



**AGENDA**  
**SPECIAL STATE RECORDS COMMITTEE**  
**August 18, 2016**  
**10:00AM**

**Location:** New Jersey State Records Center Conference Room  
2300 Stuyvesant Avenue  
Trenton, NJ 08625-0661  
([www.nj.gov/treasury/revenue/rms/directions.shtml](http://www.nj.gov/treasury/revenue/rms/directions.shtml))

**Announcement of Open Public Meeting**

- I. Administrative Actions:**
  - A. Announcement of Approval of Destruction Authorization: None**
  - B. Registered Imaging Systems / Amendments / Annual Reviews: None**
- II. Old Business: None**
- III. New Business:**
  - A. Records Retention Schedules: None**
- IV. Other Business: Re-Adoption of N.J.A.C. 15:3 with Non-Substantive Changes**

**STATE**

**DIVISION OF ARCHIVES AND RECORDS MANAGEMENT**

**Public Records Administration Rules**

**Proposed Readoption of Rules with Amendments: N.J.A.C. 15:3**

Authorized By: Kimberly M. Guadagno, Lieutenant Governor/Secretary of State.

Authority: N.J.S.A. 19:4-10, 19:23-45.3, 19:31-6.4a through 6.9, and 19:31-30.

Calendar Reference: [??].

Proposal Number: PRN [<NUMBER>].

Submit comments by [<DATE>] to:

Joseph R. Klett, Director  
Division of Archives and Records Management  
225 W. State Street, 2nd Floor  
Trenton, New Jersey 08625

Or

joseph.klett@sos.nj.gov

The agency proposal follows:

**Summary**

The Division of Archives and Records Management, Secretary of State’s Office, and also the Division of Revenue and Enterprise Services in the Department of the Treasury (which currently oversees the Division of Archives and Records Management’s “records management services”) reviewed the current rules and determined that several changes are needed. The proposed changes remove duplicative language, eliminate definitions and references that are no longer applicable, and improve clarity such that the records regulations are more efficient, consistent, accessible, and transparent to all interested parties and consistent with the common sense principles of rulemaking. They were submitted to the State Records Committee as a consensus proposal from the departments of State and Treasury, with input from the departments of Community Affairs and Law & Public Safety. The State Records Committee approved them at a special meeting held 18 August 2016.

A summary of the amendments proposed for adoption follows.

**Global Changes**

1. In various places throughout the chapter, references to the Division of Archives and Records Management have been changed to read, simply, the Division, which is defined in 15:3–1.2.
2. In various places throughout the chapter, the Director of the Division of Archives and Records Management have been changed to read, simply, the Director, which is defined in 15:3–1.2.

3. “As amended and supplemented” language in references to standards has been deleted so as not to impose rulemaking outside of the rulemaking process.

### **N.J.A.C. 15:3-1**

This subchapter sets forth the basic authorities and program scope for New Jersey’s archives and records management program.

We propose abbreviating 15:3-1.1 by replacing it with text from 15:3-1.3(a).

We propose amending 15:3-1.2 by doing the following:

- eliminating unnecessary definitions, including: “directives”, “file”, “file management”, “form”, “report”;
- eliminating the definition of “local agency” as it is redundant to the definition of “agency”;
- revising the definition of “automated records system” to “automated electronic records system”;
- eliminating definitions for terms not used in the chapter, including: “automated records management system”, “commercial purpose”, “data archive”, “disposable records”, “forms analysis and design”, “forms management”, “imaging facility”, “information resource management”, “machine-readable records”, “media maintenance plan”, “public administrative building”, “recordkeeping requirements”, and “reports management”;
- removing the reference to the State Archives in the definition of “archives” and renumbering the current 2<sup>nd</sup> and 3<sup>rd</sup> definitions as the 1<sup>st</sup> and 2<sup>nd</sup>, respectively. “State Archives” is defined separately in this sub-sub-chapter;
- correcting an omission and typo in the definition of “Director”;
- replacing the definitions of the following with statutory references: “municipality”, “records”, and “State Records Committee”;
- cross-referencing “New Jersey State Archives” to the definition of “State Archives”;
- clarifying the cross-reference for “public record” to “record”;
- clarifying the statutory references in the definition of “State Archives”; and
- removing the duplicate definition of “records series”, out of place alphabetically between “retention schedule” and “retention period”.

We propose removing section 15:3-1.3(a) as redundant text already given in 15:3-1.1, and re-lettering items (b) through (d) as (a) through (c) accordingly.

In section 15:3-1.4, we propose citing statute instead of reiterating it.

Capitalization is corrected in 15:3-1.5.

Section 15:3-1.6, “Standards referenced,” is proposed to be eliminated in its entirety as these standards are cited in their proper contexts in the applicable subchapters that follow.

### **N.J.A.C. 15:3-2**

This subchapter addresses records retention and disposition scheduling for public agencies in New Jersey.

We propose amending 15:3-2.1 by citing statute rather than reiterating/paraphrasing statutory language. Also, we propose changing the word “such” to “all” in (b)6, and correcting “recordskeeping” to “recordkeeping” in the introductory paragraph of (e).

In 15:3-2.4, relating to the State Archives, we propose cross-referencing to 15:3-2.6 regarding records of extinct agencies.

In 15:3-2.5, we propose deleting the redundant definition of “off-site storage” already given in 15:3-1.2, which is specifically referenced in the introductory paragraph here. We also propose amending (j)4 & 5 to clarify and simplify the language, and replacing “local agency or agencies” with “local government” in (j)2iv.

In 15:3-2.6, we propose deleting the definition of “absorbing municipality” since this term is not actually used in the chapter.

In 15:3-2.7, we propose simply listing the 3 cited standards in (a), deleting the (b) introductory paragraph, and deleting the (c) section of definitions gleaned from the standards but not used in the chapter itself.

### **N.J.A.C. 15:3-3**

This subchapter details the State’s microfilm standards, with the goal of promoting uniformity and quality in the production of microforms of the records of State and local governments.

In 15:3-3.3, we propose wording changes to clarify the introductory paragraph, as well as the deletion of the definition of the unused term “temporary record” and the redundant definitions of “permanent record and “records storage facility”.

In 15:3-3.4, we propose deleting the reference to copies of standards being available at 2300 Stuyvesant Avenue in addition to the “as amended and supplemented” language.

In 15:3-3.6, we correct the lettering of items: iii and iv are now relabeled iv and v.

In 15:3-3.14 (c), item 6 is proposed for deletion because it is duplicative of item 1.

### **N.J.A.C. 15:3-4**

This subchapter sets forth the standards, procedures and rules for image processing of public records for the preservation, examination and use of such records.

In 15:3-4.1, we propose adding the subchapter heading into the section heading to be consistent with the first sections of other subchapters.

In 15:3-4.2, we proposed eliminating the following redundant definitions: “agency”, “Division of Archives and Records Management”, “multifunction device”, “public record”, and “State Records Committee”.

### **N.J.A.C. 15:3-5**

This subchapter sets forth procedures to be used by government agencies for the registration of image processing systems for public records and an annual review of these systems.

In 15:3-5.1, we propose adding the subchapter heading into the section heading to be consistent with the first sections of other subchapters.

In 15:3-5.6, we propose changing “local agency” to “local government”.

#### **N.J.A.C. 15:3-6**

This subchapter sets forth standards for the storage of public records as required by state law.

In 15:3-6.2, we propose eliminating the following definitions, which are already given in 15:3-1.2: “agency”, “DARM”, “long-term storage”, “public record”, “records storage facility”, and “State Records Committee”.

In 15:3-6.3, we proposed edits to clarify (c)1 and deleting references to specific chapters of IBC-2000 in (c)1i and (c)15i.

#### **N.J.A.C. 15:3-7**

This subchapter contains the rules of the New Jersey Public Archives and Records Infrastructure Support (PARIS) grant program to county and municipal governments. Because no funding has been provided for such grants in recent years, this subchapter is recommended for elimination.

#### **N.J.A.C. 15:3-8**

This subchapter constitutes the rules of the Records Disaster Recovery and Triage grant program for the award of grants to government agencies where immediate response is necessary to prevent the loss of records damaged by man-made or natural phenomena. Because no funding has been provided for such grants in recent years, this subchapter is recommended for elimination.

#### **N.J.A.C. 15:3-9**

This subchapter specifies electronic submission standards and practices for documents affecting real property and provides for integrity and security of transmissions when county recorders accept and record real property documents using electronic methods. No changes are proposed for this subchapter.

### **Social Impact**

The proposed amendments will have a beneficial social impact on the citizens of New Jersey because they make the records retention regulations more clear and accessible to interested parties.

### **Economic Impact**

The proposed rules with amendments are designed to promote the effective, economic and efficient management of all public records in New Jersey. Good records management saves money by eliminating unnecessary record storage costs, poor use of office space and equipment, inefficient use of staff and personnel time, inefficient filing and retrieval procedures, and excessive information and technology costs. Properly applied, these rules will reduce the cost of State and local government. They will have no

negative economic impact on New Jersey's private sector, because they apply only to the records of State and local government agencies. Business entities, private institutions and organizations, or small businesses (as the term is defined in N.J.S.A. 52:14B-16 et seq.), are not subject to the rules.

#### **Federal Standards Statement**

Executive Order No. 27 (1994) and P.L. 1995, c. 65, require that a State agency that adopts, readopts, or amends rules that exceed Federal standards or requirements include in the proposed rulemaking a comparison with Federal law. The proposed amendments do not cause the rules to, or amend any rule that does, exceed Federal standards or requirements. Therefore, a Federal standards analysis is not required.

#### **Job Impact**

The Division does not anticipate that any jobs will be generated or lost as a result of the proposed readoption of the rules with amendments .

#### **Agriculture Industry Impact**

The proposed rules will have no impact on the agriculture industry.

#### **Regulatory Flexibility Statement**

The proposed amendments have been reviewed with regard to the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed rules do not impose reporting, recordkeeping, or compliance requirements on small businesses as defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., as the rules pertain to State, county, and local governmental entities. Therefore, a regulatory flexibility analysis is not required.

#### **Housing Affordability Impact**

The proposed rules will not have an impact on the average costs associated with housing. The rules set forth standards and requirements related to records retention by public agencies.

#### **Smart Growth Development Impact Analysis**

The proposed rules with amendments and repeals will have no impact on the number of housing units or the availability of affordable housing in the State, and will have no effect on smart growth development in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan. The proposed rules deal only with public agency records management.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 15:3.

Full text of the proposed amendments follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

§ 15:3-1.1 Purpose; scope

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] **a systematic and comprehensive** framework for the management of public records of [the State of New Jersey] **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** [in a systematic and comprehensive fashion [in a systematic and comprehensive fashion. State and local government agencies are required to make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency and to provide prompt and timely access to the same.

(b) This chapter encompasses all public entities at the State, county and local government levels, including subdivisions thereof, any department, division, board, bureau, office, commission, district, or institution, or other instrumentality within or created by the State or political subdivision or combination of political subdivisions; or any school, fire, or water district or other special district or districts; and any independent authority, commission, district, institution, or instrumentality; or special districts, and authorities.]

#### § 15:3-1.2 Definitions

The words and phrases used in this chapter shall have the [meanings as defined in ARMA A4759 (2007), Glossary of Records and Information Management Terms; ANSI/AIIM TR2-1998, Glossary of Document Technologies; and SAA 460 (2005), A Glossary of Archival and Records Terminology, as amended and supplemented, incorporated herein by reference, except the following words and phrases, which shall have the] designated meanings, unless the context clearly indicates otherwise:

"Accession" means:

1. The transfer of the legal and physical custody of permanent records from an agency to the State Archives or other archives;
2. The records, also called "accessioned records," so transferred; or
3. The physical and recordkeeping process involved in transferring legal and physical custody of such records.

"Agency" or "agencies" means:

1. Generally, an organization that provides some service, a body having the authority to represent another or others, a government bureau or administrative division, or the place of business of the same; or
2. Specifically, any, or all, or any combination of the following public agency or agencies, as defined herein, currently or previously existing or to be established, depending on the context:
  - i. The Office of the Governor and any of the departments of the Executive Branch of State government, and any division, board, bureau, office, commission, institution, or other instrumentality within or created by such department;

- ii. The Legislature of the State, and any office, board, bureau, committee, or commission within or created by the Legislative Branch;
- iii. Any independent State authority, commission, district, institution, or instrumentality;
- iv. Any political subdivision of the State;
- v. Any department, division, board, bureau, office, commission, district, or institution, or other instrumentality within or created by a political subdivision of the State or combination of political subdivisions;
- vi. Any school, fire, or water district or other district or districts;
- vii. Any independent authority, commission, district, institution, or instrumentality;
- viii. Any agency or institution created by a political subdivision, district or other independent authority, or combinations thereof;
- ix. Any subordinate office or agency of i through viii above;
- x. Any office, officer, official, board, or governing body of i through ix above; or
- xi. Any combinations of i through x above.

"Active records or files" means any group of public records maintained in the office of a public agency for conducting daily operations and which is referenced at least once per month.

"Archival records" means:

1. Records which have a permanent or enduring administrative, legal, fiscal, research or historical value, and in consequence thereof should be retained and preserved in perpetuity, and which are noncurrent and are not required to be retained in the office which they originated; or
2. Records found by the Division to contain significant information about the government and history of this State that are therefore worthy of long-term preservation and systematic management for historical and other research. (See definitions of "record.")

"Archives" means:

[1. An organization or agency responsible for appraising, accessioning, preserving, and making available permanent records, which in the State of New Jersey is the New Jersey State Archives, otherwise known as the "State Archives," "Bureau of Archives," or "Bureau of Archives and History," established under N.J.S.A. 47:3-16;]

**1[2].** The noncurrent records of an organization preserved because of their continuing or enduring value and which have been determined to have sufficient historical value to warrant their continued preservation



and have been transferred to the legal custody of such an agency; or

2[3]. One or more buildings, or portions thereof, established and maintained for the preservation, management, administration, and use of such permanent records.

"Automated **electronic** records system" means any system that applies computer technology in the creation, collection, indexing, processing, management, maintenance, retrieval, use, storage, dissemination, and disposition of public records.

["Automated records management system" means any system specifically designed and used to apply computer technology to automate the operation of a records management program, including records storage and retrieval, cost accounting, retention schedules, and records disposition.

"Commercial purpose" means the use of information contained in a public record for the purpose of sale or resale of such information or for the purpose of producing a document containing all or part of copies, printouts, photographs, microforms, duplicate tapes, disks, and other alternate media for sale, or the obtaining of names and addresses from such public records for the purpose of solicitation or the sale of such names and addresses to another for the purpose of solicitation or for any purpose in which the purchaser can reasonably anticipate the receipt of monetary gain from the direct use of such public record; but does not mean the use of a public record as evidence or as research or evidence in an action in a judicial or quasi-judicial body of this State or a political subdivision of this State.]

"Confidential record" means a public record that contains personal data or other sensitive information to which access is restricted. (See also the definition of "record.")

"Correspondence" means letters, postcards, memoranda, notes, telecommunications, and other forms of addressed written communications that are sent or received by an agency.

"Current records" means records needed for the conduct of the current operations of an agency, and are, therefore, generally located and maintained in an office space and office equipment. (See also the definition of "record.")

"Current year" means:

1. The period of a year (365 days or 366 days for a leap year); or
2. In the case of a retention schedule, the period of a year following the date on which a record had been created, received or filed.

"Custodian of public records" or "custodian" means:

1. The head of a public agency having custody or control of public records or his or her designee who is responsible for the creation or receipt, custody, and maintenance of public records;

2. As established under N.J.S.A. 47:1A-1.1 et seq., the officer designated by formal action of that agency's director or governing body, as the case may be; or

3. In the case of a municipality, the municipal clerk.

"Custody" means guardianship or control of records, including both physical possession (physical custody) and legal responsibility (legal custody) unless one or the other is specified.

"Data" means:

1. Facts, statistics, pieces of information, or body of information, either historical or derived from calculation or information gathering activities, relating to a particular subject of interest to an agency, which are collected, created, and recorded for the production of records and information;

2. Symbols, numbers, or other representations of facts or ideas that can be communicated, interpreted, or processed by manual or automated means, often associated with electronic data or statistics and measurements; or

3. A general term used to describe raw facts and figures which may be manipulated and from which conclusions may be inferred.

["Data archive" or "data archives" means a facility established and maintained for the preservation, management, administration, and use of records and information of permanent and enduring value recorded or stored on electronic media.]

"Data processing" means the systematic performance of a series of actions with data, by manual, mechanical, electromechanical, or electronic means, but primarily used to mean electronic data processing (EDP), which is the processing and management of data using electronic digital computers.

["Directives" means a formal managerial communication establishing policy and procedures of an agency.]

"Director" means the head of the Division of Archives and Records Management in the Department of State as established under the Governor's Reorganization Plan, filed April 25, 1983. (See the definition of "Division of Archives and Records Management.") The Director of the Division of Archives and Records Management acts as Secretary to the State Records Committee **and** is responsible for the proper recording of[r] its proceedings.

"Disaster planning" or "disaster response and recovery program" means:

1. Generally, a set of policies and procedures for implementation in the event of a sudden, unplanned calamitous event that creates an inability of an agency to perform critical operational functions for some period of time;

2. A plan consisting of a disaster recovery plan, information about disaster preparedness, procedures during a disaster in progress, and plans for disaster recovery; or
3. Specifically, pursuant to the provisions of N.J.A.C. 15:3-2.5, Vital Records Program, measures taken to prevent damage, loss or destruction of public records in the event of a disaster and methods of recovery and restoration of damaged records.

["Disposable records" means records which have a temporary value and, in consequence, may be destroyed after the lapse of a specified time or after the occurrence of some action which renders them valueless per record retention schedules established by the State Records Committee. (See also the definition of "record.")]

"Disposal" means the final disposition of public records that have a temporary value, and that may therefore be destroyed after the expiration of a retention period fixed by the State Records Committee, and upon receiving the written approval of the State Records Committee.

"Division" means:

1. The Division of Archives and Records Management in the Department of State, as established Governor's Reorganization Plan, filed April 25, 1983 and as set out under N.J.S.A. 18A:73-26, whose primary responsibilities include the implementation and enforcement of the provisions of N.J.S.A. Title 47 (Public Records) et al.;
2. Pursuant to P.L. 1994, c.140, § 10 (N.J.S.A. 47:1-15), whenever in any law, rule, regulation, order, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the Bureau of Archives and History in the Department of Education or the administrator thereof, the same shall be considered to mean and refer to the Division of Archives and Records Management in the Department of State, established pursuant to the Governor's Reorganization Plan, filed April 25, 1983; and
3. 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 through 8).

"Electronic record" or "electronic records" means any record whose informational content is in code and has been recorded on computer-related media such as punched paper cards or tapes, magnetic tape or disks, optical disks, or other electronic media, from which coded information is retrievable only by a machine. (See also the definition of "record.")

["File" or "files" means, depending on the context:

1. An accumulation of records and nonrecord material arranged and maintained according to a plan;
2. A unit, such as a folder, microform, electronic form, containing such records or nonrecord material;
3. Storage equipment, such as a filing cabinet; or

4. A collective term, usually applied to all records and nonrecord material of an office or agency.

"File management" means the combination of technological and human resources for the effective and efficient storage, use, maintenance and disposal of records maintained and managed in filing systems.

"Form" or "forms" means a document or record in paper or electronic form that contains predetermined spaces for the insertion of data.

"Forms analysis and design" means:

1. The study of forms in relation to operating procedures to determine the most effective and efficient collection and processing of data;
2. The specification of the physical components of a form, including but not limited to, layout of information blocks or fields, type sizes and styles, color, weight, and all components; or
3. Specifically, the process often associated with the development of forms to correspond with computer screens used for the entry of data and information to effect more effective and efficient data entry.

"Forms management" means the process through which forms are analyzed for current and future use, designed for effective and efficient entry of data and information, and controlled for efficient storage, revision and printing, which assures that unneeded forms are eliminated, and that needed forms are designed, produced and distributed economically and efficiently.]

"Imaging" means the production of representations of two-dimensional images of documents or other objects from digitally generated data or scanners and other means of data capture, or the recording of such images on microforms, videotape, optical disk or other data storage media.

["Imaging facility" means an establishment maintained for converting, copying, duplicating, recording and printing record image facsimiles on various storage media, and for providing for the identification, indexing, and processing of such record image facsimiles.]

"Image processing" means:

1. Generally, the computer-related discipline wherein analog or digital images are the main data object, or the manipulation and control of data representing two-dimensional images, including raster images generated by scanning and raster conversions of electronic data created in other formats, vector-based data from computer-aided design (CAD) and other illustration systems, and digital images from digital, video and other camera systems; or
2. Specifically, the creation, preparation, capture, recording, indexing, storage, retrieval, reproduction, control, use and management of direct representations or images of documents using these techniques.

"Inactive records" means records that are not needed for the conduct of current operations and are not required to be retained in the office in which they originate. (See also the definition of "record.")

["Information resource management" means the systematic management and treatment of an organization's data, records, and information as common and valuable resources. Information resource management encompasses records management and image processing.]

"Inventory" means:

1. A survey of agency records and nonrecord materials conducted primarily for the development of retention schedules or to identify records management problems, such as inadequate applications of recordkeeping technologies;
2. The documented results of such a survey; or
3. A type of finding aid used in archives administration for accessioning permanent records.

"Life cycle of records" means the records management concept that records normally pass through successive stages from creation or receipt of a record through its useful life to its final disposition, usually identified as five phases in the life span of a record, including the creation stage, distribution and use stage, storage and maintenance stage, retention and disposition stage, and archival preservation stage.

"Life expectancy" or "LE rating" means:

1. The estimated length of time a recording medium should remain viable for storage, retrieval, and preservation of the records or information it contains;
2. A rating system for various types of recording media which has replaced the use of the former general term "archival" for any such media as archival microfilm or archival paper;
3. The life expectancy (LE) rating of any recording medium used for public records, corresponding to the retention period of such records, unless otherwise provided for under the standards, rules and guidelines promulgated by the State Records Committee; and
4. Any manufacturer's claims for the continuing viability of a recording medium, including life expectancy for prerecorded media as well as recorded media, which should be substantiated by detailed specifications for test parameters.

["Local agency" means the following, currently or previously existing or to be established:

1. Any city, municipality, township, county or other political subdivision created by the State;
2. Any department, division, board, bureau, office, commission, institution, or other instrumentality within or created by a political subdivision or combination of political subdivisions;

3. Any school, fire, or water district or other district or districts;
4. Any independent local authority, commission, institution, or instrumentality;
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 combinations of 1 through 6.]

"Local governing body" means the county board of freeholders; city, township, borough, town or village council, committee, board, commission, district, or other body authorized by law to govern the affairs of a local government.

"Local government" means the following, currently or previously existing or to be established:

1. Any county, city, town, municipality, or other government of a political subdivision, created by an act of the Legislature or the State;
2. Any school, fire, or water district or other district or districts;
3. Any independent local authority, commission, district, institution, or instrumentality;
4. Any subordinate office or agency of 1 through 3 above;
5. Any office, officer, official, board, or governing body of 1 through 4 above; or
6. Any combination of 1 through 5 above.

"Long-term record" or "long-term records" means a record or series of records required by a Federal or State statute or regulation, or by a retention schedule approved by the State Records Committee, to be retained by the originating agency for more than 10 years after creation, filing, or completion, unless otherwise specified in standards, rules or regulations promulgated by the State Records Committee per P.L. 1953, c.410, § 6 (N.J.S.A. 47:3-20). (See also the definition of "record.")

["Machine-readable records" means any record whose informational content is in code and has been recorded on media such as punched paper cards or paper tapes, magnetic tape or disks, optical disks, or other electronic media from which coded information is retrievable only by a machine. (See also the definition of "electronic record.")

"Media maintenance plan" means a combination of policies, procedures and standards for the secure storage, protection and preservation of paper and alternative media.]

"Medium" or "media" means the physical form of records or recorded information, including paper, film, magnetic disks and tape, optical disks, and other material on which records and information can be recorded.

"Medium-term record" means any public record with a retention period of more than three years but less than 10 years 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.")

"Micrographics" means:

1. The process of creating photographic reproductions greatly reduced in size from the original on fine grain, high resolution film, usually of a document or some other type of record; or
2. The archival and records management technologies and techniques concerned with microimaging and reprographics, including producing, using and preserving microforms.

"Microform" or "microforms" means any form containing greatly reduced images or microimages, using photographic technologies, including microfilm on reels, cassettes, and cartridges; microfiche; microfilm jackets; aperture cards; microcards and micro-opaques.

"Microimaging systems" means systems including microforms and electronic record systems, including stand-alone micrographic systems, computer-assisted retrieval (CAR) systems, computer-output microfilm (COM) systems, computer-input microfilm (CIM) systems, digitally produced microfilm, and electronic microimage transmission systems.

"Migration" means the process or result of moving data from one electronic record system to another.

"Multifunction device" (MFD) means a multi-function printer/product/peripheral, or multifunctional, all-in-one, mopier (multiple optical copier), or other office machine, which incorporates the functionality of multiple types of office equipment in one device, so as to have a smaller footprint in a home or small business setting or to provide centralized document management/distribution/production in an office. A typical multifunction device may act as a printer, photocopier, fax, scanner and/or telephone or a combination of these devices. Input to multifunction devices is, by their nature, multimodal. Documents may be sent via Ethernet, parallel port or other digital interface from a computer, arrive by fax over the telephone line, or be scanned in locally by the user. Some multifunctional devices include editing and publication capabilities and/or digital media readers, such as media card readers.

"Municipality" **is defined by N.J.S.A. 40:42-1** [means, per N.J.S. 47:1-2: any municipal corporation, including cities, towns, townships, villages and boroughs, and any municipality governed by a board of commissioners or an improvement commission.]

**“New Jersey State Archives” (see the definition of “State Archives”)**

"Noncurrent records" means:

1. Records that are not needed for the conduct of current operations and are not required to be retained in the office in which they originate (see the definition of "record"); or
2. Records stored in a records storage facility that are not needed 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.")

"Off-site storage" means a storage facility with environmental and physical controls for the secure storage and retrieval of paper documents, duplicate microfilm, optical, magnetic and other alternate storage media for the recovery and reinstatement of records and information systems in the aftermath of partial or total system failures. (See also the definitions of "records center" or "records storage facility.")

"Permanent records" means:

1. Records which have a permanent or enduring administrative, legal, fiscal, research or historical value and, in consequence thereof, must be retained and preserved indefinitely by the originating agency or transferred to an archives; or
2. Records which have a permanent or enduring administrative, legal, fiscal, research or historical value and, in consequence thereof, are retained and preserved indefinitely by the State Archives.

"Political subdivision" means and includes any city, municipality, township, county district, authority, or other public corporation, instrumentality or entity created by the State, mandated by constitution, or created by an act of the Legislature.

"Public record(s)" [or "public records"] (see the definition of "record(s)").

["Public administrative building" means: any permanent structure or portion thereof, wholly, or partly enclosed, which is intended to provide offices, courtrooms, workrooms, laboratories, hearing rooms, meeting rooms and auditoriums, which are intended for the use or accommodation of public agencies or the general public for any category or classification thereof in connection with the furtherance of public law or policy necessarily or incidentally requiring the provision of such accommodations or facilities, together with all its grounds and appurtenant structures and facilities.]

"Record(s)" or "**public record(s)**" **is defined by** [means, pursuant to P.L. 1953, c.410, § 2 as Amended by P.L. 1994, c.140, § 3 (N.J.S.A. 47:3-16.): any paper, written or printed book, document or drawing, 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" or "**New Jersey 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. 47:1-15),] an establishment maintained by the Division of Archives and Records Management in the Department of State **pursuant to P.L. 1920, c.46, as Amended by P.L. 1924, c.203 (N.J.S.A. 47:2-1 to 8); P.L.1994, c.140, § 10 (N.J.S.A. 47:1-15) and** [as established under] the Governor's Reorganization Plan, filed April 25, 1983, and as set out under N.J.S.A. 18A:73-26; **being** [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. 47:2-1 to 8)]:

1. For the preservation of those public records and related material that have been determined by the **D[d]ivision** 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" **is defined by** [means] N.J.S.A. 47:3-20 et al.[: 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 facility[ies] 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:

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.

§ 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 Records 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.]

(a[b]) To the maximum extent possible, public agencies should seek to adopt and use effective and efficient systems, including automated electronic records systems, to record, file, register, index, process, and provide access to public records. In doing so, public agencies shall conform to the rules promulgated by the Division pursuant to (a) above, and 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.

(b[c]) Any system for recording, filing, registration, or indexing that employs data processing or image processing, either new or one that has been previously adopted, is subject to the rules promulgated by the Division, pursuant to P.L. 1994, c. 140, § 6 (N.J.S.A. 47:1-12).

(c[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 (**See N.J.S.A. 47:2-3 through 2-8**)

[(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.]

§ 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; c[C]ooperate with the D[d]ivision in surveys of historical and other public records for the purpose of planning and s[S]tatewide 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 s[S]tatewide needs assessments.

[§ 15:3-1. 6 Standards referenced

(a) 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)1, 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 microfilming 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 Z339.48-1992 (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 2: Geometric Conditions for Transmission Density" and ANSI/NAPM IT2.18-1996, "Photography--Density Measurements--Part 3: Spectral Conditions"

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

These standards establish procedures for measuring density of the text on microfilm to insure legibility of the information stored on the film.

8. ANSI/ISO 3334-1991, ANSI/AIIM MS51-1991, "Micro-graphics--ISO Resolution Test Chart No. 2 Description and Use"

(N.J.A.C. 15:3-3.4(a)2)

This document contains the description of the standard resolution test chart used to test the resolution of microimages on microfilm and establishes standard procedures for tests using the chart.

9. NIST 1010A, "Microimage Test Chart"

(N.J.A.C. 15:3-3.4(a)3)

This test chart is the industry standard chart filmed with documents in order to provide an objective means of testing microimages on microfilm.

10. ISO 10214, "Photographic Enclosures" and ANSI/PIMA IT9.2-1998, "American National Standard for Imaging Media--Photographic Processed Films, Plates, and Papers--Filing Enclosures and Storage Containers" (Replaced ANSI PH1.53-78, revised 4 April 1983 "Processed Photographic Films, Plates, and Papers, Photographic Filing Enclosures for Storing, Requirements for"; ANSI PH153-1984. Photography (Processing)--Processed Films, Plates, and Papers--Filing Enclosures and Canisters for Storage; and ANSI PH1.53-1986)

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

These documents provide standards for storage enclosures and containers and procedures and environmental conditions for the storage of film-based imaging media.

11. ISO 18911:2000, "Imaging materials--processed safety photographic films--Storage Practices"; ISO 5466, "Storage of Black and White Microfilm"; ANSI PH1.45-1981, "Practice of Storage of Processed Photographic Plates" (Revised 1989); and ANSI PH1.48-1982, "Photography (Film and Slides)--Black and White Photographic Paper Prints--Practice for Storage" (Revised 1987)

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



These documents provide standards for procedures and environmental conditions for the storage of film-based imaging media, including, but not limited to, black and white silver halide gelatin microfilm, photographic plates, slides, and black and white photographic paper.

