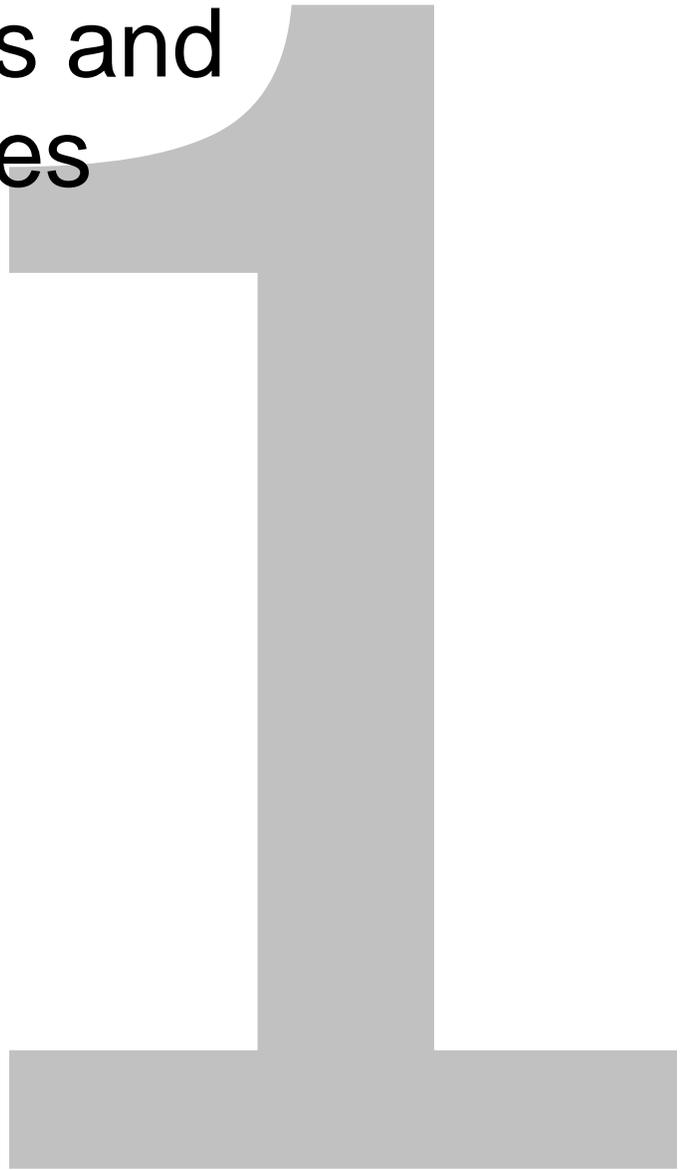


Electronic Records

Standards and Procedures



SLRM
STATE AND LOCAL
RECORDS
MANAGEMENT

STATE AGENCY BULLETIN NUMBER ONE
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1 Electronic Records Standards and Procedures

STATE AGENCY BULLETIN NUMBER ONE

Section 6.91 General Provisions

(a) Authority. The Texas State Library and Archives Commission, hereafter referred to as the commission, is specifically empowered to adopt rules for the creation, protection, maintenance, and storage of electronic state records. Also, the commission may adopt other rules it determines as necessary for cost reduction and efficiency of recordkeeping by state agencies, and for the state's management and preservation of records. Statutory authority for this subchapter is provided in Texas Government Code §§441.189(a), 441.190, and 441.199.

(b) Purpose. The purpose of this subchapter is to establish minimum standards and procedures for the creation, protection, maintenance, retention, storage, disposition, and preservation of electronic state records as part of the records management program required in state agencies by Texas Government Code §441.183.

(c) Scope. This subchapter applies to:

- (1) all state agencies as defined in Texas Government Code §441.180(9); and
- (2) all state records as defined in Texas Government Code §441.180(11).

Source Note:

The provisions of this Section 6.91 adopted to be effective August 31, 2017, 42 TexReg 4285

Section 6.92 Definitions

The following words, terms, acronyms, and concepts when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise. Terms defined in Texas Government Code §441.180 shall have the meaning assigned by statute.

