

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

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Section 6.91 Definitions

The following words and terms, when used in these sections, shall have the following meanings, unless the context clearly indicates otherwise. Terms not defined in these sections shall have the meanings defined in the Government Code, §441.180.

- (1) Archival state record-A state record of enduring value that will be preserved on a continuing basis by the Texas State Library and Archives Commission or another state agency until the state archivist indicates that based on a reappraisal of the record it no longer merits further retention.
- (2) Electronic mail record-An electronic state record sent or received in the form of a message on an electronic mail system of a state agency, including any attachments transmitted with the message.
- (3) Electronic mail system-A computer application used to create, receive, retain, and transmit messages and other attached records. Excluded from this definition are file transfer utilities.
- (4) Electronic records system-Any information system that produces, manipulates, and stores electronic state records by using a computer.
- (5) Electronic state record-Information that meets the definition of a state record in the 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.
- (6) Mailing list service-An electronic mailing list hosting service (e.g., Listserv) used for discussions and announcements within a specified group of individuals. Subscribers to the service participate by sending information to and receiving information from the list using electronic mail messages.
- (7) State record-As defined by the Government Code, §441.180(11), any written, photographic, machine-readable, or other recorded information created or received by or on behalf of a state agency or an elected state official that documents activities in the conduct of state business or use of public resources. The term does not include library or museum material made or acquired and maintained solely for reference or exhibition purposes; an extra copy of recorded information maintained only for reference; or a stock of publications or blank forms. As provided by the Government Code, §441.031, the term also does not include any records, correspondence, notes, memoranda, or documents, other than a final written agreement described by §2009.054(c), associated with a matter conducted under an alternative dispute resolution procedure in which personnel of a state department or institution, local government, special district, or other political subdivision of the state participated as a party, facilitated

as an impartial third party, or facilitated as the administrator of a dispute resolution system or organization.

- (8) Transitory information-Records of temporary usefulness that are not an integral part of a records series of an agency, that are not regularly filed within an agency's recordkeeping system, and that are required only for a limited period of time for the completion of an action by an official or employee of the agency or in the preparation of an on-going records series. Transitory records are not essential to the fulfillment of statutory obligations or to the documentation of agency functions.

Source Note:

The provisions of this Section 6.91 adopted to be effective December 6, 2000, 25 TexReg 11935; amended to be effective November 13, 2005, 30 TexReg 7221

Section 6.92

General

- (a) These sections establish the minimum requirements for the management of all electronic state records.
- (b) The head of each state agency must ensure:
- (1) that a program is established for the management of state records created, received, retained, used, transmitted, or disposed on electronic media;
 - (2) that the management of electronic state records is integrated with other records and information resources management programs of an agency;
 - (3) that electronic records management objectives, responsibilities, and authorities are incorporated in pertinent agency directives;
 - (4) that procedures are established for addressing records management requirements, including retention requirements and disposition;
 - (5) that training is provided for users of electronic records systems, including electronic mail systems, in the operation, care, and handling of the information, equipment, software, and media used in the systems;
 - (6) that up-to-date documentation is developed and maintained about all electronic state records that is adequate for retaining, reading, or processing the records and ensuring their timely, authorized disposition; and
 - (7) that a security program for electronic state records is established that is in compliance with subsection (b) of 1 TAC 201.13 (relating to Information Resource Standards).

Source Note:

The provisions of this Section 6.92 adopted to be effective December 6, 2000, 25 TexReg 11935

Section 6.93

Creation of Electronic State Records

- (a) Any state agency electronic records system, already in use on the effective date of these sections, should meet the minimum requirements in subsection (b) of this section to the extent possible.
- (b) Any electronic records system developed or acquired by a state agency, after the effective date of these sections, must meet the following requirements:
 - (1) have the capability for preserving any electronic state record resident in the system for its full retention period; or, there must not be any system impediments that prevent migrating the record to another electronic records system, in as complete a form as possible;
 - (2) sufficiently identify records created on the system to enable agency staff to retrieve, protect, and carry out the disposition of records in the system;
 - (3) ensure that any electronic state records can be identified that are part of a records series maintained in multiple records media such as paper, microform, etc.; and
 - (4) provide a standard interchange format, when determined to be necessary by the agency, to permit the exchange of records on electronic media between agency computers using different software/operating systems and the conversion or migration of records on electronic media from one system to another.

Source Note:

The provisions of this Section 6.93 adopted to be effective December 6, 2000, 25 TexReg 11935

Section 6.94

Retention of Electronic State Records

- (a) A state agency must establish policies and procedures to:
 - (1) ensure that an electronic state record and any software, hardware, and/or documentation, including maintenance documentation, required to retrieve and read the electronic state record are retained as long as the approved retention period for the record; or
 - (2) provide for recopying, reformatting, and other necessary maintenance to ensure the availability and usability of an electronic state record until the expiration of its retention period.
- (b) Except as provided in subsection (c), a state agency's records retention schedule submitted for certification or recertification after the effective date of these sections must schedule by record series all electronic state records maintained by the agency, in accordance with the Government Code, §441.185, and Chapter 6, Subchapter A of this title (relating to Records Retention Schedule).
- (c) An electronic state record must be individually accessible. System tapes used for data backup or disaster recovery, unless indexed for accessibility, must not be used to satisfy records retention requirements.
- (d) A state agency's electronic mail system, already in use on the effective date of these sections, should meet the minimum requirements in subsection (e) of this section to the extent possible.

