



The Commonwealth of Massachusetts

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Secretary of the Commonwealth
Records Conservation Board

Members

State Librarian
Attorney General
Comptroller
Office of Technology Services and Security
Commissioner of Administration
Supervisor of Public Records
State Archivist or Designees

Joint Records Conservation Board/Supervisor of Records Bulletin 01-22

TO: Agency and Municipal Public Records Custodians and Records Access Officers (RAOs)

SUBJECT: **Digitizing Records**

EXPIRATION DATE: Until superseded

PURPOSE: As offices move towards increasingly paperless environments, government entities may be wondering what to do with their records in a virtual world. While digital files can offer many advantages, such as freeing up office space and enhancing search and retrieval, they also require increased monitoring and maintenance. Rapid changes in technology, malicious intrusions into government networks, and fragility of hardware all put digital records at risk. This guide was written with input from the Supervisor of Public Records, the Massachusetts Archives, the Executive Office of Technology Services and Security, and the Records Conservation Board to help inform state agencies and municipalities about important factors to keep in mind when managing digital records.

Frequently Asked Questions

What are my records retention requirements for electronic records?

The retention period requirements are the same whether a record exists in paper or electronic, however the requirements for maintaining electronic records have additional considerations, such as the medium selected for the record, the retention period of the record, backup copies of the record, and security of the systems that house the record. Your office is responsible for ensuring that appropriate internal controls and procedures are in place, and all staff handling records are

routinely trained to ensure that records created in, or converted to, electronic records meet the following requirements:

[Electronic Records Management Guidelines \(PDF\)](#)

[Joint Records Conservation Board/Supervisor of Records Bulletin 01-21](#)

[Born-Digital/Electronic and Digitized Records](#)

The Massachusetts Archives can provide important guidance and factors to consider when managing electronic records. However, you are responsible for ensuring that your office reviews, implements and maintains the appropriate controls, systems and training to meet the requirements listed above.

Can I digitize paper records and destroy the originals?

The answer to this question will depend on the type of record(s) you are considering digitizing and whether or not your office has a plan and the resources in place to maintain the digital copies over time once they've been created. Before deciding to scan, ask yourself the following questions:

○ *Is this a permanent record?*

Records with permanent retention periods held by state agencies that no longer have administrative use can be transferred to the Massachusetts Archives. Are you considering digitizing your records to free up space? You can save yourself the effort by instead transferring these records to the Archives, which is the designated repository for all permanent records of Massachusetts state government. If you would still like to scan your permanent records, contact the Archives about recommendations for imaging standards. It is recommended that any digital surrogates created by your agency be transferred to the Archives in addition to the originals. Municipal officials are responsible for managing and preserving municipal permanent records in accordance with M.G.L. Chapter 66, Sections 7, 11, 12, and 17. If you work in local government, you can still contact the Archives for guidance in managing digital records and digitization projects.

○ *Does this record have inherent evidentiary or historical value?*

Some records may have artifactual qualities such as original signatures, seals, enclosures, artwork, or dimensionality that contribute to their informational, educational, and enduring value. These records should be retained even after digitization. Records older than 1870 are permanent records according to M.G.L. Chapter 66, Section 8, and records older than 50 years may have historical value. Archives staff are available to assist you in reviewing these materials and can also help assess any records that may document noteworthy events, historically-significant cases, or that may be of historical interest. For example, drafts of policy, legislation, decision-making, legal opinions, or photographs that document an office's major administrative units and functions may be of historical value.

Contact the Archives to learn more about disposition after digitization for these records.

- *Are there statutory requirements that necessitate this record be kept in a specific format?*
Some laws and regulations specify that certain records be kept in certain formats. You can use the Statewide or Municipal Records Retention Schedule databases to find statutory citations for the records in question, which can be used to look-up the legal requirements for retaining the records.
- *What about meeting minutes? Do these need to be kept in written format?*
Meeting minutes are permitted to be created electronically. Official copies of meeting minutes for public bodies are permanent records. Therefore, state agencies can contact the Archives to transfer these records, whether they are digital or paper. Since meeting minutes are permanent records, if you are a municipal government entity and are considering creating minutes electronically, you must be able to maintain an accurate, reliable, trustworthy, and accessible record in perpetuity. The same applies for digitized copies of meeting minutes, so Archives staff recommend retaining the original records even after digitization.
- *What is the retention period for this record?*
Does the record have a retention period of less than 3 years? It may not be worth the cost, time, and effort to digitize records that can be disposed of soon. Instead, it may be easier and more cost-effective to implement good records management practice and dispose of these records once their retention periods are met. If the records in question have longer retention periods, are you prepared to maintain an accurate, reliable, trustworthy, and accessible record throughout the length of the retention period? Will you be able to track when these retention periods have been met? Over-retaining records can become a liability for your office and can be more difficult to keep track of when dealing with digital records.
- *When can I destroy the paper copies?*
Assuming that the above considerations do not apply, you do not need permission to destroy paper records once they've been digitized. You will need permission to destroy or delete the final copy of the record, in this case the digitized file, once its retention period has been met. State agencies can complete and submit an RCB-2U form to the Records Conservation Board to request permission for destruction, and municipalities can complete and submit an RMU-2 form to the Supervisor of Records to request permission for destruction. For more information about these forms, contact the Records Management Unit of the Massachusetts Archives.