- (1) Archival state record--Archival state record has the meaning as defined in Texas Government Code §441.180(2).
- (2) ARIS--Archives and Information Services division of the commission.
- (3) Digital Rights Management--Various access control technologies that are used to restrict usage or access of proprietary hardware, software, or copyrighted works by controlling the use,

modification and distribution of records, as well as systems within devices that enforce these policies.

(4) Electronic state record--Information that meets the definition of a state record in the Texas Government Code §441.031 and §441.180, and is maintained in electronic format for computer processing, including the product of computer processing of the information. Any state record may be created or stored electronically in accordance with standards and procedures adopted as administrative rules of the commission as authorized by Texas Government Code §441.189.

(5) Essential state record--See Vital state record.

(6) Final disposition--Final processing of state records by either destruction or archival preservation by the commission, by a state agency, or by an alternate archival institution as permitted by Texas Government Code Chapter 441, Subchapter L and 13 TAC §6.1(10).

(7) Information systems--The combination of information, technology, processes, and people brought together to support a given business objective.

(8) Institution of higher education--SEE State agency.

(9) Metadata--Data that summarizes basic information about a record, and which can facilitate tracking, locating, verifying authenticity, or working with specific records or data. Examples include but are not limited to author, date created, date modified, file extension, and file size.

(10) Migration--In a computer environment, the act of moving data or records in electronic form from one hardware or software system or configuration to another so that they may continue to be understandable and usable for as long as they are needed.

(11) Records management program--The program of a state agency undertaken on a continuing and active basis (i.e. not a project) to apply management techniques to the creation, use, maintenance, retention, preservation, and destruction of state records as required by Texas Government Code §441.183.

(12) Records series--A group of identical or related records that are normally used and/or filed together, and that permit evaluation as a group for retention scheduling purposes as defined in 13 TAC §6.1(13).

(13) State agency--State agency has the meaning as defined in Texas Government Code §441.180(9).

(14) Structured data--Data that resides in fixed fields within a record or file. Relational databases and spreadsheets are examples of structured data.

(15) Vital state record--Vital state record has the meaning as defined in Texas Government Code §441.180(13).

Source Note:

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Section 6.93 Policies and Procedures

State agency heads or designees shall approve and institute written policies and procedures that communicate an enterprise-wide approach for electronic state records management practices, and that create accountability and auditability for the execution of these policies and procedures. Refer to Guidelines (§6.96) for recommended electronic records management best practices and standards to satisfy requirements specified under this subchapter.

(1) An agency's policies and procedures required by this section shall include these elements:

(A) Establish a component of the agency's active and continuing records management program to address the management of electronic state records that includes the management of electronic state records created, received, retained, used, transmitted, or disposed of electronically, including those electronic state records in the possession of the state agency, vendors, or other third parties (i.e., telecommunication, social media, etc.);

(B) Integrate the management of electronic state records with other records and information resources management programs of the state agency;

(C) Incorporate electronic state records management objectives, responsibilities, and authorities in pertinent state agency directives;

(D) Address electronic state records management requirements, including retention requirements and final disposition;

(E) Address the use of new technologies adequate to fulfill the agency's duty to identify, manage, retain, and make final disposition of electronic state records;

(F) Ensure transparency by documenting in an open and verifiable manner the processes and activities carried out in the management of electronic state records; and

(G) Require that records management concepts and requirements be included in agency training on information systems and resources. Also, an agency's information resources personnel shall receive training on records management issues as they relate to electronic information systems, electronic mail systems, the operation, care, and handling of information, and the hardware, software, and media used to ensure that:

(i) Information resources personnel understand the records management implications of selecting, purchasing, developing, installing, deploying, modifying, and retiring technology hardware, software, etc.; and

(ii) Decision makers and end users understand their responsibilities to create, protect, and manage electronic state records anywhere.

