

Electronic Records

Standards and Procedures

B



LOCAL GOVERNMENT BULLETIN B
JULY 1998

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Published by the Texas State Library and Archives Commission, July 1998.

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Local Government Code **Chapter 205. Electronic Storage of Records.**

Section 205.001. Definitions.

In this chapter:

- (1) “Electronic storage” means the maintenance of local government record data in the form of digital electronic signals on a computer hard disk, magnetic tape, optical disk, or similar machine-readable medium.
- (2) “Local government record data” means the information that by law, regulation, rule of court, ordinance, or administrative procedure in a local government comprises a local government record as defined by Section 201.003.
- (3) “Source document” means the local government record from which local government record data is obtained for electronic storage. The term does not include backup copies of the data in any media generated from electronic storage.

Source:

Added by Acts 1989, 71st Leg., ch. 1248, Sec. 1, eff. Sept. 1, 1989.

Section 205.002. Authorization.

Any local government record data may be stored electronically in addition to or instead of source

documents in paper or other media, subject to the requirements of this chapter and rules adopted under it.

Source:

Added by Acts 1989, 71st Leg., ch. 1248, Sec. 1, eff. Sept. 1, 1989.

Section 205.003. Standards and Procedures to be Adopted.

- (a) The commission shall adopt rules establishing standards and procedures for the electronic storage of any local government record data of permanent value and may adopt rules establishing standards and procedures for the electronic storage of any local government record data whose retention period is at least 10 years on a records retention schedule issued by the commission. The rules must be approved as required by Section 441.165, Government Code.
- (b) With regard to the types of local government record data covered by Subsection (a), the rules may require or prescribe:
 - (1) standards and procedures for the generation of backup or preservation copies of the local government record data on paper, microfilm, electronic, or other approved media;
 - (2) standards and procedures for the recopying or duplication of the magnetic tape, optical disk, or similar machine-readable medium on which the local government record data are stored;
 - (3) standards and procedures for the physical storage and maintenance of magnetic tapes, optical disks, or similar machine-readable media;
 - (4) standards and procedures for providing access by members of the public to electronically stored local government record data to which they are entitled under law; and
 - (5) other standards and procedures that the commission considers necessary to ensure the availability, readability, or integrity of the local government record data.

Source:

Added by Acts 1989, 71st Leg., ch. 1248, Sec. 1, eff. Sept. 1, 1989.

Section 205.004. Rules to be Updated.

The director and librarian shall monitor standards and procedures relating to electronic storage developed for use by federal agencies or adopted by national organizations that develop and set

standards in the fields of records and information management in order to recommend to the commission any needed amendments to rules.

Source:

Added by Acts 1989, 71st Leg., ch. 1248, Sec. 1, eff. Sept. 1, 1989.

Section 205.005. Supreme Court Rules.

This chapter is not intended to conflict with Subchapter I, Chapter 51, Government Code, relating to the electronic filing of certain documents in district and county courts. The commission shall incorporate any rules adopted under that subchapter into its own.

Source:

Added by Acts 1989, 71st Leg., ch. 1248, Sec. 1, eff. Sept. 1, 1989.

Section 205.006. Index.

An index to local government record data stored electronically must provide the same information that may be required by state law for an index to the source document, if applicable.

Source:

Added by Acts 1989, 71st Leg., ch. 1248, Sec. 1, eff. Sept. 1, 1989.

Section 205.007. Electronic Storage Authorization Requests.

- (a) Before the electronic storage of any local government record data of permanent value or, if stipulated in commission rules, any local government record data whose retention period is at least 10 years on a records retention schedule issued by the commission, an electronic storage authorization request shall be submitted to the director and librarian for approval.
- (b) Electronic storage authorization requests shall be submitted by the records management officer or under the officer's direction or, if a records management officer has not yet been designated under Section 203.025, by the custodian of the local government record data to be stored electronically.
- (c) If the director and librarian or the designee of the director and librarian approves the request, the local government record data may be stored electronically.
- (d) If the director and librarian or the designee of the director and librarian disapproves the request, the reasons for the disapproval shall be stated in writing within a reasonable time to the records management officer or custodian. Electronic storage of the local government record data may not take place until an electronic storage authorization request receives the approval of the director and librarian or the designee of the director and librarian.