12. ANSI/AIIM MS1-1996, "Recommended Practice for Alphanumeric Computer-Output Microforms--Operational Practices for Inspection and Quality Control"

(N.J.A.C. 15:3-3.4(a)2)

This practice establishes a standard for inspection and quality control of Computer Output Microfilm (COM) microforms.

13. ANSI/AIIM MS5-1992 (R1998), "Micrographic Microfiche"

(N.J.A.C. 15:3-3.4(a)2)

This document contains the specifications for micrographic microfiche.

14. ANSI/AIIM MS14-1996, "Specifications for 16mm and 35mm Roll Microfilm"

(N.J.A.C. 15:3-3.4(a)2)

This document contains the specifications for 16 millimeter and 35 millimeter roll microfilm.

15. ANSI/AIIM MS19-1993, "Recommended Practice for Identification of Microforms" and NISO Z39.62-1993, "Eye-Legible Information on Microfilm Leaders and Trailers and on Containers of Processed Microfilm on Open Reels"

(N.J.A.C. 15:3-3.4(a)2 and 6.4(b) and (c))

These documents establish the industry standards for the identification of microforms, including, but not limited to, roll microfilm and microfiche, and the eye-legible information placed on microfilm leaders and trailers and on containers of processed microfilm on open reels.

16. ANSI/AIIM MS23-1998, "Microfilm of Documents, Operational Procedures/Inspection and Quality Control of First-Generation Silver-Gelatin"

(N.J.A.C. 15:3-3.4(a)2)

This practice establishes a standard for inspection and quality control of the first generation master copies of silver halide gelatin microfilm.

17. ANSI/AIIM MS43-1998, "Recommended Practice for Operational Procedures/Inspection and Quality Control for Duplicate Microforms of Documents and from COM"

(N.J.A.C. 15:3-3.4(a)2)

This practice established recommended procedures for inspection and quality control for duplicate microforms of microfilmed documents and computer-output microfilm (COM).

18. ANSI PH4.8-1985, "Photography (Chemicals)--Residual Thiosulfate and Other Chemicals in Films,

Plates, and Papers--Determination and Measurement"

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

This practice establishes recommended procedures for testing for residual thiosulfate and other chemicals on silver halide gelatin microfilm, photographic plates and papers in order to insure long-term preservation of microimages.

19. ANSI/AIIM MS45-1990, "Recommended Practice for Inspection of Stored Silver-Gelatin Microforms for Evidence of Deterioration"

(N.J.A.C. 15:3-3.4(a)2 and 6.4(b) and (c))

This practice establishes recommended procedures for inspection of silver halide gelatin microfilm in long-term storage for indication of deterioration of the film due to poor processing, inadequate environmental conditions, chemical contamination, or other hazards in order to insure long-term preservation of microimages.

20. ANSI IT9.16-1993, "Imaging Media--Photographic Activity Test" and ISO 14523:1999, "Photography--Processed photographic materials--Photographic activity test for enclosure materials"

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

These test method documents set photographic activity test standards which establish standardized methods for testing for the permanence and physical properties of imaging and materials for photographic media and enclosures.

21. ANSI/AIIM MS32-1996, "Microrecording of Engineering Source Documents on 35mm Microfilm"

(N.J.A.C. 15:3-3.4(a)2)

This document sets standards for microfilming engineering documents on 35 millimeter microfilm.

22. ANSI/AIIM MS41-1996, "Unitized Microfilm Carriers (Aperture, Camera, Copy, and Image Cards)"

(N.J.A.C. 15:3-3.4(a)2)

This document contains specifications for standard carriers for aperture cards and similar microforms.

23. ANSI/AIIM TR27-1996, "Electronic Imaging Request for Proposal (RFP) Guidelines."

(N.J.A.C. 15:3-4.3(a))

This technical report sets guidelines for a Request for Proposal (RFP) and similar documents for image processing systems.

24. ANSI/NISO Z339.48-1992 (R2002), "Permanence of Paper for Publications and Documents in Libraries and Archives," ASTM D3290-00 (2005), "Bond and Ledger Paper for Permanent Records" and ASTM D3208-00 (2005), "Standard Specifications for Manifold Papers for Permanent Records"

(N.J.A.C. 15:3-4.3(c)1, 6.3(d)6 and 6.4(b) and(c))

These documents contain specifications for paper to be used for printed publications and documents to insure long-term or permanent preservation of such material.

25. ISO/IEC 13346, Volume and File Structure of Write-Once and Rewritable Optical Disks Using Non-Sequential Recording for Information Interchange--Universal Disk Format"

(N.J.A.C. 15:3-4.3(e)1)

This document contains specifications for the universal industry standard disk format for the volume and file structures for Write-Once/Read Many (WORM) and Rewritable optical disks to insure compatibility and information interchange.

26. ISO 13490, "Volume and File Structure of Read-Only and Write-Once Compact Disk Media for Information Interchange"

(N.J.A.C. 15:3-4.3(e)2)

This document contains industry standards for media and operating system independent volume and file structures for Read-Only and Write-Once/Read Many (WORM) compact optical disks (CDs) to insure compatibility and information interchange.

27. ANSI/NISO/ISO 9660, "Volume and File Structure of Read-Only and Write-Once Compact Disk Media for Information Interchange"

(N.J.A.C. 15:3-4.3(e)3)

This document contains industry standard specifications for the volume and file structures for compact optical disks (CD-ROM) to insure compatibility and information interchange.

28. ANSI/AIIM TR25-1995, "The Use of Optical Disks for Public Records"

(N.J.A.C. 15:3-4.3(o))

This technical report contains guidelines for the establishment of policies and procedures for governmental agencies for the use of image processing technology for the recording and maintenance of public records.

29. ANSI/AIIM MS44-1988, "American National Standard for Information and Image Management--Recommended Practice for Quality Control of Image Scanners"

(N.J.A.C. 15:3-4.6(c) and (d))

This practice establishes recommended policies and procedures for quality control for scanners used in conjunction with image processing systems to scan documents to insure legibility of scanned images.

30. AIIM X441, "AIIM Scanner Target," AIIM X443, "RIT Ink Gamut Chart," and AIIM X501, "ITU-T Standard Image Set (CD-ROM) for Use with National Communication System Information Bulletin 93-45"

(N.J.A.C. 15:3-4.6(d))

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

31. CCITT Group III and Group IV Compression

(N.J.A.C. 15:3-4.6(g))

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 15:3-2.1 Retention and disposition of public records

(a) **See N.J.S.A. 47:3-15 through 32 relative to** [The following pertain to] authorization for destruction of public records **and the establishment and purpose of the State Records Committee.** [, under the Destruction of Public Records Law, N.J.S.A. 47:3-15 through 32:

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

2. No State or local government agency shall destroy, sell or otherwise dispose of any public records, archives or printed public documents, which are under its control or in its care or custody, whether or not they are in current use, without having first secured from the Division authorization to do so in accordance with the provisions of section 3 of the Destruction of Public Records Law, P.L. 1953, c. 410, (N.J.S.A. 47:3-17).

3. Each State or local government agency shall secure from the Division in the manner and form prescribed by it per N.J.A.C. 15:3-2.2(a), authorization to destroy or otherwise dispose of those records in its possession which are considered by it to have no further administrative, legal, fiscal or historical value sufficient to warrant their continued retention.

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

(b) The State Records Committee, composed of the State Treasurer, the Attorney General, the State Auditor, the Director of the Division of Local Government Services in the Department of Community Affairs, and the Director of the Division of Archives and Records Management, or their designated representatives, as established under P.L. 1953, c.410, § 6 (N.J.S.A. 47:3-20), must approve retention schedules, review requests for disposal of public records, certify image processing systems, and approve standards, rules and regulations pertaining to public records.]

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

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



deem necessary.

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

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

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

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

7. The Director of the Division of Archives and Records Management, acting as Secretary of the Committee, or his or her designee, shall serve as the custodian of the records of the Committee per P.L. 2001, c.404 (N.J.S.A. 47:1A-1 et seq.), known and cited as the Open Public Records Act (OPRA). The minutes of the meeting and other records of the Committee shall be held and maintained by the Division of Archives and Records Management. Minutes of the meetings of the Committee and related documents shall be available to the public pursuant to the provisions of P.L. 1975, c.231, §§ 7 and 9 (N.J.S.A. 10:4-12 and 14).

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

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

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

Records Committee for adoption.

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

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

4. Pursuant to the provisions of P.L. 1920, c.46 (N.J.S.A. 47:2-3 et seq.), P.L. 1953, c.410 (N.J.S.A. 47:3-26 et al.), and P.L. 1994, c.140 (N.J.S.A. 47:3-26 as amended), the Bureau of Records Management shall research, develop and, upon approval by the State Records Committee, promulgate standards, procedures and guidelines for the creation, management, and preservation of public records for State and local government agencies and shall promote and provide training and assistance for the implementation of the same.

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

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

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

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

(d[e]) Record retention schedules provide a uniform, effective and systematic control on record[s]keeping and destruction. Through the use of such schedules, agencies can insure that valuable records are preserved and that records of temporary nature are disposed of when no longer needed. This, of course, will reduce the need for expensive filing equipment and, in general, provide a more efficient filing

system. The installation of systematic controls on record[s]keeping and the establishment of approved retention and disposal schedules within State and local government agencies shall include the following steps:

1. The Division will assist the various departments in preparing the inventory and drafting the records retention schedule.
2. When the inventory and appraisal are completed, a Records Retention and Disposition Schedule shall be prepared.
3. After the Records Retention and Disposition Schedules are prepared, clearances for the recommended records retention schedule shall be obtained. Initial clearances are made by the officials primarily concerned with the record. These officials indicate their approval by initiating the form. The department or division heads or the chief executive officer of any autonomous agency gives approval by signing the schedule in the designated space.
4. Proposed record retention schedules shall be reviewed by the State Records Committee and either approved, disapproved or amended. If approved, the record retention schedule is signed by the Director of the Division as Secretary to the State Records Committee and the agency shall be notified.

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

1. Each records retention and disposition schedule shall be prepared by the Division of Archives and Records Management.
  - i. Proposed records and retention disposition schedules shall be prepared from inventory and appraisal information gathered by DARM staff in conjunction with agency representatives.
  - ii. Only active and continuing records shall be scheduled. Nonrecurring or discontinued records shall not be listed on this schedule.
  - iii. Supplemental schedule pages shall be used to continue items after the first sheet is filled.
2. Upon completion by the Division, the schedule shall be presented to the head of the agency concerned for approval and signature, prior to submission to the State Records Committee for adoption.

(f[g]) The following pertain to general retention schedules for State and local agencies:

1. The State Records Committee shall issue general retention schedules covering records common to all State and local agencies.
2. The Director of the Division, acting as the Chairman of the State Records Committee, shall sign the retention schedules as the requestor.

(g[h]) Copies of record retention schedules are available upon request from the following address:

Department of State  
Division of Archives and Records Management  
PO Box 307  
Trenton, NJ 08625-0307

or, on the Division website at <http://www.state.nj.us/state/darm/links/recman.html>.

#### § 15:3-2.2 Disposal of public records

(a) Any State or local government agency desiring authorization to destroy records in its possession shall, at least 23 working days, excluding State holidays, prior to the date proposed for the destruction of the records, submit to the Division a request for such authorization in the manner and form prescribed by the Division. The following procedure will be followed by the appropriate parties in sequence in processing requests for authorization:

1. The agency shall prepare a "Request and Authorization for Records Disposal" form in quadruplicate. Copies of the form are available upon request from the Bureau of Records Management of the Division of Archives and Records Management. The agency shall send the completed form to the Division.
2. The Division of Archives and Records Management shall review the disposal request for completeness, and enter the date of authorization and the authorization number. The Division of Archives and Records Management shall approve, disapprove or amend the request for authorization, based upon established records retention schedules. If approved, the authorization shall be signed by the Director of the Division, as Secretary to the State Records Committee, or his or her designee, and, if not approved, the request shall be returned to the originating agency with an explanation of errors to be corrected.
3. The State Records Committee shall approve, disapprove or amend any request for authorization if the item is not based upon an established schedule that has been adopted by the Committee.
4. The Division of Archives and Records Management shall file and maintain the original copy of the form; return the signed copy to the agency; and, for State agencies, forward the Auditor's copy to the Office of the State Auditor, and, for local agencies, forward the Auditor's copy to the auditor designated by their governing body.
5. The requesting agency shall examine the returned copy for any changes or omissions. When destruction has been completed, return the follow-up copy to the Division with the necessary disposition information.
6. The requesting agency shall retain their copy of the completed form permanently in their files as proof of authorization of destruction of the corresponding record or records.

(b) Any public agency desiring authorization to destroy records that have been damaged due to a disaster shall submit to the Division an emergency request for such authorization in a manner and form prescribed by the Division. State and local government agencies, districts and authorities are required by law to protect their records against untimely destruction due to disasters. A vital records program can minimize the effects of a calamity by identifying those records that should be given highest priority for salvage in a

disaster. The following procedure for processing emergency requests for authorization for destruction of records must be followed by the appropriate parties in the sequence below:

1. Obtain a master list of all damaged documents;
2. Apply appropriate state records retention schedules;
3. Determine whether the damaged records can be duplicated from other sources (microfilm, duplicate filings at other agencies, etc.);
4. Examine damaged documents to determine:
  - i. What should be saved?
    - (1) Salvage of vital and permanent records must be done immediately.
    - (2) Depending on the amount and severity of damage, damp records may be saved by air-drying, and water saturated records may be saved by freeze-drying.
    - (3) Contact the Division immediately for disaster assistance;
  - ii. What can be destroyed?
    - (1) Damaged records that are not vital or permanent records of the agency and whose retention period has expired, is within one year of expiration;
    - (2) Records that are deemed unsalvageable; and
    - (3) Damaged records that can be duplicated from other sources;
5. Damaged records should be reported immediately to the Division to prevent further loss of records, including onset of mold and mildew; and
6. Agencies requesting emergency destruction of such records shall follow destruction authorization procedures in (d) below.
  - (c) The following pertain to the audit of fiscal records of public agencies:
    1. Fiscal records may not be disposed of until they have been audited, the audit approved, and the agency's auditor has approved that they are not required for future audit.
    2. [Pursuant to (d)3ix below, a]Any "Request and Authorization for Records Disposal" form filed pursuant to (a) above, shall be signed by the agency's designated auditor to certify that the records have been audited and the audit approved.
    3. The designated auditor for State agencies shall be the Office of the State Auditor, and, for local agencies, the auditor designated by the agency's head or governing body.
  - (d) The following concern "Request and Authorization for Records Disposal" forms:
    1. Purpose. The disposal request form provides a procedure, approved by the State Records Committee,

by which State or local officials shall:

- i. Request authorization for destruction of records in accordance with N.J.S.A. 47:3-17; and
- ii. Obtain permission from the Division of Archives and Records Management for the destruction of records listed on an approved records retention schedule.

2. Preparation. This form is to be prepared in quadruplicate.

- i. The form is to be forwarded to the Division of Archives and Records Management.
- ii. Upon approval, the agency copy will be returned to the requesting agency, along with the follow-up copy.
- iii. When destruction has been completed, destruction information shall be inserted on both the original and the follow-up copy then returned to the Division of Archives and Records Management.

3. Detailed instructions are as follows:

- i. Item No. 1, Requesting Agency Name: When filling out this block, each agency shall identify itself and indicate the name of the organization unit responsible for the records. For example, this entry may read:

Health Benefits

Pensions

Department of the Treasury

TrentonNew Jersey

- ii. Item No. 2, Request Date: Each agency shall indicate the date upon which the form is submitted.
- iii. Item No. 3, Request By: Signature and title of the official primarily concerned with the record.
- iv. Item No. 4, Request Approved By: Signature and title of officer approving the request, which shall be the head of the agency or one officially designated by him or her. Such person shall not be the same person affixing his or her signature in Item No. 3.
- v. Item No. 5, Series Number: In this column, numbers appearing on established records retention schedules shall be inserted. In cases where records have no established schedule number, contact the Division of Archives and Records Management for guidance.
- vi. Item No. 6, Record Series Title: In this column, the titles and descriptions appearing on established records retention schedules shall be inserted. In cases where items are not on an established schedule, the entry shall explain in some detail the title and function of the record so that no misunderstanding may arise regarding the record itself or its use.
- vii. Item No. 7, Inclusive Dates: This column shall include the date span for each series of records listed, by year.
- viii. Item No. 8, Retention Period: The retention period shall be the same as that contained in an

established records retention schedule. In cases where items are not on a schedule, the requesting official shall contact the Division of Archives and Records Management for assistance in establishing a schedule.

ix. Item No. 9, Volume: Volume shall be measured in cubic feet bearing in mind that one file drawer, either letter or legal size is equal to two cubic feet. Fractions shall be rounded-off. Do not use a measurement of less than one cubic foot.

x. Item No. 10, Audit Verification: The Office of the State Auditor shall complete this section.

xi. Item No. 11, Authorization: Formal approval by the Division of Archives and Records Management. No entry shall be made in this section except by the Division, which shall assign an authorization number and date of approval.

xii. Item No. 12, Disposition: The disposition action shall state the date, method of disposal, and signature of the approving officer.

(e) Requests for disposal of records must be submitted on the appropriate multi-part "Request and Authorization for Records Disposal" form. Copies of "Request and Authorization for Records Disposal" forms are available from the Division of Archives and Records Management at the following address:

Department of State  
Division of Archives and Records Management  
PO Box 307  
Trenton, New Jersey 08625-0307

(f) The following pertain to the physical destruction of public records:

1. Any State or local government agency, having received authorization for the disposal of public records, shall dispose of said records in a secure manner so as to prevent violation of the privacy or confidentiality of any information contained in the same pursuant to the provisions of the Open Public Records Act, P.L. 2001, c. 404 ( N.J.S.A. 47:1A-1 through 13).

2. The State Records Committee may require, as a part of the retention schedule of certain records series, destruction of such records by shredding and/or certified destruction. When a State or local government agency has received authorization for destruction of public records, such records must be destroyed in fact and must not be allowed to fall into unauthorized hands.

3. Public records that do not contain private or confidential information may be recycled, provided the records are processed in a timely and secure manner, so as to destroy their identity.

4. Public records required to be shredded must be shredded, chipped or pulped so that the information contained therein cannot be read or reconstructed.

5. Public records that contain private or confidential information shall require destruction by burning,

shredding, chipping, or pulping. A responsible official or their designee shall supervise the disposal of confidential records and if the records have to be transported to a destruction site the official or their designee shall be present at the time of destruction of such records to observe and verify that they are in fact totally destroyed according to the standards established in this subsection.

6. Public records of a State or local government agency requiring certified destruction according to retention schedules established by the State Records Committee or by rules or regulations promulgated by the agency or some other authority must be burned, shredded, chipped or pulped, so that the information contained therein cannot be read or reconstructed. The process must be observed by a person designated by the agency who shall attest that the records have been totally destroyed according to the standards established in this subsection and shall sign a certificate verifying the time, location, and the identity of the records destroyed.

7. Documentation of secure destruction of confidential records shall be filed and maintained with the related "Request and Authorization for Records Disposal" form by the agency.

(g) The following pertain to revenues from the sale of wastepaper and records for recycling:

1. All revenues obtained from the sale of wastepaper of State agencies, or public records sold for recycling pursuant to the provisions in (f)2 above, must be made payable to the General Fund of the State Treasurer.

2. All revenues obtained from the sale of wastepaper of a local government agency, or records sold for recycling pursuant to the provisions in (f)2 above, must be made payable to the appropriate fund as designated by their governing body.

(h) The following pertain to the disposition of permanent or archival records of State and local government agencies:

1. Records in the custody of State agencies designated by the State Records Committee as permanent or archival records shall be transferred to the State Archives in the Division of Archives and Records Management for permanent preservation in accordance with the procedures in N.J.A.C. 15:3-2.4.

2. Any record of a county, municipality, district, authority or other local government agency designated as a permanent or archival record per the retention schedule established by the State Records Committee shall be maintained permanently by the agency in a secure and environment-controlled facility in accordance to the State standards for storage of public records pursuant to the provisions of N.J.A.C. 15:3-6 or the agency shall otherwise provide for the permanent preservation of such records pursuant to the provisions in (h)3 and 4 below.

3. Upon approval by the Director of the Division of Archives and Records Management, or his or her representative in the State Archives pursuant to the provisions of N.J.A.C. 15:3-2.4(b), physical and legal custody of archival or permanent records of local government agencies may be legally transferred to the Division of Archives and Records Management for permanent preservation pursuant to the provisions in



P.L. 1920, c. 46 (N.J.S.A. 47:2-3 through 8).

4. Physical custody of any record of a State agency or county, municipality, district authority or other local government agency designated as a permanent or archival record in the retention schedule established by the State Records Committee may not be transferred to a historical society, academic institution, or other organization or such records may not held by such an organization or institution unless and until a Depository Agreement is created and agreed upon between the two parties with approval of the Division of Archives and Records Management as the third party of the agreement, based on compliance with the provisions in this section and P.L. 1920, c. 46 (N.J.S.A. 47:2-3 through 8).

i. A Depository Agreement shall require that the receiving organization or institution shall assume responsibility for the physical security and maintenance of said records, but the local government agency shall retain legal custody and ownership of the records.

ii. The depository must provide maintenance and safe and secure storage for any public records in their care in accordance to the State standards for storage of public records pursuant to the provisions of N.J.A.C. 15:3-6.

iii. A Depository Agreement shall include a complete inventory of all records deposited by the agency and a complete inventory of any and all future deposits shall be added to the agreement.

iv. The Division of Archives and Records Management shall create and provide a standard form for Depository Agreements. All Depository Agreements must be approved by the Director of the Division of Archives and Records Management, as the Secretary of the State Records Committee. The request for such approval, along with a copy of the proposed Depository Agreement shall be filed with the Director of the Division of Archives and Records Management, as the chair of the State Records Committee, at the following address:

Director  
Division of Archives and Records Management  
P.O. Box 307  
Trenton, NJ 08625-0307

v. Local government agencies shall transfer a copy of all approved and completed Depository Agreements to the State Archives, where a file of such Depository Agreements shall be maintained and available for public access. Copies of approved and completed Depository Agreements should be mailed to the following address:

Deputy Director for Archives  
Division of Archives and Records Management  
P.O. Box 307  
Trenton, NJ 08625-0307

Delivery: 225 West State Street, 2nd Floor, Trenton, NJ 08608

vi. Pursuant to the provisions of Section 3 and 5 of P.L. 1920, c. 40 (N.J.S.A. 47:2-4 and 5) and Section 13 of P.L. 1953, c. 410 (N.J.S.A. 47:3-27), the Director of the Division of Archives and Records Management may, for just cause pursuant to the provisions of a Depository Agreement, as established in (h)4i through iii above, cancel a Depository Agreement for any public record or records of a State or local government agency and may take such action as he or she may deem necessary to insure the preservation of public records.

#### § 15:3-2.3 State Records Center

(a) The following pertain to records storage centers:

1. A records storage center, commonly called a records center, is a low cost, centralized area for housing and servicing noncurrent and semicurrent records whose reference rate does not warrant their storage in expensive office space and equipment.
2. Records should be transferred to the records center when they become sufficiently inactive to permit their removal from the offices having custody of them.
3. Records transferred to the records center remain in the legal custody of the originating agency.
4. The records center furnishes the necessary retrieval service to the files in its custody, return designated files to the originating agency for reference, and dispose of records after their retention period has expired.
5. Records centers used for the storage and maintenance of public records must meet all standards and guidelines established for storage as established under N.J.A.C. 15:3-6, Storage of Public Records.

(b) The following pertain to the transfer of records of State agencies to the State Records Center:

1. The Division of Archives and Records Management shall operate and maintain or designate a records center or record centers for the storage of semicurrent or inactive records of State agencies in all types of recordkeeping media.
2. Records of a State agency transferred to the State Records Center for storage and safekeeping shall remain in the legal custody of the originating agency.

(c) The following pertain to the transfer of records of local agencies to records storage centers:

1. Local agencies may, jointly or separately, operate and maintain or designate a records center or record centers for the semicurrent or inactive records in their custody, provided that such records storage facilities are constructed, maintained and operated in compliance with standards for storage of public records established in N.J.A.C. 15:3-6, Storage of Public Records.

2. Records of any local government agency transferred to a records center for storage and safekeeping shall remain in the legal custody of the originating agency.

§ 15:3-2.4 State Archives

(a) Records in the custody of State agencies designated as permanent or archival records shall be transferred to the Division of Archives and Records Management for permanent preservation. The Director of the Division of Archives and Records Management, or his or her representative, shall designate which records are archival. Such designation shall be approved by the State Records Committee and incorporated in a records retention schedule for such records.

(b) Archival or permanent records in the custody of local agencies may, upon determination of the Division, be transferred to the Division of Archives and Records Management for permanent preservation. The Director of the Division of Archives and Records Management, or his or her representative, shall designate which records are archival. Such designation shall be approved by the State Records Committee and incorporated in a records retention schedule for such records.

(c) The transfer of archival records from the office of their origin to the State Archives shall be made at such times and in the manner and form prescribed by the Division. The State Archives shall receive and maintain legal custody of all public records transferred pursuant to (a) and (b) above, along with all copyrights, literary rights, and rights of reproduction, attached thereto, unless otherwise agreed upon at the time of transfer.

(d) Pursuant to P.L. 1928, c.205, § 1, as amended by P.L. 1936, c.121, § 1 (N.J.S.A. 47:3-27), the Division is empowered to demand and receive from any person any public record in private possession belonging to this State, or to any county, municipality or school district thereof.

(e) **See N.J.A.C. 15:3-2.6 relative to** [The following pertain to] the transfer of archival records of an extinct agency to the State Archives.[:

1. In accordance with P.L. 1920, c.46, §§ 6 and 7 (N.J.S.A. 47:2-3 and 7), and N.J.A.C. 15:3-2.6(c), archival records of an extinct agency which are deemed to possess sufficient legal, administrative, evidential, historical, artifactual, or other value to warrant permanent retention in the State Archives, which are not needed for administrative purposes by a succeeding agency or otherwise provided for by law, shall be transferred from the extinct agency to the State Archives at such times and in such manner and form as prescribed case-by-case by the Division.

2. The State Archives shall assume full legal custody and ownership of such records upon transfer to the same, and shall thereafter be wholly responsible for their care, maintenance, use and preservation.

3. Archival records required to be maintained by any existing county, municipality, or other public agency shall be preserved in accordance with this chapter.]

### § 15:3-2.5 Vital records program

(a) This section prescribes policies and procedures for establishing a program for the identification and protection of vital records, those records needed by State agencies and authorities or its political subdivisions for continuity of operations before, during, and after emergencies, and those records needed to protect the legal and financial rights of State or local government and persons affected by State or local government activities. The records may be maintained on a variety of media including paper, magnetic tape or disk, photographic film, and microfilm. The management of vital records is part of an agency's continuity of operations plan designed to meet emergency management responsibilities.

(b) Heads of State and local government agencies and authorities and/or their governing bodies are responsible for establishment and maintenance of a vital records program for the records of their agency, as defined in P.L. 1953, c.410 § 2 as amended by P.L. 1994, c.140, § 3 (N.J.S.A. 47:3-16), pursuant to provisions of the following State statute and rules:

1. P.L. 1953, c.410, "Destruction of Public Records Law (1953)," as amended by P.L. 1994, c.140 (N.J.S.A. 47:3-15 et seq.);
2. N.J.A.C. 15:3-2.2(a), concerning procedures for requesting routine and special authorization for disposal of records; and
3. N.J.A.C. 15:3-4.4(d) and 5.5, concerning disaster planning and recovery.

(c) The words and phrases used in this section shall have the standard meaning in records management terminology as defined in N.J.A.C. 15:3-1.2, except the following words and phrases which apply to this section and shall have the designated meanings, unless the context clearly indicates otherwise:

"Contingency planning" means instituting policies and procedures to mitigate the effects of potential emergencies or disasters on an agency's operations and records. Contingency planning is part of the continuity of operations planning.

"Cycle" means the periodic removal of obsolete copies of vital records and their replacement with copies of current vital records, which may occur daily, weekly, quarterly, annually or at other designated intervals.

"Disaster" means:

1. Any natural or man-made catastrophe, including any hurricane, tornado, storm, high water, wind driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, fire, explosion, or other catastrophe, caused by adverse or unusual weather conditions or human activity, that results in destruction of life or property; or

2. Pursuant to 44 CFR 9206.2(17), any fire, flood, explosion, or other catastrophe which in the determination of the President of the United States causes damage of sufficient severity and magnitude to warrant major disaster assistance in order to supplement the efforts and available resources of states, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

"Emergency" means a situation or an occurrence of a serious nature, developing suddenly and unexpectedly, and demanding immediate action. This is generally of short duration, for example, an interruption of normal agency operations for a week or less. It may involve electrical failure or minor flooding caused by broken pipes.

"Emergency destruction" means eliminating records under abnormal circumstances, as provided by law or regulations. These circumstances involve a state of emergency or disaster and also a continuing menace to life, health, or property.

"Emergency operating records" means that type of vital records essential to the continued functioning or reconstitution of an organization during and after an emergency. Included are emergency plans and directive(s), orders of succession, delegations of authority, staffing assignments, selected program records needed to continue the most critical agency operations, as well as related policy or procedural records that assist agency staff in conducting operations under emergency conditions and for resuming normal operations after an emergency.

"Legal financial rights records" means that type of vital records essential to the resumption or continuation of operations: the re-creation of the legal or financial status of an agency and the fulfillment of obligations to the public. Although only three to five percent of an agency's records are vital, there could be a liability situation if these records are lost, stolen, or destroyed. Examples include the current, regular updated information needed for daily activities such as: accounts receivable, master personnel listings, irreplaceable research or development data, original signed copies of major contracts or agreements, insurance policy information, municipal standing executive orders, and municipal ordinances and resolutions. These records were formerly defined as "rights-and-interests" records.

"National security emergency" means any occurrence, including national disaster, military attack, technological emergency, or other emergency, that seriously degrades or threatens the national security of the United States, as defined in Executive Order No. 12656, "Assignment of Emergency Preparedness Responsibilities."

["Off-site storage" means a facility other than an agency's normal place of business where vital records are stored for protection to ensure that the vital records are not subject to damage or destruction from an emergency or disaster affecting an agency's normal place of business. Any facility considered for off-site storage of vital records by State or local governments must meet standards established for storage of public records per N.J.A.C. 15:3-6.]

"Records disaster prevention and recovery program" means a written and approved plan detailing how records will be handled in a disaster prior, during, and after in the recovery stage. Also includes interim

operating procedures.

"Vital records" means records essential to the continued functioning or reconstitution of the State or local government during and after an emergency or disaster and also those records essential to protecting the rights and interests of the State or local government and of the individuals directly affected by its activities. Sometimes called essential records, they include both emergency operating and legal and financial rights records. Vital records considerations are part of an agency's records disaster prevention and recovery program.

