

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), P.L. 2003, c. 117, Sections 38 and 39 (N.J.S.A. 22A:4-4.2), and P.L. 2011, c. 217 (N.J.S.A. 46:26A and 26C).

Source and Effective Date

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

Chapter Expiration Date

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

Chapter Historical Note

The rules in Chapter 3, Records Management, were formerly codified at N.J.A.C. 6:66. Pursuant to N.J.S.A. 52:146-2, the Bureau of Records Management Services in the Division of the State Library in the Department of State and the Archives Section in the Bureau of Law, Archives and Reference Services in the Division of the State Library, Archives and History in the Department of Education, were transferred to the Division of Archives and Records Management in the Department of State, effective June 24, 1983. See: 15 N.J.R. 818(a).

Pursuant to Executive Order No. 66(1978), Chapter 3, Records Management, expired on May 20, 1986 and was adopted as new rules by R.1986 d.238, effective July 7, 1986. See: 18 N.J.R. 820(b), 18 N.J.R. 1401(b).

Pursuant to Executive Order No. 66(1978), Chapter 3, Records Management, expired on July 7, 1991. In accordance with N.J.A.C. 1:30-4.4(f), the rules proposed for readoption with amendments were adopted as new rules by R.1991 d.452, effective August 19, 1991. See: 23 N.J.R. 1912(b), 23 N.J.R. 2519(a).

Pursuant to Executive Order No. 66(1978), Chapter 3, Records Management, expired on August 19, 1996.

Chapter 3, Records Retention, was adopted as new rules by R.1996 d.590, effective December 16, 1996. See: 28 N.J.R. 3513(a), 28 N.J.R. 5183(a). Chapter 3, Records Retention, expired on December 16, 2001.

Chapter 3, Records Retention, was adopted as new rules by R.2003 d.357, effective September 2, 2003. See: 35 N.J.R. 2437(a), 35 N.J.R. 4084(a).

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

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

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

Chapter 3, Records Retention, was adopted as new rules by R.2009 d.280, effective September 21, 2009. See: Source and Effective Date.

Subchapter 9, Rules Regarding Electronically Submitted Documents Affecting Real Property in the Offices of New Jersey County Clerks and Registers of Deeds and Mortgages, was adopted as new rules by R.2014 d.165, effective November 3, 2014. See: 46 N.J.R. 1677(a), 46 N.J.R. 2177(a).

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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;

map or plan, photograph, microfilm, data processed or image processed document, sound-recording or similar device, or any copy thereof which has been made or is required by law to be received for filing, indexing, or reproducing by any officer, commission, agency or authority of the State or of any political subdivision thereof, including subordinate boards thereof, or that has been received by any such officer, commission, agency or authority of the State or of any political subdivision thereof, including subordinate boards thereof, in connection with the transaction of public business and has been retained by such recipient or its successor as evidence of its activities or because of the information contained therein.

“Records center” or “records storage facility” means:

1. Generally, a facility established and maintained pursuant to the provision of N.J.A.C. 15:3-6, Storage of Public Records, for economical and efficient storage and servicing of noncurrent records pending the expiration of their approved retention periods and their disposal or transfer to an archives; or an intermediate area where agencies send inactive material which is maintained in an accessible manner until the agency obtains authority for its disposal; and

2. Specifically, the State Records Center or other records storage facilities established under N.J.S.A. 47:2-7, pursuant to the provisions in the Governor’s Reorganization Plan, filed April 25, 1983, and maintained for economical and efficient storage and servicing of noncurrent public records pending the expiration of their approved retention periods and planned disposal or transfer to the State Archives.

“Records Officer” or “Records Liaison Officer” means any person or persons designated by the head or the governing body of a State agency in the executive or legislative branches of State government or independent State authorities or commissions, or county, municipality, school districts, independent local authorities or commissions or other local agencies, according to the provisions of N.J.A.C. 15:3-1.5(a)3, whose responsibilities include the development and oversight of archives and records management programs of such agency.

“Recordkeeping requirements” means:

1. Generally, statements in statutes, regulations, or agency directives providing general and specific guidance on particular records to be created, received, or filed and maintained by an agency, including good recordkeeping practices; or

2. Specifically, since every public agency is legally obligated to create and maintain adequate and proper documentation of its organization, functions, transactions, and activities, the guidelines, policies and procedures established by an agency for recordkeeping for any activity, transaction, or record media or to distinguish records from nonrecord materials or public records from personal papers.