- (e) The director and librarian or the designee of the director and librarian may disapprove an electronic storage authorization request only if the standards and procedures proposed for the electronic storage of the local government record data are in violation of this chapter or rules adopted under it.
- (f) The director and librarian shall determine the form and manner of submission of authorization requests required by this chapter.

Source:

Added by Acts 1989, 71st Leg., ch. 1248, Sec. 1, eff. Sept. 1, 1989.

Section 205.008. Destruction of Source Documents.

- (a) The source document, if any, for electronically stored local government record data covered by Section 205.007(a) may be destroyed or returned to the person who filed it for record if the electronic storage authorization request is approved.
- (b) The magnetic tape, optical disk, or similar medium containing the local government record data and the hardware and software necessary to provide access to it must be retained by the local government or be available to the local government until the expiration of the retention period for all source documents, subject to the rules adopted under this chapter.
- (c) The source document, if any, for electronically stored local government record data not covered by Section 205.007(a) may be destroyed before the expiration of the retention period for the source document in a records retention schedule issued by the commission if the magnetic tape, optical disk, or similar medium and hardware and software necessary to provide access to local government record data on the media are retained for the retention period in the schedule. Conversely, the magnetic tape, optical disk, or similar medium may be erased, written over, or destroyed before the expiration of the retention period for a source document for local government record data not covered by Section 205.007(a), if the source document, if any, is retained until the expiration of its retention period or, if the source document has already been destroyed, paper or microfilm copies are generated from the magnetic tape, optical disk, or similar medium before destruction or erasure and retained until the expiration of the retention period for the source document.

Source:

Added by Acts 1989, 71st Leg., ch. 1248, Sec. 1, eff. Sept. 1, 1989.

Section 205.009. Denial of Access Prohibited.

A person under contract or agreement with a local government or elected county officer to create, file, or store local government record data electronically or to provide services, equipment, or the means for the creation, filing, or storage, may not, under any circumstances, refuse to provide local

government record data to the local government in a timely manner in a format accessible and useable by the local government.

Source:

Added by Acts 1989, 71st Leg., ch. 1248, Sec. 1, eff. Sept. 1, 1989.

Texas Administrative Code, Chapter 7

Section 7.71. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise. Terms not defined in these sections shall have the meanings defined in the Local Government Code, Title 6, Subtitle C, Chapter 201.

AIIM—The Association for Information and Image Management.

ANSI—The American National Standards Institute.

Database—(A) collection of digitally stored data records, (B) collection of data elements within records within files that have relationships with other records within other files.

Database Management System (DBMS)—Set of programs designed to organize, store, and retrieve machine-readable information from a computer-maintained database or data bank.

Data file—Related numeric, textual, sound, or graphic information that is organized in a strictly prescribed form and format.

Electronic media—All media capable of being read by a computer including computer hard disks, magnetic tapes, optical disks, or similar machine-readable media.

Electronic record—Any information that is recorded in a form for computer processing and that satisfies the definition of local government record data in the Local Government Code, Section 205.001.

Electronic records system—Any information system that produces, manipulates, and stores local government records by using a computer.

Records custodian—The appointed or elected public officer who by the state constitution, state law, ordinance, or administrative policy is in charge of an office that creates or receives local government records.

Records management officer—Each elected county officer or the person designated by the governing body of each local government pursuant to the Local Government Code, Section 203.025.

Text documents—Narrative or tabular documents, such as letters, memorandums, and reports, in loosely prescribed form and format.

Source:

Adopted to be effective March 12, 1993, 18 TexReg 1271; amended to be effective October 2, 1995, 20 TexReg 7484.

Section 7.72. General.