"Vital records program" means the policies, plans, and procedures developed and implemented and the resources needed to identify, use, and protect the essential records needed to meet operational responsibilities under State or local government emergencies or other emergency or disaster conditions or to protect its rights to those of its citizens. This is a program element of an agency's emergency management function.

"Vital records schedule" means a detailed list identifying the vital records, their location, protection instructions, and method of protection in case the records were lost during an emergency or disaster.

(d) The vital records program is conducted to identify and protect those records that specify how an agency will operate in case of emergency or disaster, those records vital to the continued operations of the agency during and after an emergency or disaster, and records needed to protect the legal and financial rights of the State or local government and of the persons affected by its actions. An agency identifies vital records in the course of contingency planning activities carried out in the context of the emergency management function. In carrying out the vital records program agencies shall:

1. Specify agency staff responsibilities;
2. Ensure that all concerned staff are appropriately informed about vital records;
3. Ensure that the designation of vital records is current and complete; and
4. Ensure that vital records and copies of vital records are adequately protected, accessible, and immediately usable.

(e) Vital records include emergency plans and related records that specify how an agency is to respond to an emergency as well as those records that would be needed to continue operations and protect legal and financial rights. Agencies should consider the informational content of records series and electronic records systems when identifying vital records. Only the most recent and complete source of the vital information needs to be treated as vital records.

(f) Agencies shall ensure that retrieval procedures for vital records require only routine effort to locate needed information, especially since individuals unfamiliar with the records may need to use them during an emergency or disaster. Agencies also shall ensure that all equipment needed to read vital records or copies of vital records will be available in case of emergency or disaster. For electronic records systems,

agencies also shall ensure that system documentation adequate to operate the system and access the records will be available in case of emergency or disaster.

(g) Agencies shall take appropriate measures to ensure the survival of the vital records or copies of vital records in case of emergency or disaster. In the case of electronic records, this requirement is met if the information needed in the event of emergency or disaster is available in a copy made for general security purposes, even when the copy contains other information.

(h) The following pertain to duplication of vital records:

1. Computer backup tapes created in the normal course of system maintenance or other electronic copies that may be routinely created in the normal course of business may be used as the vital record copy.

2. For original paper records, agencies may choose to make digital images or microform copies. Standards for the creation, preservation and use of microforms are found in N.J.A.C. 15:3-3 as established pursuant to the provisions of N.J.S.A. 47:3-26 et al. as amended. Standards for the creation, use and preservation of digital images for public records are found in N.J.A.C. 15:3-4, Image Processing of Public Records, and in N.J.A.C. 15:3-5, Certification of Image Processing, as established pursuant to the provisions of P.L. 1994, c.140 (N.J.S.A. 47:3-26 et al. as amended).

(i) The following pertain to storage of vital records:

1. When agencies choose duplication as a protection method, the copy of the vital record stored off-site is normally a duplicate of the original record. Designating and using duplicate copies of original records as vital records facilitates destruction or deletion of obsolete duplicates when replaced by updated copies, whereas original vital records must be retained for the period specified in agency records disposition schedule.

2. The agency may store the original records off-site if protection of original signatures is necessary, or if it does not need to keep the original record at its normal place of business.

3. Any facility used for off-site storage of vital records by State or local governments shall meet standards established for storage of public records per N.J.A.C. 15:3-6, Storage of Public Records.

(j) Agencies need to consider several factors when deciding where to store copies of vital records, including:

1. Copies of emergency operating vital records need to be accessible in a very short period of time for use in the event of an emergency or disaster. Copies of legal and financial rights records may not be needed as quickly. In deciding where to store vital records copies, agencies shall treat records that have the properties of both categories, that is, emergency operating and legal and financial rights records, as emergency operating records.

2. Under certain circumstances, the State Records Storage Center and local government records storage

centers may store copies of emergency operating and legal and financial rights records.

i. The State Records Storage Center and local government records storage centers can store small volumes of such records, but may not be able to provide storage for large collections or ones requiring constant recycling of the vital records, except under reimbursable agreement.

ii. Whenever State agency vital records are semicurrent, they are eligible for storage at the State Records Storage Center, provided that they meet all other storage criteria. However, many State agency vital records are active records, and therefore may not be stored at the State Records Storage Center. Other storage facilities, such as a commercial records center, should be sought for such records. (See definition of "semicurrent" in N.J.A.C. 15:3-1.2)

iii. County and municipal agencies should contact their local records storage center or commercial records center for their storage criteria for vital records.

iv. Any commercial records storage facility contracting with State or local **government** [agency or agencies] for the storage and maintenance of vital records, regardless of their established retention schedules, must be in compliance with and operate according to the standards established for long-term or permanent records in N.J.A.C. 15:3-6, Storage of Public Records.

3. When using the State Records Storage Center for storing semicurrent vital records that are duplicate copies of original records, the agency must specify on the "Records Transfer Request" form that they are vital records (duplicate copies) and the medium on which they are maintained. The agency shall also periodically cycle (update) them by removing obsolete items and replacing them with the most recent version, when necessary. County and municipal agencies should contact their local records storage center for specific information about their policies and procedures.

4. **Original vital records transferred by State agencies** [that transfer permanent, original vital records] into the physical and legal custody of the State Archives become the permanent legal responsibility of the Archives. This transfer of legal custody is a major distinction between the services provided by the State Archives and the State Records Storage Center.[:] **In the State Records Storage Center, only physical custody passes from the agency of origin; legal ownership is not affected; the agency may request the return of its records at any time; and it alone controls access to those records.**

[i. In the State Records Storage Center, only physical custody passes from the agency of origin; legal ownership is not affected. The agency may request the return of its records at any time, and it alone controls access to those records.

ii. In the State Archives, legal as well as physical custody passes from the agency of origin to the State Archives. Legal ownership is transferred to the State Archives to ensure permanent preservation of the record.]

5. The transfer of records from any public agency and accession[ing] **of** them into the [custody of the] State Archives shall be documented in an Accession Record, including signed forms and other



documentation **assigning** [transferring] physical [and legal] custody and **legal** ownership of all rights to the State Archives. County and municipal agencies should contact their local archives [or historical society] for specific information about their **accession** policies and procedures.

(k) The following pertain to disposition of original vital records:

1. The disposition of original vital records is governed by State records retention schedules approved by the State Records Committee.
2. Retention schedules summarize information about individual record series and designate minimum lengths of time records must be held in active, semiactive or inactive storage. Retention schedules also designate when and how a record may be disposed.
3. A timely and consistent records disposition result in increases in safety and efficiency and decreases in recordkeeping expenses. Use of the Statewide disposal authorization process helps to eliminate inconsistent records destruction, thereby minimizing the likelihood of adverse legal, administrative, fiscal, and historical impact.
4. Retention schedules for copies of records, other than original records, created and maintained for the sole purpose of providing duplicate copies of records for a vital records program may, in some cases, have a separate retention period established by the State Records Committee, if applicable.
5. Emergency destruction of records, when determined to be necessary by the State Records Committee, shall be authorized by the same pursuant to P.L. 1953, c.410, § 2, "Destruction of Public Records Law (1953)" as amended by P.L. 1994, c.140, § 3 (N.J.S.A. 47:3-15 et al.), and N.J.A.C. 15:3-2.2(a).

#### § 15:3-2.6 Records of extinct agencies

(a) In accordance with P.L. 1920, c.46, §§ 6 and 7 (N.J.S.A. 47:2-3 and 7), the Division of Archives and Records Management shall have general and exclusive supervision, care, custody and control of all public records of any county, municipality, or public agency, body, board, institution or society which has or may become extinct, unless the care, custody, and control of the same is otherwise provided by law, or if the Division finds that the said records of the extinct agency are needed by a successor agency for conducting current business. Furthermore, per P.L. 1945, c.268, § 3 (N.J.S.A. 40:43-64.3) and P.L. 1977, c.435, § 33 (N.J.S.A. 40:43-66.67) and other State statutes, the transfer of such public records from their office of origin to the Division or to a successor agency shall occur at times and in the manner and form, as prescribed case-by-case by the Division, so as to ensure an unbroken chain of legal custody of said records.

(b) The words and phrases used in this section shall have the standard meanings as established within N.J.A.C. 15:3-1.2, which provides definitions regarding records management; P.L. 1977, c.435, § 3 (N.J.S.A. 40:43-66.37), which provides definitions regarding the consolidation of municipalities; and P.L. 1995, c.376, § 2 (N.J.S.A. 40:43-66.79), which provides definitions regarding the consolidation and

absorption of sparsely populated municipalities, except the following words and phrases that apply to this section and shall have the designated meanings, unless the context clearly indicates otherwise:

["Absorbing municipality" means a municipality into which a contiguous sparsely populated municipality situate in the same county intends to be consolidated pursuant to P.L. 1995, c.376 (N.J.S.A. 40:43-66.78).]

"Consolidated agency" means the single new agency that results from an affirmative consolidation effort by participating agencies.

"Extinct agency" means any county, municipality, or public agency, body, board, institution, society, commission or authority that ceases or may cease to exist outright or ceases or may cease to exist in its present form and has been consolidated, absorbed or annexed into a new consolidated agency.

"Participating agencies" means any two or more agencies involved in a consolidation effort.

(c) The procedures for the disposition of the public records of extinct agencies shall include:

1. Contact with the Division of Archives and Records Management by the officers of any agency that has or may become extinct in order to ensure an unbroken chain of legal custody of their records;
2. A complete inventory of all records, which shall be caused by the mayor or chief executive officer of the extinct agency to be made in cooperation with the consolidated agency or agencies and the Division of Archives and Records Management before any records are transferred, pursuant to P.L. 1920, c.46, §§ 6 and 7 (N.J.S.A. 47:2-3 and 7), P.L. 1977, c.435, § 33 (N.J.S.A. 40:43-66.67), and other State statutes and administrative rules;
3. A review of the records by the Division of Archives and Records Management in order to ascertain if the records:
  - i. Are needed by a successor agency for conducting current business and must be transferred to that agency;
  - ii. Must be transferred to the State Records Center or another repository designated by the Division for safekeeping until the expiration of their legal retention period;
  - iii. Possess sufficient legal, administrative, evidential, historical, artifactual, or other value to warrant permanent retention in the State Archives; or
  - iv. Warrant no further retention and may be destroyed.
4. Review and approval of the Division's recommendations by the State Records Committee regarding final disposition of such records, pursuant to P.L. 1953, c.410 (N.J.S.A. 47:3-15 et seq.), known as the Destruction of Public Records Law (1953), prior to any transfer or other disposition of any records of the

extinct agency;

5. Documentation of the disposition of the records of the extinct agency; and

6. Maintenance and permanent preservation of documentation on the disposition of the records of the extinct agency by the Division.

(d) The following pertain to the transfer to the State Archives of archival records of an extinct agency:

1. Archival records of an extinct agency which are deemed to possess sufficient legal, administrative, evidential, historical, artifactual, or other value to warrant permanent retention in the State Archives, which are not needed for administrative purposes by a succeeding agency or otherwise provided for by law, shall be transferred from the extinct agency to the State Archives at such times and in such manner and form as prescribed case-by-case by the Division.

2. The State Archives shall assume full legal custody and ownership of such records upon transfer to the same, and shall thereafter be wholly responsible for their care, maintenance, use and preservation.

3. Archival records required to be maintained by any existing county, municipality, or other public agency shall be preserved in accordance with this chapter.

#### § 15:3-2.7 Standards for paper for permanent records

[(a) Statement of applicability.] The[se] **following** standards shall apply to records of State or local government agencies that have been designated as permanent or archival records pursuant to P.L. 1953, c. 410 (N.J.S.A. 47:3-15 et seq.) and to any volumes or papers used for recording permanent or archival records. **Identification of the issuing organization can be found in N.J.A.C. 15:3-4.2.**

[(b) Referenced standards. The standard for permanent records in paper form is intended to be used in conjunction with the following standards, which are incorporated herein by reference. When these standards are superseded by a revision, approved by the promulgating organization, the revision shall apply. Identification of the issuing agency and contact information to obtain a copy of these standards can be found in N.J.A.C. 15:3-4.2.]

1. American National Standards Institute and National Information Standards Organization, ANSI/NISO Z339.48-1992 (R2002), Permanence of Paper for Publications and Documents in Libraries and Archives;

2. American Society for Testing Materials, ASTM D3290-00 (2005), Standard Specifications for Bond and Ledger Papers for Permanent Records; and

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

[(c) Definitions. The following words and phrases, as used in this section, shall have the same standard meaning as established by the American Society for Testing Materials in ASTM D1968-02a, Standard Terminology Relating to Paper and Paper Products, incorporated herein by reference, as amended and supplemented, except as otherwise defined in State statutes or rules, including:

"Alkaline reserve" means the presence of a compound (e.g. calcium carbonate) put in paper at a level sufficient to neutralize acid that might, in the future, be generated from aging of the paper or from atmospheric pollution.

"Groundwood" means pulp produced by mechanically defibering wood without chemical cooking; such pulp contains many substances deleterious to the permanence of paper.

"pH" means the negative logarithm of the hydrogen ion activity in an aqueous solution or the logarithm of the reciprocal of the hydrogen ion activity. Numerically expressed, pH 7 is neutral, lower numbers are acidic. Higher numbers are alkaline. The concentration of the free hydrogen ions is expressed as an exponent, so the pH 4 is 10 times more acidic than pH 5 and 100 times more acidic than pH 6.

"Permanence," for the purpose of this standard when referring to paper, means paper that will last at least several hundred years without significant deterioration under normal use and storage conditions.

"Uncoated," for the purpose of this standard when referring to paper, means paper that is composed of fiber plus fillers, sizing, dyes, etc., but with no surface coating in excess of 2.5 pounds per side for every 500 sheets measuring 25 inches by 38 inches.

(c[d]) Minimum requirements -- uncoated permanent paper. In addition to the standards in (b) above, uncoated permanent paper shall meet all of the following minimum requirements:

1. pH. Minimum pH of 7.5 in accordance with the cold extraction method described in Technical Association of the Pulp and Paper Industry, T 509om-83, Hydrogen Ion Concentration (pH) of Paper Extracts -- Cold Extraction Method;
2. Alkaline reserve. Minimum alkaline reserve equivalent to two percent calcium carbonate based on oven dry weight of the paper;
3. Paper stock. The paper shall include no groundwood or unbleached pulp; and
4. Paper weight. Minimum paper weight of 24 pound is required of records being held or reproduced in book form for permanent retention or use in a State or local government agency.]

#### § 15:3-3.1 Standards for microfilming public records; purpose

(a) The microfilm standards established under this subchapter are intended to promote uniformity and quality in the production of microforms of the records of State and local governments in New Jersey. This

subchapter:

1. Establishes standards for copying records by photographic and microphotographic means;
2. Establishes standards and procedures for use of micrographic technologies to create, use, store, retrieve, preserve and dispose of public records created, received or maintained in any State or local government agency of the State of New Jersey; and
3. Provides for centralized microfilming and services for State and local agencies.

(b) All agencies engaged in microfilming government records shall meet established standards to ensure that:

1. Microfilm copies contain all significant detail and information shown on the original record;
2. Microfilm copies are usable and legible reproductions of the original record;
3. Microfilm reproduction will have the same acceptability and legal status as the original record; and
4. Microfilm reproduction will meet standards of archival quality for long-term preservation of public records.

#### § 15:3-3.2 Authority to establish microfilm standards

P.L. 1953, c.410 as amended by P.L. 1996, c.590 (N.J.S.A. 47:3-15 et seq.) requires the Division of Archives and Records Management in the Department of State, with the approval of the State Records Committee, to formulate standards and procedures for the photographing, microphotographing, microfilming, data processing, and image processing of public records and for the preservation, examination and use of such records, including the indexing and arrangement thereof for reference purposes.

#### § 15:3-3.3 Microfilm standards; definitions

The words and phrases used in this subchapter shall have the standard meaning of records management terminology as defined in N.J.A.C. 15:3-1.2., except t]. **T**[t]he following **additional** words and phrases **in** [which apply to] this subchapter [and] shall have the designated meanings, unless the context clearly indicates otherwise:

"Archival microfilm" means a photographic film that conforms to film designated as LE 500 in ANSI/NAPM IT9.1-1996 as amended or supplemented, meets the standards described in this subchapter, and is suitable for the preservation of permanent records when stored in accordance with N.J.A.C. 15:3-6, Storage of Public Records.

"Background density" means the opacity of the area of the microform not containing information.

"Computer-assisted retrieval system" or "CAR" means a records storage and retrieval system, normally microfilm-based, that uses a computer for indexing, automatic markings such as blips or bar codes for identification, and automatic devices for reading those markings and, in some applications, for transporting the film for viewing.

"Computer output microfilm" or "COM" means microfilm containing data converted and recorded from a computer.

"Diazo film" means, for microfilm records, film containing images produced by exposure of an emulsion containing diazonium salts to ultraviolet light and then ammonia fumes, used only for the purposes of creating a use or reference copy of a master microfilm. (See also the definition of "microfilm.")

"Dry silver film" means, for microfilm records:

1. A non-gelatin silver film containing images produced by exposure of light-sensitive silver crystals developed by applying heat rather than liquid chemicals;
2. Also called dry-process silver film to distinguish it from silver halide or silver gelatin film; and
3. In contrast to silver halide, dry silver film is not archival-quality microfilm and may not be used for master copies of records. (See also the definitions of "microfilm" and "silver halide microfilm.")

"Microfilm" means:

1. Raw (unexposed and unprocessed) fine-grain, high resolution photographic film with characteristics that make it suitable for use in micrographics;
2. The process of recording microimages on film; or
3. A fine-grain, high resolution photographic film containing microimages. (See also the definitions of "diazo film," "dry silver film," "silver halide film" and "vesicular film.")

"Microform" means:

1. Any recordkeeping media containing images greatly reduced in size, or microimages, usually on microfilm;
2. Roll, generally serialized, microforms include, but are not limited to, microfilm on reels, cartridges, and cassettes; and
3. Flat, generally unitized, microforms include, but are not limited to, microfiche, strips of microfilm in jackets, aperture cards, and opaque microcards. (See also the definition of "microimages.")

"Micrographics facility" or "facility" means an area used exclusively to make or copy microforms.

"Microimage" means:

1. A document such as a page of text or a drawing that is too small to be read without magnification; or
2. A photographic reproduction so small that a magnifying device is needed to read or view the image.

["Permanent record" has the meaning specified in N.J.A.C. 15:3-1.2.

"Records storage facility" has the meaning specified in N.J.A.C. 15:3-1.2.]

"Reference copies," "work copies" or "use copies" means duplicate copies of original microfilm made to be used for reference or for duplication on a recurring or large-scale basis, as opposed to preservation master copies that must be stored, unused, as specified in N.J.A.C. 15:3-6, Storage of Public Records. (See also the definitions of "diaz film," "dry silver film" and "vesicular film.")

"Silver halide film" means, for microfilm records:

1. Archival-quality film containing images produced by exposure of light-sensitive silver halide crystals suspended in a gelatin emulsion; and
2. Also called, more precisely, silver gelatin film to distinguish it from dry silver film, which is not archival-quality microfilm. (See also the definitions of "microfilm" and "dry silver film.")

["Temporary record" has the meaning specified in N.J.A.C. 15:3-1.2.]

"Vesicular film" means for microfilmed records, a film containing images produced by exposure to ultraviolet light and then heat, used only for the purposes of creating a use or reference copy of a master microfilm. (See also the definition of "microfilm.")

#### § 15:3-3.4 Microfilm standards incorporated by reference

(a) The following standards are hereby incorporated in this subchapter by reference[, as amended and supplemented]. They are available from the issuing organizations at the addresses listed in this section. [Copies of these standards are also available for reference purposes in the Reference Room at the Division of Archives and Records Management, State Records Center, 2300 Stuyvesant Ave., Ewing Township, Trenton, New Jersey 08618, during regular business hours:]

1. American National Standards Institute (ANSI) and International Organization for Standardization (ISO) standards. ANSI and ISO standards cited herein are available from the American National Standards Institute, 11 West 42nd St., New York, NY 10036. The standards can be ordered on line at: <http://webstore.ansi.org/ansidoc> store/default.asp.

i. ANSI/ARMA 10-1999, Glossary of Records Management Terms;

ii. ANSI/ISO 10602:1995 or ANSI/NAPM IT9.1-1996 Imaging Materials--Processed Silver-Gelatin Type Black-and-White Film--Specifications for Stability;

iii. ANSI/NAPM IT2.19-1994, American National Standard for Photography--Density Measurements--Part 2: Geometric Conditions for Transmission Density;

iv. ANSI/NAPM IT2.18-1996, Photography--Density Measurements--Part 3: Spectral Conditions;

v. ANSI/PIMA IT9.2-1998, American National Standard for Imaging Media--Photographic Processed Films, Plates, and Papers--Filing Enclosures and Storage Containers; and

vi. ISO 18911:2000, Imaging materials--Processed safety photographic films--Storage Practices.

2. Association of Information and Image Management International (AIIM) standards. AIIM standards cited herein may obtain the following standards from the Association of Information and Image Management, 1100 Wayne Avenue, Suite 1100, Silver Spring, MD 20910. The standards can be ordered on line at: <http://www.aiim.org/>.

i. ANSI/AIIM MS1-1996, Recommended Practice for Alphanumeric Computer-Output Microforms--Operational Practices for Inspection and Quality Control;

ii. ANSI/AIIM MS5-1992 (R1998), Micrographic Microfiche;

iii. ANSI/AIIM MS14-1996, Specifications for 16mm and 35mm Roll Microfilm;

iv. ANSI/AIIM MS19-1993, Recommended Practice for Identification of Microforms;

v. ANSI/AIIM MS23-1998, Microfilm of Documents, Operational Procedures/Inspection and Quality Control of First-Generation Silver-Gelatin;

vi. ANSI/AIIM MS32-1996, Microrecording of Engineering Source Documents on 35mm Microfilm;

vii. ANSI/AIIM MS41-1996, Unitized Microfilm Carriers (Aperture, Camera, Copy, and Image Cards);

viii. ANSI/AIIM MS43-1998, Recommended Practice for Operational Procedures/Inspection and Quality Control for Duplicate Microforms of Documents and from COM;

ix. ANSI/AIIM MS45-1990, Recommended Practice for Inspection of Stored Silver-Gelatin Microforms for Evidence of Deterioration; and

x. ANSI/ISO 3334-1991, ANSI/AIIM MS51-1991, Micrographics--ISO Resolution Test Chart No. 2 Description and Use.

3. National Institute of Standards and Technology (NIST) standards. National Institute of Standards and Technology (NIST), formerly the National Bureau of Standards, founded in 1901, is a non-regulatory Federal agency within the U.S. Commerce Department's Technology Administration. NIST standards cited herein may be obtained from the National Institute of Standards and Technology, 100 Bureau Drive, Stop 2322, Gaithersburg, MD 20899-2322. Resolution charts and standards can be ordered on line at: <http://www.nist.gov/>.

i. NIST 1010A, Microimage Test Chart.

#### § 15:3-3.5 State and local agencies; microfilmed records

(a) In order to adequately protect the public interest in the effective, economic, and efficient management of all of the records of State and local government in the State of New Jersey and to ensure the preservation of the historical heritage of the State for future generations, every [public] agency, as defined in N.J.A.C. 15:3-1.2, shall:

1. Pursuant to N.J.A.C. 15:3-1.4[5](a)3, assign responsibility for an agency-wide program for managing microform records and notify the Division of the name and title of the person assigned the responsibility;



2. Strictly apply State standards and rules for the creation and use of microform records;
3. Manage microformed records as part of other records and information resources management programs of the agency;
4. Include microform records management objectives, responsibilities, and authorities in pertinent agency directives and disseminate them to appropriate officials;
5. Address records management issues, including disposition, before approving new microform records systems or enhancements to existing systems;
6. Train the managers and users of microform records;
7. Develop records schedules covering both source documents (originals) and microform records and finding aids, secure State Records Committee approval, and apply the disposition instructions;
8. Schedule computerized indexes associated with microform records, such as in a computer-assisted retrieval (CAR) system;
9. Ensure that paper records are not destroyed after microfilming without authorization from the Division; and
10. Review practices used to create and manage microform records periodically to ensure compliance with State standards in this subchapter.

(b) All State or local government agencies engaged in microfilming public records or causing their records to be microfilmed shall:

1. Submit samples of one or more rolls of microfilm for inspection by the Chief of the Bureau of Micrographics and Alternate Records Storage or the Supervisor of Micrographics and Imaging Services before proceeding with any project for microfilming any record series or series of records of any such State or local government agency. No microfilm project shall proceed unless or until such microfilm has been inspected and certified by the Chief of the Bureau of Micrographics and Alternate Records Storage or the Supervisor of Micrographics and Imaging Services as conforming to State standards pursuant to this subchapter;
2. Submit a sample of one roll of microfilm for inspection by the Chief of the Bureau of Micrographics and Alternate Records Storage or the Supervisor of Micrographics and Imaging Services along with any request sent to the Division of Archives and Records Management for authorization for the destruction of any record series or series of records that has been microfilmed or requires microfilm backup. No authorization for the destruction of such records shall proceed unless or until such microfilm has been inspected and certified by the Chief of the Bureau of Micrographics and Alternate Records Storage or the Supervisor of Micrographics and Imaging Services as conforming to State standards pursuant to this subchapter;
3. Submit samples of one or more rolls of microfilm for inspection by the Chief of the Bureau of Micrographics and Alternate Records Storage or the Supervisor of Micrographics and Imaging Services at least once in each six months period beginning with each calendar year. If the Chief of the Bureau of Micrographics and Alternate Records Storage or the Supervisor of Micrographics and Imaging Services determines that such microfilm does not conform to State standards pursuant to this subchapter, such

microfilm project shall not proceed unless or until any deficiencies or errors are corrected and such microfilm has been inspected and certified by Chief of the Bureau of Micrographics and Alternate Records Storage or the Supervisor of Micrographics and Imaging Services as conforming to the aforementioned State standards; and

4. Submit a copy of any specification for microfilming of public records or the production or duplication of microfilm of public records contained in a request for proposal (RFP), contract or similar document to the Chief of the Bureau of Micrographics and Alternate Records Storage or the Supervisor of Micrographics and Imaging Services for technical review to determine that they conform to State standards pursuant to the provisions of this subchapter.

(c) The Chief of the Bureau of Micrographics and Alternate Records Storage or the Supervisor of Micrographics and Imaging Services may request, at his or her discretion, any State or local government agency engaged in microfilming public records or causing their records to be microfilmed to submit one or more rolls of microfilm for inspection. If the Chief of the Bureau of Micrographics and Alternate Records Storage or the Supervisor of Micrographics and Imaging Services determines that such microfilm does not conform to State standards pursuant to this subchapter, such microfilm project or projects shall not proceed unless or until any deficiencies or errors are corrected and such microfilm has been inspected and certified by Chief of the Bureau of Micrographics and Alternate Records Storage or the Supervisor of Micrographics and Imaging Services as conforming to the aforementioned State standards.

#### § 15:3-3.6 Microfilm standards; reproduction of original records

(a) Pursuant to the "Destruction of Public Records Law," P.L. 1953, c.410 (N.J.S.A. 47:3-15 to 32 as amended), the photograph, microphotograph, microfilm, or data processed or image processed document or a certified copy of a public record shall have the same force and effect as the original record, provided it conforms to the standards, procedures and rules established by the Division of Archives and Records Management with the approval of the State Records Committee, and the original records may be destroyed or the records therein effectively obliterated, provided said Division has first given its written consent to such destruction or other disposition.

(b) The following standards must be met for documentation and authentication before permission to destroy the originals is granted:

1. Since many factors are involved in the use of microphotography for records management, a careful analysis of each record group should be made before microfilming. Following are some of the most important factors in determining which records are to be filmed:

i. Retention period and volume are perhaps the most important aspects to consider. Since microfilming is expensive, only a large volume of records with retention periods of seven years or longer are ordinarily considered good candidates for microfilming. There are, however, exceptions to this rule of thumb. Records of shorter retention periods but of such volume or use that storage becomes a problem would be one such exception.

ii. Another important factor to be considered is the usage and rate of reference to records. Records with high reference rates or unusual methods of indexing or retrieval may be poor subjects for microfilming.

iii. The records considered for filming must be sufficiently arranged, identified and indexed to insure reasonable ease in locating and retrieving individual documents after they are microfilmed.

2. When converting documents to microfilm, appropriate measures must be taken to insure quality, legality, and adequate access to information contained on the microfilm.

i. The records to be filmed must be arranged, identified and indexed so as to insure efficient access to and retrieval of records after microfilming.

(1) When filming original source documents, place indexes, registers, or other finding aids, if microfilmed, either in the first frames of the first roll of film or in the last frames of the last roll of film of a series.

(2) For microfiche, indices should be placed in the last frames of the last microfiche or microfilm jacket of a series.

(3) On computer-generated microforms, indices should follow the data on a roll of film or in the last frames of a single microfiche, or the last frames of the last fiche in a series.

(4) Other index locations may be used only if dictated by special system constraints, provided such procedures are approved by the Chief of the Bureau of Micrographics and Alternate Records Storage or the Supervisor of Micrographic Services.

ii. The microforms must contain all information shown on the original records to ensure that they can be used for the purposes the original records served.

iii. Raised seals on documents shall be shaded or highlighted in order to render them visible for reproduction unless such measures would obscure signatures or other information recorded on a map, drawing or other document or such a seal is not required by law, regulation, or practice.

(1) If a raised seal is required for a document and is not shaded or highlighted, the document should be annotated with a stamp, label or other means to indicate a raised seal was present on the document when it was reproduced.

(2) Such policies and procedures shall be documented and an affidavit with reference to the same shall be included in each roll film pursuant to (b)9 below.

**iv**[iii]. A master negative shall be created and maintained, pursuant to (b)13 below for any microfilmed public record or records.

(1) Polyester-based silver gelatin type film that conforms to ANSI/NAPM IT9.1-1996 for LE 500 film, as amended or supplemented, incorporated by reference herein, must be used for the master copies of all microforms.

(2) The master roll of microfilm should be the first roll of microfilm produced, except for jacketed microfilm pursuant to (b)13iv(5) below.

(3) A reference copy or use copy of microfilm must be created for use and retrieval of the records.

(4) The master copy should not be used, except for creating duplicate copies, and must be stored in a secure, off-site storage facility pursuant to N.J.A.C. 15:3-3.12.

**v**[iv]. The formats described in ANSI/AIIM MS14-1996 as amended or supplemented, incorporated by reference herein, must be used for microfilming source documents on 16 millimeter (mm) and 35 mm roll

film.

(1) A reduction ratio no greater than 1:24 is recommended for typewritten or correspondence types of documents.

(2) ANSI/AIIM MS23-1998 as amended or supplemented, incorporated by reference herein, shall be followed for the appropriate reduction ratio and format for meeting the image quality requirements.