- (e) Any electronic mail system developed or acquired by a state agency, after the effective date of these sections, must meet the following requirements.
 - (1) Some transmission data (name of sender and addressee(s); date/time the message was sent) must be retained for each electronic mail record, except for mailing list services that do not identify the addressees.
 - (2) A state agency must determine if any other transmission data is needed to maintain the integrity of the electronic mail record.
 - (3) A state agency that uses an electronic mail system that identifies users by codes or nicknames or identifies addressees only by the name of a distribution list must instruct staff on how to retain names on directories or distribution lists to ensure identification of the sender and addressees of messages.
 - (4) A state agency having an electronic mail system that allows users to request confirmation that a message has been received or opened must establish guidelines for the appropriate retention of this information.
 - (5) A state agency must provide for the organization of electronic mail records according to the agency's approved records retention schedule.

Source Note:

The provisions of this Section 6.94 adopted to be effective December 6, 2000, 25 TexReg 11935

Section 6.95

Final Disposition of Electronic State Records

- (a) Any electronic state record may be destroyed only in accordance with a records retention schedule approved in accordance with the Government Code §441.185 or, in lieu of an approved records retention schedule, an approved records disposition authorization request.
- (b) An electronic state record that is an archival record must be maintained by the agency through hardware and software migrations and upgrades as authentic evidence of the state's business in accessible and searchable form, except as otherwise determined by the state archivist.
- (c) A state agency must ensure that:
 - (1) an electronic state record scheduled for destruction is disposed of in a manner that ensures protection of any confidential information; and
 - (2) magnetic storage media previously used for an electronic state record containing confidential information is not reused if the previously recorded information can be recoverable through reuse in any way, when the media passes out of custody of the agency.
- (d) A state agency must establish and implement procedures that address the disposition of an electronic mail record by staff in accordance with its approved records retention schedule and, specifically, must establish guidelines to enable staff to determine if an electronic mail record falls under transitory information (records series item number 1.1.057) on the agency's approved records retention schedule in order to encourage its prompt disposal after the purpose of the record has been fulfilled.

(e) The following requirements apply when a state agency receives a court order for expunging of information recorded on an optical Write-Once-Read-Many (WORM) disk.

(1) Two methods are allowed for expunging information from a WORM disk:

(A) 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, or;

(B) the information may be overwritten to obliterate the original image, leaving no evidence of the original information.

(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 Note:

The provisions of this Section 6.95 adopted to be effective December 6, 2000, 25 TexReg 11935

Section 6.96

Maintenance of Electronic Records Storage Media

(a) If an agency has a storage room for magnetic tape, it must be maintained within 65 degrees Fahrenheit to 75 degrees Fahrenheit, and 30% to 50% relative humidity.

(b) A random sample of all magnetic tapes stored in tape libraries must be read annually to identify any loss of data and to discover and correct the causes of data loss according to the following:

(1) at least a 5% sample or a sample size of 50 magnetic tapes, whichever is less, must be tested for read errors;

(2) tapes with unrecoverable errors must be replaced and the data must be restored to the extent possible; and

(3) 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) A state agency must establish a schedule for recopying electronic state records maintained on electronic media to ensure that no information is lost.

(d) Electronic state records maintained on floppy disks (diskettes) must be recopied a minimum of once a year.

(e) Electronic storage media must have an external label or an index, such as electronic records systems utilizing automated disk/tape library management systems, that includes 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) operating system title and version.
- (f) 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 written to the optical media.
 - (3) Scanned image quality must be evaluated according to the standard procedures in *American National Standard for Information and Image Management-Recommended Practice for Quality Control of Image Scanners* (most current version of ANSI/AIIM MS44).
 - (4) A visual quality control evaluation must be performed for each scanned image and related index data.
 - (5) A scanning resolution with a minimum of 200 dots per inch is required for recording documents that contain no type font smaller than six point.
 - (6) For documents with a type font smaller than 6 point, scanning resolution must be adequate to ensure that no information is lost.
 - (7) The selected scanning resolution must be validated with tests on actual documents.
 - (8) The use of the International Telecommunication Union-Technical (ITU-T) 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.

Source Note:

The provisions of this Section 6.96 adopted to be effective December 6, 2000, 25 TexReg 11935

Section 6.97

Guidelines for the Management of Electronic Transactions and Signed Records

- (a) The Guidelines for the Management of Electronic Transactions and Signed Records, which are available at <http://www.tsl.state.tx.us/slr/recordspubs/index.html#ueta>, are adopted by the Texas State Library and Archives Commission. The guidelines are based on the work and recommendations of the Uniform Electronic Transactions Act Task Force. The task force was

jointly created by the commission and the Department of Information Resources to advise the agencies on the rules each might adopt pursuant to the Business and Commerce Code, §43.017.

- (b) 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 by state agencies that otherwise create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures.
- (c) The Guidelines for the Management of Electronic Transactions and Signed Records describe electronic records, electronic signatures, and trustworthy records; describe common types of risks that pertain to electronic transactions and signed records, describe the need for, and how to conduct risk assessments, as well as how to conduct a cost/benefit analysis to determine if the electronic transaction is practical. The Guidelines also discuss risk mitigation and security relating to electronic records and signatures; and records management issues, including life cycle vs. system development life cycle, preservation of electronically signed records, and the role of records managers and auditors in the implementation of a process to accept electronically signed documents. The Guidelines include appendices that discuss current electronic signature technologies, contain a checklist for evaluating electronic signatures, discuss the technical considerations of various electronic signature alternatives, and briefly comment on the International Organization for Standardization nonrepudiation model.
- (d) For archival state records, state agencies must ensure that the printed name of the electronic signer, as well as the date the signature was executed, be included as part of a human readable form (such as electronic display or printout) of the electronic record.

Source Note: The provisions of this Section 6.97 adopted to be effective March 12, 2003, 28 TexReg 2056