- (a) These sections establish the minimum requirements for the maintenance, use, retention, and storage of any electronic record of a local government whose retention period is 10 years or more on a records retention schedule adopted under Section 7.125 of this title (relating to Records Retention Schedules). These sections do not apply to electronic records with retention periods of less than 10 years, but they are subject to the applicable provisions of the Local Government Code, Chapter 205.
- (b) Unless otherwise noted, these requirements apply to all electronic records storage systems, whether on microcomputers, minicomputers, or main-frame computers, regardless of storage media.
- (c) An electronic storage authorization request certifying that the requirements of these sections will be followed must be submitted to and approved by the director and librarian for all existing electronic storage, and before any new electronic storage, of records subject to this section. The authorization request must be submitted in a form and manner to be determined by the director and librarian and must be signed by the records management officer.
- (d) The governing body of a local government and its records management officer in cooperation with records custodians must:
 - (1) administer a program for the management of records created, received, maintained, used, or stored on electronic media;
 - (2) integrate the management of electronic records with other records and information resources management programs;
 - (3) incorporate electronic records management objectives, responsibilities, and authorities in pertinent directives;
 - (4) establish procedures for addressing records management requirements, including recordkeeping requirements and disposition;
 - (5) ensure that training is provided for users of electronic records systems in the operation, care, and handling of the equipment, software, and media used in the system;
 - (6) ensure the development and maintenance of up-to-date documentation about all electronic records systems that is adequate to specify all technical characteristics

necessary for reading or processing the records and the timely, authorized disposition of records; and

- (7) specify the location and media on which electronic records are maintained to meet retention requirements and maintain inventories of electronic records systems to facilitate disposition.
- (e) Any electronic recordkeeping system not meeting the provisions of these sections may be utilized for records subject to this section provided the source document, if any, or a paper copy is maintained, or the record is microfilmed in accordance with the provisions of Local Government Code, Chapter 204, and the rules adopted under it.

Source:

Adopted to be effective March 12, 1993, 18 TexReg 1271; amended to be effective October 2, 1995, 20 TexReg 7484.

Section 7.73. Creation and Use of Data Files.

- (a) Disposition instructions for the data must be incorporated into electronic records systems that produce, use, and store data files.
- (b) Local governments must maintain up-to-date technical documentation for each electronic records system that produces, uses, and stores data files. Minimum documentation required is:
 - (1) a narrative description of the system;
 - (2) the physical and technical characteristics of the records, including a record layout that describes each field including its name, size, starting or relative position, and a description of the form of the data (such as alphabetic, zoned decimal, packed decimal, or numeric), or a data dictionary, or the equivalent information associated with a database management system including a description of the relationship between data elements in databases; and
 - (3) any other technical information needed to read or process the records.

Source:

Adopted to be effective March 12, 1993, 18 TexReg 1271; amended to be effective October 2, 1995, 20 TexReg 7484.

Section 7.74. Creation and Use of Text Documents.

- (a) Electronic records systems that maintain the official file copy of text documents or data used to generate the official file copy of text documents on electronic media must meet the following minimum requirements:

- (1) provide a method for all authorized users of the system to retrieve desired documents, such as an indexing or text search system;
 - (2) provide security to ensure integrity of the documents;
 - (3) provide a standard interchange format when determined to be necessary by the local government to permit the exchange of documents on electronic media among the components of the local government using different software/operating systems; and
 - (4) provide for the disposition of the documents.
- (b) A document created on an electronic records system must be identified sufficiently to enable authorized personnel to retrieve, protect, and carry out the disposition of documents in the system. Local governments must ensure that records maintained in such systems can be correlated with related records on paper, microform, or other media.

Source:

Adopted to be effective March 12, 1993, 18 TexReg 1271; amended to be effective October 2, 1995, 20 TexReg 7484.

Section 7.75. Security of Electronic Records.