“Records management” means:

1. The systematic application of professional methodologies, practices and techniques for the effective, efficient and economical management, use, processing, protection, preservation, and disposition of records; or

2. The planning, managing, controlling, directing, organizing, training, promoting, and other managerial activities related to the creation, maintenance, use, and disposition of records to achieve adequate and proper documentation of State and local policies and transactions and effective, efficient and economical management, operation, and administration of public agencies.

“Records management system” or “records system” means the combination of technical and human resources and policies and procedures for records creation, collection, acquisition, filing, processing, storage, use, dissemination, maintenance, and disposition.

“Records series” means any group or groups of related records which are normally used and filed as a unit and which permit evaluation as a unit for disposition purposes.

“Register” means:

1. Generally, a book, list or record of items, acts, names, or events recorded and kept for reference, access, control, or planning purposes; or

2. Specifically, the centralized list or record maintained for systematic recording and retrieval of information regarding public records pertaining to the administration of the provisions of this title, including but not limited to identification of record series and the function, location, custodian, retention schedule, personal or confidential nature of such record series and related recordkeeping systems.

“Report” means a narrative, statistical, graphic, or other account of operations, conditions, plans, or projections that is recorded on any medium for submission by one person, office or agency to another.

“Reports management” means the systematic control and direction of the production, maintenance and distribution of reports, including establishment of drafting and review standards by an agency, physical format and control standards, and other management procedures.

“Retention schedule” means a list or other instrument describing public records and their minimum retention periods and planned disposition, approved by the State Records Committee, pursuant to N.J.S.A. 47:3-19 et seq.

“Records series” means any groups of related records which are normally used and filed as a unit and which permit evaluation as a unit for disposition purposes.

“Retention period” means the period of time that must elapse before the records are disposed of or transferred to an

archive; specifically, in the case of State agencies, the State Archives.

“Semicurrent records” means:

1. Any records that are needed only infrequently for the conduct of current operations of an agency and are not required to be retained in the office in which they were created, received, or accumulated (see also the definitions of “record” and “noncurrent record”); or

2. Records stored in a records storage facility that are needed only infrequently for the conduct of current operations and are not required to be retained in the office in which they originate. (See the definitions of “records center” or “records storage facility.”)

“Short-term record” means any public record with a retention period of three years or less after creation, filing or completion, unless otherwise specified in standards, rules or regulations promulgated by the State Records Committee. (See also the definition of “record.”)

“State agency” means the following, currently or previously existing or to be established:

1. The Office of the Governor and any of the departments in the Executive Branch of State government;

2. Any division, board, bureau, office, commission, council, authority, institution, office or officers or other instrumentality within or created by the departments in 1 above;

3. The Legislature of the State and any office, board, bureau or commission within or created by the Legislative Branch of the State government;

4. Any independent State authority, commission, district, institution, or instrumentality or agency;

5. Any subordinate office or agency of 1 through 4 above;

6. Any office, officer, official, board, or governing body of 1 through 5 above; or

7. Any combination of 1 through 6 above.

“State Archives” means the “New Jersey State Archives” or “Office of Archives and History,” pursuant to P.L. 1994, c.140, § 10 (N.J.S.A. 47:1-15), an establishment maintained by the Division of Archives and Records Management in the Department of State as established under the Governor’s Reorganization Plan, filed April 25, 1983, and as set out under N.J.S.A. 18A:73-26; and the successor to the Public Records Office established under P.L. 1920, c.46, as amended by P.L. 1924, c.203 (N.J.S.A. 47:2-1 to 8);

1. For the preservation of those public records and related material that have been determined by the division to have sufficient historical and other permanent or enduring value to warrant their continued preservation by the State;

2. For the maintenance, administration, and use of public records that have been accepted by the division for physical and legal transfer to its custody; and

3. For publishing, exhibiting, and disseminating, by means of public educational programs and research materials, information relating to the management and preservation of public records and to the history of the State of New Jersey and its political subdivisions.

“State Records Committee” or “the Committee” means the 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, and two representatives of State and local agencies, or their designated representatives, as established under P.L. 1953, c.410, § 6 (N.J.S.A. 47:3-20 et al.), to approve retention schedules, review requests for disposal of public records, approve standards, rules and regulations pertaining to public records, and advise on public records access requests.

“State Records Storage Center” or “State Records Center” means a records storage facilities established and maintained for economical and efficient storage and servicing of noncurrent or semicurrent public records pending the expiration of their approved retention periods and planned disposal or transfer to the State Archives.

