bureau of Records Management” and “his or her designee” for “the acting chief of said bureaus”; and in (f)3, inserted commas following “writing” and “guidance”.

15:3-5.5 Responsibilities of State and local agencies

(a) State and local public agencies shall submit a completed copy of the image processing evaluation form provided by the Division, along with supporting documentation, to the Division for review and evaluation of each existing or proposed image processing system used for creation, storage or management of public records for determination that the same is in compliance with State standards at N.J.A.C. 15:3-4, as required by P.L. 1994, c.140 (N.J.S.A. 47:1-12).

(b) Agencies shall submit requests for review and evaluation of proposed image processing systems to the Division before purchasing and installation of such a system for keeping public records. Agencies shall submit to the Division a request for review and evaluation of any image processing systems in use for or to be used for keeping public records. It shall be the responsibility of any agency using or proposing to use such a system for recordkeeping to request that the Division review and certify or recertify the same and to file an evaluation form and supporting documentation with the Division as specified in this section. Upon notification by the Division such an application is complete, the agency shall be responsible for posting and notifying stakeholders of their application for certification or recertification of an image processing system for keeping public records, and shall provide public access to a copy of the completed application and supporting documentation.

(c) In conformance with N.J.A.C. 15:3-5.4(c), an agency shall submit a completed annual report, being an annotated copy of the original evaluation form or, if no changes or additions have been made to the systems, a letter stating the same, per N.J.A.C. 15:3-5.6, to the Deputy Director for Records Management of the Division of Archives and Records Management annually, upon the annual review date, being the anniversary date of the original certification of the image processing system by the State Records Committee or the annual review date assigned by the Division, but no later than 23 working days (Monday through Friday, excluding State holidays), after the designated annual review date.

(d) A copy of a certificate of compliance from the Division shall be presented with every request by an agency for approval of record retention schedules or disposal of original records used or maintained on image processing systems.

(e) Agencies shall maintain and submit to the Division the following information on any and all image processing systems used for creation, management or storage of any public records:

1. Agency profile: An agency shall provide agency profile information, including Department, division, bureau or agency office name; agency representative and Management Information Systems (MIS) representative names and titles; and all associated addresses, telephone and facsimile numbers, and e-mail addresses.

2. Records management:

i. Using the agency's related records retention schedules, an agency shall list the records series titles, descriptions, and inclusive dates of all public records created, stored or maintained in the image processing system;

ii. An agency shall note if records retention schedules are being used at the agency and if routine records disposal practices are being followed using the Request and Authorization for Records Disposal form supplied by the Division of Archives and Records Management; and

iii. An agency shall denote which office oversees the image processing system, such as the office of records and information management (as in the case of a municipality, the Municipal Clerk), Management Information Services (MIS), or other office or agency, including contractual arrangements with another office or agency or service bureau;

3. Feasibility study:

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. Location and description of offsite storage and vital records program for imaged records, including storage for magnetic tape, disks, microfilm and/or hardcopy and if images are stored and maintained by a vendor or third party, the location and description of access and storage of the images and any redundant storage site or sites; and

v. Location and description of designated hot site and/or cold site for business continuity in the event of a disaster;

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.

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

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

Rewrote (c), (e)5iv and (e)5v.

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 the addition of record series or changes in hardware or software of 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. If no additions or changes have been made to the system during the past year, a letter stating the same may constitute the required annual report.

(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.

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

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

In (b), inserted "the addition of record series or changes in hardware or software or" and added the last sentence.

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 used 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. Agencies shall provide public access to completed applications and supporting documentation for certification or annual review of any image processing system used for public recordkeeping.

(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.

4. Imaging and document management needs assessment and implementation projects;

5. Needs assessments and implementation projects for electronic records management systems;

6. "e-Government" projects to enhance the ability to transact business over the internet;

7. Business process analysis (BPA) projects for the analysis and improvement of business processes that create or maintain records;

8. The development of needs assessments or implementation of records conversion systems not covered under another category; or

9. Projects that use local government records as teaching tools in the classroom.

(c) Inactive records grants that include the following subcategories are eligible for funding:

1. Planning and design projects to conduct feasibility studies and to develop plans for records storage and an inactive records management program;

2. Implementation of programs and provision of facilities for the improvement of storage, management and preservation of inactive records; or

3. Design studies to provide county archival and records storage facilities, including county-wide needs assessment for shared services with municipal governments, user requirements, feasibility study, schematic drawings and estimate of construction costs.