- (a) Local governments must implement and maintain an electronic records security program for office and storage areas that:
- (1) ensures that only authorized personnel have access to electronic records;
 - (2) provides for backup and recovery of records to protect against information loss;
 - (3) ensures that personnel are trained to safeguard confidential electronic records;
 - (4) minimizes the risk of unauthorized alteration or erasure of electronic records; and
 - (5) documents that similar kinds of records generated and stored electronically are created by the same processes each time and have a standardized retrieval approach.
- (b) A duplicate copy of essential records and any software or documentation required to retrieve and read the records must be maintained in a storage area located in a separate building from the building where the records that have been copied are maintained.
- (c) For records stored on rewritable electronic media, the system must ensure that read/write privileges are controlled and that an audit trail of rewrites is maintained.

Source:

Adopted to be effective March 12, 1993, 18 TexReg 1271; amended to be effective October 2, 1995, 20 TexReg 7484.

Section 7.76. Maintenance of Electronic Records Storage Media.

- (a) Local governments must ensure that the accuracy, completeness, and accessibility of information are not lost prior to its authorized destruction date because of changing technology or media deterioration, by converting electronic storage media and taking other action as required to provide compatibility with current hardware and software. The migration strategy for upgrading equipment as technology evolves must be documented and include:
 - (1) periodically recopying to the same electronic media as required, and/or transferring of data from an obsolete technology to a supportable technology; and
 - (2) providing backward system compatibility to the data in the old system, and/or converting data to media that the system upgrade and/or replacement can support.
- (b) Paragraphs (1)-(3) of this subsection outline the maintenance of backup electronic media stored offsite.
 - (1) Magnetic computer tapes must be tested and verified no more than 6 months prior to using them to store electronic records. Pretesting of tapes is not required if an automated system is used that monitors read/write errors and there is a procedure in place for correcting errors.
 - (2) The storage areas for electronic media must be maintained within the following temperatures and relative humidities:
 - (A) for magnetic media—65 degrees Fahrenheit to 75 degrees Fahrenheit, and 30% to 50% relative humidity;
 - (B) for optical disks—14 degrees Fahrenheit to 122 degrees Fahrenheit, and 10% to 90% relative humidity.
 - (3) A random sample of all magnetic computer tapes must be read annually to identify any loss of data and to discover and correct the causes of data loss. At least a 10% sample or a sample size of 50 magnetic tapes, whichever is less, must be read. Tapes with unrecoverable errors must be replaced and, when possible, lost data must be restored. All other tapes which might have been affected by the same cause (i. e. poor quality tape, high usage, poor environment, improper handling) must be read and corrected.
- (c) Local governments must recopy data maintained on electronic media according to the following schedule.
 - (1) Data maintained on magnetic tape must be recopied onto new or used tape a minimum of once every three years.

- (2) An alternative option for recopying magnetic tape is for the data to be recopied onto new tape a minimum of once every ten years, provided the tape is rewound under controlled tension every three and one-half years. The requirement for rewinding does not apply to 3480-type tape cartridges.
 - (3) Data maintained on optical disks must be recopied a minimum of once every 10 years.
- (d) Floppy disks (diskettes) or any type of flexible disk system may not be used for the exclusive storage of records subject to these sections.
- (e) External labels, or an eye-readable index relating to unique identifiers, for electronic media used to process or store electronic records must include the following information:
- (1) name or other identifier of the organizational unit responsible for the records;
 - (2) descriptive title of the contents;
 - (3) dates of creation and authorized disposition date;
 - (4) security classification;
 - (5) identification of the software (to include specific application if appropriate) and hardware used; and
 - (6) system title, including the version number of the application.
- (f) Additionally, the following information must be maintained for electronic media used to store permanent electronic records:
- (1) file title(s);
 - (2) dates of coverage;
 - (3) the recording density;
 - (4) type of internal labels;
 - (5) volume serial number, if applicable;
 - (6) the number of tracks;
 - (7) character code/software dependency;
 - (8) information about block size;
 - (9) sequence number, if the file is part of a multi-media set; and
 - (10) relative starting position of data, if applicable.