“Vital records” means records which:

1. Contain information required by public agencies to continue functioning during a disaster or to reestablish operations after a calamity has ended;

2. Must be protected from destruction because they offer direct evidence of legal status, ownership, accounts receivable, and the particulars of obligations incurred by governments; or

3. Provide accountability and establish the policies that direct the operation of government.

“Vital records program” means:

1. The process through which vital records are systematically identified, protected and preserved; or

2. Vital records management actions, which frequently include vital records inventorying and classification, and systematic vital records dispersal, duplication and updating.

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”.

15:3-1.3 Systems of recording; rules; alteration, correction and revision of records

(a) The Division of Archives and Records Management in the Department of State, with the approval of the State Rec-

ords Committee, established under P.L. 1953, c.410, § 6 (N.J.S.A. 47:3-20), shall promulgate such rules as may be necessary to effectuate the management of public records in a systematic and comprehensive fashion and to safeguard the State's documentary heritage.

(b) No public agency shall adopt, use or employ any system for recording, filing, registration or indexing unless the same shall conform to the rules promulgated by the Division of Archives and Records Management in the Department of State pursuant to (a) above, and shall first be approved by the Division of Archives and Records Management. No such system shall be approved until the Division of Archives and Records Management shall have fully promulgated those rules as authorized by 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) in compliance with the Administrative Procedure Act, P.L. 1968, c.410 (N.J.S.A. 52:14B-1 et seq.), and the Rules for Agency Rulemaking, N.J.A.C. 1:30.

(c) Any system for recording, filing, registration or indexing which employs data processing or image processing, or has been previously adopted, is subject to the rules promulgated by the Division of Archives and Records Management, pursuant to P.L. 1994, c.140, § 6 (N.J.S.A. 47:1-12). The approval of the Division of Archives and Records Management shall be necessary to bring about the compliance of such systems, in a prompt and orderly fashion, with the standards set forth in the rules.

(d) Whenever it shall be necessary to alter, correct or revise the record pertaining to any paper, document or instrument, or the index pertaining to the same, which shall previously have been recorded, filed, registered, or indexed, the officer responsible for maintaining such records or custodian thereof shall cause a notation to be made of the date and nature of the alteration, correction or revision, which notation shall become part of the record, as stipulated in N.J.S.A. 47:1-13. The officer or custodian shall also preserve the record in its original form prior to alteration, correction or revision, and the same shall be available to any citizen of this State, pursuant to P.L. 1963, c.73 (N.J.S.A. 47:1A-1 et seq.).

15:3-1.4 Examination and transfer of public records; preservation and acquisition

(a) The Division of Archives and Records Management, through its Director, or designee, shall, at its discretion, have unrestricted access, pursuant to the provisions of P.L. 1920, c.46, § 3 (N.J.S.A. 47:2-4), to examine the condition of the records, books, documents, manuscripts, archives, maps and papers kept, filed or recorded in any public agency.

(b) Pursuant to sections 3 and 4 of P.L. 1920, c. 46 (N.J.S.A. 47:2-3 through 5), the Division shall take such action as may be necessary to put the records it shall examine or over which it shall obtain control into the custody and condition contemplated by the various laws and rules relating

thereto, and shall provide for their restoration and preservation.

(c) Pursuant to the provisions of P.L. 1920, c.46, § 5 (N.J.S.A. 47:2-5), the Division shall cause copies of any public record to be made whenever, by reason of age, use, exposure or any casualty, it shall deem such action to be necessary in order to ensure the preservation thereof. Any copy made accordingly may be certified as being a true and accurate copy of the original and shall be considered and accepted as evidence, and treated for all other purposes, as though it were the original.

(d) The officers of any State department, or of any county or municipality, or any institution or society created under any law of this State, may transfer to the Division public records, books, papers, documents, archives, maps, plans, or other records, in whatever media, which are not in general use, per the provisions of P.L. 1920, c.46, § 7 (N.J.S.A. 47:2-7), and the Division shall receive the same when so transferred and provide for the custody and preservation thereof.

(e) The Division, pursuant to the provisions of P.L. 1920, c.46, § 6 (N.J.S.A. 47:2-8), shall acquire, preserve, classify and collate official records, letters and other material, or transcripts of such records and papers, bearing upon the history of the government and the people of New Jersey.

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

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

Rewrote (b).

