

Source and Effective Date

R.1998 d.289, effective June 1, 1998.
See: 30 N.J.R. 986(a), 30 N.J.R. 2056(a).

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
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15:3-5.3 Definitions

The words and terms used in this subchapter shall have the standard meanings as established in Technological Report for Information and Image Management—Glossary of Imaging Technology (ANSI/AIIM TR2-1992), incorporated herein by reference, as amended and supplemented, and in Glossary of Records Management Terms—A Guideline (ARMA A4542) 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.

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

(a) Per P.L. 1994, c.140, 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 Chief of the Bureau of Micrographics and Alternate Storage and the Chief of the Bureau of Records Management of the Division of Archives and Records Management or the acting chief of said bureaus 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) 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 as required by N.J.A.C. 15:3-4.7(e)5.

(f) 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.

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.

(c) An agency shall submit the completed annual report form in conformance with N.J.A.C. 15:3-5.4 to the Director of the Division of Archives and Records Management within 30 days after the receipt of the annual review notice.

(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. Offsite storage/vital records, including storage for magnetic tape, disks, microfilm and hardcopy; and
 - v. Hot site/offsite designation;
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.

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 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.

(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.

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 use 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.

(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. Evidence of compliance with established 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.

(c) Nothing in this subchapter shall be deemed to preclude the State Records Committee or the Division from requesting additional information or documentation from an agency concerning any image processing system used for public records which it may deem necessary for the decision-making process for the evaluation and certification or annual review of the same or approval or any records retention schedule or records disposal request for any record or record series stored or maintained on such a system.

(d) Nothing in this subchapter shall be deemed to preclude any State or local agency, at its own expense, from employing a vendor, service supplier, or other party to prepare such information or documentation as required in this section, provided such vendor, supplier, or other party shall certify the accuracy and veracity of any such information and documentation and shall be held responsible for the same.

SUBCHAPTER 6. STORAGE OF PUBLIC RECORDS

Authority

N.J.S.A. 47:1-12 and 47:3-26.

Source and Effective Date

R.1998 d.409, effective August 3, 1998.
See: 30 N.J.R. 1899(a), 30 N.J.R. 2929(c).

15:3-6.1 Purpose

(a) This subchapter sets forth standards for the storage of public records as required by P.L. 1953, c.410, § 16 (N.J.S.A. 47:3-30) as amended, effective September 18, 1953, for the Division of Archives and Records Management in the Department of State with the approval of the State Records Committee, established under Section 6 of P.L. 1953, c.410 (N.J.S.A. 47:3-20), to "make and promulgate rules and regulations for the effective administration of laws relating to public records."

(b) Standards, procedures and rules for storage of public records mandated by P.L. 1953, c.410 (N.J.S.A. 47:3-26) as amended, P.L. 1994, c.140 (N.J.S.A. 47:1-12(a) et al. as amended), and other sections of the State statutes are promulgated in this subchapter to ensure the preservation and accessibility of public records. Furthermore such standards, procedures and rules for storage of public records insure the legal integrity and admissibility of public records as provided for under P.L. 1994, c.140, § 4 (N.J.S.A. 47:3-26 as amended) et al.