

# **RECORDS MANAGEMENT**

Department of State  
Division of Archives and Records Management

# RECORDS MANAGEMENT

- Today, the capture, control, storage, and timely destruction of records have more impact on the success or failure of government than ever before.
- While many agencies are beginning to realize the high cost of OPRA requests and litigation, they are struggling to comprehend the sweeping changes that are taking place in the records management landscape.

## THE NEW REALITY IN RECORDS MANAGEMENT:

What you don't know can haunt you.

- The guy down the hall who has been incorrectly filing records for years...

- The server that holds gigabytes of e-mail messages no one ever bothers to manage...

- The document that was destroyed and shouldn't have been—that is now being subpoenaed...

- The file room or storage area is filled to capacity with old records ...

# STATE RECORDS COMMITTEE

## The State Records Committee

Pursuant to State statutes

(Destruction of Public Records Law, P.L. 1953, c. 410, N.J.S.A. 47:3-15 to 32)

- Establishes retention schedules
- Approves destruction of government records,  
and
- Sets policies and procedures for recordkeeping

# **STATE RECORDS COMMITTEE**

The State Records Committee is composed of the:

- Attorney General**
- State Treasurer**
- State Auditor**
- Director, Division of Archives & Records Management**
- Director, Division of Local Government Services**

Or their designees

# **New Jersey Uniform Electronic Transactions Act (UETA)**

## **Public Law 2001, Chapter 116**

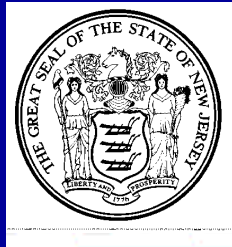
- Authorizes, with certain exceptions, state and local government agencies to use electronic forms, electronic filing, and electronic signatures to conduct official business with the public.
- Requires agencies to consult with DARM on the implementation of electronic signature to insure adequate level of authentication.

## **Circular Letter 01-01-ST**

“Records Management Guidance for Agencies Implementing Electronic Signatures Technologies” (Circular Letter 01-01-ST)

- Developed by DARM as mandated by Section 19 of the New Jersey Electronic Transactions Act (UETA)
- Identifies various technologies to ensure trustworthiness of electronically-signed records

# Electronic Mail



## Circular Letter No. 03-10-ST

### Managing Electronic Mail: Guidelines and Best Practices

- All e-mail that meet the definition of a government record per N.J.S.A. 47:1A-1.1 must be accessible to the public upon request...
- All e-mail that meet the definition of a record per N.J.S.A. 47:3-16 must be retained or destroyed according to record retention schedules established by the State Records Committee...

# Electronic Mail



*"You should check your e-mails more often. I fired you over three weeks ago."*

# eDiscovery

- December 1, 2006 Amendment to Federal Rules of Civil Procedure (FRCP) Governs Federal Courts
- New Jersey adopted same standards for state courts
- Electronically Stored Information (ESI), including e-mail, discoverable
- Duty to preserve records when litigation pending or “reasonably anticipated.”
- Requesting party may specify format
- Some cost shifting for “inaccessible” information
- “Safe Harbor” provision

# Non-Record E-mail Messages

- *SPAM*
- *Unsolicited information from vendors*
- *Personal Correspondence*
- *Listservs and Professional Associations*
- *Non-Governmental Publications*

# Official Record E-mail Messages

- *Transient Documents*
- *Intermediate Documents*
- *Permanent Documents*

# Transient Documents

- *Transient Documents*

Much of the communication via e-mail has a very limited administrative value. For instance, an e-mail message notifying employees of an upcoming meeting would only have value until the meeting has been attended.

Retention: Retained until no longer of administrative value  
and then destroyed

# Intermediate Documents

- General Correspondence  
Retention: 3 years
- Internal Correspondence
- Minutes of Agency Staff Meetings

# Permanent Documents

- Executive Correspondence
- Departmental Policies and Procedures
- Published reports, unpublished substantive reports and policy studies.
- Minutes of Boards, Commissions, etc.



# GET HELP

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