15:3-1.5 Responsibilities of public agencies; records programs

(a) Public agencies shall have the following responsibilities for assisting the records programs of the State under the Division of Archives and Records Management:

1. Provide advice to the Division concerning the public records in their care and custody;

2. Inform the Division of technical, legal or procedural innovations or solutions to problems which have been adopted by the agency and which contribute to effective and efficient records management; Cooperate with the division in surveys of historical and other public records for the purpose of planning and Statewide needs assessments;

3. Appoint, maintain and quarter within their respective administrative offices at least one Records Officer or Records Liaison to serve as a records management officer, and such support staff as may be necessary to carry out the provisions of this title, and the division shall provide training assistance and coordination for such records officers, liaison, and support staff as part of the State and local archives and records management program; and

4. Submit to the Division annually, or when requested, reports on any changes in the appointment of Records Officers or Records Liaisons, public officials or officers of

the agency, records retention requirements, or status of public records and records systems.

(b) Public agencies shall have the following responsibilities for assisting the records programs of the State under the State Records Committee:

1. Provide advice to the Committee concerning the public records in their care and custody and advise the Committee on proposed rules for records access, copying, or other archives and records management issues;

2. Petition the committee for approval of records retention schedules, changes in previously approved retention schedules, and records destruction requests;

3. Petition the committee for certification of image processing systems pursuant to the provisions of N.J.A.C. 15:3-5, Certification of Image Processing Systems, and provide an annual report of any changes or additions to certified imaging systems pursuant to the provisions in N.J.A.C. 15:3-4.7(e) and 5.6;

4. Provide information and justification for such petitions as shall be requested by the committee; and

5. Cooperate with the committee in the establishment and maintenance of a program for the selection and registration of confidential public records.

(c) Public agencies shall have the responsibility for assisting the records programs of the State under the State Historical Records Advisory Board by cooperating with the Board in surveys of historical and other public records for the purpose of planning and Statewide needs assessments.

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

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

Rewrote (b)3.

15:3-1.6 Standards referenced

(a) The standards listed below are adopted and incorporated into this chapter by reference as cited or as amended and supplemented. Reference to or citation of any of the following standards in this chapter shall be construed to refer to the year or edition of said standards cited in this section or the current version thereof:

1. The following standards concern definitions:

- i. A4759 (2007), "Glossary of Records and Information Management Terms"

(N.J.A.C. 15:3-1.2, 3.4(a)l, 5.3 and 6.2)

This glossary establishes a standard meaning and definition for terms and phrases used for records and information management material, practices and technologies.

- ii. ANSI/AIIM TR2-1998, "Glossary of Document Technologies"

(N.J.A.C. 15:3-1.2, 5.3 and 6.2)

This glossary establishes a standard meaning and definition for terms and phrases used in imaging and micro-filming material, practices and technologies.

- iii. SAA 460 (2005), "A Glossary of Archival and Records Terminology"

(N.J.A.C. 15:3-1.2 and 6.2)

This glossary establishes a standard meaning and definition for terms and phrases used for material, practices and technologies employed in archives, historical repositories and records management programs.

2. American National Standards Institute and National Information Standards Organization, ANSI/NISO Z39.48-1992 (R2002), "Permanence of Paper for Publications and Documents in Libraries and Archives."

(N.J.A.C. 15:3-2.7)

This standard establishes the specifications for paper to be used for permanent records in paper form.

3. American Society for Testing Materials, ASTM D3290-00 (2005), "Standard Specifications for Bond and Ledger Papers for Permanent Records" and ASTM D3208-00 (2005), "Standard Specifications for Manifold Papers for Permanent Records"

(N.J.A.C. 15:3-2.7)

These standards establish the specifications for bond, ledger and manifold paper to be used for permanent records in paper form.

4. ANSI IT9.6-1991, "Photographic Film—Specifications for Safety Film" (Revision of ANSI PH1.25-1984)

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

This standard contains the specifications for silver halide gelatin film used for microforms.

5. ANSI/ISO 10602:1995 or ANSI/NAPM IT9.1-1996, "Imaging Materials—Processed Silver-Gelatin Type Black-and-White Film—Specifications for Stability" (Revision and consolidation of ANSI PH1.28-1984, ANSI PH1.41-1984, and ANSI PH1.66-1985 and revision of ANSI IT9.1-1990)

(N.J.A.C. 15:3-3.4(a)1 and 6.4(b))

This document provides the technical standard for processing black and white silver halide gelatin film to insure long-term preservation of the images on the film.