3. The following targets shall be utilized in the creation of all microfilm copies of public records, with the exception of microfilm created from digital images which must use image processing system targets, pursuant to (b)4 below in place of the targets used by a camera operator, as listed in this paragraph. The sequence in which they are listed is the sequence they should appear on the film.

i. All roll film must have the following targets at the beginning of a roll of film, before any document images:

(1) Background Density Target;

(2) Resolution Chart (Industry standard resolution chart purchased from the National Institute of Technology (NIST)), including:

(A) Certificate Of Authenticity; and

(B) Title Target, containing information required pursuant to (b)8 below.

ii. All roll film must have the following targets at the end of a roll of film, after any document images:

(1) An affidavit (if applicable, pursuant to (b)9 below);

(2) A Camera Operator's Certificate, to be filled out by the person that operated the camera that created the microfilm;

(3) A Resolution Chart (Industry standard resolution chart purchased from the National Institute of Technology (NIST)); and

(4) A Background Density Target.

4. The following targets shall be utilized in the creation of microfilm from digital images. These image processing system targets are to be used in place of the typical targets used by a camera operator, pursuant to (b)3 above when filming documents for microfilm. The sequence in which they are listed is the sequence they shall appear on the film:

i. At the beginning of a roll of microfilm created from digital images, before any images of documents:

(1) An Image Processing System Front Background Density Target;

(2) An Image Processing System Front Resolution Target (Industry standard resolution target purchased from the American National Standards Institute (ANSI) or International Organization for Standardization (ISO));

(3) An Image Processing System Certificate Of Authenticity/Non-Destruction of Public Records, to be

utilized only if the intention is to retain the original records permanently;

(4) An Image Processing System Certificate Of Authenticity/Destruction of Public Records, to be utilized if the intention is to at some point destroy, if allowable, the original records;

(A) This does not replace the Request for Destruction procedures; and

(5) An Image Processing System Title Target.

ii. At the end of a roll of microfilm created from digital images, after any images of documents:

(1) An Affidavit (if applicable, pursuant to (b)9 below);

(2) An Image Processing System Equipment Operator's Certificate, to be filled out by the operator of the equipment that is creating the microfilm);

(3) An Image Processing System End Resolution Target (Industry standard target purchased from the American National Standards Institute (ANSI) or International Organization for Standardization (ISO)); and

(4) An Image Processing System End Background Density Target.

5. Targets. All targets must be filled out with the required information and complete signatures.

i. If any of the required information is missing, the reel must be recreated and the documents and accompanying targets filmed over again.

ii. Examples of the targets given in (b)3 and 4 above may be obtained from the Bureau of Micrographics and Alternative Records Storage or the Division of Archives and Records Management.

6. Resolution chart. Only original industry standard resolution charts, purchased from the National Institute of Technology (NIST), American National Standards Institute (ANSI) or International Organization for Standardization (ISO), may be used for microfilming. Printed or photocopied of resolutions charts will not provide correct readings for the inspection of the film.

7. Certificate of authenticity. For a microfilm copy of a public record to have legal standing, the film must identify the person authorizing the microfilming. The Certificate of Authenticity must include the signature of the authorizing head of the agency or governing body. Copies of the original certificate may be used for microfilming.

8. Title target. All roll microfilm must contain a completed Title Target containing:

i. The title of records filmed;

ii. The start file and end file (if known) information;

iii. The reduction ratio;

iv. The camera type;

v. The film type; and

vi. The department or agency having custody of the records.

9. Affidavit. All roll film must contain, if applicable, a copy of an affidavit, signed by the camera operator or an image processing equipment operator, concerning procedures followed in filming records; such as the reproduction or non-reproduction of reverse side of documents, or the established procedures followed for labeling or stamping of maps, drawings, or other documents containing raised seals, including the seals of architects and engineers, if such seals are not shaded or highlighted to render them visible for reproduction.

10. Missing operator's certificate. If any reel(s) lack a camera operator's certificate or an image processing equipment operator's certificate or if the complete signature of the camera operator or an image processing equipment operator is missing from a camera operator's certificate or an image processing equipment operator's certificate on a reel of microfilm, an agency may, upon prior notification and approval of the Chief of the Bureau of Micrographics and Alternate Records Storage or the Supervisor of Micrographics and Imaging Services, splice a certificate on the end of the reel(s). Splicing must be done after any existing targets. Addition of such documentation to a roll of film will be permitted only in those cases where the operator who actually filmed the documents on the reel(s) signs the certificate.

11. Retakes. Where applicable, any retakes must be filmed along with the appropriate correction targets before and after the re-filmed documents.

i. Targets indicating the beginning and end of retakes must be used.

ii. The film must then be spliced onto the corresponding reel.

iii. Retakes may be placed at the beginning or end of a roll of film.

iv. When computer-assisted or random retrieval methods are used, retakes may be placed on the following roll with retake targets.

v. Placement of retakes should be decided before the start of filming and remain consistent.

12. Splices. Only heat-weld splicing is considered archival. Splices should be kept to a minimum. No more than four splices per roll will be accepted. Splices may not be made on master negatives between targets or series of documents including required beginning and ending targets. Retakes, spliced at the beginning or end of a reel must include beginning and ending targets pursuant to (b)3 and 4 above. Splicing between any other images will be allowed only within duplicate rolls, and then only in proper sequence. Splicing between any other images should never be made on master negatives.

13. Master negatives. A master negative shall be created and maintained, pursuant to (b)2iii above, for any microfilmed public record or records. The master negative (the original reel of film produced) must meet the following standards:

i. Film stock. Only a polyester-based permanent safety film with a silver halide gelatin emulsion, developed to a black and white image, that conforms to the standards of the American National Standards Institute per ANSI/NAPM IT9.1-1996 for LE 500 film, as amended or supplemented, incorporated by reference herein, may be used for the master copies of public records.

ii. Density. To permit a more accurate reproduction of the original roll, each image should maintain, as far as possible, a specific density throughout the roll.

(1) The Bureau Chief or Supervisor shall use judgment to determine the most suitable density within this range for the documents being filmed. Since the color of the original documents will affect the density of the image, and not all documents in a particular record series may have the same color, an average density aim point should be chosen.

(2) The procedure for density measurement is described in ANSI/AIIM MS23-1998 as amended or supplemented, incorporated by reference herein.

(3) Both background density and D-min density must be taken with a transmission densitometer.

(4) The densitometer must meet with ANSI/NAPM IT2.18-1996, for spectral conditions and ANSI/NAPM IT2.19-1994, for geometric conditions for transmission density.

(5) Readings shall be made close to the center of the film strip to avoid edge fog interference.

(6) The background ISO standard visual diffuse transmission density on microforms must be appropriate to the type of documents being filmed. For most documents, optimum density should read 1.0 to 1.20 for original first generation camera film. Acceptable standards will fall between a minimum of 0.80 and a maximum of 1.35.

(7) A density minimum reading taken from the non-image or clear area of the film shall not exceed a reading of 0.12 or manufacturer's specifications using automatic retrieval systems.

(8) The base plus fog density of unexposed, processed films must not exceed 0.10. When a tinted base film is used, the density must be increased.

iii. Resolution. Minimum resolution on microforms of source documents shall be determined using the method in the Quality Index Method for determining resolution and anticipated losses when duplicating, as described in ANSI/AIIM MS23-1998 and MS43-1998 as amended or supplemented, incorporated herein by reference.

(1) Resolution tests shall be performed using an ISO 3334-1991 Resolution Test Chart and the patterns read following the instructions of ISO 3334-1991, or their equivalent.

(2) A microscope having a magnification of 50X to 150X with achromatic objectives must be used to read the resolution on a resolution test chart. The line direction method will be used in making the determination of resolution. A minimum resolution of 80 lines per millimeter on rotary cameras and 110 lines per millimeter on planetary cameras must be obtained on first generation camera film.

(3) The smallest characters should be used to display information to determine the height used in the Quality Index Method.

(4) A Quality Index of five is required at the third generation level.

(5) Due to optical limitations in most photographic systems, film images of thin lines appearing in the original document will tend to fill in as a function of their width and density. Therefore, as the reduction ratio of a given system is increased, the background density must be reduced as needed to ensure that the copies will be legible.

iv. Processing. All film must be processed in accordance with procedures in ANSI/AIIM MS43-1998,

incorporated herein as amended or supplemented. Dry chemical processing will not be acceptable.

(1) Microforms must be processed so that residual thiosulfate ion concentration will not exceed 0.014 grams per square meter in accordance with ANSI/NAP IT9.1-1996 as amended or supplemented, incorporated by reference herein. Film failing to meet the specified limits for thiosulfate concentration will not be acceptable.

(2) Thiosulfate residual content in microfilm processing should be tested at least once a month. Only the methylene blue test method will be considered sufficiently reliable to determine archival quality. Levels of residual thiosulfate ion concentration shall be in accordance with ANSI/NAP IT9.1-1996 as amended or supplemented, incorporated by reference herein, must be maintained.

(3) All film must be inspected for proper indexing, density, resolution and for residual thiosulfate. Film must be free of scratches, abrasions, blemishes or other defects.

(4) Master copies of microfilm and other microimaged records must be processed and maintained in a facility in conformity with and under conditions for the same established in N.J.A.C. 15:3-6, Storage of Public Records in accordance with the provisions of N.J.A.C. 15:3-3.13.

(5) When film is to be cut for jackets or aperture cards, the original roll may be used, provided an uncut duplicate roll of silver halide film has been prepared previously for storage as a master negative.

(c) The standards for microfilming records, other than original records are as follows:

1. Pursuant to the provisions of P.L. 1953, c. 410 (N.J.S.A. 47:3-15 through 32) as amended, no record series or series of records created, received or maintained by State or local government agencies shall be transferred to microfilm, unless or until such microfilm or other microforms have been inspected and certified as conforming to State standards pursuant to this subchapter by the Chief of the Bureau of Micrographics and Alternative Records Storage or the Supervisor of Micrographics and Imaging Services;

2. No record series or series of records except original records created, received or maintained by State or local government agencies shall be transferred to microfilm. If microfilm or other microforms that have been created, caused to be created, or projected to be created by an agency do not conform to State standards pursuant to this subchapter or consist of or contain images of records that are not the original records and the original records no longer exist due to loss, theft, destruction, natural disaster, 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 of the agency that the records document; or

3. In the event that a roll of microfilm that consists of or contains images of records that are not the original records or does not conform to State standards for microfilm pursuant to this subchapter has been designated as "best available evidence" by the State Records Committee, a target shall be filmed or added to any such existing microfilm at the beginning and end of the roll of microfilm. The required target shall contain a declaration concerning the source of the image and note that the image has been designated by the State Records Committee as the best available evidence of the actions or transactions documented by the records reproduced in said roll of microfilm.

#### § 15:3-3.7 Aperture cards

(a) The components of the aperture card, including the paper and adhesive, must conform to the



requirements of ANSI/PIMA IT9.2-1998 as amended or supplemented, incorporated by reference herein.

(b) The 35mm film used in the aperture card application must conform to film designated as LE 500 in ANSI/NAPM IT9.1-1996.

(c) When microfilming on 35mm film for aperture card applications, the format dimensions in ANSI/AIIM MS32-1996, Table 1 are mandatory, and the aperture card format "D Aperture" shown in ANSI/AIIM MS41-1996, Figure 1, shall be used

#### § 15:3-3.8 Computer output microfilm

(a) Computer output microfilm (COM) must meet the requirements of ANSI/AIIM MS1-1996 as amended or supplemented, incorporated by reference herein.

(b) For microfilming source documents or computer generated information (COM) on microfiche, the formats and reduction ratios prescribed in ANSI/AIIM MS5-1992 shall be used as specified for the size and quality of the documents being filmed.

(c) Computer output microfilm (COM) generated images shall be the simplex mode described in ANSI/AIIM MS14-1996 as amended or supplemented, incorporated by reference herein, at an effective ratio of 1:24 or 1:48 depending upon the application.

(d) ANSI/AIIM MS23-1998 as amended or supplemented, incorporated by reference herein, shall be followed for determining the appropriate reduction ratio and format for microfiche to meet image quality requirements.

(e) Indices on computer-generated microforms shall follow the data on a roll of film or in the last frames of a single microfiche, or the last frames of the last fiche in a series pursuant to N.J.A.C. 15:3-3.6(b)2i(3).

#### § 15:3-3.9 Microfiche

(a) An uncut duplicate roll of silver halide film shall be created or preserved for storage as a master negative for all public records stored and used on microfiche, unless previous approval has been granted by the Chief of the Bureau of Micrographics and Alternate Records Storage or the Supervisor of Micrographics and Imaging Services.

(b) Pursuant to N.J.A.C. 15:3-3.6(b)14vi(5), when film is to be cut for jackets or aperture cards, the original roll may be used, provided an uncut duplicate roll of silver halide film has been prepared previously for storage as a master negative.

(c) For microfiche, indices shall be placed in the last frames of the last microfiche or microfilm jacket of a series pursuant to N.J.A.C. 15:3-3.6(b)2i(2).

#### § 15:3-3.10 Updateable microfiche systems

(a) An updateable microfiche system is to be used only in special applications. Any agency considering using such a system should first contact the Supervisor of Micrographics and Imaging Services to review the proposed applications.

(b) The updateable microfiche must meet the microfilm specifications as outlined in N.J.A.C. 15:3-3.6 with the following additions:

1. Each microfiche must have the specified targets at the beginning and ending of each row;
2. Each time a microfiche is updated, a certificate of authenticity shall be inserted at the end of the added documents;
3. If permanent records are to be microfilmed and the hard copy records destroyed, the microfiche security copy shall be on silver halide film and stored under archival conditions; and
4. The expunging equipment on the updateable microfiche camera shall be rendered inoperable if an agency intends to request that the original copy of the records that have been microfilmed be destroyed. The hard copy of the records may not be destroyed until approval has been granted by the Division according to the procedures established under N.J.A.C. 15:3-2.2, Disposal of public records.

#### § 15:3-3.11 Microfilm created from digital images; certification, approval

(a) Pursuant to the provisions of P.L. 1994, c.140 as implemented in N.J.A.C. 15:3-4, Image Processing of Public Records, and 15:3-5, Certification of Image Processing Systems, any microfilm, produced by any means, that is intended to serve as backup for records in an image processing system established and maintained for the creation, management, or storage of public records in a State or local government agency, must receive approval by the Chief of the Bureau of Micrographics and Alternative Records Storage or the Supervisor of Micrographics and Imaging Services that said microfilm meets all of the standards established in N.J.A.C. 15:3-3.6, Microfilm standards; replacement of original records, before the system can be submitted for certification by the State Records Committee.

(b) Any image processing system established and maintained for the creation, management, or storage of public records in a State or local government agency must receive the approval of the Chief of the Bureau of Micrographics and Alternative Records Storage, or the Supervisor of Micrographics and Imaging Services, and the Chief of the Bureau of Records Management pursuant to the provisions of P.L. 1994, c.140, and N.J.A.C 15:3-4, Image Processing of Public Records, and 15:3-5, Certification of Image Processing Systems, before the system can be submitted for certification by the State Records Committee.

(c) All microfilm created from digital images and intended for use as public records must be certified per P.L. 1994, c.140, and N.J.A.C 15:3-4, Image Processing of Public Records, and 15:3-5, Certification of Image Processing Systems, and receive the approval of the Chief of the Bureau of Micrographics and

Alternative Records Storage, or Supervisor of Micrographic and Imaging Services per the standards and procedures established for microfilm and microfilming of public records established under the provisions in this subchapter.

(d) Any roll of microfilm created from digital images, intended for use as public records, must include all image processing system targets required in N.J.A.C. 15:3-3.6(b)4 at the beginning and end of said roll of film.

#### § 15:3-3.12 Duplication of original records after microfilming

(a) Silver halide film is the only film considered suitable for producing microfilm of archival quality.

1. Silver halide film shall be used when producing copies of the original master negative intended for archival, permanent or long-term storage of public records.

2. Although silver halide microfilm is more expensive than other types of film used for duplicating microforms, it has the additional advantage that both negative and positive copies can be produced.

(b) Diazo film is not considered archival in quality and shall not be used to produce master-negative copies of originals.

1. A Diazo copy will maintain the same polarity as the original master (negative to negative or positive to positive).

2. Unexposed Diazo film has a very short shelf life unless refrigerated.

3. Diazo film is often used for duplicate copies of microfilm since it is less expensive than silver halide film and very durable.

(c) Vesicular film is not archival in quality and shall not be used to produce master copies of microfilmed records.

1. Vesicular film is a reversing process film. The polarity of the copy will be reversed to that of the original master (positive to negative or negative to positive) through exposure and processing by heat.

2. Vesicular film should be only used for short-term storage applications.

3. When not fully exposed, vesicular film may develop eligible, cosmetic blemishes.

4. Vesicular duplication film may also be considered suitable for distribution or working copies when archival quality is not a factor.

(d) The silver halide master copy of microfilmed records shall not be used for reference purposes.

Agencies must ensure that the archival microform remains clean and undamaged during the process of making a duplicating master. Duplicate copies using silver halide, dry silver, diazo or vesicular film should be produced and used for:

1. Reference;
2. Further duplication on a recurring basis;
3. Large-scale duplication; and
4. Distribution of records in microform.

#### § 15:3-3.13 Storage of microforms

(a) Master copies of microfilm and other microimaged records on silver halide film shall be stored and maintained in a records storage facility in conformity with and under conditions established in N.J.A.C. 15:3-6, Storage of Public Records, that will ensure their preservation for their full retention period.

1. Reference copies or working copies of records on silver halide, dry silver, vesicular or diazo microfilm or other microforms may be used and stored in an ordinary office environment and are not required to be stored or maintained in conformity with and under conditions established in N.J.A.C. 15:3-6, Storage of Public Records. (See definitions of "silver halide film," "dry silver film," "vesicular film" and "diazo film" at N.J.A.C. 15:3-3.3).

2. Microform containing public records with short-term retention periods should under conditions that will ensure their preservation for their full retention period. Agencies may consult Life Expectance (LE) guidelines in ANSI/AIIM standards in N.J.A.C. 15:3-1.4 for storage conditions that can be used to meet retention requirements.

3. Non-silver copies of microforms shall not be stored in the same storage area as silver halide master copies or duplicate copies due to possible deterioration of silver halide microfilm resulting from offgassing of chemicals from other types of film.

(b) Master copies of microfilm and other microimaged records designated as archival records with long-term or permanent retention periods shall be stored and maintained in a facility in conformity with and under the following conditions as established in N.J.A.C. 15:3-6, Storage of Public Records:

1. The relative humidity of the storage vault or room must not exceed 40 percent and should not be lower than 30 percent.

2. Temperatures must not exceed 70 degrees Fahrenheit (21.1 degrees Celsius). A stable temperature of not more than 68 degrees Fahrenheit (20 degrees Celsius) is preferred.

3. Rapid and wide-range cycling of humidity or temperature must be avoided and in no instance exceed plus and/or minus five percent relative humidity or one or two degrees Fahrenheit in a 24-hour period.

4. No rubber bands, tape or other foreign objects may be used to hold film on the reels.

5. The materials used for storage should not ignite, decompose, or develop reactive fumes or vapors.

6. Film must be stored in a closed container of such inert material as plastic.

(c) Agencies shall inspect, or arrange to pay a contractor or the Division to inspect, all microform records stored at the agency, at a commercial records storage facility, or at a State Records Center, when the films are two years old, and every two years thereafter, in accordance with ANSI/AIIM MS45-1990 as amended or supplemented, incorporated herein by reference.

1. To facilitate inspection, the agency shall maintain an inventory of microfilm listing each microform series/publication by production date, producer, processor, format, and results of previous inspections.

2. At two year intervals, a one percent random sample of all microfilmed records of a public agency in storage shall be inspected in accordance with ANSI/AIIM MS45-1990. For each biennial inspection, a different lot sample shall be chosen with some samples of the previous lot re-inspected.

3. The elements of the inspection shall consist of:

i. An inspection, per ANSI/AIIM MS45-1990, for peeling emulsion, brittleness, molding, aging blemishes, or base deformation;

ii. A re-reading of resolution targets;

iii. A re-measurement of density; and

iv. Certification of the environmental conditions under which the microforms are stored, in accordance with N.J.A.C. 15:3-6, Storage of Public Records.

4. The agency shall prepare an inspection report, and send a copy to the Division. The inspection report must contain:

i. A summary of the inspection findings, including:

(1) A list of batches by year that includes the identification numbers of microfilm rolls and microfiche in each batch;

(2) The quantity of microforms inspected;

(3) An assessment of the overall condition of the microforms;

(4) A summary of any defects discovered, for example, redox blemishes or base deformation; and

(5) A summary of corrective action taken; and

ii. A detailed inspection log created during the inspection that contains the following information:

(1) A complete description of all records inspected (title; roll or fiche number or other unique identifier for each unit of film inspected; confidential information, if any; and inclusive dates, names, or other data identifying the records on the unit of film);

(2) The date of inspection;

(3) Elements of the film inspected;

(4) Any defects uncovered; and

(5) Corrective action taken.

5. Inspection shall be performed in an environmentally controlled area in accordance with ANSI/AIIM MS45-1990 as amended or supplemented, incorporated by reference herein.

6. Any signs of deterioration that may be noted shall be reported immediately to the Chief of the Bureau of Micrographics and Alternative Records Storage, or the Supervisor of Micrographics and Imaging Services, of the Division of Archives and Records Management.

7. If an inspection shows that a master microform is deteriorating, the agency shall make a silver halide duplicate or cause a silver halide duplicate to be made to replace the deteriorating master.

#### § 15:3-3.14 Transfer of microforms

(a) Agencies may transfer permanent microform records to the physical custody of the State Records Center with the approval of the Supervisor of Records Storage, provided the microfilm has been certified as conforming to State standards and a records retention schedule has been approved for the records by the State Records Committee. Agencies transferring such microforms to the State Records Center shall:

1. Submit a completed records transmittal form to the State Records Center, unless otherwise instructed; and

2. Include the following information on the transmittal form, or in an attachment to the transmittal:

i. The name of the agency and program component;

- ii. The identification number and title of the records series;
- iii. The media or format used;
- iv. The barcode number or other identifier for each unit of film;
- v. The confidentiality of records, if any;
- vi. Inclusive dates, names, or other data identifying the records to be included on a unit of film;
- vii. Indices or other finding aids that are not contained in the microform; and
- viii. Copies of Inspection log forms and inspection reports.

(b) Agencies may transfer microform records with permanent or long-term retention schedules to the State Records Center only if they provide copies of the records that the microforms have been inspected by the agency, an agency contractor, or a commercial records center, or if the agency contracts with the Division to inspect the microforms on a reimbursable basis, and the film passes inspection by the same.

(c) Agencies may transfer permanent or archival records in microform to the legal custody of the State Archives, provided the microfilm has been certified as conforming to State standards and a records retention schedule has been approved for the records by the State Records Committee as permanent or archival records, or the Director of the Division of Archives and Records Management or the Chief of the Bureau of Archives and History have approved the transfer of such records to the State Archives. Agencies transferring microforms to the State Archives shall:

1. Package non-silver copies of microfilm separately from the silver halide master copies or silver halide duplicate microform copy. Clearly label non-silver microfilm as non-silver copies;
2. Originate the transfer by submitting an agreement to transfer records to the State Archives of the State of New Jersey, unless otherwise instructed;
3. If the records are not in the State Records Center, submit the information specified in N.J.A.C. 15:3-3.11(a);
4. Transfer the silver halide original (or duplicate silver halide microform) plus one microform copy, or cause a copy to be created;
5. State the inspection of the microform is up-to-date and provide copies of inspection log forms and inspection reports; and

[6. Package non-silver copies separately from the silver halide original or silver duplicate microform copy and clearly label them as non-silver copies.]

### § 15:3-3.15 Disposal of original records after microfilming

(a) The State Records Committee must approve a records retention schedule and a "Request for Records Disposition Authority" form shall be filed and approved by the Division before any public records, including source documents, can be destroyed.

1. No original records may be destroyed after microfilming unless the agency obtains permission to do so from the Division pursuant N.J.A.C. 15:3-2.2(a) and (c). A "Request and Authorization for Records Disposal" form, as set forth in N.J.A.C. 15:3-2.2(f), must be used for this purpose. Signed certification shall accompany the form stating that the listed records have been microfilmed in accordance with the rules and regulations of the subchapter and that with the creation of these microfilm copies, the original records have ceased to have sufficient value to warrant their retention.
2. Authority to destroy the paper records may be withheld when inspection reveals improper photographic exposure, distorted or unreadable microfilm images, or evidence of loss of the integrity of the original files through inadequate identification, lack of proper indexing, or rearrangement of papers in such a manner that their original identity and usability is lost.
3. The Division will not approve the destruction of original records that have intrinsic value, or original records that are scheduled as having permanent long-term retention and that have other characteristics that would limit the usefulness of microform copies for public reference.
4. When an agency intends to retain the silver original microforms of permanent records and destroy the original paper records, the agency must certify in writing that the microform will be stored in compliance with State standards and inspected as required by State statutes and rules.
5. Disposal of paper records after microfilming shall be conducted according to procedures established in N.J.A.C. 15:3-2.2(c), concerning audit of fiscal records, and N.J.A.C. 15:3-2.2(f), concerning physical destruction of public records.

### § 15:3-3.16 Inspection of microforms, micrographics equipment, and procedures in government agencies

The Chief of the Bureau of Micrographics and Alternative Records Storage or Supervisor of Micrographics and Imaging Services, at their discretion, have the right, pursuant to P.L. 1920, c.46, § 3 (N.J.S.A. 47:2-4), pursuant to N.J.A.C. 15:3-1.4(a) to unrestricted access to and examination of microforms, micrographics equipment and procedures in any State or local government agency in order to assure that microfilm copies are usable and legible reproductions of the original record, that microfilm reproduction will have the same acceptability and legal status as the original record, and microfilm reproduction continues to meet standards of archival quality.

### § 15:3-3.17 Notice of intention to microfilm public records

If, after considering all relevant factors, a public agency selects a particular record series to be



microfilmed, notice shall be given to the Division of Archives and Records Management of such intention, specifying the record series involved. Such notification shall give the Division's technical staff an opportunity to make constructive recommendations concerning the proposed microfilm project and shall insure proper conformance with the State statutes and regulation pertaining thereto.

#### § 15:3-3.18 Microfilm projects

(a) The Division of Archives and Records Management shall provide agencies with expert assistance and advice in establishment and operations of all approved microfilming projects, including the establishment and operation of computer output microfilm (COM), computer assisted retrieval (CAR) systems services, microfilm backup for image processing systems pursuant to N.J.A.C. 15:3-4, Image Processing of Public Records, and 15:3-5, Certification of Image Processing Systems, and all computer-related microfilm technology.

(b) Pursuant to the provisions of Executive Order No. 109(1981), consolidating microfilm units, effective October 8, 1981, the Division shall operate a Centralized Micrographics Service to provide reimbursable microfilming services, including preparing, indexing, and filming of records, inspection of film, and labeling of film containers. Agencies desiring microfilming services from the Division should contact the Division or the director of the records center serving the agency's records for information on services and fees for microfilming services.

(c) All microfilming projects for State agencies, as defined in this section, shall be undertaken by the Microfilm Unit located in the Division [of Archives and Records Management], unless otherwise approved by the Chief of the Bureau of Micrographics and Alternate Records Storage or the acting Chief thereof. These projects shall be provided with equipment and supplies on a debit and credit basis, debiting the user the expendable items supplied to them, that is, microfilm machine use, film, and so on. The debit and credit for personnel will be based on the actual working days expended in preparation, filming and checking film for the project, in addition to which the Division shall append a 15 percent fee, based on a percentage of these charges, to meet administrative and document transport costs.

(d) Projects of permanent or lengthy duration, including service contracts with private vendors, may, on approval by the Chief of the Bureau of Micrographics and Alternative Records Storage, or Supervisor of Micrographics and Imaging Services, be conducted by the State agency under whose custody the records remain; provided the following conditions are adhered to:

1. Projects requiring approximately six months or less to complete shall be undertaken by the Microfilm Unit located in the Division. These projects shall be provided with equipment and supplies on a debit and credit basis, debiting the user expendable items supplied to them, that is, microfilm machine use, film, and so on;

2. The debit and credit for personnel shall be based on actual days expended in preparation, filming, and checking film for the project, in addition to which the Division may append a 15 percent fee, based on a percentage of those charges, to meet related administrative and document transport costs; and

3. Projects of permanent or lengthy duration, including service contracts with private vendors, may, on approval by the Chief of the Bureau of Micrographics and Alternative Records Storage, or Supervisor of Micrographic and Imaging Services, be conducted by the State agency under whose custody the records remain; provided the following conditions are adhered to:

- i. Standard operating procedures for the project must be instituted and supervised by the Division of

Archives and Records Management to insure the accuracy and quality of the work;

ii. Full responsibility for maintaining these specifications and standards shall be assumed by the agency conducting the project; and

iii. Within the limits of time available, the Chief of the Bureau of Micrographics and Alternative Records Storage, or Supervisor of Micrographics and Imaging Services, shall make periodic inspections, pursuant to N.J.A.C. 15:3-3.12, to insure that the microfilm standards and procedures of the State of New Jersey are being implemented and adhered to.

(e) State agencies considering the installation of a permanent microfilm project shall notify the Chief of the Bureau of Micrographics and Alternative Records Storage, or Supervisor of Micrographics and Imaging Services, in order to obtain approval as to the feasibility of purchasing microfilm equipment or instituting such a project. Additional purchases of equipment will also require the approval of the Division, including the purchase of computer output microfilm (COM) and computer assisted retrieval (CAR) systems/services, and purchases of all computer-related microfilm technology.

(f) The supervisor of every microfilm unit shall submit to the Chief of the Bureau of Micrographics and Alternative Records Storage, or Supervisor of Micrographics and Imaging Services, in the Division [of Archives and Records Management, Department of State], a monthly activities report. Such report, to be submitted within five working days of the end of the month, shall detail the work accomplished by the unit during the preceding month.

(g) Records to be microfilmed by the Division of Archives and Records Management Microfilm Unit shall be transferred to the Division of Archives and Records Management. When records have been filmed and the film properly inspected, the Division will notify the agency that the original records are eligible for destruction. A "Request and Authorization for Records Disposal" form, as established under N.J.A.C. 15:3-2.2(d), shall be used in such notifications.

#### § 15:3-4.1 **Image processing of public records; [P]urpose**

(a) As promulgated by 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), this subchapter sets forth the "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).

(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 the 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.

(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 disposal is not contrary to other State or Federal statutes or regulations.

(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 standards, procedures and guidelines. 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.

