



The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Archives Division and Public Records Division

Frequently Asked Questions
Born-Digital/Electronic and Digitized Records

What are public records?

Every record that is made or received by a government entity or employee is presumed to be a public record.

M.G.L. Chapter 7, Section 7, Clause 26 provides the following definition:

"Public records" shall mean all books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, **regardless of physical form or characteristics**, made or received by any officer or employee of any agency, executive office, department, board, commission, bureau, division or authority of the commonwealth, or of any political subdivision thereof, or of any authority established by the general court to serve a public purpose, or any person, corporation, association, partnership or other legal entity which receives or expends public funds for the payment or administration of pensions for any current or former employees of the commonwealth or any political subdivision as defined in section 1 of chapter 32 . . . (emphasis added)

Can I have access to all public records?

Some public records are exempt from public disclosure. For more information about exemptions to public disclosure can be found in [*A Guide to Massachusetts Public Records Law*](#).

Are electronic records really records?

Yes! Effective January 2017, M.G.L. Chapter 66 Section 3 was updated to include electronic records:

Public records may be made by handwriting, or by typewriting, or in print, or by the photographic process, or by the microphotographic process, or *by electronic means*, or by any combination of the same. (italics added)

And remember that Chapter 66, Section 7, Clause 26 states “regardless of physical form or characteristics.”

How do I know how long to keep electronic records?

The Statewide Agency Records Retention Schedule provides guidance for state agencies and the Municipal Records Retention Schedule provides guidance for municipalities regarding how long they need to retain their records. Retention is determined by the **CONTENT** of the record, not they format the record is in, whether it is physical or electronic.



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What about email?

How long you need to keep an email message depends on the CONTENT of the email. There is not a single overarching schedule for email as a whole. A lot of email may be Administrative Convenience Correspondence which only needs to be retained as long as it is useful and it doesn't need to permission to be deleted. However, other emails may have longer retention periods and require permission for final deletion.

What about social media?

Every record that is made or received by a government entity or employee is presumed to be a public record. Always think about the content, not how it is being presented. When determining how long social media content needs to be retained, it can be helpful to think about how information would have been distributed before social media. Also, social media the only place the information is presented or is it an additional access copy of the content? Regardless, it is helpful to have clear, transparent policies about how you are using social media and especially about how you are dealing with user generated content.

If I digitize my records, can I get rid of the paper copies?

Records creators are responsible to maintaining an accurate, reliable, trustworthy, and accessible record for the complete required retention period, regardless of format. If you choose to digitize a paper record, you need to be sure that you can maintain the digital file and provide appropriate access to it until the retention period is met. Assuming that there are no statutory requirements to retain the record in a physical eye-readable format, you can destroy the paper record without requesting permission from the Records Conservation Board or the Supervisor of Public Records. You will need permission to destroy/delete the final copy of the record – in this example, the digitized file. Some paper records may have inherent evidentiary or historical value and you may want to retain them even after digitization. The Digital Archives staff of the Massachusetts Archives is available to talk through any issues or questions you have about digitization.

How can I ensure that my digital file is accurate, reliable, trustworthy, and accessible?

There are a lot of factors that go into maintaining digital records, especially if they need to be retained long-term or permanently. The Digital Archives staff of the Massachusetts Archives is available to assist you in working though these issues.

Massachusetts Archives at Columbia Point, 220 Morrissey Blvd., Boston, MA 02125-3384

Email: archives@sec.state.ma.us. Website: <http://www.state.ma.us/sec/arc/>

Phone: 617-727-2816. Fax: 617-288-8429

2019-02-07



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I'm putting my records into a database. Do I need to worry about records management?

Yes, you still need to consider records management for information and documents you are managing in a database or electronic records management system. Databases can complicate the way we think about the way we manage our records, but it is important to remember that we are managing the content or information, not the container or format that information is housed in. Since it can be difficult to determine "what is the record" in a database system, the Digital Archives staff of the Massachusetts Archives is available to assist you in working through these issues.

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