6. ANSI IT9.9-1990, "Imaging Media—Stability of Color Photographic Images—Methods for Measuring"

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

This methodology establishes standards for measuring the stability of images on color photographic film.

7. ANSI/NAPM IT2.19-1994, "American National Standard for Photography—Density Measurements—Part

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 Struc-

ture 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 volume and file structure for CD-ROM and WORM applications 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."

Amended by R.2010 d.180, effective September 7, 2010.

See: 42 N.J.R. 53(a), 42 N.J.R. 2138(a).

In (e)2 and (e)3, deleted a closing parenthesis following "reference"; in (e)2, deleted "independent" preceding "volume" and inserted a closing parenthesis following "13490"; and in (e)3, inserted a closing parenthesis following "9660".

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

record or records in question and that scanning such record or records utilizing the PNG format to create grayscale or color images of the record or records will produce legible and accurate reproductions of such record or records.

3. Information on the issuing authority for these standards and how to obtain a copy of them is set forth at N.J.A.C. 15:3-4.2.

(b) Image processing systems shall meet an established open system standard architecture, as set forth in N.J.A.C. 15:3-4.3(g), and shall run on standard hardware, operating systems, and networking systems.

(c) Preference shall be given to systems built with relational database technology using Structured Query Language (SQL).

(d) Workflow and file folder processing software shall be written in standard, portable programming languages.

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).

15:3-4.6 Scanners and scanning

(a) Direct reproductions of scanned documents. An image processing system used for keeping public records shall record direct reproductions of scanned documents.

1. Imaging systems shall not be capable of altering a public record as scanned, except for standard computer-enhancement routines used to improve the legibility of scanned documents. Editing of recorded text or characters, including cut and paste or automatic editing or despeckling functions, by an image processing system used for keeping public records shall not be permitted.

2. Computer enhancement or removal of scanner-created borders or black areas not present on the original document shall be permitted in an image processing system used for keeping public records, provided such manual or automatic computer-enhancement processes and procedures used while scanning documents shall be thoroughly documented for proof of authenticity of the records maintained on the imaging system.

i. Documentation of policies and procedures pertaining to creation and maintenance of records in an image processing system used for keeping public records shall be kept and maintained by an agency for the same period of time as the retention schedule established by the State Records Committee pursuant to N.J.A.C. 15:3-2.1(e) for all records in the system.

3. Multifunction devices shall not be used to scan documents for an image processing system used for keeping public records unless and until:

i. A separate log is created and maintained for scanned documents entered into the image processing system pursuant to the provisions of (i) below;

ii. Pursuant to the provisions of (a)1 above, all editing functionalities of such multifunction device have been permanently disabled;

iii. Each and every scanned image has been visually inspected pursuant to the provisions of (b) below before being accepted and filed or recorded in an agency recordkeeping system; and

iv. Use of such multifunction device as a scanner for an image processing system has been reviewed and approved by the Division of Archives and Records Management as part of the certification process for such systems pursuant to N.J.A.C. 15:3-5.

4. Images shall not be maintained on the multifunction device after the images have been visually inspected pursuant to the provisions of (b) below.

5. Pursuant to the provisions of N.J.A.C. 15:3-7.6(a)3, Multifunction devices may not be purchased with Public Archives and Records Infrastructure Support (PARIS) grant program funds.

(b) A visual quality control evaluation shall be performed for each and every scanned image and related index data as images are scanned and/or before they are permanently recorded onto optical or magnetic media.

(c) Scanner quality shall be evaluated on the basis of the standard procedures contained in American National Standard for Information and Image Management—Recommended Practice for Quality Control of Image Scanners (ANSI/AIIM MS44-1988, as amended and supplemented, incorporated herein by reference).

(d) The AIIM standard resolution target, AIIM Scanner Target (AIIM X441), RIT Process Ink Gamut Chart (AIIM X443) for use with ANSI/AIIM standard ANSI/AIIM MS44, as amended and supplemented, and/or the ITU-T Standard Image Set (CD-ROM) for Use with National Communication System Information Bulletin 93-45 (AIIM X501), all incorporated herein by reference, shall be used whenever applicable, to test resolution and quality control for operation of scanners.

(e) The appropriate scanning density shall be determined and used for all scanning of public records. Minimum scanning densities for public records shall be as follows:

1. A scanning density with a minimum of 200 dots per inch (dpi) or more is required for scanning bitonal documents containing text or numerals no smaller than six point type.