#### § 15:3-4.2 Definitions

The words and terms used in this subchapter shall have the standard meaning as established in ANSI/AIIM TR2-1998, Glossary of Document Terminologies[, as amended and supplemented,] incorporated herein by reference, and in ARMA A4759 (2007), Glossary of Records and Information Management Terms [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:

["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 (AIIM), 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 copies of their standards is as follows:

Association for Information and Image Management  
AIIM Publication Sales  
1100 Wayne Ave., Suite 1100  
Silver Spring, MD 20910-5603  
Telephone: (301) 587-8202  
Fax: (301) 587-2711  
Website: <http://www.aiim.org>

"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 Institute's address is as follows:

American National Standards Institute  
25 West 23rd Street

New York, NY 10036  
Telephone: (212) 642-4980  
Fax: (212) 302-1286 (orders only)  
Website: <http://www.ansi.org>

"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 to develop records management standards. The address of the Institute for the purpose of ordering copies of their standards is as follows:

Association of Records Managers and Administrators International  
ARMA Publication Sales  
P.O. Box 606  
Benton Harbor, MI 49023-0606  
Telephone: (888) 241-0598  
Fax: (269) 982-1652  
Website: <http://www.arma.org>

"ASTM" means ASTM International, originally known as the American Society for Testing and Materials, of the largest voluntary standards development organizations in the world --a trusted source for technical standards for materials, products, systems, and services. ASTM International standards have an important role in the information infrastructure that guides design, manufacturing and trade in the global economy. The address of the Society for the purpose of ordering copies of their standards is as follows:

ASTM International  
100 Barr Harbor Drive,  
P.O. Box C700  
West Conshohocken, PA 19428-2959  
Telephone: (610) 832-9585  
Website: <http://www.astm.org>

"CCITT" means the Consultative Committee for International Telegraphy and Telephony, a constituent of the International Telecommunications Union (ITU), which is an international organization headquartered in Geneva, Switzerland, within which governments and the private sector coordinate global telecommunications networks and services. Founded in Paris in 1865 as the International Telegraph Union, the International Telecommunications Union took its present name in 1934 and became a specialized agency of the United Nations in 1947. Under the reorganization of the ITU in 1992, the CCITT was consolidated with the Telecommunications Standardization Sector (ITU-T) of the agency. The Committee's address for the purpose of ordering copies of their standards is as follows:

International Telecommunications Union  
Sales and Marketing Division  
Place des Nations  
CH-1211 Geneva 20

Switzerland

Telephone: +41 22 730 61 41 (English)

Telefax: +41 22 730 51 94

Website: <http://www.itu.int/home/>

["Division of Archives and Records Management" or "Division" means the Division of Archives and Records Management in the Department of State established pursuant to the Governor's Reorganization Plan filed April 29, 1983; furthermore, pursuant to P.L. 1994, c.140 (N.J.S.A. 47:1-75), whenever in any law, rule, regulation, order contract, document, judicial or administrative proceeding, reference is made to the "Public Records Office," "Bureau," or "Bureau of Archives and History" in the Department of Education, or the administrator thereof, the same shall be considered to mean and refer to the Division of Archives and Records Management in the Department of State.]

"DoD" means the Department of Defense, a cabinet-level agency of the United States government, which establishes standards for the Department's functional community for use in automated information systems. The Department's address for the purpose of ordering copies of their standards is as follows:

Defense Technical Information Center (DTIC)

National Technical Information Service

5285 Port Royal Road

Springfield, VA 22161

Telephone: (800) 553-6847

Website: <http://www.dtic.mil/>

"IEEE" means the Institute of Electrical and Electronic Engineers, the world's largest technical professional organization, which establishes standards in the fields of electrical, electronics and computer engineering. The Institute's address for the purpose of ordering copies of their standards is as follows:

IEEE Computer Society Press

Customer Service Center

10662 Los Vaqueros Circle

P.O. Box 3014

Los Alamitos, CA 90720-1314

Telephone: (800) 272-6657

Fax: (714) 821-4010

Website: <http://www.computer.org/cspress>

"Image processing" means, in general, the computer-related discipline wherein analog or digital images are the main data object, or the manipulation and control of data representing two-dimensional images, including raster images generated by scanning and raster conversions of electronic data created in other formats, vector-based data from computer-aided design (CAD) and other illustration systems, and digital images from digital, video and other camera systems; or, specifically, the creation, preparation, capture, recording, indexing, storage, retrieval, reproduction, control, use and management of direct representations or images of documents using these techniques.

"Imaging" means the production of representations of two-dimensional images of documents or other objects from digitally generated data or scanners and other means of data capture, or the recording of such images on microforms, videotape, optical disk or other data storage media.

"ISO" means the International Organization for Standardization, which coordinates national standards bodies worldwide. The address of the Organization, for the purpose of ordering copies of their standards is as follows:

International Organization for Standardization  
Central Secretariat  
1, rue de Varembe  
Case postale 56  
CH-1211 Geneva 20  
Switzerland  
Telephone: +41 22 749 0111  
Fax: +41 22 749 09 47  
Website: <http://iso.ch/iso/en/ISOOnline.frontpage>

"Long-term record" or "long-term records" means a record or series of records required by a Federal or State statute or regulation, or by a retention schedule approved by the State Records Committee per P.L. 1953, c.410 (N.J.S.A. 47:3-20 et seq.), to be retained by the originating agency for 10 or more years after creation, filing, or completion.

["Multifunction device" (MFD) means a multi-function printer/product/peripheral, or multifunctional, all-in-one, mopier (multiple optical copier), or other office machine, which incorporates the functionality of multiple types of office equipment in one device, so as to have a smaller footprint in a home or small business setting or to provide centralized document management/distribution/production in an office. A typical multifunction device may act as a printer, photocopier, fax, scanner and/or telephone or a combination of these devices. Input to multifunction devices is, by their nature, multimodal. Documents may be sent via Ethernet, parallel port or other digital interface from a computer, arrive by fax over the telephone line, or be scanned in locally by the user. Some multifunctional devices include editing and publication capabilities and/or digital media readers, such as media card readers.]

"NISO" means the National Information Standards Organization, which is the principal United States organization for the development of library, archival and information management standards. Its members include the Society of American Archivists (SAA), National Archives and Records Administration (NARA), American Library Association (ALA), and the Association for Information and Image Management (AIIM). The Organization's address for the purpose of ordering copies of their standards is as follows:

National Information Standards Organization  
Techstreet/NISO Press Fulfillment  
777 East Eisenhower Parkway

Ann Arbor, MI 48108  
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>

#### § 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 of any optical or magnetic media employed by any image processing system used for keeping of records, inclusive of the life-expectancy rating of the media and system procedures such as back-up regimes, disaster recovery programs and media refresh cycles that are employed to preserve the records involved, shall ensure that the records are accessible and usable throughout their designated retention periods, 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. In doing so, agencies shall consider the standards set forth in N.J.A.C. 15:3-6, Storage of Public Records, and adopt applicable provisions from said standards as indicated by agency needs. The options for providing preservation of records designated for long-term and permanent retention 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. Electronic storage supported by a documented path to migrate and/or convert the electronic records and associated content to other media, with an emphasis on guarding against the risk of records loss due to the obsolescence of the underlying technology. The migration/conversion path must be supported by a system vendor(s) and/or trained in-house staff.

(d) Any image processing system used to create, store, or maintain public records classified as permanent, archival, or designated for archival review on a records retention schedule approved by the State Records Committee shall provide for the preservation of such records as set forth in (c) above. The agency must contact the Division separately, using the contact information provided on its Internet website, and receive the Division's approval, before disposing of the original records involved. The Division shall require the agency to store the original records on paper or in microfilm format in accordance with State standards, if the agency does not have a documented migration path as specified in (c)3 above.

(e) In all cases, preference shall be given to systems that are based on standard commercial off-the-shelf (COTS) technology supporting electronic document management systems (EDMS) and electronic content management systems (ECM), including 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, 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 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 documented, demonstrated, and tested bridge to a nonproprietary 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 storage subsystem.

(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 electronic records storage systems receive periodic maintenance, inspection, and testing, as established under procedures in N.J.A.C. 15:3-4.7(e).

(o) Where applicable, the Use of Optical Disks for Public Records (ANSI/AIIM TR25-1995, incorporated herein by reference, as amended and supplemented) is recommended as guidance for system planning, implementation, and operation of imaging systems for public records.

#### § 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 indexes and images on optical and magnetic media, shall be established and adhered to 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) Disaster recovery plans and procedures shall be established pursuant to N.J.A.C. 15:3-4.11 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 reviewing, testing, and recycling media containing images and associated indices (that is, replacing old media with new) shall be established and strictly adhered to whenever it is determined to be necessary for continued preservation of electronic records.

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

2. Imaging systems shall be capable of detecting and correcting errors automatically 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, the agency shall seek to have the existing imaged records converted to a format compatible with a compliant imaging system as soon as possible. Agencies should avoid the continued use of obsolete or non-conforming systems.

(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.

#### § 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 file formats and compression methods that are employed and actively supported by the information technology industry, and that allow for the interchange of documents with other systems. Examples of such formats 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, PDF/A (especially for long-term retention (10 years or more), and Open Document Architecture/Open Document Interchange Format (ODA/ODIF) for text.

(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 hardware, operating systems, and networking systems that are supported on an ongoing basis by the information technology industry.

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

#### § 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 must store at least one unaltered version of the public records they contain, 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 may be used provided the as-scanned, unedited versions of the records are stored as well.

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 may be used to scan documents for an image processing system used for keeping public records provided:

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

ii. Scanned images have been inspected pursuant to the provisions of (b) below before being accepted and filed or recorded in an agency recordkeeping system.

4. Images shall not be maintained on the multifunction device.

(b) A visual quality control evaluation shall be performed for scanned images and related index data, to help ensure that images stored on the system are direct, readable, and retrievable versions of the original records. The visual inspection may be accomplished on an image-by-image basis, via sampling, or combined approaches, and may also be supported by machine-based quality control processes. Where applicable, Sampling Procedures for Inspection by Attributes of Images in Electronic Image Management (EIM) and Micrographics Systems (ANSI/AIIM TR34-1996) and Identification of Test Images for Document Imaging Applications (ANSI/AIIM TR38-1996), incorporated herein by reference, as amended and supplemented, are recommended as guidance for image system quality control.

(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, incorporated herein by reference, as amended and supplemented).

(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 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 registration and review procedures required by the Division.

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

1. The scanning log shall:

i. Identify the scanner operator;

ii. Identify the scanned document, for example, via a document control number;

iii. Note the equipment used to scan the document; and

- iv. Record 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.

#### § 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 electronic 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.
4. Preference shall be given to systems that incorporate indices or other retrieval information directly on the same system as the images.
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) Government agencies must ensure that their operational and managerial programs for image processing systems provide for conformance with the mandatory review and approval provisions of section 6 of P.L. 1994, c. 140, N.J.S.A. 47:1-12. These provisions require the Division, with the approval of the State Records Committee, to review and approve all image processing systems used for recordkeeping by government agencies, and to conduct annual reviews of said systems. N.J.A.C. 15:3-5.1 through 5.7 set forth the elements of the mandatory review and approval process, which are embodied in an online registration service.

(f) The Division may, as permitted by staffing levels, provide training and other records and information management support services to 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.

#### § 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 the as-scanned version of a record as per N.J.A.C. 15:3-4.6(a), 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 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 location, 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 recordkeeping 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.

§ 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. The scope of the plans, and the specific coverages adopted, should be aligned with risks relative to the loss of records stored on the systems. This includes consideration of likely threats to the systems and the impacts of lost records in areas such as revenue intake, the rights/obligations of the government and its citizenry, security/confidentiality, the historical value and context of the records, and continuity of essential services for public health and safety. Agencies must assess whether the records can be reconstructed via other sources and determine the costs associated with guarding against records loss through a disaster recovery program. Agencies shall balance the costs of disaster recovery programs with the likelihood and impacts of records losses. Risk assessments may help agencies determine the period of time within which systems, applications, or functions must be recovered after an outage, and the economic feasibility of various recovery options. At a minimum, disaster recovery/contingency planning must include the following elements:

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. An 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 or plan for replacing the system;
- 3. A remote storage location for emergency procedures manuals;
- 4. An alternative input and output distribution system ready to operate or plan for replacing the system;
- 5. An assignment of duties for reconstruction and off-site processing in the possession of all trusted personnel; and
- 6. A contingency procedure in place to recover from a disaster or computer system failure.

#### **15:3-5.1 Registration of imaging processing systems; [P]purpose**

(a) The Division, 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 sets forth procedures to be used by government agencies for the registration 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. For purposes of this subchapter, "registration" means a process through which the Division determines whether image processing systems employed by government agencies comply with the requirements set forth at N.J.A.C. 15:3-4 and in so doing, enable the responsible government agencies to dispose of the original records that have been converted to images and stored on the systems.

(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, 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 is required to review and approve image processing systems used by government agencies for public records, and to conduct annual reviews of said systems. This subchapter implements these requirements.

(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 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 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 **through** [by] the establishment of relevant standards, procedures, and guidelines. The implementation of procedures for registration 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) [P.L. 1994, c. 140 provides that a]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 registration 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.]

### § 15:3-5.4 Responsibilities of the Division

(a) Pursuant to the provisions of section 6 of P.L. 1994, c. 140, N.J.S.A. 47:1-12, the Division, with the approval of the State Records Committee, shall register image processing systems as compliant with established standards, rules, and procedures for such systems for the keeping of public records.

(b) The Division shall create and maintain an automated, direct access image processing system registration service to be used by agencies employing image processing systems for keeping public records to 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 registration service shall be used to evaluate such systems, document their status, record such information as may be required by the Division, and as set forth in this subchapter, indicate the extent to which the systems may be used to manage the life-cycles of the records they contain. The service shall include an initial registration application and annual review form.

(c) The Division shall maintain an Internet-accessible database of all registered image processing systems that, based on information reported to the Division, indicates four registry status conditions: Pending/Under Review, Active/Compliant, Inactive, and Non-compliant.

1. Pending/Under Review status indicates that the agency has submitted an original system registration application to the Division for review. Agencies may store electronic versions of any public record on a system pending review, but may not use approved records schedules to dispose of the original records involved until the status changes to Active/Compliant.

2. Active/Compliant status indicates the Division's approval of the system's use. Agencies may store electronic versions of any public record on an Active/Compliant system and make use of approved records schedules to dispose of the original records as applicable. All systems granted certification as of June 15, 2015, shall be classified as Active/Compliant.

3. Inactive status indicates the agency has not kept its registration records up to date by submitting the required annual review form. Agencies may store electronic versions of any public record on an inactive system, but may not use approved records schedules to dispose of the original records involved from the date the system registry status changed to Inactive. Agencies may submit updated annual reports to the Division at any time to bring an Inactive system back to Active/Compliant status.

4. Non-compliant status indicates that the system fails to meet State standards. Agencies may not store electronic versions of any public record on a Non-compliant system and may not use approved records schedules to dispose of the original records involved from the date the system registry status reflects that the system is non-compliant.

(d) For annual reviews, the Division shall provide each agency with 60 days advance notice of the review due date. The Division shall acknowledge receipt of all reports and supporting material and shall review the reports.

1. Unless the Division issues a written opinion that documents substantial non-compliance with the rules promulgated for image processing systems, the annual review suffices for the continued Active/Compliant registration of the agency's system.

2. The Division must produce a written opinion regarding noncompliance, if applicable, within 23 days of receipt of the complete annual report from the public agency. The Division shall send the opinion to the agency and the State Records Committee. Procedures for noncompliant systems are set forth in (e) below.

3. If an agency fails to submit an annual report for a system as indicated in this subsection, the Division will change the registry status of the system to Inactive. The system will remain in Inactive status until the agency submits an updated annual report to the Division.

(e) Non-compliance. If the Division determines that an image processing system fails to comply with applicable rules, it shall state in its written opinion how the system and operational procedures are not in compliance and provide recommendations relative to the changes needed to achieve compliance as required by N.J.A.C. 15:3-4.7(e).

1. Subsequent to issuing its written opinion, the Division shall change the registry status of the system to Non-compliant.

2. The agency may take the recommended actions to change its system and submit an updated report or application to the Division and the Division may accept the changes as sufficient or make further recommendations for remedial actions.

3. The Division shall change the registry status of the system to Active as soon as it receives a report from the agency indicating that its system is in compliance with State standards.

(f) For initial applications, the Division shall acknowledge the receipt of the initial registration application

and supporting documentation submitted by the public agency.

1. Unless the Division issues a written opinion that documents noncompliance with the rules promulgated for image processing systems, the original application suffices for registering the agency's system as Active/Compliant.

2. The Division must produce a written opinion regarding noncompliance, if applicable, within 23 days of receipt of the completed original application from the public agency. The Division shall send the opinion to the agency. Procedures for Non-compliant systems are set forth in (e) above.

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

#### § 15:3-5.5 Responsibilities of government agencies

(a) Government agencies shall submit registration applications and annual review forms per N.J.A.C. 15:3-5.4 for each existing or proposed image processing system used for creation, storage, or management of public records, and work to ensure continual compliance with State standards set forth at N.J.A.C. 15:3-4, as required by P.L. 1994, c. 140 (N.J.S.A. 47:1-12).

(b) Upon registering with the Division, the agency shall be responsible for posting and notifying stakeholders of their use of the image processing system for keeping public records, and shall provide public access to a copy of the completed registration applications and/or all annual review forms. The Division's automated service, described at N.J.A.C. 15:3-5.4 may be referenced in the agency's public notifications and serve as the source for copies of completed registration applications and annual review forms.

(c) In conformance with N.J.A.C. 15:3-5.4(c), an agency shall submit a completed annual review form to the Division on a date determined by the Division and with advance notification to the agency.

(d) Agencies shall list the system registration number, to be supplied via the registration system, on every request for approval of record retention schedules or disposal of original records used or maintained by the image processing system.



#### § 15:3-5.6 Information access generally

- (a) Government agencies shall maintain documentation on any image processing system used for public recordkeeping, including all vendor supplied manuals, guides, and training materials covering all implemented hardware and software technology. Agencies may use materials posted on the Internet by the system vendor(s) to help document the system.
- (b) 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 registration 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.
- (c) Nothing in this subchapter shall be deemed to preclude any State or local **government** [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.

#### § 15:3-5.7 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, within 23 days following the submittal of a registration application to the Division, government agencies must post and publish a public notice advising the public and other stakeholders that the agency has applied for registration of an image processing system for public records. The Division's registration service, set forth at N.J.A.C. 15:3-5.4, may be referenced in the agency's public notifications and serve as the source for copies of completed registration applications and annual reviews.
- (b) The Division 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) 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 and store the same for a period of 10 years.

#### § 15:3-6.1 Storage of public records; purpose

- (a) This subchapter sets forth standards for the storage of public records as required by P.L. 1953, c.410, §

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

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

(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 between incompatible formats, since most applications can export and import ASCII files.

"ASTM" means American Society for Testing and Materials, a developer and provider of voluntary consensus standards which has developed and published technical standards for reliability of materials, products, systems and services used by industries worldwide. The address of the Association is as follows:

American Society for Testing and Materials  
100 Barr Harbor Drive  
West Conshohocken, PA 19428-2959  
Telephone: (610) 832-9585  
Fax: (610) 832-9555

"Celsius" means a temperature scale, also known as the Centigrade scale, divided into 100 degrees, in which 0 degrees represents the freezing point and 100 degrees represents the evaporating point of water. Celsius is now the preferred term in technical use.

"CFR" means the Code of Federal Regulations. The Code of Federal Regulations is a codification of the general and permanent rules published in the Federal Register by the Executive departments and agencies of the Federal government. It is the official compilation of Federal regulations of general applicability and legal effect, arranged in subject order, published by the National Archives and Records Administration (NARA).

["DARM" means the Division of Archives and Records Management in the Department of State.

"Division of Archives and Records Management" or "Division" means the Division of Archives and Records Management (DARM) in the Department of State established pursuant to the Governor's Reorganization Plan filed April 29, 1983; furthermore, pursuant to P.L. 1994, c.140 (N.J.S.A. 47:1-75), whenever in any law, rule, regulation, order, contract, document, judicial or administrative proceeding, reference is made to the "Public Records Office" or "Bureau of Archives and History" or "Bureau" in the Department of Education, or the administrator thereof, the same shall be considered to mean and refer to the Division of Archives and Records Management in the Department of State. The address of the Division is as follows:

Department of State  
Division of Archives and Records Management  
PO Box 307  
Trenton, NJ 08625-0307  
Telephone: (609) 530-3200  
Fax: (609) 530-6121]

"DoD" means Department of Defense, a cabinet-level agency of the United States government, which establishes standards for use in automated information systems for the department's functional community. The copies of DoD standards cited in this subchapter are available from:

Department of Defense

Defense Technical Information Center (DTIC)  
8725 John J. Kingman Road, Suite 0944  
Fort Belvoir, VA 22060-6218  
Telephone: (800) 225-3842

"EBCDIC" means Extended Binary Coded Decimal Interchange Code, a data code used in IBM mainframes and other midrange computers that stores one alphanumeric character or two decimal digits within a byte.

"FEMA" means the Federal Emergency Management Agency, a former independent agency that became part of the new Department of Homeland Security in March 2003, is responsible for responding to, planning for, recovering from and mitigating against disasters. The address of the agency is as follows:

Federal Emergency Management Agency  
Federal Center Plaza  
500 C Street S.W.  
Washington, DC 20472

"Film enclosure" means any item in close or direct contact with photographic film or microfilm, such as reels, cores, spools, cassettes, magazines, cans, canisters, folder, envelopes, cartons, sleeves or aperture cards, used to house, store or protect [the] such film.

"FIPS" means Federal Information Processing Standard. The National Institute of Standards and Technology, the principle standards agency for the Federal government, oversees the development of Federal Information Processing Standards (FIPS). Copies of the FIPS standards cited in this subchapter are available from:

National Technical Information Service (NTIS)  
U.S. Department of Commerce  
Springfield, VA 22161  
Telephone: (703) 487-4650

"Fire-protective storage facilities" means storage facilities designed to protect records against excessive temperatures, water and other fire-fighting agents, steam or other gases produced by burning insulation and other building materials, and collapsing structures.

"Fire-resistive vaults" means vaults as defined in ANSI/NFPA 232-1980.

"ICC" means the International Code Council, is a nonprofit association, formed by the recent merger of BOCA (Building Officials and Code Administrators), ICBO (International Conference of Building Officials), and SBCCI (Southern Building Code Congress International), dedicated to building safety and developing the codes used to construct residential and commercial buildings, including homes and schools. The majority of U.S. states, counties and cities have adopted building construction, safety and fire prevention codes developed by the ICC. The address of the Council is as follows:

International Code Council  
5203 Leesburg Pike, Suite 600  
Falls Church, VA 22041

"IEC" means the International Electrotechnical Commission, the international standards and conformity assessment body for all fields of electrotechnology. National members of the IEC are the primary agents of IEC standards and other publications, which, in the United States is the American National Standards Institute (ANSI).

"IEEE" means the Institute of Electrical and Electronic Engineers, the world's largest technical professional organization, which establishes standards in the fields of electrical, electronics and computer engineering. The address of the Institute for the purpose of ordering publications is as follows:

Institute of Electrical and Electronic Engineers  
IEEE Computer Society Press  
Customer Service Center  
10662 Los Vaqueros Circle  
PO Box 3014  
Los Alamitos, CA 90720-1314  
Telephone: (800) CS-BOOKS  
Fax: (714) 821-4641

"IEST" means the Institute of Environmental Sciences and Technology, a professional society of engineers, scientists and educators from industry and academic institutions in the environmental sciences. The address of the Institute is as follows:

Institute of Environmental Sciences and Technology  
940 East Northwest Highway  
Mt. Prospect, IL 60056  
Telephone: (847) 255-1561

"Insulated record containers" means insulated record storage containers (Class 150) as defined in ANSI/UL 72-1983. Tests for Fire Resistance of Record Protection Equipment.

"ISO" means the International Organization for Standardization, which coordinates national standards bodies worldwide. The address of the Organization is as follows:

International Organization for Standardization  
Central Secretariat  
1, rue de Varembe  
Case postale 56  
CH-1211 Geneve 20  
Switzerland

Telephone: 41 22 749 01 11  
Fax: 41 22 733 34 30

"Long-term storage" means storage conditions that are suitable for ensuring a minimum useful life of a record or series of records required by a Federal or State statute or regulation, or by a retention schedule approved by the State Records Committee per P.L. 1953, c.410 (N.J.S.A. 47:3-20 et seq.) to be retained by the originating agency for 10 or more years after creation, filing, or completion.

"Low temperature storage" means storage of records at temperatures below ambient temperature, such as refrigeration temperature (1.7 to 7.2 degrees Celsius/35 to 45 degrees Fahrenheit), special installations (1.7 to 18.3 degrees Celsius/35 to 65 degrees Fahrenheit), or deep freeze temperature (-17.8 degrees Celsius/0 degrees Fahrenheit).

"Medium-term storage conditions" means storage conditions that are suitable for ensuring a minimum useful life of a semicurrent record or series of records as required by a Federal or State statute or regulation or a retention schedule approved by the State Records Committee per P.L. 1953, c.410 (N.J.S.A. 47:3-20 et seq.) to be retained by the originating agency for more than three years but less than 10 years after creation, filing, or completion.

"NAPM" means National Association of Photographic Manufacturers, a trade and technical information organization of photographic products manufacturers and suppliers, develops standards for the fields of photography and optics. NAPM serves as the standards secretariat and developer for ANSI/NAPM IT (Imaging Technology) committees, ISO TC42-Photography, and ISO TC172-Optics and Optical Instruments. The address of the Association is as follows:

National Association of Photographic Manufacturers  
550 Mamaroneck Avenue  
Harrison, NY 10528  
Telephone: (914) 698-7603  
Fax: (914) 698-7609

"NARA" means National Archives and Records Administration, formerly the National Archives and Records Service (NARS), which is the government agency responsible for the public records and archival programs of the United States, including publication of the Federal Register and the Code of Federal Regulations (CFR). The address of the Administration is:

National Archives and Records Administration  
700 Pennsylvania Avenue NW  
Washington, DC 20408-0001  
Telephone: (800) 234-8861 (publications)  
Fax: (202) 501-7170

"NBS" means National Bureau of Standards, now named the National Institute of Standards and Technology (NIST).

"NEDCC" means Northeast Document Conservation Center. The address of the Center is as follows:

Northeast Document Conservation Center  
100 Brickstone Square  
Andover, MA 01810-1494  
Telephone: (508) 470-1010  
Fax: (508) 475-6021

"NFPA" means National Fire Protection Association, an international nonprofit organization producing scientifically-based consensus codes and standards, research, and education programs for fire and related safety issues. The address of the Association is as follows:

National Fire Protection Association  
1 Batterymarch Park  
Quincy, MA 02269-9101  
Telephone: (617) 770-3000  
Fax: (617) 770-0700

"NISO" means the National Information Standards Organization, which is the principal United States organization for the development of library, archival and information management standards. Its members include the Society of American Archivists (SAA), National Archives and Records Administration (NARA), American Library Association (ALA), and the Association for Information and Image Management (AIIM). Copies of the NISO standards cited in this subchapter are available from:

National Information Standards Organization  
NISO Press Fulfillment  
PO Box 338  
Oxon Hill, MD 20750-0338  
Telephone: (800) 282-NISO or (800) 282-6476  
Fax: (301) 567-9553

"NIST" means the National Institute of Standards and Technology (formerly named the National Bureau of Standards), the principal standards agency within the United States government. The National Institute of Standards and Technology oversees the development of Federal information processing standards and conducts related studies for other Federal agencies. Copies of the NIST standards cited in this subchapter are available from:

National Technical Information Service (NTIS)  
U.S. Department of Commerce  
Springfield, VA 22161  
Telephone: (703) 487-4650

"NML" means the National Media Laboratory, an industry consulting group supporting U.S. government



evaluation, development, and deployment of advanced storage media systems. The Laboratory's address for publication is:

National Media Laboratory  
Publications and Technology Transfer  
Bldg. 235-3A-20  
St. Paul, MN 55144-1000  
Telephone: (651) 736-4969

"Permanence" means the capacity to retain properties such as strength and color over extended periods of time, as influenced by internal factors (for example, chemical composition) and external conditions (for example, light, temperature, relative humidity, and atmospheric contaminants). The current trend is to substitute the term "life expectancy" for "permanence."

["Public record" or "records" means any and all records of a State or local agency, as defined in P.L. 1953, c.410 (N.J.S.A. 47:3-16) as amended.

"Records storage facility" means a records center or other facility maintained and administered for the storage, maintenance, and reference use of public records pending their ultimate disposition.]

"Relative humidity" means the ratio of the quantity of water vapor in the atmosphere to the quantity of water vapor which would saturate the atmosphere at the existing temperature. Also, the ratio of the pressure of water vapor present in the atmosphere to the pressure of water vapor required to saturate the air at the existing temperature.

"SAA" means the Society of American Archivists, the oldest and largest organization for archives and archivists in North America. The Society establishes standards and guidelines for the identification, preservation and use of records of historical value. The Society's address is as follows:

Society of American Archivists  
600 S. Federal, Suite 504  
Chicago, IL 60605  
Telephone: (312) 922-0140  
Fax: (312) 347-1452

["State Records Committee" or the "Committee" means the State Records Committee established pursuant to P.L. 1953, c.410 (N.J.S.A. 47:3-20 et al.), which consists of the State Treasurer, Attorney General, State Auditor, and the Directors of the Division of Local Government Services of the Department of Community Affairs and the Division of Archives and Records Management of the Department of State, or their designees. The address of the State Records Committee is as follows:

State Records Committee  
PO Box 307  
Trenton, NJ 08625-0307

Telephone: (609) 530-3200  
Fax: (609) 530-6121]

"Storage housing" means a physical structure supporting containers enclosing or holding records media and may consist of racks, shelves, drawers or cabinets.

"Tuple" means a data object containing two or more components. The components of a tuple may be of different types whereas all elements of a list have the same type.

"UL" means Underwriters Laboratory, Inc., a provider of product safety certification and quality system registration services. The address of the Laboratory is as follows:

Underwriters Laboratory, Inc.  
333 Pfingsten Road  
Northbrook, IL 60062  
Telephone: (847) 272-8800

#### 15:3-6.3 Record storage facility

(a) P.L. 1953, c.410, § 16 (N.J.S.A. 47:3-30) as amended, effective Sept. 18, 1953, mandates the Division of Archives and Records Management in the Department of State with the approval of the State Records Committees as established by P.L. 1953, c.410, § 6 (N.J.S.A. 47:3-20) to "make and promulgate rules and regulations for the effective administration of the laws relating to public records." Furthermore, N.J.A.C. 15:3-4.4(e) promulgated under P.L. 1994, c.140, § 4 (N.J.S.A. 47:3-26 as amended) requires the State Records Committee to promulgate rules for secure and suitable facilities for the storage of public records.