(d) Historical records grants that include the following subcategories are eligible for funding:

1. Needs assessment and planning;

2. Historical records storage facility improvement projects that support alarm systems, fire detection and suppression systems and other environmental controls and monitoring equipment.

- 3. Improving access to historical records;
- 4. Records conversion for preservation purposes including microfilming and imaging;
- 5. Preservation and conservation of historical records, including general maintenance and other practices that inhibit or retard deterioration of records;
- 6. Outreach and public programs that support the use of historical local government records in informational brochures, local history publications, videos, etc.; or
- 7. Projects that use local historical records as teaching tools in the classroom.

(e) Records program staffing grants that include the following subcategories are eligible for funding:

- 1. Salary and benefits for a professional Records Manager and/or Archivist;
- 2. Salary and benefits for archives and records management technicians and technical support staff directly related to an established archives and records management program; or
- 3. Hourly wages for temporary or part-time personnel directly related to a grant project.

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

In b(2), inserted "prevention, response" and "and projects to inhibit damage and/or restore records damaged in a disaster"; deleted "or" from the end of (c)1; in c(2), inserted "provision of" and substituted "; or" for a period at the end; added (c)3; inserted "and suppression" in (d)2 and in d(5), substituted "and conservation of historical records, including" for "consisting of" and inserted "or retard"; and added (e).

15:3-7.5 Eligible costs

(a) The following expenses directly related to the project are eligible for grants:

- 1. Document imaging systems and bar coding equipment;
- 2. The cost of retaining consultants to make studies or prepare reports, recommendations, or inventories;
- 3. Registration, accommodations and travel to selected professional conferences, seminars, meetings and courses;
- 4. Purchase of supplies and materials directly related to a grant project;
- 5. Capital expenditures for equipment, including computer equipment;
- 6. Cost of producing publications directly related to a grant project;
- 7. Purchase or construction of records storage facilities or additions to existing structures and lease or rental of temporary records storage facilities or services;

8. Repairs to a records storage facility or that component of a building used exclusively for storage of and access to public records;

9. Standard archival and records center boxes and containers, acid free folders and other specialized archival supplies;

10. Shelving, map cabinets, open-shelf lateral files and file cabinets, and two or more hour fire-resistant file cabinets;

11. Vehicles used exclusively in the transportation of records and records storage and retrieval equipment;

12. Professional consultants and temporary or permanent personnel directly related to the grant project;

13. Design studies to provide county archival and records storage facilities, including county-wide needs assessment for shared services with municipal governments, user requirements, feasibility study, schematic drawings and estimate of construction costs;

14. Planning projects to develop, test and implement disaster and recovery plans and systems and projects to inhibit damage and/or restore records damaged in a disaster, including, but not limited to, personnel such as conservation/preservation consultants, clerical workers, and laborers; purchased services such as freeze drying, microfilming, freezer storage, transportation and rental; and supplies, such as acid free boxes, folders, and other enclosures, cleaning materials, plastic milk crates, and storage boxes;

15. Salary and benefits for a Professional Records Manager and/or Archivist and Archives and records management technicians and technical support staff; and

16. Lease or rental of temporary office space for records triage or disaster recovery or office space for records management pending a move to a new facility, 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.210, effective June 5, 2006.
See: 37 N.J.R. 3030(a), 38 N.J.R. 2509(b).

Inserted "directly related to a grant project" in (a)4; substituted "a grant" for "the" in a(6), in a(7), inserted "records storage" and "and lease or rental of temporary records storage facilities or services"; in a(8), inserted "records storage facility or that component of a" and "used exclusively for storage of and access to public records"; in a(10), inserted "specialized fire-proof"; deleted "and" from the end of a(11); substituted a semicolon for a period at the end of (a)12; and added 13, through 15.

Amended by R.2006 d.446, effective December 18, 2006.
See: 38 N.J.R. 3495(a), 38 N.J.R. 5403(a).