- (g) The following standards must be met for electronic records stored as digital images on optical media.
- (1) A non-proprietary image file header label must be used, or the system developer must provide a bridge to a non-proprietary image file header label, or the system developer must supply a detailed definition of image file header label structure.
 - (2) The system hardware and/or software must provide a quality assurance capability that verifies information that is written to the optical media.
 - (3) Periodic maintenance of optical data storage systems is required, including an annual recalibration of the optical drives.
 - (4) Scanner quality must be evaluated based on the standard procedures in *American National Standard for Information and Image Management—Recommended Practice for Quality Control of Image Scanners* (ANSI/AIIM MS44-1988) and *American National Standard for Information and Image Management—Recommended Practice for Monitoring Image Quality of Roll Microfilm and Microfiche Scanners* (ANSI/AIIM MS49-1993).
 - (5) A visual quality control evaluation must be performed for each scanned image and related index data.
 - (6) A scanning density with a minimum of 200 dots per inch is required for recording documents that contain no type font smaller than six point.
 - (7) A scanning density with a minimum of 300 dots per inch is required for engineering drawings, maps, and other documents with background detail.
 - (8) The selected scanning density must be validated with tests on actual documents.
 - (9) The use of the Consultative Committee on International Telegraphy and Telephony (CCITT) Group 3 or Group 4 compression techniques is required for document images without continuous tonal qualities. If use of a proprietary compression technique is unavoidable, the vendor must provide a gateway to either Group 3 or Group 4 compression techniques.
 - (10) Optical drive systems must not be operated in environments with high levels of airborne particulates.
 - (11) All aspects of the design and use of the imaging system must be documented, including administrative procedures for digital imaging, retrieval, and storage; technical system specifications; problems encountered; and measures taken to address them, including hardware and software modifications.
- (h) Smoking, drinking, and eating must be prohibited in electronic media storage areas.

Section 7.77. Retention of Electronic Records.

- (a) Local governments must establish policies and procedures to ensure that electronic records and any software, hardware, and/or documentation, including maintenance documentation, required to retrieve and read the electronic records are retained as long as the approved retention period for the electronic records.
- (b) The retention procedures must include provisions for:
 - (1) scheduling the disposition of all electronic records, according to statutory requirements, as well as related software, documentation, and indexes; and
 - (2) establishing procedures for regular recopying, reformatting, and other necessary maintenance to ensure the retention and usability of electronic records until the expiration of their retention periods.

Source:

Adopted to be effective March 12, 1993, 18 TexReg 1271; amended to be effective October 2, 1995, 20 TexReg 7484.

Section 7.78. Destruction of Electronic Records.

- (a) Electronic records may be destroyed only in accordance with the Local Government Code, Section 202.001.
- (b) Each local government must ensure that:
 - (1) electronic records scheduled for destruction are disposed of in a manner that ensures protection of any confidential information; and
 - (2) magnetic storage media previously used for electronic records containing confidential information are not reused if the previously recorded information can be compromised by reuse in any way.
- (c) The following requirements must be met for the court ordered expungement of information recorded on an optical Write-Once-Read-Many (WORM) system:
 - (1) Two methods are allowed for expunging information from a WORM disk:
 - (A) the information may be overwritten to obliterate the original image, leaving no evidence of the original information, or;
 - (B) all of the indices, pages, or documents on a disk, other than the expunged document(s), must be rewritten to a new disk and the old disk must be physically destroyed.

- (2) In cases where a complete page or record is expunged, all reference to the page or record must be removed from the index. If the index has been copied, the index must be recopied after the reference to the page or record has been removed.
- (3) Copies of the original WORM disk and copies of the information removed by expungement must be destroyed or changed to reflect the court order. All copies of the record, index, or reference to the original unrevised information on WORM disk copies or copies in any other media must be destroyed.

Source:

Adopted to be effective March 12, 1993, 18 TexReg 1271; amended to be effective October 2, 1995, 20 TexReg 7484.

Section 7.79. Public Access to Electronic Records.

An electronic recordkeeping system must not provide an impediment to access to public records.

Source:

Adopted to be effective March 12, 1993, 18 TexReg 1271.