(b) The following pertain to referenced standards:

1. This section is intended for use in conjunction with the following referenced national and international standards [as amended and supplemented,] incorporated herein by reference. [The standards cited in the subsection are available from the American National Standards Institute, Inc. (ANSI) or other standards-setting organizations as cited in N.J.A.C. 15:3-6.2. They are also available for use and inspection at the Division of Archives and Records Management, 2300 Stuyvesant Avenue, Trenton, New Jersey per the provisions of N.J.A.C. 15:3-4.7(f).]

i. ANSI/NAPM IT9.11. Imaging Media--Processed Safety Photographic Films--Storage;

ii. ANSI/NFPA 1-1997. Fire Prevention Code;

iii. ANSI/NFPA 10-1994. Portable Fire Extinguishers;

iv. ANSI/NFPA 13-1996. Installation of Sprinkler Systems;

v. ANSI/NFPA 25-1995. Inspection, Testing and Maintenance Water-Based Fire Protection Systems (Revision of ANSI/NFPA 13-A);

vi. ANSI/NFPA 40-1997. Storage and Handling of Cellulose Nitrate Motion Picture Film;

vii. ANSI/NFPA 70-1996. National Electric Code;

viii. ANSI/NFPA 72-1996. National Fire Alarm Code;

ix. ANSI/NFPA 80-1995. Fire Doors and Fire Windows;

x. ANSI/NFPA 80A-1996. Fire Doors and Fire Windows, Protection from Exterior Fire Exposures;

xi. ANSI/NFPA 90A-1996. Installation of Air Conditioning and Ventilating Systems;

xii. ANSI/NFPA 90B-1996. Installation of Warm Heating and Air Conditioning Systems;

xiii. ANSI/NFPA 220-1993. Types of Building Construction;

xiv. ANSI/NFPA 221-1997. Fire Walls and Fire Barrier Walls;

xv. ANSI/NFPA 231-1995. General Storage;

xvi. ANSI/NFPA 232-2000. Standard for the Protection of Records;

xvii. ANSI/NFPA 232A-1995. Fire Protection for Archives and Records Centers;

xviii. ANSI/UL 155. Test for Fire Resistance of Vault Doors;

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

xx. NBS Technical Notice 839. Fire Protection; and

xxi. NFPA 909-1997, Standard for the Protection of Cultural Resources Including Museums, Libraries, Places of Worship, and Historic Properties.

2. All building and construction in the State of New Jersey, undertaken by any State or local government agency, subdivision, district or authority must comply with the provisions of the Uniform Construction Code (UCC), N.J.A.C. 5:23, as adopted by the Department of Community Affairs, Division of Codes and Standards.

(c) Records storage facilities containing public records, except for those facilities or portions of facilities excluded in this subsection, shall comply with all appropriate building and safety codes, standards, rules

and guidelines for storage of records as amended and supplemented, incorporated herein by reference including:

1. Any records storage facility used for the storage public records shall be of a nature that minimizes the potential for and the resultant effects of fire. Records storage facilities shall be Type I, II, or III construction per the International Building Code [(IBC-2000), Section 602.1], as amended by N.J.A.C. 5:23, that are those types of construction in which the exterior walls are of noncombustible materials and the interior building elements are of fire-resistive materials permitted[ under the provisions of IBC-2000].

i. For new construction, reference the Uniform Construction Code, N.J.A.C. 5:23[, including, but not limited to:

(1) IBC-2000, Chapter 2, Use and Occupancy Classification, Section 311, Storage Group S;

(2) IBC-2000, Chapter 7, Fire-Resistant Rated Construction; and

(3) IBC-2000, Chapter 9, Fire Protection Systems].

ii. For general requirements and existing buildings considered for use as record storage facilities, reference:

(1) ANSI/NFPA 232-2000, Standard for the Protection of Records; and

(2) ANSI/NFPA 909-1997, Standard for the Protection of Cultural Resources Including Museums, Libraries, Places of Worship, and Historic Properties.

2. The facility should be a stand-alone structure. In the event the structure is shared with other tenants, firewalls of approved construction shall separate the records storage facility from other areas in the building. Reference: ANSI/NFPA 232A. Fire Protection for Archives and Records Centers, Chapter 2-3, Fire Risk Evaluation Factors.

3. If the record storage facility is located in a structure with other non-related tenants, activities conducted in other parts of the building shall not be of the nature which would create a hazard to the records stored there. Reference:

i. ANSI/NFPA 232A. Fire Protection for Archives and Records Centers. Chapter 2-3, Fire Risk Evaluation Factors;

ii. ANSI/NFPA 80. Fire Doors and Fire Window; and

iii. ANSI/NFPA 80A. Fire Doors and Fire Window, Protection from Exterior Fire Exposure.

4. Access to the facility shall be restricted to authorized personnel. Adequate security procedures and systems shall be provided to prevent loss, theft, or destruction of public records and to ensure the safety

and integrity of the public records stored there.

5. A record storage facility shall maintain a fire prevention program based on good housekeeping practices. Smoking, use of open flame devices or the presence of flammable materials shall be prohibited in storage areas. Reference: ANSI/NFPA 232A. Fire Protection for Archives and Records Centers. Chapter 2-6, Fire Prevention Program.

6. The facility shall have appropriate fire detection and suppression systems with procedures in place to ensure their effectiveness. Reference:

i. ANSI/NFPA 72. National Fire Alarm Code;

ii. ANSI/NFPA 1. Fire Prevention Code;

iii. ANSI/NFPA 10. Portable Fire Extinguishers;

iv. ANSI/NFPA 13. Installation of Sprinkler Systems;

v. ANSI/NFPA 25. Inspection, Testing and Maintenance of Water-Based Fire Protection Systems;

vi. ANSI/NFPA 231. General Storage. Chapter 5-1, Automatic Sprinkler Systems;

vii. ANSI/NFPA 232A. Fire Protection for Archives and Records Centers. Chapter 5-1, Fire Detection;

viii. ANSI/NFPA 232A. Fire Protection for Archives and Records Centers. Chapter 5-2, Automatic Sprinkler Systems;

ix. ANSI/NFPA 232A. Fire Protection for Archives and Records Centers. Chapter 5-4, Gaseous Extinguishment;

x. ANSI/NFPA 232A. Fire Protection for Archives and Records Centers. Chapter 5-5, Comparison of Systems; and

xi. NBS Technical Notice 839. Fire Protection.

7. A slightly positive air pressure balance should be maintained within the records storage area so as to ensure consistency of temperature and relative humidity and minimize infiltration of contaminants. Reference: ANSI IT9.11. Imaging Media--Processed Safety Photographic Film--Storage. Chapter 7.2, Air Conditioning Requirements.

8. Air handling ducts shall be equipped with fire detectors and applicable shutoff apparatus. Reference:

i. ANSI IT9.11. Imaging Media--Processed Safety Photographic Film--Storage. Chapter 7.2, Air Conditioning Requirements;

ii. ANSI/NFPA 232A. Fire Protection for Archives and Records Centers. Chapter 7-4, Air Conditioning/Ventilation; and

iii. ANSI/NFPA 90A. Installation of Air Conditioning and Ventilation Systems.

9. The facility shall have a power supply sufficient to maintain environmental controls, security, lighting, fire detection and suppression equipment. Reference: ANSI/NFPA 232A. Fire Protection for Archives and Records Centers. Chapter 5, Fire Control Systems.

10. No cellulose nitrate films shall be stored in the same records storage facility with other types of record media. If any cellulose nitrate film is retained by an agency, it shall be maintained per ANSI/NFPA 40. Storage and Handling of Cellulose Nitrate Film as amended and supplemented, incorporated herein by reference. Reference:

i. ANSI IT9.11. Imaging Media--Processed Safety Photographic Film--Storage. Chapter 7.3, Air Purity;

ii. ANSI/NFPA 40. Storage and Handling of Cellulose Nitrate Film; and

iii. ANSI/NFPA 232A. Fire Protection for Archives and Records Centers. Chapter 2-1, Types of Media.

11. All door openings of the records storage facility shall be fitted with a suitable and approved fire-resistant door. Reference:

i. ANSI/UL 155. Test for Fire Resistance of Vault Doors; and

ii. ANSI/NFPA 232A. Fire Protection for Archives and Records Centers. Chapter 2-10, Vault Door Specifications.

12. All electrical wiring within the facility, exclusive of low-power alarm circuits, shall be encased in approved conduit. Reference:

i. ANSI/NFPA 70. National Electric Code;

ii. ANSI/NFPA 232. Chapter 2-11, Electrical Service; and

iii. ANSI/UL 155. Test for Fire Resistance of Vault Doors.

13. Portable fire extinguishers of a type appropriate for Class A fires shall be readily accessible inside and immediately outside the record storage area. Reference:

i. ANSI/NFPA 10. Standard for Portable Fire Extinguishers; and

ii. ANSI/NFPA 232A. Fire Protection for Archives and Records Centers. Chapter 2-13, Fire Suppression.

14. All record storage containers within a facility shall be kept at least six inches from piping or conduits. Reference: ANSI/NFPA 232A. Fire Protection for Archives and Records Centers. Chapter 2-12, Operating Practices.

15. Per ANSI/NFPA 232, 7.1.3.1, where paper records are stored on open shelf file equipment at heights 12 feet (3.7 meters) or less, the design criteria of ANSI/NFPA 13, Standard for the Installation of Sprinkler Systems, shall be in accordance with Ordinary Hazard Group 2. Where paper records are stored on open shelf file equipment at heights in excess of 12 feet (3.7 meters), the design criteria of ANSI/NFPA 230, Standards for Fire Protection of Storage, shall apply. Storage shall be considered a Class III Commodity. Where paper records are stored on open shelf file equipment, rack structures and solid, slatted or wire mesh shelving shall be constructed of non-combustible material.

i. For new construction, reference the Uniform Construction Code, N.J.A.C. 5:23[, including, but not limited to:

(1) IBC-2000, Chapter 2, Use and Occupancy Classification, Section 311, Storage Group S;

(2) IBC-2000, Chapter 7, Fire-Resistant Rated Construction; and

(3) IBC-2000, Chapter 9, Fire Protection Systems].

ii. For general requirements and existing buildings considered for use as record storage facilities, reference:

(1) ANSI/NFPA 232-2000, Standard for the Protection of Records, Chapter 7, File Rooms; and

(2) ANSI/NFPA 13, Standards for the Installation of Sprinkler Systems, Chapter 12, Storage.

(d) Records storage facilities containing archival, permanent, or other records with long-term retention schedules due to their continuing legal, administrative or historical value shall comply with all standards, rules and guidelines for storage of public records promulgated in this subchapter together with NEDCC Technical Leaflet. The Environment. Temperature, Relative Humidity, Light and Air Quality: Basic Guidelines for Preservation, as amended and supplemented, incorporated herein by reference (except when special records media require additional environmental and other controlled conditions), including:

1. A power supply sufficient to maintain proper archival environmental controls, security, fire detection and suppression equipment;

2. An HVAC system with adequate levels of control to establish and maintain archival storage conditions, including heating, cooling, dehumidification, humidification, particle control and gaseous pollution control, and a slightly positive air pressure balance within the records storage area so as to ensure:

i. Stability of temperature and relative humidity and minimization of fluctuations in the same;

ii. Maintenance of a stable temperature no higher than 21.1 degrees Celsius (70 degrees Fahrenheit) and a stable relative humidity between 30 and 50 percent relative humidity (RH), unless particular media require additional environmental and other controlled conditions as promulgated in this rule or incorporated by reference, as amended and supplemented. In most cases, maintenance of lower temperatures will increase protection and preservation of archival records; and

iii. Minimization of infiltration of contaminants at better than 50 percent of 0.5 micron particles;

3. Temperature and relative humidity shall be systematically measured and recorded;

4. All lighting systems within an archival storage facility, exclusive of emergency lighting systems, shall be incandescent lamps, also known as tungsten lamps.

i. Light sources which shall be avoided are halogen, diachronic reflector lamps, fluorescent lamps, mercury lamps, metal halide lamps, and sodium HID lamps due to discharge of high intensity ultraviolet photons which are known to damage archival materials; and

ii. Ultraviolet light filters shall be placed on all fluorescent lights (and other light sources as appropriated) in areas where archival records are stored, displayed, processed or researched to eliminate wave-lengths below 415 nanometers (nm);

5. Work, reference and storage areas shall be constructed so as to avoid prolonged exposure of archival records to direct or indirect sunlight which contain ultraviolet rays which can damage archival material;

6. Per N.J.A.C. 15:3-4.3(c)1, public records created, copied or stored on paper, which have been designated for permanent or long-term retention by State or Federal regulation or law or a retention schedule approved by the State Records Committee, shall be created or copied and stored on paper which meets the standards set forth in NISO Z39.48-1992. Permanence of Paper for Printed Publications and Documents in Libraries and Archives, as amended and supplemented, incorporated herein by reference, unless an exception is granted by the State Records Committee as part of a records retention schedule per N.J.S.A. 47:3-15 et seq. due to backup on other media such as microfilm or other considerations;

7. Storage containers, folders and other enclosures for archival material shall be constructed of acid-free buffered, lignin-free paper, or other material free of harmful off-gassing, especially sulfur dioxide, nitrogen oxides, peroxides and ozone which catalyze harmful chemical reactions that lead to acid in materials; and

8. Electrostatic precipitators shall not be used because they produce ozone.

(e) Designation of records storage facilities shall be as follows:

1. Per Executive Order No. 109, approved December 8, 1981, and the State Agency Transfer Act, P.L. 1971, c.375 (N.J.S.A. 18A:73-26 as amended), filed April 25, 1983, the Division of Archives and



Records Management has been designated as the official State Records Storage Center. Semicurrent or concurrent records of State agencies shall be transferred to the State Records Center when records are no longer needed for current operations of the agency, but may still be used infrequently due to continuing legal, fiscal, or administrative value, per records retention schedules established by the State Records Committee pursuant to the provisions of N.J.S.A. 47:3-15 et seq. and N.J.A.C. 15:3-2.5.

2. Per P.L. 1920, c.46, § 7, (N.J.S.A. 47:2-7) as amended and the State Agency Transfer Act, P.L. 1971, c.375 (N.J.S.A. 18A:73-26 as amended), filed April 25, 1983, the Division [of Archives and Records Management] has been designated as the official State Archives. Archival records of a public agency which are deemed by a records retention schedule established and approved by the State Records Committee pursuant to P.L. 1953, c.410 (N.J.S.A. 47:3-15 et seq.) to possess sufficient legal, administrative, evidential, historical, artifactual, or other value to warrant permanent retention which are not needed for administrative purposes by the agency shall be transferred to the State Archives at such times and in such manner and form as prescribed by the Division. The State Archives shall assume full legal custody and ownership of such records upon transfer to the same and shall thereafter be wholly responsible for their care, maintenance, use and preservation.

3. The Division may designate alternative records storage facilities for public records, provided such facilities shall conform to the standards promulgated in this subchapter as approved by the State Records Committee as established pursuant to P.L. 1953, c.410 (N.J.S.A. 47:3-20 et al.).

(f) Exclusions from this subchapter shall be as follows:

1. File areas and temporary storage areas. For the purposes of this section, the term "records storage facility" excludes:

i. Central file areas and file rooms containing active or semi-active records used and maintained in their office of origin;

ii. Records staging areas used for the temporary storage of records before their transfer to a records center or other disposition, provided no records are held in these staging areas for a period not to exceed 12 months; and

iii. Records storage areas used solely for the storage of noncurrent records that have approved retention schedules of less than three years and are not suitable for transfer to a records storage facility due to requirements for high security, technical servicing, or other special recordkeeping provisions; and

2. Additional standards or rules. Nothing in this subchapter shall be deemed to restrict any public agency from promulgating, implementing or employing more restrictive standards, rules, or guidelines for storage facilities for records in any media, type or format created or received by said agency, or from promulgating, implementing or employing additional restrictions, procedures or rules for the storage of public records which they may deem necessary for the preservation, security or integrity of any public record or series or group of public records in their custody.

§ 15:3-6.4 Storage of microforms and other processed film

(a) P.L. 1994, c.140, § 4 (N.J.S.A. 47:3-26 as amended) et al. mandates that the Division, with the approval of the State Records Committee, as established under P.L. 1953, c.410, § 6 (N.J.S.A. 47:3-20), shall formulate standards, procedures and rules for storage of microforms and other processed film, including "photographing, microphotographing, microfilming, data processing and image processing of public records and for the preservation, examination and use of such records."

(b) Referenced standards. This section is intended for use in conjunction with the following referenced national and international standards [as amended and supplemented,] incorporated herein by reference. The standards cited in this subsection are available from the American National Standards Institute (ANSI) or other standards-setting organizations as cited in N.J.A.C. 15:3-6.2. They are also available for inspection at the Division of Archives and Records Management, 2300 Stuyvesant Avenue, Trenton, New Jersey per the provisions of N.J.A.C. 15:3-4.7(f).

1. ANSI IT9.1-1992. Imaging Media (Film)--Silver-Gelatin Type--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);

2. ANSI IT9.2-1991. Imaging Media--Photographic Processed Films, Plates, and Papers--Filing Enclosures and Storage Canisters. (Replaced ANSI PH1.53-1986);

3. ANSI IT9.6-1991. Photographic Film--Specifications for Safety Film. (Revision of ANSI PH1.25-1984);

4. ANSI IT9.9-1990. Imaging Media--Stability of Color Photographic Images--Methods for Measuring;

5. ANSI IT9.11-1991. Imaging Media--Processed Safety Photographic Film--Storage. (Revision of ANSI PH1.43-1985);

6. ANSI IT9.16-1993. Imaging Media--Photographic Activity Test;

7. ANSI PH1.45-1981. Practice of Storage of Processed Photographic Plates. (Revised 1989);

8. ANSI PH1.48-1982. Photography (Film and Slides)--Black and White Photographic Paper Prints--Practice for Storage. (Revised 1987);

9. ANSI PH1.53-78. Processed Photographic Films, Plates and Papers, Photographic Filing Enclosures for Storing, Requirements for. (Revised 04 Apr. 1983);

10. ANSI PH4.8-1985. Photography (Chemicals)--Residual Thiosulfate and Other Chemicals in Films, Plates, and Papers--Determination and Measurement;

11. ANSI/AIIM MS45-1990. Recommended Practice for Inspection of Stored Silver-Gelatin Microforms for Evidence of Deterioration;
12. ANSI/NFPA 40-1997. Storage and Handling of Cellulose Nitrate Motion Picture Film. (Revision of ANSI/NFPA 40-1988);
13. ANSI/NFPA 90A-1985. Installation of Air Conditioning and Ventilating Systems;
14. ANSI/NFPA 232-1986. Protection of Records;
15. ANSI/NFPA 232AM-1986. Fire Protection for Archives and Records Centers;
16. ANSI/UL 72-1983. Tests for Fire Resistance of Record Protection Equipment;
17. ASTM D3290-94. Bond and Ledger Paper for Permanent Records;
18. IES CS-1. Standard for HEPA Filters;
19. ISO 5466. Storage of Black and White Microfilm;
20. ISO 10214. Photographic Enclosures; and
21. NISO Z39.62-1993. Eye-Legible Information on Microfilm Leaders and Trailers and on Containers of Processed Microfilm on Open Reels.

(c) All public records on microforms or other processed films shall be stored and maintained in compliance with all appropriate standards, rules and guidelines for storage of microforms and other film promulgated in this section or incorporated herein by reference, as amended and supplemented, including:

1. All microforms used for storage and maintenance of public records shall conform to all applicable standards, rules and guidelines promulgated by the Division [of Archives and Records Management] and the State Records Committee, including Microfilm Standards, N.J.A.C. 15:3-3.

- i. Per N.J.A.C. 15:3-3.12(a), silver halide film, as defined in N.J.A.C. 15:3-3.3, is the only film considered suitable for producing microfilm of archival quality for public records with medium-term or permanent or long-term retention schedules.

- (1) Silver halide film shall be used when producing copies of the original master negative intended for archival storage.

- (2) Silver halide film shall be used for duplicate backup or security copies.

- ii. Per N.J.A.C. 15:3-3.12(b), diazo duplication film, as defined in N.J.A.C. 15:3-3.3, while appropriate for low-cost reference copies of public records, is not considered archival in quality.

(1) Diazo film shall not be used to produce master-negative copies of originals.

(2) Unexposed diazo film has a very short shelf life unless refrigerated.

iii. Per N.J.A.C. 15:3-3.12(c), vesicular duplication film, as defined in N.J.A.C. 15:3-3.3, is not archival in quality and shall not be used to produce master-negative film.

(1) Vesicular film shall be only used for short term storage applications.

(2) When not fully exposed, vesicular film may develop blemishes which may cause some information to be illegible.

(3) Vesicular duplication film may also be considered suitable for distribution or working copies when archival quality is not a factor.

iv. Updatable microfiche systems (in 1998, an unsupported technology) shall not be used for public records, unless under special conditions per N.J.A.C. 15:3-3.10.

v. In accordance with N.J.A.C. 15:3-3.9, when a microfilm is cut to be used in jackets or aperture cards or to produce microfiche, the original roll may be used, provided an uncut duplicate uncut roll of silver halide is created and maintained in a suitable storage environment.

2. The following apply to film enclosures:

i. Concerning film in roll form:

(1) The following apply to medium-term storage enclosures:

(A) Processed photographic films rolled on cores or reels and stored in rolled form, including microfilm, motion picture film, aerial film, and some portrait films, shall be wound tightly, but not under extreme pressure. Cores and reels shall be of noncorroding material such as plastic compounds or nonferrous metals.

(B) Rolls of photographic film shall be stored in containers to provide protection against dirt and physical damage per ANSI IT9.11-1991, ISO 5466, and ISO 10214 as amended and supplemented, incorporated herein by reference. Film shall be in a clean condition before it is stored for maximum life expectancy. Rolls of film less than 150 meters in length shall be stored so the diameter of the roll is in a vertical position. Rolls greater than 150 meters in length shall be stored so the diameter of the film is in an horizontal position. Any film which gives off acidic fumes, including nitrate or some vesicular films, shall not be stored with silver, diazo, or dye-gelatin film and shall be stored in a location physically separated from other photographic film.

(C) Enclosures for microfilm and other rolled film shall be labeled to properly identify the contents of the

enclosures and facilitate the storage and retrieval of the same per NISO Z39.62-1993 as amended and supplemented, incorporated herein by reference. Reference:

(I) ANSI IT9.11-1991. Photography (Film)--Processed Safety Film--Storage;

(II) ANSI PH153-1984. Photography (Processing)--Processed Films, Plates, and Papers--Filing Enclosures and Canisters for Storage;

(III) NISO Z39.62-1993. Eye-Legible Information on Microfilm Leaders and Trailers and on Containers of Processed Microfilm on Open Reels;

(IV) ISO 5466. Storage of Black and White Microfilm;

(V) ISO 10214. Photographic Enclosures; and

(VI) ANSI/NFPA 40-1997. Storage and Handling of Cellulose Nitrate Motion Picture Film.

(2) For archival storage of photographic films stored in rolled form, the same requirements as those for medium-term storage enclosures shall be observed. In addition, the following requirements shall be met for archival storage of such films:

(A) Plastic materials used for reels or cores should not contain peroxides. Only noncorrosive plastic or paper bands shall be used for holding film on reels or cores. If paper bands are used, the paper shall meet minimum requirements established by ANSI IT9.2-1991 and ASTM D3290-94 as amended and supplemented, incorporated herein by reference. Reference:

(I) ANSI IT9.2-1991. Imaging Media--Photographic Processed Films, Plates, and Papers--Filing Enclosures and Storage Canisters; and

(II) ASTM D3290-94. Bond and Ledger Paper for Permanent Records.

(B) A schedule for periodic inspection for evidence of deterioration of rolled films, plates and prints in archival storage facilities shall be established and conducted including such procedures as established by ANSI/AIIM MS45-1990, ANSI PH4.8-1985, ANSI IT9.9-1990, each as amended and supplemented, incorporated herein by reference. Reference:

(I) ANSI/AIIM MS45-1990. Recommended Practice for Inspection of Stored Silver-Gelatin Microforms for Evidence of Deterioration;

(II) ANSI PH4.8-1985. Photography (Chemicals)--Residual Thiosulfate and Other Chemicals in Films, Plates, and Papers--Determination and Measurement; and

(III) ANSI IT9.9-1990. Imaging Media--Stability of Color Photographic Images--Methods for Measuring.

ii. Concerning film in sheet or slide form:

(1) The following apply to medium-term storage enclosures:

(A) Photographic film in sheet form shall be stored in suitable enclosures, which will maximize the life expectancy of the film. Stored films in sheet form shall not be stacked so that they are under high pressure. Photographic slides should be stored in cardboard, nonferrous metal or plastic boxes. Color, diazo, and heat-processed film shall be stored in opaque folders or envelopes or otherwise protected from exposure to light.

(B) Paper or plastic material used for envelopes, sleeves, jackets, folders or cartons for the storage of such films shall meet, as a minimum requirement, the specifications of ANSI PH1.53-78 as amended and supplemented, incorporated herein by reference, especially if such materials are in direct contact with the surface of the films. Suitable materials for plastic enclosures include uncoated polyester (polyethylene terephthalate) and cellulose acetate. Glassine envelopes and chlorinated, nitrated or highly plasticized sheeting shall not be used. Reference: ANSI PH1.53-78. Processed Photographic Films, Plates and Papers, Photographic Filing Enclosures for Storing, Requirements for. (Revised 04 Apr. 1983).

(C) Adhesives used in joints and seams of such enclosures shall meet the requirements of ANSI PH1.53-1984 as amended and supplemented, incorporated herein by reference. Reference: ANSI PH1.53-78. Processed Photographic Films, Plates and Papers, Photographic Filing Enclosures for Storing, Requirements for. (Revised 04 Apr. 1983)

(2) For archival storage of photographic films stored in the form of sheets and slides, the same requirements as those for medium-term storage enclosures shall be observed. In addition, the following requirements shall be met for archival storage of such films:

(A) Enclosure construction shall preclude the use of adhesives if possible. Pressure sensitive permanently tacky adhesives and those based on natural rubbers shall not be used. Photographic quality gelatin or polyvinyl acetate and cellulose acetate adhesives suitable for use with paper may be used when necessary.

(B) Films of different generic types which may have interactions with each other--for example silver gelatin and diazo films--shall not be interfiled or stored in physical contact with each other.

(C) A schedule for periodic inspection for evidence of deterioration of photographic films in sheets or slide form in archival storage facilities shall be established and conducted including such procedures as established by ANSI/AIIM MS45-1990, ANSI PH4.8-1985, and ANSI IT9.9-1990 each as amended and supplemented, incorporated herein by reference. Reference:

(I) ANSI/AIIM MS45-1990. Recommended Practice for Inspection of Stored Silver-Gelatin Microforms for Evidence of Deterioration;

(II) ANSI PH4.8-1985. Photography (Chemicals)--Residual Thiosulfate and Other Chemicals in Films, Plates, and Papers--Determination and Measurement; and

(III) ANSI IT9.9-1990. Imaging Media--Stability of Color Photographic Images--Methods for Measuring.

3. The following apply to storage housings:

i. Photographic films shall be stored in closed storage housings such as drawers or cabinets, or if open shelves and racks may be used if the film is in closed containers.

ii. Storage housings shall be constructed from noncombustible and noncorrosive materials such as anodized aluminum, stainless steel, or steel with baked-on nonplasticized synthetic resin lacquer. Storage housings shall not be constructed of combustible material such as wood, pressboard, particle board or materials which produce active fading agents.

4. The following apply to environmental conditions:

i. Concerning humidity and temperature limits:

(1) Temperature and relative humidity within a medium-term record storage facility for microforms or other processed film shall be maintained within the suitable range for the type of film being stored in medium-term storage in accordance with N.J.A.C. 15:3-2.15(a)4 and 3.12(a)5, as promulgated by the Division [of Archives and Records Management] and approved by the State Records Committee, as recommended in ANSI IT9.11-1991 and ISO 5466, as amended and supplemented respectively, incorporated herein by reference. Reference: ANSI IT9.11-1991. Imaging Media--Processed Safety Photographic Film--Storage. (Revision of ANSI PH1.43-1985); and ISO 5466. Storage of Black and White Microfilm.

(A) For medium-term storage of silver-gelatin film, the maximum temperature for extended periods shall not exceed 21.1 degrees Celsius (70 degrees Fahrenheit). In addition, a stable temperature of not more than 20 degrees Celsius (68 degrees Fahrenheit) is preferred. Temperatures below 20 degrees Celsius (68 degrees Fahrenheit) will provide increased protection and preservation of silver-gelatin film.

(B) Relative humidity (RH) in a medium-term storage environment for silver-gelatin films shall not exceed 40 percent and shall not be lower than 30 percent. Recommended relative humidity for acetate-base film is 35 percent. Recommended relative humidity for polyester-base film is 30 percent.

(C) Rapid and wide-range cycling of humidity or temperature must be avoided and in no instance exceed plus or minus five percent in a 24-hour period.

(D) For medium-term storage of color film, a storage environment shall not exceed 10 degrees Celsius (50 degrees Fahrenheit). A constant temperature (plus or minus two degrees Fahrenheit) and a relative humidity of 32 to 38 percent shall be maintained. Protection and preservation of color film may be increased by storage at lower temperatures and relative humidity. Reference: ANSI IT9.11-1991. Imaging Media--Processed Safety Photographic Films--Storage. Chapter 7.1 Humidity and Temperature.

(2) Per N.J.A.C. 15:3-2.15(a)4 and 3.12(a)5, the original roll of microfilm must be maintained in archival storage.

(A) Temperature and relative humidity within an archival storage facility for microforms or other processed film shall be maintained within the suitable range for the type of film being stored in archival storage in accordance with N.J.A.C. 15:3-2.15(a)4 and 3.12(a)5, as promulgated by the Division [of Archives and Records Management] and approved by the State Records Committee, as recommended in ANSI IT9.11-1991 as amended and supplemented, incorporated herein by reference. Reference: ANSI IT9.11-1991. Imaging Media--Processed Safety Photographic Film--Storage. (Revision of ANSI PH1.43-1985).

(B) For archival storage of silver-gelatin film on a polyester base, maximum temperature shall not exceed 10 degrees Celsius (50 degrees Fahrenheit) and 50 percent relative humidity. A constant temperature (plus or minus two degrees) shall be maintained. Added protection may be obtained by long-term storage at lower temperatures. A constant temperature at 1.7 degrees Celsius (35 degrees Fahrenheit) and 20 to 30 percent relative humidity is preferable.

(C) For archival storage of color film on a polyester base, a storage environment shall not exceed 4.5 degrees Celsius (40 degrees Fahrenheit). A constant temperature (plus or minus two degrees Fahrenheit) and a relative humidity of 32 to 38 percent shall be maintained. Protection may be increased by storing color film at low temperature and low humidity.

(D) For archival storage of motion picture film, as storage environment which shall not exceed 4.5 degrees Celsius (40 degrees Fahrenheit) temperature, with a fluctuation of temperature of no more than plus or minus two degrees, and relative humidity of 30 percent, with fluctuations of no more than plus or minus three percent. For cold storage of color motion picture film, a storage environment which shall not exceed minus 3.9 degrees Celsius (25 degrees Fahrenheit) temperature, with fluctuations in temperature of no more than plus or minus two degrees Fahrenheit, and a relative humidity of 30 percent, with fluctuations of no more than plus or minus three percent. Reference: ANSI IT9.11 (1993). Imaging Media--Processed Safety Photographic Films--Storage Chapter 7.1 Humidity and Temperature.

ii. A properly controlled air conditioning system may be necessary to maintain humidity and temperature within a storage facility within the limits specified within this rule, particularly for archival storage where the requirements are more stringent.