Rewrote (a)10 and (a)14; in (a)15, substituted "; and" for a period at the end; and added (a)16.

15:3-7.6 Ineligible costs

(a) The following expenses are ineligible for grants:

1. On-going expenses such as routine repairs, building maintenance, or systems maintenance;
2. Hiring a grant writer or project manager;
3. Purchase of photocopier, fax machine, telecommunication or other office equipment;
4. Standard office filing cabinets, motorized filing cabinets and equipment, files and file folders;
5. Office furniture such as desks, chairs, tables or work stations;
6. Office supplies, including tape measures, calculators and marking pens;
7. Wooden shelving of any kind;
8. Cartons or boxes other than the standard archival and records center boxes or containers;
9. Administrative or operational costs of the agency receiving funding;
10. Academic degree programs; and
11. Salary and benefits for clerical and administrative support personnel not directly related to a grant project.

Amended by R.2006 d.210, effective June 5, 2006.

See: 37 N.J.R. 3030(a), 38 N.J.R. 2509(b).

Inserted "or project manager" in (a)2; substituted "telecommunication or" for "telephones and" in a(3); in a(4), inserted "filing", "motorized filing cabinets and equipment," and "and file folders"; deleted "other" preceding "containers" in (a)8; deleted "and" from the end of (a)9; substituted "; and" for a period at the end of a(10); and added a(11).

15:3-7.7 Procedures

(a) Annual announcement of grant submission dates shall be published in the New Jersey Register and posted on the DARM website www.njarchives.org.

(b) The following four basic steps shall constitute the PARIS grant application procedure:

1. The applicant's project manager shall attend at least one mandatory training session on PARIS grant applications presented by DARM. This training session will review the grant application forms and guidelines that are available on DARM's website. Times and locations for these training sessions shall be posted on the DARM website.
2. The applicant shall submit an application on forms provided by DARM. The application forms shall be available at the address below and posted on the DARM website. A separate original signed written application and seven copies of the complete application shall be submitted to:

PARIS Grants Administrator
 Division of Archives and Records Management
 P.O. Box 307
 Trenton, NJ 08625-0307
 Fax: (609) 530-6121
 Email: paris.grants@sos.state.nj.us
 Delivery: 2300 Stuyvesant Avenue, Ewing
 Township, Trenton, NJ 08618-3226

3. A notice of receipt for each application shall be sent by DARM to each applicant.
4. Completed applications shall include:
 - i. The amount of grant and completion date;
 - ii. The project period;
 - iii. The project scope;
 - iv. Special requirements;
 - v. A projected completion date;
 - vi. Personnel and budget, including an organizational chart and resumes;
 - vii. Governing body authorizations;
 - viii. Annual or most recent fiscal action plan; and
 - ix. Authorized signature.

(1) The governing body of a county shall designate by resolution the signatory for the grant application. The signatory on the application shall be a full-time management-level executive or officer of the county with authority and subject matter knowledge to oversee the fulfillment of the grant terms.

(2) 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 PARIS grant for a municipality. A Municipal Clerk may delegate his or her responsibilities as signatory to a designee, provided such designee is approved by the State Records Committee, upon written application 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 delegation shall be to a municipal employee having the authority to oversee grant projects at an enterprise-wide level.

(c) Each application shall contain sufficient information to ensure that the State Records Committee is able to conduct an adequate and thorough review. Applications not technically complete at the time of review, established by the State Records, shall not be eligible. The Division of Archives and Records Management staff shall review all applications before submission to review process for the State Records Committee to determine that proposed projects conform to State rules pursuant to this chapter and that all relevant records have been certified or shall be certified during the course of the grant project.

(d) Applications not funded in a given grant cycle may be revised and submitted in a subsequent grant cycle.

(e) Application materials for projects not funded shall be retained by the State Records Committee for three years following announcement of grant awards. Applicants may request return of a copy of their application materials within this three-year period. After three years, the State Records Committee may dispose of all application materials for non-funded projects, in accordance with the Destruction of Public Records Act (P.L. 1953, c.410, N.J.S.A. 47:3-17).

(f) The designated signatory on the application shall serve as project manager responsible for implementation and reporting for a grant.

Amended by R.2006 d.210, effective June 5, 2006.