2. A scanning density with a minimum of 300 dots per inch (dpi) is required for bitonal engineering drawings, maps, and other documents with background detail.

(f) The minimum scanning densities cited in (e) above may not be adequate in all cases. Appropriate scanning density and techniques may differ from document to document due to the attributes of individual documents, purpose of scanning, and the characteristics and limitations of scanning equipment.

1. The scanning density for documents shall be selected and validated using tests on samples of the actual documents to be scanned before scanning is begun, and shall be tested periodically thereafter according to procedures established under N.J.A.C. 15:3-4.7(e) below. Testing and review procedures shall include the comparison of selected recorded images against the original documents after the documents are scanned and recorded, to ensure that records are adequately reproduced and recorded.

2. Higher densities and/or alternative scanning techniques, such as using a selected standard grayscale scanning routine, may be required for adequate reproduction of some documents.

3. Higher resolutions shall be required for computer-aided design (CAD) drawings, where further manipulation or integration and precise measurements are needed.

4. Because some scanners may not capture the full color spectrum and lose significant detail when scanning a document containing certain colors, scanner capabilities shall be reviewed and tested on samples of the actual records to be scanned.

(g) CCITT Group III and/or Group IV compression techniques, incorporated herein by reference, shall be used for scanning documents without continuous tonal qualities. If the use of proprietary compression techniques is required by an image processing system, the system developer shall provide a completely documented and tested gateway to CCITT Group III and/or Group IV compliant data transmission capabilities, incorporated herein by reference.

(h) If legacy records, backfiles, or batch files of documents are scanned, rules promulgated by the State Records Committee for processing and scanning such records shall be followed, including certification and reporting procedures required by rule by the Bureau of Micrographics and Alternate Records Storage of the Division of Archives and Records Management.

(i) Pursuant to N.J.A.C. 15:3-4.8(f)1, a scanning log shall be created and maintained for each scanned document.

1. The scanning log shall include:

- i. The full name of the scanner operator or a key for other information identifying the full name of the scanner operator;

- ii. Identification of the scanned document, such as a document control number;

- iii. The equipment used to scan the document; and

- iv. The date, time and location the document was scanned.

2. A copy of the log shall be maintained externally from the system.

3. A copy of the log shall be maintained for same the length of time as the retention schedule for the documents they relate to.

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); and added (i).

15:3-4.7 Operation and management of image processing systems

(a) Optical disk systems shall not be operated in environments with high levels of airborne particles or without adequate temperature and humidity controls, according to rules promulgated by the State Records Committee.

(b) Complete and accurate indexes are essential when records are stored on optical media.

1. Image processing systems shall include an indexing system and procedures for adequate indexing that permit rapid identification and retrieval for viewing or reproducing of all related records maintained in the systems.

2. The requirement to maintain an indexing system shall be met if an indexing system is functionally comparable to a reasonable hardcopy indexing system which is consistent with statutory requirements.

3. Operational procedures shall include a check of indexing accuracy at the time the indexes are created and periodic testing thereafter under procedures established in (e) below.

4. Preference shall be given to systems which incorporate indexes or other retrieval information directly on the optical disk.

5. Backup, refreshing, and data migration procedures must ensure the preservation of all indexing associated with records in the image processing system, and the continued ability to identify, retrieve, and reproduce all relevant documents.

(c) Particular care shall be given to labeling all optical disks, magnetic tapes and other storage containers, especially when the disk or tape containing their corollary indexes is stored on separate media. Standard practices shall be encouraged for labeling optical disks and cartridges, as set forth in Technical Report for Information and Image Management—Recommendations for the Identifying Information to be Placed on Write-Once-Read-Many (WORM) and Rewritable Optical Disk (OD) Cartridge Label(s) and Optical Disk Cartridge Packing/Shipping Containers (ANSI/AIIM TR21-1991, as amended and supplemented, incorporated herein by reference).

(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).

15:3-4.11 Disaster recovery/contingency planning

(a) Disaster Recovery. Effective disaster recovery and contingency plans require that proper on-site and off-site storage facilities be maintained.

1. An off-site storage facility shall contain adequate storage space for:

- i. Source and object production programs;
- ii. Master files and transaction files to recreate the current master files;
- iii. System and program documentation;
- iv. Operating systems and utility programs; and
- v. Other vital records.