(1) Solid particles which may abrade film or react with an image shall be removed from the air supplied to housings or rooms used for storage of microforms or other processed film. The air delivery system for archival storage facilities shall be equipped with a HEPA filter capable of removing dust and other pollutant particles as defined by IES CS-1 as amended and supplemented, incorporated herein by reference. Reference: IES CS-1. Standard for HEPA Filters.

(2) Gaseous impurities such as sulfur dioxide, hydrogen sulfide, peroxides, ammonia, acidic fumes, ozone, and nitrogen oxides, which cause deterioration of film bases or degradation of the image in some films, shall be removed from the air by suitable washers or absorbers. Preferably, an archival storage



facility for films should be located as far as possible from urban or industrial sources of contaminants.

(3) Gases given off by decomposing nitrate film will damage or destroy images on safety film. Safety film shall not be stored in the same room with nitrate film, or in rooms connected by ventilating ducts.

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

(a) P.L. 1994, c.140, § 4 (N.J.S.A. 47:3-26 as amended) et al. mandates that the Division, with the approval of the State Records Committee as established by P.L. 1953, c.410, § 6 (N.J.S.A. 47:3-20), shall formulate standards, procedures and rules for "data processing and image processing of public records and for the preservation, examination and use of such records," including storage of magnetic media and other electronic records.

(b) This section is intended for use in conjunction with the following referenced national and international standards [as amended and supplemented,] incorporated herein by reference. The standards cited in this subsection are available from the American National Standards Institute (ANSI) or other standards-setting organizations as cited in N.J.A.C. 15:3-6.2. They are also available for inspection at the Division of Archives and Records Management, 2300 Stuyvesant Avenue, Trenton, New Jersey per the provisions of N.J.A.C. 15:3-4.7(f).

1. ANSI X3.39-1986. Recorded Magnetic Tape for Information Interchange (1600 CPI, PE);
2. ANSI X3.54-1986. Recorded Magnetic Tape for Information Interchange (6250 CPI, Group Coded Recording);
3. ANSI X3.180-1990. (R1996) Magnetic Tape and Cartridge for Information Interchange 18-Track, Parallel, 12.65 mm (1/2 in) 1491 cpmm (37 981 cpi) Group Coded Recording;
4. ANSI/NAPM IT9.23-1996. Imaging Materials--Polyester Based Tape--Storage;
5. CPA/NML 1995. Magnetic Tape Storage and Handling: A Guide for Libraries and Archives;
6. Executive Order 12906 of April 11, 1994 (3 CFR, 1995 Comp., p. 882). Federal Geographic Data Committee--Content Standards for Digital Geospatial Metadata; and
7. FIPS 173-1. Spatial Data Transfer Standard (SDTS)(DOI/USGS Specs.)--94 June 10.

(c) All public records on electronic recording media shall be stored and maintained in compliance with all appropriate standards, rules and guidelines for storage of electronic records promulgated in this section or incorporated herein by reference, as amended and supplemented, including:

1. Agencies shall maintain all medium-term or permanent and long-term backup or security copies of public records on electronic recording media in a storage facility with constant, controlled environmental conditions per standards promulgated for particular types of records media within this rule. If more than one type of media is stored in a storage facility, the most restrictive standards for temperature and humidity shall apply, if applicable, unless the facility contains areas capable of maintaining separate environmental controls appropriate for different media.
2. Agencies shall annually read a statistical sample of all electronic media containing long-term or

permanent records to identify any loss of information and to discover and correct the cause of data loss.

3. To safeguard against the loss of information due to equipment malfunctions or human error, agencies shall backup and refresh electronic records on a routine schedule, established and maintained by agencies, as appropriate.

4. Duplicate backup or security copies of medium-term or permanent and long-term records shall be maintained in appropriate storage located in buildings separate and at an appropriate distance from the office or other location where the records are normally used.

5. Agencies shall prohibit smoking, eating, or other activities that would produce contaminants in any electronic media storage libraries or other records storage facilities, including test or evaluation areas.

6. Agencies shall ensure that all authorized users can identify, access and retrieve information stored on diskettes, removable disks, tapes, optical disks, or other electronic recording media used to store medium-term or permanent and long-term records by establishing and implementing procedures for external labeling (or the equivalent for automated management systems) of the contents of such recording media. External labels, or their equivalent, shall provide unique identification for each storage media, including:

- i. The name of the organizational unit responsible for the data;
- ii. System title, including the version number of the application;
- iii. Special security requirements or restrictions on access, if any; and
- iv. Software in use at the time of creation.

7. Adequate documentation and information shall be maintained for all public records designated for medium-term or permanent and long-term records retention and storage on electronic recording media. Such documentation shall include:

- i. The file title;
- ii. The dates of creation;
- iii. The dates of coverage;
- iv. The recording density;
- v. The type of internal labels;
- vi. The volume serial number, if applicable;
- vii. The number of tracks;
- viii. Character code/software dependency;
- ix. Information about block size; and
- x. The sequence number, if the file is part of a multi-media set.

8. Agencies shall establish policies and procedures to ensure that electronic records and their documentation are retained as long as needed for their continuing administrative, legal or historical value. These records retention policies and procedures shall include provisions for:

i. Scheduling the retention and disposition of all electronic records and related documentation, code books, indexes or other information necessary to access the records, in accordance with the provisions of the Destruction of Public Records Law (1953), P.L. 1953, c.410 (N.J.S.A. 47:3-15 et seq.) and N.J.A.C. 15:3, Records Retention promulgated by the Division and the State Records Committee;

ii. Transferring custody of electronic records and related documentation to the State Archives per P.L. 1920, c.46, § 7, (N.J.S.A. 47:2-7) at an appropriate time per:

(1) Records retention schedule, as specified under guidelines, rules, and regulations promulgated by the Division [of Archives and Records Management] concerning appraisal, transfer, accessioning and storage of public records, including N.J.A.C. 15:3, Records Retention.

(2) P.L. 1920, c.46, § 4, (N.J.S.A. 47:2-3) and the provisions of N.J.A.C. 15:3-2.6, if any county, municipality, or public agency, body, board, or institution or society has or may become extinct.

(3) Mutual agreement between the agency and the State Archives, as appropriate;

iii. Establishing internal procedures for regular recopying, reformatting, and other necessary maintenance to ensure the retention and usability of the electronic records throughout their authorized life cycle;

iv. Establishing internal policies to ensure use of appropriate electronic recording media for storage of medium-term or permanent and long-term public records created, received or maintained by the agency, per standards promulgated in this section or established and approved by the State Records Committee, including that magnetic recording media previously used for electronic records containing sensitive, proprietary, or security information shall not be reused if the previously recorded information can be compromised in any way by reuse; and

v. Ensuring that information is not lost due to changing technology or deterioration of storage media by converting storage media to provide compatibility with the agency's current hardware and software. Before conversion of information to a different media, agencies shall determine that authorized disposition of the electronic records can be implemented after such conversion.

(d) Magnetic computer tape used for storage of public records shall be stored and maintained per ANSI/NAPM IT9.23-1996. Imaging Materials--Polyester Based Tape--Storage as amended and supplemented, incorporated herein by reference, and all applicable standards, procedures and guidelines promulgated in this section, including:

1. Agencies shall maintain storage and test areas for computer magnetic tapes containing medium term and permanent and long-term records at constant temperatures and relative humidities between 16.7 to 20 degrees Celsius (62 to 68 degrees Fahrenheit) temperature and 32 to 38 percent relative humidity (RH).

i. Magnetic tapes should be hung or racked vertically in standard storage units and should be rotated according to an established schedule to avoid damage to the tapes.

ii. Agencies shall periodically rewind under controlled tension all tapes containing records scheduled for long-term and permanent retention every 3 1/2 years, but frequent rewinding should not be practiced to avoid damaging the tape. Stored tapes shall be rewound immediately before use to restore proper tension

to the tape.

iii. Agencies shall annually read a statistical sample of all reels of magnetic computer tape containing long-term or permanent records to identify any loss of data and to discover and correct the causes of data loss. In tape libraries with 1,800 or fewer reels, a 20 percent sample or a sample size of 50 reels, whichever is larger, should be read. In tape libraries with more than 1,800 reels, a sample of at least 384 reels should be read. Tapes with 10 or more errors shall be replaced and, when possible, lost data shall be restored.

iv. Agencies shall copy data on magnetic tapes scheduled for long-term or permanent retention onto new tested and verified tapes before the current tapes used to store the records are 10 years old.

(1) More frequent copying may be necessary to prevent physical loss of data or technological obsolescence of the medium.

(2) Reused backup tapes or other previously used tapes should not be acceptable for storage of permanent public records scheduled for long-term or permanent retention.

v. External labels (or the equivalent automated tape management system) for magnetic tapes used to store permanent or unscheduled electronic records shall provide unique identification for each reel, including:

(1) The name of the organizational unit responsible for the data;

(2) The system title; and

(3) The Security or confidentiality classification, if applicable.

vi. The following information shall be maintained for (but not necessarily attached to) each reel or cartridge used to store permanent or long-term electronic records:

(1) The file title(s);

(2) The dates of creation;

(3) The dates of coverage;

(4) The recording density;

(5) The type of internal labels;

(6) The volume serial number, if applicable;

(7) The number of tracks;

(8) The character code/software dependency;

(9) Information about block size; and

(10) The reel sequence number, if the file is part of a multi-reel set.

vii. Documentation on numeric data files shall include, if applicable, information on:

- (1) Record format;
- (2) Logical record length;
- (3) Data set name(s);
- (4) Sequence; and
- (5) Number of records for each data set.

2. This subsection establishes standards, procedures and guidelines for archival storage of public records created, maintained or stored on magnetic tape. The provisions in this subsection shall not apply to the management or storage of magnetic tape in regular use or recycled backup tapes in agency custody; however, agencies shall implement these standards, procedures and guidelines for security or archival copies of their records that may be of long-term administrative, legal or historical value. Archival, permanent, or other records with long-term retention schedules due to their continuing legal, administrative or historical value shall comply with all standards, rules and guidelines for storage of public records promulgated in this rule (except when archival storage conditions require additional environmental and other controlled conditions suitable for preservation of records having permanent or long-term which will prolong the useful life of the type or form of record media containing such records) including:

i. Each agency shall create and maintain a security or archival copy of any records on magnetic tape with a retention schedule designated for permanent or long-term retention, unless the custody of such records are transferred to the State Archives or a successor agency.

(1) Agencies shall copy all long-term or permanent electronic records onto tested and verified new media before the current electronic media used to store the records is 10 years old. The new media shall be tested to verify that it is free of permanent errors.

(2) Agencies shall store and maintain records with permanent or long-term retention schedules on magnetic tape on either open-reel magnetic tape, 3480 or 3490-class tape cartridges.

(3) Open-reel magnetic tape shall be on one-half inch 9-track tape reels recorded at 1600 or 6250 bpi that meet standards established by ANSI X3.39-1986 or ANSI X3.54-1986 as amended and supplemented, incorporated herein by reference. Reference:

(A) ANSI X3.39-1986 Recorded Magnetic Tape for Information Interchange (1600 CPI, PE); and

(B) ANSI X3.54-1986 Recorded Magnetic Tape for Information Interchange (6250 CPI, Group Coded Recording).

(4) Tape cartridges shall be 18-track 3480-class cartridges recorded at 37,871 bpi that meet standards established by ANSI X3.180-1990 (R1996) or 36-track 3490-class cartridges per ISO/IEC 14251:1995, ANSI X.3.265 and ANSI X3.261-1996, as appropriate[, as amended and supplemented respectively,] incorporated herein by reference. Reference:

(A) ANSI X3.180-1990 (R1996) Magnetic Tape and Cartridge for Information Interchange, 18-Track, Parallel, 12.65 mm (112 in) 1491 cpmm (37 981 cpi) Group Coded Recording;

(B) ISO/IEC 14251:1995 Information Technology--Data Interchange on 12.7 mm 36-track Magnetic Tape Cartridges;

(C) ANSI X.3.265-1995 Information Technology--Magnetic Tape Cartridge for Information Interchange--Unrecorded, 36-track, Parallel, 12.57 mm (0.495 in), 1944 ftpmm (49 378 ftpi) Group-Coded Recording; and

(D) ANSI X3.261-1996 Information Technology--Extended Magnetic Tape Cartridge for Information Interchange (36-Track, Parallel Serpentine 12.65 mm (0.05 in)), 1491 cpmm (37 871 cpi) Group-Coded Recording.

(5) The data shall be blocked at no more than 32,760 bytes per block written in ASCII or EBCDIC, with all extraneous control characters removed from the data.

ii. The agency shall create and maintain security or archival copies of permanent or long-term value in a format that is not dependent on specific hardware and/or software.

(1) The records shall be written in ASCII or EBCDIC with all control characters and other non-data characters removed (except record length indicators for variable length records, or marks designating a datum, word, field, block, or file).

(2) The tapes on which the data are recorded shall be new tapes which have been tested, passed over a tape cleaner before writing, and rewound under controlled tension.

(3) The records shall not be compressed unless the Division has approved the transfer in the compressed form in advance. In such cases, the Division may require the agency to provide the software to decompress the records.

iii. Security or archival copies of data files and databases shall be stored and maintained as flat files or as rectangular tables (that is, as two-dimensional arrays, lists, or tables).

(1) All "records" (within the context of the computer program, as opposed to a public record) or "tuples," (that is, ordered collections of data items, within a file or table) shall have the same logical format.

(2) Each data element within a record should contain only one data value. A record should not contain nested repeating groups of data items. The file should not contain extraneous control characters, except record length indicators for variable length records, or marks delimiting a data element, field, record, or file.

(3) If records or data elements in different files need to be linked or combined, then each record must contain one or more data elements that constitute primary and/or foreign keys enabling valid linkages between the related records in separate files.

iv. Electronic textual documents shall be transferred as plain ASCII files; however, such files may contain Standard Generalized Markup Language (SGML) tags.

v. Security or archival copies of digital spatial data files shall be stored and maintained in accordance with the Spatial Data Transfer Standard (SDTS) as defined in the FIPS 173-1 as amended and supplemented, incorporated herein by reference. Reference: FIPS 173-1. Spatial Data Transfer Standard (SDTS) (DOI/USGS Specs.)--94 June 10.

(1) Digital geospatial data files created on systems procured prior to promulgation of this rule which do not have a SDTS capability shall be exempt from this requirement.

(2) Agencies should consult with the Division for guidance on storage and maintenance of noncompliant digital geospatial data files created before August 3, 1998.

vi. Concerning other categories of electronic records, agencies shall identify any foreseeable problems in the storage and maintenance of potentially archival or permanent electronic records in accordance with the provisions of this section at the time the records are scheduled. Special storage or maintenance requirements agreed upon by the Division and the agency shall be included in the disposition instructions.

vii. The agency shall consult with the Division for guidance on the storage and maintenance of types of electronic records other than those prescribed in this section.

viii. Documentation adequate to identify, service and interpret electronic records that have been designated for preservation by the Division and approved by the State Records Committee shall be stored, maintained or transferred with the records. Documentation shall include a completed copy of DARM form Technical Description for Transfer of Electronic Records, and a completed copy of DARM form, Information System Description Form, or their equivalents. Where possible, agencies should submit required documentation that conforms to the provisions of this section.

(1) Documentation for data files and data bases shall include record layouts, data element definitions, and code translation tables (code books) for coded data. Data element definitions, codes used to represent data values and interpretations of these codes must match the actual format and codes as transferred.

(2) Digital spatial data files shall include the documentation specified in this section. In addition, documentation for digital spatial data files may include metadata that conforms to the Federal Geographic Data Committee's Content Standards for Digital Geospatial Metadata, as specified in Executive Order 12906 of April 11, 1994 (3 CFR, 1995 Comp., p.882) incorporated herein by reference.

(3) Documentation for electronic files containing textual documents with Standard General Markup Language (SGML) tags shall include a table for interpreting the SGML tags, when appropriate.

(4) Where it has been necessary to strip data of extraneous control characters per this section, the code book specifications defining the data elements and their values shall match the new format of the data.

(5) Documentation to be maintained with any electronic records shall include:

(A) The most up-to-date data systems specifications, user guides, report programs, and file layouts and code books.

(B) Documentation providing file layouts and code translations (code books) to permanent files shall accompany the files when they are transferred to archival storage.

(C) Documentation that is current for each file shall be maintained, but outdated or superseded documentation need not be maintained. File layouts, systems user manuals, report programs, and input programs change as the software to manipulate data changes, for example moving from a batch, sequential file environment to an interactive, database management system (DBMS) environment will cause a change in documentation.

(e) The following apply to storage and maintenance of floppy disks:

1. Floppy disks shall not be used for long-term or permanent storage of public records.
  2. Use of floppy records for public records shall be limited to temporary storage and maintenance.
  3. To avoid potential damage or loss of records stored and maintained on floppy disks, an additional backup copy of the disk should be created and stored in a location separate from the location where the records are normally used.
  4. Disks shall be stored vertically in standard storage containers.
  5. Disks shall be kept away from strong magnetic or other electrical fields which can demagnetize or degrade the disks. Disks shall not be stored near a computer, printer or other electronic equipment or appliances.
  6. Agencies shall ensure that access to public records stored and maintained on floppy disks remain accessible for the retention period established for the records.
    - i. Agencies shall ensure that access is not lost because of deterioration of the disks or changing technology by updating or converting data on floppy disks to the agency's current hardware and software or to an alternate records storage media.
    - ii. Costs of conversion may be saved if an agency can determine that the authorized disposition period of such public records has been exceeded and may be scheduled for destruction per P.L. 1953, c.140 (N.J.S.A. 47:3-15) as amended.
- (f) The following apply to storage of optical disks:
1. Optical disks vary widely in their physical make-up and recording technologies. Environmental conditions for storage and maintenance of optical disks used for storage of public records shall be established and maintained per ISO 18925:2002, Imaging Materials--Optical Disc Media--Storage Practices, incorporated herein by reference, as amended and supplemented, unless other storage standards based on manufacturers specifications, are recommended.
  2. In general, storage temperatures for compact disks (CDs) and other optical disks shall not be any warmer than 25 degrees Celsius (77 degrees Fahrenheit) when long-term storage is desired. Cooler temperatures down to 10 degrees Celsius (50 degrees Fahrenheit) will help ensure a longer life expectancy for the media. Relative humidity shall be maintained in the range of 20 to 50 percent.
  3. Cycling conditions, especially extremes in temperature and humidity, can be dangerous to compact disks and many other types of optical disks. Fast changes between very warm and wet conditions to cooler and very dry conditions may produce warping and distortion. The recommended maximum limit to temperature change is 15 degrees Celsius or about seven degrees Fahrenheit per hour. For humidity, the recommended maximum change per hour is 10 percent.
  4. Optical disks shall be stored vertically in standard storage enclosures.
  5. Magneto-optical disks are by nature and composition magnetic media and storage and maintenance of the same shall therefore comply with all applicable standards, rules and guidelines for magnetic media promulgated in this subchapter.



i. Magneto-optical disks and other optical disks which employ phase-change technologies shall not be used for long-term permanent storage of public records.

ii. Magneto-optical disks shall be kept away from strong magnetic or other electrical fields which can demagnetize or degrade the disks. Disks shall not be stored near a computer, printer or other electronic equipment or appliances.

(g) Videotapes which are part of a public record or used for storage of public records shall be stored and maintained ANSI/NAPM IT9.23-1996. Imaging Materials--Polyester Based Tape--Storage as amended and supplemented, incorporated herein by reference, and all applicable standards, procedures guidelines promulgated in this section, including:

1. Master videotapes shall be stored in a regulated climate zone.

i. Temperatures shall be no greater than 20 degrees Celsius (68 degrees Fahrenheit).

ii. Relative humidity shall be between 20 and 30 percent, with fluctuations not greater than plus or minus five percent in a 24 hour period.

iii. Air filtration systems shall be capable of removing particles and other contaminants greater than 150 microns and oxidants including peroxides and automobile emissions which damage videotapes.

iv. Air flow shall be no greater than four cycles or changes per hour.

2. Tapes shall be stored in plastic videotape storage boxes of inert polypropylene or polyethylene. Cardboard sleeves and other paper material shall be removed from storage boxes and no paper items shall be stored in the storage containers with videotapes.

3. Tapes shall be stored in a vertical position and shall be rewound at least once a year on a rewinding device rather than a videotape player. Once a year master tapes shall be wound onto the tape's other hub and stored with that hub down for the remaining year or until used.

4. Videotapes shall be stored away from heat sources or any devices which emit magnetic fields such as VCRs or television sets that can damage magnetic media such as videotape. Tapes shall not be stored in metallic containers or on metal shelves if there is a danger that these can conduct electricity or generate magnetic fields.

5. Labels shall be affixed to both tape cassettes and storage boxes which designate all pertinent information concerning the contents of the videotape, including date, tape number, title, etc.

6. Master copies of videotapes shall not be used for reference purposes.

i. Duplicate copies shall be made of master videotapes for use for reference purposes.

ii. Copies of master videotapes shall be made only as necessary to avoid possible damage and degradation of the master tapes.

7. Videotapes shall not be regarded as an archival media and shall not be used for long-term or permanent storage of public records. Transfer to kinescope or motion picture film is recommended for records on videotape with long-term or permanent retention schedules.

i. For long-term or permanent preservation, images and sound on videotape shall be transferred to film or some other more permanent media.

ii. Repeated duplication of videotapes for any preservation purposes will increasingly reduce the quality of recorded images and sound.

(h) Audiotapes used for storage of public records shall be stored and maintained per ANSI/NAPM IT9.23-1996. Imaging Materials--Polyester Based Tape--Storage as amended and supplemented, incorporated herein by reference, and all applicable standards, procedures guidelines promulgated in this section, including:

1. Long-term or permanent storage of audio records shall be on reel-to-reel magnetic tape 1.5 mil mylar backing. At this time, analog reel-to-reel tape is the only industry recommended storage media for audio recordings.

i. Audiotape cassettes or digital audiotape (DAT) or recordable digital audiotape (R-DAT) shall not be utilized for long-term for public records because to potential loss of information due the physical characteristics of these media.

ii. As of August 3, 1998, no national or international standards for long-term storage conditions for audiotape cassettes or digital audiotape (DAT) or recordable digital audiotape (R-DAT) cartridges.

2. Handling and use of tape shall be kept at a minimum, since excessive use will result in harmful dust, grease and oils, and other contaminants being deposited on the tape.

3. Leader tape (about six feet) shall be included on the beginning and end of all reel-to-reel tapes to avoid loss of record material. Leader is not required on cassette tapes.

4. Tapes shall not be left on tape machines any longer than necessary. Prompt removal after use will reduce temperature-induced print-through.

5. Correct winding tension is an essential aspect of tape storage.

i. Tapes shall be wound under tension and stored under tension in order for tape to move onto and off reels smoothly and wound evenly. When tension is exceeded, deformation may occur, resulting in distortion and loss of sound content.

ii. Tape shall be stored at playback speed (between two and three ounces per quarter inch of tape) and shall not be rewound before being stored. In rewind and fast-forward modes tensions on tapes fluctuate and is usually higher than playback mode.

iii. Reel-to-reel tapes shall be stored tails out, so that the end of the tape will be on the outside of the tape.

iv. To relieve tension built up in tapes held in long-term storage, tapes shall be rewound at playback speed annually. Rewinding is especially advisable for old tapes.

6. Ambient atmospheric conditions in the storage of tapes are more critical for audiotapes than for many other magnetic media. Tapes shall be stored at 15.6 to 21.1 degrees Celsius (60 to 70 degrees Fahrenheit), with temperature variations of not greater than plus or minus five degrees Fahrenheit, and relative humidity (RH) of 30 to 40 percent.

- i. Low relative humidity shall be maintained to protect against fungus growth on tapes, particularly tapes that have been spliced. Growth takes place at spliced sites.
  - ii. If tapes are transferred from an air conditioned storage area to a normal office or reference area, they shall be given 24 hours to acclimate to the new environment before use.
  - iii. Tape storage areas shall be kept free of dust and other contaminants.
  - iv. Creation of changing stress in audiotapes by thermal and hydrosopic cycling will result in print-through, deterioration of sonic content, and changes in timing, as well as loss of oxide coating.
7. Accidental exposure of audiotapes to magnetic fields, especially tapes in long-term storage, may cause erasure of recordings.
- i. Tapes shall not be stored on metal shelving or in metal storage equipment or enclosures.
8. Tapes shall be stored in polyethylene bags or their plastic boxes may be retained for storage. Cassette tapes without containers shall be provided with new boxes.
9. Tapes shall be stored vertically on shelves to minimize distortion of the tape.
10. Audiotape equipment shall receive periodic maintenance to minimize possible damage to tapes and maximize playback quality. Major areas of maintenance include:
- i. Cleaning magnetic heads, capstan, pinch rollers, tape guides and lifters, scape and flutter filters, and tape tension arms;
  - ii. Demagnetization of tape heads, as well as other metal parts tape contacts;
  - iii. Replacement of pinch rollers; and
  - iv. Maintenance operations normally performed by technical personnel, including:
    - (1) Alignment of magnetic heads;
    - (2) Adjustment of tape tension;
    - (3) Replacement of worn heads; and
    - (4) Adjustment of bias and equalization.

§ 15:3-6.6 Exclusions

- (a) Nothing in this subchapter shall be deemed to restrict any public agency from promulgating, implementing or employing more restrictive standards, procedures or rules for the storage of records in any media, type or format.
- (b) The provisions promulgated under this subchapter notwithstanding, the Division of Archives and Records Management and the State Records Committee may, in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., promulgate, establish or enact such standards, rules or

guidelines for the storage of public records which they may deem necessary for the preservation, security or integrity of any public record or series or group of public records.

#### [§ 15:3-7.1 PARIS grants; purpose

This subchapter constitutes the rules of the New Jersey Public Archives and Records Infrastructure Support (PARIS) grant program for the award of grants on the basis of need and specific competitive evaluative criteria to county and municipal governments for the management, storage and preservation of public records pursuant to the provisions of P.L. 2003, c.117, sections 38 and 39.

#### § 15:3-7.2 Definitions

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

"Applicant" means the duly chartered and incorporated county, city, township, town, borough, and village government in New Jersey.

"Approved project period" means the amount of time during which the grant recipient shall complete satisfactorily the approved project to be eligible for the full funding authorized for the project.

"Division of Archives and Records Management," "Division" or "DARM" means the Division of Archives and Records Management in the Department of State as established by the Governor's Reorganization Plan filed April 25, 1983 as set out under N.J.S.A. 18A:73-26.

"Grant award recipient not in good standing" means a county or municipal government that was awarded a PARIS grant in a previous grant cycle but failed to complete all requirements of the grant.

"Preservation" or "records preservation" means the provision of adequate facilities, processes and procedures to protect, care for, or maintain records, including conversion of records to another media for migration of data or to ensure long-term preservation, and specific measures to maintain, repair, restore or protect records.

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

"Records storage" means the housing and safekeeping of public records as provided in N.J.A.C. 15:3-6.

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

#### § 15:3-7.3 Eligible applicants

(a) An application shall be eligible for a PARIS grant if the following conditions are satisfied:

1. The applicant meets the definition of the term "applicant" found in this subchapter;
2. The applicant's project manager has personally attended in its entirety at least one mandatory training session on PARIS grant applications presented by DARM during the current grant cycle;
3. The applicant is in good standing under the PARIS grant program; and
4. The applicant is in compliance with public records management, retention and disposition standards and procedures, as established in N.J.A.C. 15:3-2, Records Retention.

(b) Failure of any local government to demonstrate a good-faith effort to have its electronic document imaging systems or contracted services certified and/or its certification renewed annually by the State Records Committee and demonstration of an inability to follow P.L. 1994, c. 140 and related New Jersey State rules pertaining thereto, specifically N.J.A.C. 15:3-4, Image Processing of Public Records, and 15:3-5, Certification of Imaging Processing Systems, will, beginning with the PARIS Program Year 2008-2009, result in that local government losing its eligibility for PARIS Grant Program funding.

1. This requirement includes all imaging systems and contracted imaging services, whether procured with funds from the PARIS Grant Program or other sources.
2. This requirement applies to any and all offices within the local government, including law enforcement and Constitutional offices.
3. A "good-faith effort" shall include, but not be limited to, the submission of an application for certification of the system, or renewal or amendment of the certification.

(c) Beginning at the time of approval of any local government's records management strategic plan by the State Records Committee, failure of that local government to follow disposition standards and procedures for the destruction of public records as defined by the Public Records Destruction Law, P.L. 1953, c. 410 (N.J.S.A. 47:3-15 through 32), and N.J.A.C. 15:3-2.2, Disposal of public records, or destruction of public records without proper authorization from DARM shall result in that local government losing its eligibility for funding from the PARIS Grant Program.

#### § 15:3-7.4 Grant categories eligible for funding

(a) Inventory and planning grants that include the following subcategories are eligible for funding:

1. Records inventory, including government-wide or special focus inventories of active and inactive records;
2. Records retention scheduling, as provided by procedures, guidelines and standards established by the State Records Committee per N.J.A.C. 15:3-2.1(e) through (g); or
3. Records survey and program planning, which provides a governmental entity with helpful information about its records by conducting an intensive inventory of the same. The survey shall result in a strategic plan and the development of records management policies and procedures to form a basic framework for on-going records management.

(b) Active records grants that include the following subcategories are eligible for funding:

1. Files management projects to reorganize files, implement classification systems, and develop written policies and procedures to train staff;
2. Planning projects to develop, test and implement disaster prevention, response and recovery plans and systems and projects to inhibit damage and/or restore records damaged in a disaster;
3. Projects to index or improve access to any active records;
4. Imaging and document management needs assessment and implementation projects;
5. Needs assessments and implementation projects for electronic records management systems;
6. "e-Government" projects to enhance the ability to transact business over the internet;
7. Business process analysis (BPA) projects for the analysis and improvement of business processes that create or maintain records;
8. The development of needs assessments or implementation of records conversion systems not covered under another category; or
9. Projects that use local government records as teaching tools in the classroom.

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

1. Planning and design projects to conduct feasibility studies and to develop plans for records storage and an inactive records management program;
2. Implementation of programs and provision of facilities for the improvement of storage, management and preservation of inactive records; or
3. Design studies to provide county archival and records storage facilities, including county-wide needs assessment for shared services with municipal governments, user requirements, feasibility study, schematic drawings and estimate of construction costs.