See: 37 N.J.R. 3030(a), 38 N.J.R. 2509(b).

In (b)(2), substituted "seven" for "either four", deleted "or an electronic version" and "on a compact disc shall be submitted for each project. Applications"; in (e), substituted "three years" for the first occurrence of "one year" and "three-year" for the second occurrence of "one year" and "dispose of" for "discard" and inserted "in accordance with the Destruction of Public Records Act (P.L. 1953, c.410, N.J.S.A. 47:3-17)". Amended by R.2006 d.446, effective December 18, 2006.

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

In (b)4ix(1), inserted designation for (b)4ix(2) preceding the last sentence; in (b)4ix(2), inserted the last two sentences; and in (c), substituted "an" for "and" and inserted the last sentence.

15:3-7.8 Awarding of PARIS grants

(a) In each grant cycle, PARIS grants shall be allocated according to a ranking of applications in a given grant cycle, subject to the availability of funds.

(b) The ranking of applications shall be based on criteria established in N.J.A.C. 15:3-7.9.

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

(d) The State Records Committee may award grants on an outright or contingent basis.

(e) Grant decisions of the State Records Committee are final.

Amended by R.2006 d.210, effective June 5, 2006.

See: 37 N.J.R. 3030(a), 38 N.J.R. 2509(b).

Substituted "an" for "a conditional or" and inserted "or contingent" in (d).

15:3-7.9 Criteria for review and ranking of applications

(a) Within a given grant cycle, applications shall be reviewed and ranked on the basis of need and the following specific competitive evaluative criteria:

1. Soundness of the plan of work, including its timetable;
2. Qualifications or suitability of persons who will be paid with grant funds;

3. Appropriateness of the budget for the planned work;

4. Whether the applicant has satisfied each of the requirements for relevant project categories as identified in these rules and elaborated upon in the application and guidelines for PARIS grants;

5. Potential of the project to develop or enhance the management, storage, or preservation of records, rather than to support such on-going activities;

6. Demonstrated support for, and progress towards, developing a records management, storage or preservation program; and

7. Demonstration that the project will adhere to and meet all relevant standards and guidelines for the management, storage and preservation of the related records in accordance with Title 47 of the New Jersey State statutes and implementing rules.

15:3-7.10 Annual public notice

(a) DARM shall annually publish a notice in the New Jersey Register and post on the DARM website www.njarchives.org a listing of the categories, subcategories, and specific projects that have been targeted for funding in a given grant cycle and an annual timetable for the grant cycle.

(b) The Division of Archives and Records Management shall annually publish a public notice in the New Jersey Register and post on the Division website a timetable for grant applications in a given grant cycle. The annual public notice shall include:

1. Application submission deadlines;
2. Notification of award dates;
3. Start dates of projects;
4. Completion dates of projects;
5. Interim report due dates, if any;
6. Final report due dates;
7. Minimum and maximum grant award amounts; and
8. Priorities established by the State Records Committee, including a listing of categories, subcategories, and specific projects that may be funded during the current grant cycle.

Amended by R.2006 d.210, effective June 5, 2006.

See: 37 N.J.R. 3030(a), 38 N.J.R. 2509(b).

Section was "Priority for funding". Substituted "; and" for a period at the end of (b)6; and added (b)7.

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

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

In introductory paragraph of (b), substituted "The Division of Archives and Records Management" for "DARM", "Division" for "DARM" and "public notice" for "timetable"; rewrote (b)7; and added (b)8.

15:3-7.11 Commencement of project and payment

(a) Upon receipt of a grant award, payments shall be made based on the following schedule:

1. Up to 50 percent of total grant awarded after notification of approval of application and budget and receipt by DARM of resolution accepting grant award and executed contracts;
2. Additional funds up to 90 percent of total grant based upon estimates of need for funds to continue project and timely submission of any interim reports; and
3. Remainder of total grant awarded after submission of final report on project within approved project period.

15:3-7.12 Grant amounts and duration

(a) The State Records Committee shall establish minimum and maximum amounts for PARIS 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) Grants shall be for a period of not more than one year; however, applications for multi-year projects will be accepted and awarded on an annual basis, provided adequate progress 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.

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).

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.