2. The remote backup storage facility shall:

- i. Be located at a safe distance from a data center or agency offices, as based on a risk assessment, ordinarily five or more miles distant;
- ii. Enforce adequate access control; and
- iii. Provide for the storage and maintenance of backup tapes and other magnetic media in accordance with standards established in N.J.A.C. 15:3-6.5.

3. A written emergency plan shall include:

- i. The physical security of the computer installation;
- ii. The actions to be taken in specific emergency situations; and
- iii. The contingency procedures required to recover from a disaster or computer system failure.

4. A suitable backup procedure shall:

- i. Provide backup processing for required processing in volume;
- ii. Provide sufficient processing time as long as is required; and
- iii. Provide the documentation required for management to adequately respond to a disaster.

(b) Data center disaster and recovery contingency plans shall include:

1. Data files and program files backups in place;
2. A computer system backup in place;
3. A remote storage location for emergency procedures manuals;
4. An alternative input and output distribution system ready to operate;
5. A complete assignment of duties for reconstruction and off-site processing in the possession of all trusted personnel; and

6. A complete contingency procedure in place to recover from a disaster or computer system failure.

New Rule, R.2010 d.180, effective September 7, 2010.
See: 42 N.J.R. 53(a), 42 N.J.R. 2138(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 Committee 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 such forms as provided by the Division of Archives and Records Management for that purpose and, if necessary, 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, 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.

Amended by R.2010 d.180, effective September 7, 2010.

See: 42 N.J.R. 53(a), 42 N.J.R. 2138(a).

In (c), inserted "such forms as provided by the Division of Archives and Records Management for that purpose and, if necessary," and deleted "annually" preceding ", upon the annual review date".

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 Division of Archives and Records Management shall provide forms for the purposes of (a) above or, if necessary, the imaging system evaluation form provided by the Division shall be used by 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.

Amended by R.2010 d.180, effective September 7, 2010.

See: 42 N.J.R. 53(a), 42 N.J.R. 2138(a).

In (b), inserted "Division of Archives and Records Management shall provide forms for the purposes of (a) above or, if necessary, the" and deleted "all" preceding "agencies".

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.

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.

15:3-5.8 Notification of stakeholders; public notices

(a) In order to provide adequate public comment on applications for the use of image processing systems for public records in a State or local agency, N.J.A.C. 15:3-5, Certification of Image Processing Systems, as amended, specifically, N.J.A.C. 15:3-5.4(f) and 5.5, and N.J.A.C. 15:3-4, Image Processing Systems for Public Records, as mandated by P.L. 1994, c. 140, requires the posting and publication of a public notice notifying the public and other stakeholders that the agency has applied for certification of an image processing system for public records and that the application is scheduled for consideration by the State Records Committee.

(b) The Division of Archives and Records Management may provide an agency with a sample public notice, but no standard language shall be required, so long as adequate information is conveyed to the public. Publication and posting shall be conducted according to the common practice of the agency for similar public notices of meetings, etc. where the public would expect to find such notices (that is, bulletin boards, publication in legal notices in the local newspaper(s), or calendars of events). Publication of a legal notice in at least one newspaper shall be regarded as adequate notice.

(c) The Chief of the Bureau of Records Management shall notify an agency when their application for certification has been recommended for certification and the scheduled time and place for the public meeting of the State Records Committee when the application will be considered for approval. A sample of a public notice and a statement that posting and publication of such a public notice must be made 23 working days before the scheduled meeting of the relevant State Records Committee shall be included with the formal notification from the Division. The Bureau Chief shall notify the Secretary of the State Records Committee and/or the Records

Analyst or other designee of the Secretary of the scheduled appearance of the agency and their vendor(s).

(d) Upon publication of the public notice, the requesting agency shall secure a dated and signed affidavit of publication by a qualified newspaper or a notarized Declaration of Posting/Publication of Public Notice. A copy of the affidavit of publication or the equivalent shall be faxed and mailed to the Division of Archives and Records Management. Copies of this document shall be kept in the records of the State Records Committee and the master file of certified image processing systems maintained by the Division.

(e) An affidavit of publication or declaration of posting/publication of the public notice must be received by the Division before the official agenda for the State Records Committee is posted. In accordance with the provisions of the Open Public Meetings Act, P.L. 1975, c.231 (N.J.S.A. 10:4-6 et seq.), the agenda of any public meeting must be posted 48 hours before a scheduled meeting. If proof of publication has not been received before that date, the Records Analyst or other designee of the Secretary of the State Records Committee responsible for preparation and posting of the agenda shall attempt to contact each agency whose image processing system is scheduled for consideration by the State Records Committee to verify that the required public notice has been published 23 or more working days before the scheduled meeting of the Committee and request proper verification of publication of the public notice.