(2) An agency's policies and procedures shall adhere to 1 TAC 202 requirements regarding security programs; and

(3) An agency's policies and procedures shall follow privacy requirements for information that must be protected from unauthorized use or disclosure as required by applicable state or federal law (e.g. constitutional, statutory, judicial, and legal agreement requirements).

Source Note:

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Section 6.94

Minimum Requirements for all Electronic State Records

(a) Each state agency must:

(1) Manage electronic state records according to the state agency's records management program and certified records retention schedule regardless of format, system, or storage location;

(2) Maintain state agency ownership and responsibility for state records regardless of where the record originates or resides, including but not limited to cloud computing services and social media sites;

(3) Develop and maintain up-to-date documentation about electronic records systems adequate to identify, retain, read, process, or migrate the records and ensure the timely, authorized final disposition of electronic state records;

(4) Ensure that electronic state records remain readily retrievable and readable for as long as they are maintained by the state agency by migration or by maintaining any software, hardware, and documentation required to retrieve and read the electronic state records;

(5) Maintain descriptive and technical metadata required for electronic state records to be fully understandable by the appropriate designated community, including metadata necessary to adequately support the authenticity, integrity, reliability, and usability as well as the preservation of a record;

(6) Preserve the authenticity, integrity, reliability, and usability of the records;

(7) Ensure that electronic state records are readily retrievable and readable independently of other records in the information or storage system;

(8) Ensure that system backups that are required for disaster recovery are not used to satisfy records retention requirements unless indexed for ready retrievability and tested on a regular basis; and

(9) Require all third-party custodians of records to provide the state agency with descriptions of their business continuity and/or disaster recovery plans as regards to the protection of the state agency's vital state records.

(b) Any technological component for electronic state records developed, used, or acquired by a state agency must meet the following requirements:

(1) Support the state agency's ability to meet the minimum requirements in subsection (a) of this section to preserve and make readily retrievable and readable any electronic state record or to extract or migrate the record in as complete a form as possible for its full retention period; and

(2) Provide security to ensure the authenticity of the records in accordance with 1 TAC 202 regarding security programs.

Source Note:

The provisions of this Section 6.94 adopted to be effective August 31, 2017, 42 TexReg 4285

**Section 6.95
Additional Record Requirements for Archival, Permanent, and Vital Electronic State Records**

In addition to the minimum requirements in §6.94, the following requirements apply to electronic state records that are archival for the State Archives, archival for an agency archives, permanent, and vital:

(1) Archival for the State Archives: Archival electronic state records indicated by records series that are marked with “A” (Archival) or “R” (Archival Review) codes in the state agency’s certified records retention schedule, must be:

(A) Offered to the commission for review or transferred to the custody of the commission when retention requirements are met, the administrative need of the state agency ends, or earlier as required and in accordance with Texas Government Code §441.186, unless the law requires the records to remain with the state agency. A transfer or review must include the following:

(i) The state agency must contact the commission to coordinate transfer or review of the archival electronic state records;

(ii) Each records series to be transferred must contain, at minimum, the following metadata:

- (I) Series title (from records retention schedule);
- (II) Inclusive dates covered by the transfer;
- (III) Arrangement (folder structure) of the records in the transfer;
- (IV) File format(s) represented;
- (V) Creating application; and
- (VI) Date of last modification;

(iii) Each individual record transferred must include, at minimum, the following metadata:

- (I) Title or subject;
- (II) Creator (could be a person, office, division, and/or state agency); and
- (III) Date of creation;

(iv) Metadata must be embedded in the records or provided in a separate file at the time of transfer;

(v) The state agency must maintain the integrity of the record through use of checksums on each record transferred;

(vi) The state agency must remove any encryption or other Digital Rights Management prior to transfer or provide the commission with method(s) for doing so; and

(vii) The state agency must follow procedures published on the commission's website for transferring or reviewing archival electronic state records.