If you choose to digitize your paper records, remember that records custodians are responsible for maintaining and providing access to records for the entire length of the required retention

period, regardless of format. Records accessibility is especially important for records that exist solely in digital format. There are many components that go into setting up an infrastructure to ensure that digital records remain accessible and unchanged over time. Remaining accessible includes ensuring that the systems that house the records are properly secured from network intrusions, ransomware and other compromises, corruption or loss. Massachusetts Archives staff can provide guidance in meeting these requirements.

How do I maintain an accurate, reliable, trustworthy, and accessible record?

An accurate, reliable, trustworthy, and accessible record is one that can be proved to be authentic and free from tampering, created with appropriate authority according to established processes and complete in all its formal elements, and is able to be located within legally established restrictions of privacy, confidentiality, and security clearance. To maintain a digital record with these characteristics means to take into account data security, indexing or metadata to make sure you can find and access the records you need, planning for software and hardware obsolescence, maintaining multiple copies, and maintaining a system to ensure the files remain unchanged and uncorrupted over time. Be aware of the following issues:

- **File format obsolescence:** Just like our phone and computer chargers seem to change every few years, software applications can change, too. New versions can be released or new collaborative technologies can surpass older client-based applications. Many file formats can only be launched by certain applications or have dependencies on certain software versions. If these software applications are no longer supported or become outdated, you may not be able to open or access your files anymore. Over time, you may need to convert your older files to newer, more sustainable formats that are widely adopted or non-proprietary. Contact the Archives to learn more about options for managing different file formats and how to prevent data loss during conversion.
- **Storage media:** losing a flash drive or dropping an external hard drive only to discover it no longer works are common occurrences. Like all electronics, our storage media have life-spans that can range from a few decades to a just few years. Don't assume that your storage options will be functional forever, even those that are enterprise or cloud-based. Work with your IT department to ensure that your storage options are protected from malware and are on a refresh cycle.
- **Backups and disaster preparedness:** even with measures in place to mitigate software and hardware obsolescence, you can still lose your records if you only maintain a single copy.
 - While a maximally robust data-backup system is not necessary for all records, it is best practice for data owners to establish baseline data-backup protocols for all records they are obligated to maintain, such as default minimum retention periods and periodic backups.
 - Devoting additional attention and resources, if possible, for “business critical” records, i.e., records that are essential for daily business operations or records the loss which would induce significant harm to the public interest, is also advisable.

These types of enhanced backup and security measures can be costly, but may be justifiable for extremely important records.

- Best practice for records that require the highest level of loss-protection is to maintain multiple copies on different storage media, and ideally with one location in a different disaster threat zone.
- Records that have a heightened risk of data theft or of being targeted malicious software, e.g., because the data itself is extremely sensitive, or because the data-owning entity has a high profile, may also benefit from even more robust security measures, such as the creation of an offline repository in addition to any networked backups. This can protect against more advanced ransomware attacks that can infect or overwrite networked backups.
- Review the [Electronic Records Management Guidelines](#) and contact the Massachusetts Archives to learn about these requirements and considerations in more detail.

How do I transfer records to the Massachusetts Archives?

If you are a state agency and ready to transfer permanent records to the Massachusetts Archives, you can fill out an MA-T transfer form and email it to the Archives to begin the transfer process. The form and its instructions are available on the Archives website under Records Management - > Agency Records -> State Agency Forms.

What about records that are created or stored in a third party application?

The location of the record does not change the records management and retention requirements. If you are contracting with a third party to assist you with your business and records are created, managed, stored or transferred to a third party, you are responsible for ensuring that the third party is maintaining the records in accordance with the records management and retention requirements. This includes specifying retention periods in your contracts, validating routinely that the third party has proper security and retention controls, ensuring that records are segregated from other client records, requiring the third party to maintain multiple backups, identifying service levels, establishing disaster recovery procedures, and obtaining all copies of records at the conclusion of the contract or use of the application. In addition, it is important to identify the types of data that will be provided to third party vendors in the form of physical or digital records. Additional requirements may apply to third party vendors who can access sensitive data types. For more information on best practices for negotiating third party software agreements, please contact the Executive Office of Technology Services Contract Management Office at itcontracts@mass.gov.

Questions regarding the digitizing of records should be directed to:

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