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

1. Needs assessment and planning;
2. Historical records storage facility improvement projects that support alarm systems, fire detection and suppression systems and other environmental controls and monitoring equipment.
3. Improving access to historical records;
4. Records conversion for preservation purposes including microfilming and imaging;
5. Preservation and conservation of historical records, including general maintenance and other practices that inhibit or retard deterioration of records;
6. Outreach and public programs that support the use of historical local government records in informational brochures, local history publications, videos, etc.; or

7. Projects that use local historical records as teaching tools in the classroom.

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

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

(f) Funding for management, storage or preservation of any record of a county or municipal government designated as a permanent or archival record in the retention schedule established by the State Records Committee in the physical custody of a historical society, academic institution, or other organization shall be eligible if a Depository Agreement is created and agreed upon between the two parties with approval of the Division of Archives and Records Management as the third party of the agreement pursuant to the provisions of N.J.A.C. 15:3-2.2(h)4.

#### § 15:3-7.5 Eligible costs

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

1. Document imaging systems and bar coding equipment;
2. The cost of retaining consultants to make studies or prepare reports, recommendations, or inventories;
3. Registration, accommodations and travel to selected professional conferences, seminars, meetings and courses;
4. Purchase of supplies and materials directly related to a grant project;
5. Capital expenditures for equipment, including computer equipment;
6. Cost of producing publications directly related to a grant project;
7. Purchase or construction of records storage facilities or additions to existing structures and lease or rental of temporary records storage facilities or services;
8. Repairs to a records storage facility or that component of a building used exclusively for storage of and access to public records;
9. Standard archival and records center boxes and containers, acid free folders and other specialized archival supplies;
10. Shelving, map cabinets, open-shelf lateral files and file cabinets, and two or more hour fire-resistant file cabinets;
11. Vehicles used exclusively in the transportation of records and records storage and retrieval equipment;

12. Professional consultants and temporary or permanent personnel directly related to the grant project;
13. Design studies to provide county archival and records storage facilities, including county-wide needs assessment for shared services with municipal governments, user requirements, feasibility study, schematic drawings and estimate of construction costs;
14. Planning projects to develop, test and implement disaster and recovery plans and systems and projects to inhibit damage and/or restore records damaged in a disaster, including, but not limited to, personnel such as conservation/preservation consultants, clerical workers, and laborers; purchased services such as freeze drying, microfilming, freezer storage, transportation and rental; and supplies, such as acid free boxes, folders, and other enclosures, cleaning materials, plastic milk crates, and storage boxes;
15. Salary and benefits for a Professional Records Manager and/or Archivist and Archives and records management technicians and technical support staff; and
16. Lease or rental of temporary office space for records triage or disaster recovery or office space for records management pending a move to a new facility, upon approval by the State Records Committee, upon written application, by the agency to the head of the PARIS grant program in the Division of Archives and Records Management and review and approval by the State Records Committee. Such office space must meet the requirements set forth at N.J.A.C. 15:3-6.

§ 15:3-7.6 Ineligible costs

(a) The following expenses are ineligible for grants:

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

(b) Funding for management, storage or preservation of any record of a county or municipal government designated as a permanent or archival record in the retention schedule established by the State Records



Committee and held in the physical custody of a historical society, academic institution, or other organization shall not be eligible unless and until a Depository Agreement is created and agreed upon between the two parties with approval of the Division of Archives and Records Management as the third party of the agreement pursuant to the provisions of N.J.A.C. 15:3-2.2(h)4.

(c) As a general rule, PARIS will not fund projects involving records past their retention period established by the State Records Committee. However, circumstances may arise to make the funding of projects involving records past retention appropriate, especially in cases where records past retention are of a unique quality, age and/or historical significance.

1. Applicants to the PARIS grants program may seek a waiver of the prohibition on funding of projects involving records that are past established retention.

i. Applications for waivers shall be submitted on designated forms to PARIS grant program staff.

ii. A waiver request must establish the unique quality, age or historical significance of the documents for which the waiver is sought.

iii. Waivers must be submitted to and approved by the State Records Committee prior to the grant application submission deadline and must be included in the application package.

#### § 15:3-7.7 Procedures

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

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

1. The applicant's project manager shall attend at least one mandatory training session on PARIS grant applications presented by DARM. This training session will review the grant application forms and guidelines that are available on DARM's website. Times and locations for these training sessions shall be posted on the DARM website.

2. The applicant shall submit an application on forms provided by DARM. The application forms shall be available at the address below and posted on the DARM website. A separate original signed written application and seven copies of the complete application shall be submitted to:

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

3. A notice of receipt for each application shall be sent by DARM to each applicant.

4. Completed applications shall include:

- i. The amount of grant and completion date;
- ii. The project period;
- iii. The project scope;
- iv. Special requirements;
- v. A projected completion date;
- vi. Personnel and budget, including an organizational chart and resumes;
- vii. Governing body authorizations;
- viii. Annual or most recent fiscal action plan; and
- ix. Authorized signature.

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

(2) Pursuant to the provisions of N.J.S.A. 40A:9-133(e)(6), the Municipal Clerk shall serve as signatory for any application for a PARIS grant for a municipality. A Municipal Clerk may delegate his or her responsibilities as signatory to a designee, provided such designee is approved by the State Records Committee, upon written application to the head of the PARIS grant program in the Division of Archives and Records Management and review and approval by the State Records Committee. Such delegation shall be to a municipal employee having the authority to oversee grant projects at an enterprise-wide level.

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

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

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

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

§ 15:3-7.8 Awarding of PARIS grants

- (a) In each grant cycle, PARIS grants shall be allocated according to a ranking of applications in a given grant cycle, subject to the availability of funds.
- (b) The ranking of applications shall be based on criteria established in N.J.A.C. 15:3-7.9.
- (c) The State Records Committee reserves the right to award less or more funding than requested.
- (d) The State Records Committee may award grants on an outright or contingent basis.
- (e) Grant decisions of the State Records Committee are final.

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

- (a) Within a given grant cycle, applications shall be reviewed and ranked on the basis of need and the following specific competitive evaluative criteria:
  1. Soundness of the plan of work, including its timetable;
  2. Qualifications or suitability of persons who will be paid with grant funds;
  3. Appropriateness of the budget for the planned work;
  4. Whether the applicant has satisfied each of the requirements for relevant project categories as identified in these rules and elaborated upon in the application and guidelines for PARIS grants;
  5. Potential of the project to develop or enhance the management, storage, or preservation of records, rather than to support such on-going activities;
  6. Demonstrated support for, and progress towards, developing a records management, storage or preservation program; and
  7. Demonstration that the project will adhere to and meet all relevant standards and guidelines for the management, storage and preservation of the related records in accordance with Title 47 of the New Jersey State statutes and implementing rules.

§ 15:3-7.10 Annual public notice

- (a) DARM shall annually publish a notice in the New Jersey Register and post on the DARM website [www.njarchives.org](http://www.njarchives.org) a listing of the categories, subcategories, and specific projects that have been targeted for funding in a given grant cycle and an annual timetable for the grant cycle.
- (b) The Division of Archives and Records Management shall annually publish a public notice in the New Jersey Register and post on the Division website a timetable for grant applications in a given grant cycle. The annual public notice shall include:
  1. Application submission deadlines;

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

§ 15:3-7.11 Commencement of project and payment

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

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

§ 15:3-7.12 Grant amounts and duration

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

(b) Grants shall be for a period of not more than one year; however, applications for multi-year projects will be accepted and awarded on an annual basis, provided adequate progress on the project during the previous year of the grant cycle is demonstrated by the applicant.

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

Funding Year 1 -- Funded 100 percent  
Funding Year 2 -- Funded 100 percent  
Funding Year 3 -- Funded 75 percent  
Funding Year 4 -- Funded 50 percent  
Funding Year 5 -- Funded 25 percent

Funding Year 6 and beyond -- Funded 0 percent

1. All PARIS grants shall be for one year only, and nothing in this section shall be construed to be a binding commitment to fund archives and records management beyond one year.
  2. All PARIS grant proposals requesting funding of staff positions in subsequent years shall be subject to competitive review in future grant cycles, including demonstration in a county or municipal government's second-round grant application that the staff achieved success in developing and improving the local government's records program in the first year.
  3. Future grants for continuation of staffing shall be subject to availability of sufficient funds in the New Jersey Public Records Preservation Account.
- (d) The PARIS Grant Program shall support, as a priority, regional and, when appropriate, local records storage facilities operated by local governments, eliminating the need for commercial records storage.
1. County or municipal governments may request PARIS funding for the temporary use of commercial records storage vendors, to facilitate inventory, reorganization and protection of public records.
  2. PARIS funding of commercial storage may be granted in cases where records are stored in sub-standard conditions, and the need for commercial storage is well justified as an intermediary step while other, more permanent, storage solutions are pursued.
  3. The funding for continued use of commercial storage shall become the financial responsibility of the local government within three years of PARIS funding. PARIS grants may support full funding, as appropriate and as recommended by the professional review panels for no more than three years.
  4. Funding for commercial storage shall include, but not be limited to, the following fees:
    - i. Basic storage fees;
    - ii. Transport fees;
    - iii. Re-boxing and indexing fees;
    - iv. Retrieval and re-filing fees;
    - v. Permanent withdrawal fees; and
    - vi. Destruction fees.
  5. All PARIS grants shall be for one year only, and nothing in this subsection shall be construed to be a binding commitment to fund commercial records storage beyond one year.
  6. All PARIS grant proposals requesting funding for commercial records storage in subsequent years shall be subject to competitive review in future grant cycles, including demonstration in a county or municipal government's second-year or third-year grant application that the local government has made significant progress in planning and providing for a records storage facility operated by one or more local governments, eliminating the need for commercial records storage.

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

#### § 15:3-7.13 Termination of grants

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

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

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

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

#### 15:3 – 8.1 Records Disaster Recovery and Triage grants; purpose

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

#### 15:3 – 8.2 Definitions

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

“Applicant” means:

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

“arcM” means:

the Division of Archives and Records Management in the Department of State, as established by the Governor’s Reorganization Plan filed April 25, 1983, as set out under N.J.S.A. 18A:73-26.

“Director” means:

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

“Emergency disaster and response efforts” means:

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

“Project Manager” means:

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

“State Records Committee” means:

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

#### 15:3 – 8.3 Eligible Applicants

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

#### 15:3 – 8.4 Eligible Costs

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

1. Personnel such as conservation/preservation consultants, clerical workers, and laborers;
2. Purchased services such as freeze-drying, microfilming, freezer storage, transportation and rental; and
3. Supplies, such as acid free boxes, folders, and other enclosures, cleaning materials, plastic milk crates, and storage boxes.

#### 15:3 – 8.5 Procedures for Applying for a Grant

(a) Applicants shall immediately contact arcM after damage caused by fire, water, man-made or natural phenomena where immediate response is necessary to prevent the irretrievable loss of vital, permanent or archival records.

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

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

(d) The arcM representative may assist the applicant in preparing a Records DIRECT grant application developed by arcM. The application form shall be available at the address below and posted on the arcM website [archives.nj.gov](http://archives.nj.gov).

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

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

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

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

(h) Completed applications shall include:

1. The amount of grant and completion date;
2. The project period;
3. The project scope;
4. Special requirements;
5. A projected completion date;
6. Personnel and budget, including an organizational chart and resumes;
7. Governing body authorizations;
8. Annual or most recent fiscal action plan; and
9. Authorized signature.

#### 15:3 – 8.6 Awarding of Records Direct Grants

- (a) The application shall be reviewed and acted upon by the State Records Committee within five working days of receipt.
- (b) The State Records Committee reserves the right to award less or more funding than requested.
- (c) The State Records Committee will notify the applicant by fax, telephone or e-mail whether the application has been approved or denied. A formal notification letter shall follow.
- (d) All grant decisions of the State Records Committee shall be final.

#### 15:3 – 8.7 Criteria for Review

- (a) Grant applications shall be reviewed based on the following:
  1. Recommendations of arcM staff based on site visit(s) and other information gathered by the same;
  2. Recommendations of preservation/conservation consultants, if any;
  3. All expenditures shall be fully described and justified as to need, cost and choice of method for responding to the emergency; and
  4. Applicants shall account for any associated insurance or other funds received in compensation from any liable parties.

#### 15:3 – 8.8 Commencement of Project and Payment



- (a) Payment of up to 90 percent of the grant award shall be issued upon receipt by arcM of a resolution of the governing body of the applicant and an executed agreement accepting the award.
- (b) The remainder of the total grant shall be awarded after submission of a final report on a form provided by arcM.
- (c) Grant award recipients who fail to submit a final report shall be ineligible to apply for other Records DIRECT grants.

#### 15:3 – 8.9 Grant Amounts

- (a) The State Records Committee shall establish minimum and maximum amounts for Records DIRECT grant awards based on the funds available pursuant to P.L. 2003, c.117, sections 38 and 39, and shall post these amounts on the arcM website archives.nj.gov and publish them in a public notice in the New Jersey Register.
- (b) arcM shall establish and maintain a stock of emergency disaster supplies for distribution to a county or municipality in response to a natural or man-made disaster where immediate response is necessary to prevent the irretrievable loss of vital, permanent or archival records.
- (c) arcM shall provide a full accounting to the State Records Committee for supplies and funds expended for each Records DIRECT award.]

#### 15:3-9.1 Purpose

The purpose of this subchapter is to establish electronic submission standards and practices for documents affecting real property and to provide for integrity and security of transmissions when county recorders accept and record real property documents using electronic methods.

#### 15:3-9.2 Definitions

The following words and phrases, as used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

"ACH" or "automated clearing house" means the network processing and delivery system that provides for the distribution and settlement of electronic credits and debits among financial institutions administered and subject to rules of **the** National Automated Clearing House Association (NACHA) and the Federal Reserve Board.

"Authentication," "authenticated," or "authenticate" means the act or effect of tying an action or result to the person claiming to have performed the action. "Authentication" generally requires a password or encryption key to perform and the process will fail if the password or key is incorrect.

"Business requirements" means the information, steps, and process required by any individual county recorder for accepting submissions of electronic documents for recording.

"County recorder" means the county clerk or register of deeds and mortgages, as appropriate to each county.

"Cover sheet" means a physical document that provides summary information concerning a real property transaction and subject to the requirement described in this subchapter.

"Division" means the New Jersey Division of Archives and Records Management or its successor agency.

"Electronic document" means a document that is received by a county recorder, in an electronic form, meeting the document standards of this subchapter.

"Electronic document package" means a set of documents or information in electronic form that is transmitted to the county recorder; the package may be described as a technical specification of how the documents or information should be organized in electronic media for interchange between the county recorder and the trusted submitter or transmitting party.

"Electronic document submission system" means the computer program, and the hardware components that host it, that receives electronic documents and electronic document packages submitted for recording.

"Electronic recording" or "eRecording" means the indexing and insertion of electronic documents received and accepted by county recorders into the permanent repository of records of the counties of this State.

"Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a document and executed or adopted by a person with the intent to sign the document.

"Electronic submission" means the reception by the county recorder of an electronically transmitted document or electronic document package.

"Electronic synopsis" means information required and formatted in a manner specified in this subchapter that can be read by a county recorder's electronic document submission system.

"Electronic transmission" means an electronic communication not directly involving the physical transfer of a document in a tangible medium and that may be retained, retrieved, and reviewed by the submitter and the county recorder, and that may be directly reproduced in a tangible medium.

"Formatting" means the appearance or attributes of the document.

"Land records management system" means the computer software or electronic system used by a county recorder's office to index and store both document images and searchable attributes that identify the document.

"MISMO" means the Mortgage Industry Standards Maintenance Organization, a subsidiary of the Mortgage Bankers Association (MBA), Washington, DC. Information on MISMO and MISMO standards can be found at [www.mismo.org](http://www.mismo.org).

"Portable Document Format" or "PDF" means a file format created by Adobe Systems, Inc. that uses the PostScript printer description language to create documents. PDF files capture the appearance of the original document, can store both text and images, are difficult to modify, and can be rendered with free, cross-platform viewer software.

"Portal" or "web portal" means a website considered as an entry point to other websites, often by being or providing access to useful content, as well as functioning as a gateway to other web locations.

"PRIA" means the Property Records Industry Association. PRIA is a not-for-profit association representing business and government members of the property records industry.

"Reception" means the receiving of the electronic document(s).

"Recording fee" means any fee or tax imposed by statute, chargeable or receivable by the county recorder as a prerequisite to recording a document.

"Submitter" means the person or entity that originates an electronic submission or delivers it to the transmitting party for transmission to the county recorder.

"Tagged Image File Format" or "TIFF" means a non-proprietary, defined file format for storing bit-mapped images.

"Third-party service" means a company that consolidates or aggregates electronic submissions from individual submitters and submits them electronically to the county recorder.

"Transmitting party" means the person or entity that electronically transmits an electronic document to the county recorder. This can be the submitter, but is often a service that specializes in transmitting electronic documents to a county recorder.

"Trusted submitter" means a party that has a trusted submitter agreement accepted by and on file with the county recorder in order to record documents electronically.

"Trusted Submitter Agreement" means the agreement to be signed by any party who wishes to become a trusted submitter.

#### § 15:3-9.3 General requirements

(a) By no later than May 1, 2017, all county recorders shall accept electronic documents and electronic document packages that are submitted for recordation pursuant to this chapter. Electronic submissions may include electronic synopses as set forth at N.J.A.C. 15:3-9.13.

(b) A trusted submitter shall submit an electronic document or an electronic document package to a county recorder in a manner that is consistent with procedures and technology adopted by individual county recorders. An electronic document or electronic document package submitted to a county recorder shall be received using procedures and technology as determined by the county recorder in accordance with this subchapter.

#### § 15:3-9.4 Standards

(a) General technical standards and implementation for recording of electronic submissions is as follows:

1. Electronic documents and electronic document packages shall be submitted in a manner consistent with the business requirements, technology, and technical standards for the submission of electronic documents adopted by the Property Records Industry Association. Information on PRIA and the specific requirements and standards are found on the PRIA website at: [www.pria.us](http://www.pria.us).

2. The following standards for document formatting and document data fields promulgated by PRIA are incorporated herein by reference, as amended and supplemented, and available via the PRIA Resource Library at [www.pria.us](http://www.pria.us):

- i. PRIA Request Version 2.4.2;
- ii. PRIA Response Version 2.4.2;
- iii. Document Version 2.4.1;
- iv. Notary Version 2.4.1;
- v. eRecording XML Implementation Guide for Version 2.4.1, Revision 2;
- vi. URPERA Enactment and eRecording Standards Implementation Guide, January 2006;
- vii. PRIA "Electronic Recording Security Considerations," adopted by the PRIA Board on July 6, 2009;
- viii. PRIA "Models of eRecording: A Continuum of Electronic Recording Updated," adopted by the PRIA Board on July 14, 2009; and
- ix. PRIA "Position Paper: e-Document Index Data," adopted by the PRIA Board on March 28, 2012.

3. County recorders may adopt, change, or revoke policies to provide the data and transmission elements and attributes of the electronic document submission system used by the county recorder to permit submitters to design applications to submit directly to the system, not inconsistent with existing laws or rules.

(b) Use of internet-based systems is as follows:

1. An electronic submission delivered over the Internet shall provide a minimum amount of information sufficient to identify and authenticate the submitter to the county recorder, while also itemizing the contents of the package.
2. Payment processing services shall be determined by the county recorder and any third-party service provider used by the county recorder, and may include credit cards, ACH, escrow accounts, electronic checks, the Federal Reserve Wire Network (FedWire) transfer, a bank wire transfer, or other payment methods and are subject to N.J.A.C. 5:30-9, Government Electronic Receipt Acceptance.

(c) Security standards are as follows:

1. The county recorder shall implement procedures and requirements in order to ensure the security of the electronic submission process, including the authenticity and integrity of the electronic documents, the maintenance of the public record, and the use of a portal, if chosen as the means for electronic document delivery. Such procedures and requirements must be consistent with N.J.S.A. 46:26A-1 et seq., and 46:26C-1 et seq., and this chapter.
2. All electronic documents must be secured in such a way that both the transmitting and receiving parties are assured of each other's identity and that no unauthorized party can view or alter the electronic document during transmission, processing, and delivery. The security measures identified in Chapter 6 of

the PRIA eRecording XML Implementation Guide, as appropriate to the recording procedures used by the county recorder shall satisfy this requirement.

3. The electronic submission system, the land records management system, and a third-party servicer, if chosen as the medium for electronic document delivery, shall not permit any unauthorized party to modify or alter, access, manipulate, insert, or delete information, without detection, in the submitted electronic document or electronic document package received by the county recorder. This requirement shall not prevent a county recorder from, with approval of a submitter, making index and marginal notations to a recorded document in the public record in order to facilitate its recordation.

4. The electronic submission system, the land records management system, and a portal, if chosen as the medium for electronic document delivery, shall be designed to protect against system and security failures; in addition, these systems shall provide for backup, disaster recovery, and audit trail mechanisms.

5. If a breach in security is detected by the county recorder, submitter, transmitting party, or portal company or operator, the other parties shall be notified immediately.

6. PRIA's "Electronic Recording Security Considerations" document serves as guidance to the types of issues that need to be considered as part of a comprehensive security analysis of systems and processes. This document also provides a sample methodology that can be utilized by organizations as a self-assessment security tool.

(d) Electronic signatures. County recorders are only required to accept electronic signatures that are consistent with this subchapter and are supported by the technology in use by the county recorder. County recorders have no responsibility to authenticate electronic signatures embedded within the body of a document.

#### § 15:3-9.5 Business requirements and guidelines for electronic documents

In addition to any individual county recorder's developed business requirements for electronic submissions, when a county recorder accepts electronic submissions, a trusted submitter shall comply with the requirements contained in "eRecording Business Requirements (Business Requirements Document)" dated March 2008, developed by PRIA and MISMO, which is incorporated herein by reference, as amended and supplemented. A copy of the current standards and guidelines for submission of electronic documents is available via the PRIA Resource Library at [www.pria.us](http://www.pria.us).

#### § 15:3-9.6 Notarization of documents

An electronic document shall be notarized under provisions contained in the New Jersey Uniform Electronic Transactions Act, N.J.S.A. 12A:12-11, Notarized signatures or records. County recorders have no responsibility for verifying or authenticating notary signatures.

#### § 15:3-9.7 Return and rejection of documents

The submitter of a recorded electronic document is the party entitled to the return of the document. Electronic documents that are recorded shall be returned with recording information upon recordation. A document may be rejected only if it does not meet the requirements set forth in N.J.S.A. 46:26A-6.a. If a document is rejected, the document shall be returned to the submitter along with a statement of all

grounds for its rejection in accordance with N.J.S.A. 46:26A-6.c. If a document is rejected for technical reasons (for example, the county recorder's requirement is to accept a TIFF document for recording and the submitter submits a PDF document) the county recorder shall return the document to the submitter along with a statement of all grounds for technical rejection.

#### § 15:3-9.8 File formats

Electronically submitted documents shall be converted to TIFF format and stored in accordance with N.J.A.C. 15:3-4. Additionally, county recorders shall maintain, store, and preserve recorded documents in their "native" or original format for such periods of time as required by the State Records Committee, such as MISMO SMART Doc(R), eSigned PDF and Adobe Intelligent Document Format, and Microsoft(R) Word with embedded-XML.

#### § 15:3-9.9 Records retention and preservation

County recorders must retain all records in their custody in accordance with New Jersey law and the requirements detailed in records retention schedules published by the Division applicable to county recorders at <http://www.state.nj.us/treasury/revenue/rms/retention.shtml#gs>. Maintenance and preservation of permanent or long-term imaged documents shall be in accordance with this chapter.

#### § 15:3-9.10 Method of payment

Each county recorder receiving electronic documents shall accept payment of recording fees by electronic means. Each county recorder may collect fees from electronically submitted electronic documents or electronic document packages in a manner compatible with its internal software, financial practices, and N.J.A.C. 5:30-9.

#### § 15:3-9.11 Business policies and procedures

(a) County recorders shall post business policies and procedures to assist customers submitting documents electronically. The policies and procedures shall set forth the county recorder's implementation of this chapter.

(b) Business policies and procedures may be in electronic or hard copy format and may appear on a third-party service's or the county recorder's website. All parties' electronic acknowledgement of the terms of the business policies and procedures is acceptable.

(c) Business policies and procedures must cover, at a minimum, the implementation of the following:

1. The types of documents that can be submitted as an electronic document or electronic document package and the technical specifications for submission;

2. Guidance concerning the use of any third-party portal for submission of documents;
  3. Indexing specifications;
  4. Hours of operations and processing schedules;
  5. Payment options; and
  6. A statement that any amendments or alterations to the business policies and procedures will be published with a minimum advanced notice of 30 days before taking effect.
- (d) A county recorder may include in its business policies and procedures other requirements consistent with N.J.S.A. 46-26A-1 et seq., and 46:26C-1 et seq., in order to assist submitters with information necessary to facilitate submission of documents.

#### § 15:3-9.11 Business policies and procedures

- (a) County recorders shall post business policies and procedures to assist customers submitting documents electronically. The policies and procedures shall set forth the county recorder's implementation of this chapter.
- (b) Business policies and procedures may be in electronic or hard copy format and may appear on a third-party service's or the county recorder's website. All parties' electronic acknowledgement of the terms of the business policies and procedures is acceptable.
- (c) Business policies and procedures must cover, at a minimum, the implementation of the following:
1. The types of documents that can be submitted as an electronic document or electronic document package and the technical specifications for submission;
  2. Guidance concerning the use of any third-party portal for submission of documents;
  3. Indexing specifications;
  4. Hours of operations and processing schedules;
  5. Payment options; and
  6. A statement that any amendments or alterations to the business policies and procedures will be published with a minimum advanced notice of 30 days before taking effect.
- (d) A county recorder may include in its business policies and procedures other requirements consistent with N.J.S.A. 46-26A-1 et seq., and 46:26C-1 et seq., in order to assist submitters with information necessary to facilitate submission of documents.

§ 15:3-9.12 Agreements for electronic submission

(a) Submissions to the county recorder shall be as follows:

1. Every trusted submitter or transmitting party, including third-party servicers, shall complete and sign a Trusted Submitter Agreement application with the county recorder(s). Upon notice of acceptance of the Trusted Submitter Agreement by the county recorder, the trusted submitter or transmitting party shall be authorized to submit documents electronically subject to policies established by the county recorder pursuant to N.J.A.C. 15:3-9.11. A Trusted Submitter Agreement application can be obtained from the county recorder's office.

2. The trusted submitter or transmitting party and the county recorder shall enter into an agreement specifying the terms and conditions of participation in the county recorder's electronic submission program. The provisions of the agreement shall be consistent with N.J.S.A. 46:26A-1 et seq., and 46:26C-1 et seq. At a minimum, the agreement shall address the following items:

i. Accepted electronic submissions in the county;

ii. Accepted document types in the county;

iii. Defined technical specifications for data formats, document formats, electronic transmissions, and security;

iv. Indexing fields required for each document type;

v. Electronic signature and notarization requirements;

vi. Payment options for recording fees and applicable taxes;

vii. Hours during which electronic submissions will be accepted and processing schedules that affect order of acceptance;

viii. Liabilities and responsibilities of the parties transacting electronically;

ix. Document acceptance and rejection requirements and procedures when documents do not comply with technical specifications for data formats, document formats, electronic transmission, or security;

x. Communication methods and contact information; and

xi. Breach of agreement by the trusted submitter or transmitting party.

3. A county recorder may include in the agreement other procedures and requirements consistent with N.J.S.A. 46:26A-1 et seq., and 46:26C-1 et seq., in order to implement fully an electronic submission program.

(b) Third-party submission service shall be as follows:

1. If a third-party service is used to submit electronic documents to the county recorder, the county recorder shall require any trusted submitter or transmitting party to complete and sign an agreement with the organization operating the third-party service and with the county recorder.



2. The third-party agreement will govern the use, terms, and conditions of software and its related products, services, and website. The provisions of the agreement shall be consistent with N.J.S.A. 46:26A-1 et seq., and 46:26C-1 et seq. Administrative or technical information regarding computer hardware, software, and networks which, if disclosed, would jeopardize computer security shall not be subject to public disclosure. At a minimum, the agreement shall address the following items concerning electronic submission of electronic documents:

- i. Licenses and sublicenses involved in the use of a portal;
- ii. Information about the functions and features of a portal;
- iii. Code of conduct or guidelines for using a portal as the medium for electronic document delivery;
- iv. Requirements for electronic communications and website access between the trusted submitter or transmitting party and a portal;
- v. Requirements for the submission of data or information to a portal;
- vi. Liabilities and responsibilities of the parties;
- vii. Contact information;
- viii. Breach of agreement by the parties;
- ix. The portal's connectivity requirements; and
- x. Network information concerning the portal's website and any external sites connecting with the portal.

#### § 15:3-9.13 Standards and use of electronic synopsis and cover sheets

(a) Use of electronic synopsis. Effective May 1, 2017, or as implemented by individual county recorders prior to that date, electronic documents and electronic document packages may include an electronic synopsis that is consistent with this section.

1. The following data fields shall constitute an electronic synopsis and shall meet PRIA attribute and technical standards. The data fields shall state:

- i. The nature of the document;
- ii. The date of the document;
- iii. The names of the parties to the document and any other names by which the document is to be indexed;
- iv. If the document is a deed conveying title to real property:

(1) The lot and block number or other real property tax designation of the real property conveyed or a statement that the information is not available;

(2) The consideration for the conveyance; and

(3) The mailing address of the grantee; and

v. If the document is an assignment, release, or satisfaction of a mortgage or an agreement respecting a mortgage, it states the book and page number or the document identifying number of the mortgage to which it relates if the mortgage has been given such a number.

(b) Standards and use of image submissions without electronic synopsis. Effective May 1, 2017, or as implemented by individual county recorders prior to that date, document images without electronic synopses that are submitted to the county recorder may include an image of a cover sheet that is consistent with (c) below.

(c) Standards and use of printed cover sheets. The Division shall issue a common schematic format that shall serve as the basis for cover sheets. The format shall include the following elements that shall be used by individual county recorders in preparing individual cover sheets for their office.

1. The following data fields shall be included in a printed cover sheet:

i. The nature of the document;

ii. The date of the document;

iii. The names of the parties to the document and any other names by which the document is to be indexed;

iv. If the document is a deed conveying title to real property:

(1) The lot and block number or other real property tax designation of the real property conveyed or a statement that the information is not available;

(2) The consideration for the conveyance; and

(3) The mailing address of the grantee; and

v. If the document is an assignment, release, or satisfaction of a mortgage or an agreement respecting a mortgage, it states the book and page number or the document identifying number of the mortgage to which it relates if the mortgage has been given such a number.

2. Each county recorder shall adopt a form of cover sheet based on the Division-adopted schematic that is formatted to meet the needs of recordation procedures established by each county recorder and that is compliant with this subsection. Each county recorder shall obtain validation from the Division of its compliance with this section. Once validated, each county recorder shall post each on their website and shall provide the web address of each item to the Division to post on the Division's website.

3. The cover sheet shall be treated as part of the submitted document and the appropriate fee, based on the page-based display, shall be calculated as part of the transaction.