(B) Identified as archival electronic state records in the custody of the state agency because the commission cannot immediately accept custody of the records in accordance with Texas Government Code §441.186(e) and the state agency must:

(i) Maintain documentation for the operating environment in which the records were created or are being maintained;

(ii) For structured data, also maintain all metadata required to understand the structure of the records;

(iii) Store records in standard formats as identified in procedures published on the commission's website, or else:

(I) If business requirements necessitate use of non-standard formats, the records must be converted to standard formats before transfer to the commission or before going into long-term storage; and

(II) If the records are stored in a proprietary system, the state agency must retain all licenses required to access records;

(iv) Not maintain redacted records as the record copy, but may store redacted records with the record copy; and

(v) Follow the commission procedures published on the commission's website for storing archival electronic state records until transfer to or review by the commission.

(2) Archival for agency archives: For archival electronic state records indicated by records series that are marked with "A" or "I" (Archival) or "R" or "O" (Archival Review) codes in the state agency's certified records retention schedule.

(A) This paragraph applies to:

(i) The small number of agencies which are allowed by statute to maintain a state agency archive instead of transferring their archival state records to the commission. Refer to Government Code Chapter 441 and confirm with the State Archives before implementing a state agency archives; and

(ii) Archival electronic state records described in records series marked as "I" (Archival) or "O" (Archival Review) in a university's certified records retention schedule, which must be transferred to or reviewed by the university's archives.

(B) Each state agency must:

(i) Have policies and procedures to properly identify, maintain, migrate, and preserve archival electronic state records; and

(ii) Adhere to the requirements listed in paragraph (3) of this section and as issued in commission guidelines.

(3) Permanent: Electronic state records with permanent retention periods but that are not archival (“A”, “I”, “O” or “R”) on the state agency’s certified records retention schedule:

(A) Must meet the requirements listed in paragraph (1)(B) or (2) of this section, as applicable;

(B) Must be documented and migrated when necessary to ensure that they remain permanently accessible and readable; and

(C) May be indexed and converted to microfilm for permanent retention.

(4) Vital: Vital electronic state records must be included with special provisions in state agency records management policies and procedures and the state agency records management program and the state agency must:

(A) Identify records series containing vital electronic state records on the state agency's certified records retention schedule;

(B) Create written policies for the protection of vital electronic state records in all formats and storage locations;

(C) Create written disaster recovery procedures for accessing vital electronic state records during a disruptive event;

(D) Address vital electronic state records in continuity of operations, business continuity, and/or disaster recovery plans as part of the state agency's overall continuity program, as required in Texas Labor Code §412.054; and

(E) Require all third-party custodians of records holding records on behalf of the agency to provide the state agency with descriptions of their business continuity and/or disaster recovery plans as regards to the protection of the state agency's vital electronic state records.

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**Section 6.96
Guidelines**

The Commission will issue guidelines, under the authority of the state records administrator to assist state agencies in fulfilling their duties required under this subchapter, and will update the guidelines as necessary to address technological changes. These guidelines will offer best practices and direction about how to comply with the requirements of these rules.

Source Note:

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Section 6.97

Final Disposition of Electronic State Records by Transfer to State Archives or Destruction

(a) Any electronic state record may be destroyed only in accordance with a certified records retention schedule per Texas Government Code §441.185 or, in lieu of being listed on a state agency's certified records retention schedule, a records disposition authorization request approved by the commission's director and librarian;

(b) A state agency must ensure that an electronic state record scheduled for disposition is disposed of in a manner that ensures protection of confidential information; and

(c) A state agency must establish and implement procedures that address the disposition of electronic state records by staff in accordance with its certified records retention schedule as well as secure destruction requirements from the Department of Information Resources, including identifying and disposing of transitory information.

Source Note:

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Section 6.98

Uniform Electronic Transactions Act (UETA)

Pursuant to the Texas Business and Commerce Code §322.017, the Department of Information Resources and the commission jointly formed the Uniform Electronic Transactions Act Task Force to create rules and develop the Guidelines for the Management of Electronic Transactions and Signed Records. The Guidelines for the Management of Electronic Transactions and Signed Records are applicable to state agencies that send and accept electronic records and electronic signatures to and from other persons and to state agencies that otherwise create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures. These guidelines are detailed in 1 TAC 203.

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