(f) If an agency fails to publish the required public notice 23 working days or more before the scheduled meeting of the Committee or to provide adequate proof of such publication before the agenda for the meeting of the State Records Committee is posted, the application will be withdrawn from the agenda and rescheduled for the next available public meeting of the State Records Committee. The appointed Records Analyst or other designee of the Secretary of the State Records Committee shall notify the Bureau Chief of any cancellation and shall be responsible for scheduling the agency for the next available meeting of the Committee.

(g) It shall be the responsibility of the agency to publish the required public notice 23 working days before the relevant public meeting of the State Records Committee and to provide adequate documentation of such publication. The State Records Committee shall not approve the certification unless an agency fulfills this requirement.

SUBCHAPTER 6. STORAGE OF PUBLIC RECORDS

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 Depart-

ment 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.

(c) P.L. 1994, c.140, which amends Section 12 of P.L. 1953, c.410 (N.J.S.A. 47:3-26) and other sections of the New Jersey Statutes, mandates the Division of Archives and Records Management in the Department of State, with the approval of the State Records Committee, to formulate “standards, procedures and rules for photographing, microphotographing, microfilming, data processing and image processing of public records for the preservation, examination and use of such records, including indexing and arrangement thereof” to allow the use of the same for keeping public records. Such standards and procedures promulgated in N.J.A.C. 15:3-4, effective May 5, 1997, include the requirement under N.J.A.C. 15:3-4.4(e) for security copies of public records on optical disks or other media to be stored in secure and suitable facilities according to record storage rules promulgated by the State Records Committee.

(d) Furthermore, the rules define standards, procedures and guidelines for storage of public records pursuant to P.L. 1920, c.309, § 3(10), (N.J.S.A. 40:48-6), which requires the governing body of municipalities to provide a vault or other place or places for safekeeping of books, valuable records, documents and papers affording equal or greater security against fire and theft and other statutory requirements for safe-keeping of records by public agencies.

15:3-6.2 Definitions

The words and terms used in this subchapter shall have the standard meaning as established in the ANSI/AIIM TR2-1998, Glossary of Document Technologies; ARMA A4759 (2007), Glossary of Records and Information Management Terms; and SAA 460 (2005), A Glossary of Archival and Records Terminology, each as amended and supplemented and incorporated herein by reference, except as may be otherwise defined in State statutes, including:

“Agency” or “agencies” means any board, body, department, commission, or office of an official of the state, or any political subdivision thereof, or any public board, body, commission or authority created pursuant to law.

“AIIM” means the Association for Information and Image Management, a standards-setting body affiliated with the American National Standards Institute (ANSI), which is the principal developer of standards for microforms and information storage technologies involving images, such as optical disks and scanners. The address of the Association for the purpose of ordering publications is as follows:

Association for Information and Image Management
AIIM Publication Sales
1100 Wayne Avenue, Suite 1100
Silver Spring, MD 20910-5603
Telephone: (301) 587-8202
Fax: (301) 587-2711

“ANSI” means the American National Standards Institute, a private national standards organization in the United States, which coordinates the development and maintenance of various industry standards. ANSI serves as the United States representative to the International Organization for Standardization (ISO). The address of the Institute is as follows:

American National Standards Institute
11 West 42nd Street, 13th Floor
New York, NY 10036
Telephone: (212) 642-4900
Fax: (212) 302-1286 (orders only)

“Archival film” means a photographic film that when stored under archival storage conditions is suitable for preservation of records having permanent value, providing the original images are of suitable quality. Films suitable for archival records are described in ANSI PH1.28-1984 and ANSI PH1.41-1984 as amended and supplemented.

“Archival storage conditions” means those controlled conditions that are suitable for preservation of records having permanent or long-term legal, administrative or historical value and which will prolong the useful life of any type or form of record media.

“ARMA” means the Association of Records Managers and Administrators International, which is the principal records and information management association in the United States and Canada, and one of the organizations accredited by the American National Standards Institute (ANSI) to develop records management standards. The address of the Association is as follows:

Association of Records Managers and Administrators International
4200 Somerset Drive, Suite 215
Prairie Village, KS 66208
Telephone: (800) 422-2762
Fax: (913) 341-3742

“ASCII” means American Standard Code for Information Interchange, a binary code used as a common denominator