



State of Nevada

Nevada Electronic Records Committee
Nevada State Library and Archives

Policy

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1.0 PURPOSE

The purpose of this policy is to ensure that public records in electronic format are preserved and maintained and remain accessible for their designated retention period.

2.0 BACKGROUND

Public records document the transaction of public business, provide evidence of decisions, and provide a history of government and the people. These records are valuable informational resources and business assets, and they need to be maintained appropriately to protect the administrative, legal, financial and historical interests of the citizens of Nevada.

Many functions that were once paper-based are now performed electronically. In some cases, paper is not produced at all, and the electronic version may be the only record created. State agencies, and the citizens they serve, risk losing access to public records stored in computer databases, e-mail systems, local area networks, desktop computers, and personal electronic devices; and on audio and video media and obsolete computer tapes or disks.

Faced with such risks, state agencies must take action to manage electronic records, including:

- Complying with State statutes and regulations pertaining to records retention. NRS Chapter 239 and NAC Chapter 239.
- Following stringent standards to assure that public records maintained in electronic format will be available for as long as they have value to the State and the public.

2.0 SCOPE

This applies to all state agencies that send and accept electronic records to and from other persons and by state agencies that otherwise create, generate, communicate, store, process, use, and rely upon electronic records to conduct business.

3.0 EFFECTIVE DATES

The requirements of this Policy are effective November 7, 2007.
-- NSLA Administrator under the authority of NRS 378.255

4.0 RESPONSIBILITIES

Agency management has the responsibility to ensure the requirements set forth in this standard are met.

5.0 AUTHORITY

NRS 239.010
NRS 239.080



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NRS 378.250
NRS 378.255
NAC 239.696 – .699

6.0 RELATED DOCUMENTS

Legal Requirements for Public Electronic Records – Guidelines on maintaining electronic public records that are accessible, accurate, authentic, reliable, legible, and readable throughout the record life cycle. 2005 NSLA

Policy on Defining Information Transmitted via E-mail as a Public Record – Policy to determine if an electronic mail message meets the definition of an official state record. 2003 NSLA

State of Nevada Glossary of Terms <http://www.nitoc.nv.gov/>

7.0 POLICY

7.1 Records Creation

A state agency must:

- Have the capability for preserving electronic records residing on the system for the required lifecycle of the records; or, have the ability to migrate the complete record to another electronic records system;
- Suitably identify records created on the system to enable agency staff to retrieve and protect records in the system; and
- 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.

7.2 Records Retention

A state agency must:

- Have a Records Disposition Authorization (RDA) for all electronic official state records maintained by the agency, in accordance with the NRS 239.080.
- Establish policies and procedures to ensure that an official electronic 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 recordkeeping system is operational.
- If the technology is upgraded to the new system, migrate (convert) those records which must be retained in an electronic format, and not abandon any records with continuing value (per its RDA) in an obsolete technology format. This applies to hardware and software upgrades, storage media conversions, and/or media format revisions.



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7.3 Records Disposition

A state agency must:

- Develop and implement systems that have the capability to remove – delete and purge – records as the requirements of particular retention policies demand.

Record	Disposition Requirement
Temporary	May be destroyed only in accordance with a records retention schedule approved in accordance with NRS 239.080
Archival/Permanent	Must be transferred to the State Archives (per its RDA) in a format, to include microfilm and/or paper, except as otherwise agreed upon by the state archivist.
Confidential	Must have the ability to completely purge/destroy records from the system (i.e. physically remove all copies).

8.0 EXCEPTIONS/OTHER ISSUES

Exceptions to this policy must be approved by the Committee to Approve Schedules for the Retention and Disposition of Official State Records (also known as the State Records Committee) NRS 239.077 and the Administrator of the Nevada State Library and Archives NRS 378.255.

9.0 DEFINITIONS/BACKGROUND

Archival Records - Records with enduring value that are preserved for reference and research purposes because they contain evidence or information which protects some right or claim, document significant events or functions, or contain sufficient information about people, places, or events to warrant retention for historical research. NRS 378.250

Confidential Records - Official State Records are regarded as Public Records unless they are declared by law to be confidential. NRS 239.010 If a record is not expressly declared public by statute, a balancing test must be applied to determine if the record must be disclosed. This test begins with the presumption that the record is public and should be disclosed. The Test is used to determine if the harm from disclosure of the record outweighs the public good from open access. *Donrey of Nevada v. Bradshaw*, 106 Nev. 630, 798 P2d 144 [1990]

Electronic Mail Record - Electronic records 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.

Electronic Mail System - A computer application used to create, receive, and transmit messages and other attached records.



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Electronic Records System - Any computerized information system that produces, manipulates, and stores state electronic records. Electronic Record Systems shall be capable of deleting records in accordance with an approved Records Disposition Authorization (RDA).

Electronic Record - Information that meets the definition of an official state record in NRS 239.080, and is maintained in electronic format.

Lifecycle Management - The record's lifecycle is the life span of a record from its creation or receipt to its final disposition. It is usually described in four stages: creation, use, storage, and final disposition. Final disposition is either destruction or transfer to the State Archives for permanent retention.

Migration - A set of organized tasks designed to achieve the periodic transfer of digital materials from one hardware/software configuration to another, or from one generation of computer technology to a subsequent generation. The purpose of migration is to preserve the integrity of digital objects and to retain the ability of clients to retrieve, display and otherwise use them in the face of constantly changing technology.

Nonrecords - see Transitory Information.

Official State Record - As defined by NRS 239.080 (3.) (a) Papers, unpublished books, maps and photographs; (b) Information stored on magnetic tape or computer, laser or optical disc; (c) Materials which are capable of being read by a machine, including microforms and audio and visual materials; and (d) Materials which are made or received by a state agency and preserved by that agency or its successor as evidence of the organization, operation, policy or any other activity of that agency or because of the information contained in the material. The term does not include Nonrecords (See Also, Transitory Information).

Public Record - As defined by NRS230.010 All public books and public records of a governmental entity, the contents of which are not otherwise declared by law to be confidential, must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records.

Records Disposition Authorization (RDA) - Policies in the form of records retention schedules that are developed and approved according to Nevada public records law. The retention schedules identify relevant state and federal requirements that may apply to the particular set of records. They also indicate whether the records are confidential or contain sensitive information that may require special handling at the time of records destruction.

Records Management - Planning, controlling, directing, organizing, and other managerial activities related to the creation, use, storage and disposition of records to achieve adequate and proper documentation of an agency's transactions, policies, and operations.

Schedule - The process by which an agency obtains approval for the disposition of agency records when agency business need for the records ceases, i.e., destruction of temporary records or transfer to the State Archives of permanent records. NRS 239.080

State Agency – The use of the term “State agency” in this document means every public agency, bureau, board, commission, department, division or any other unit of the Executive Branch of the government of the State of Nevada.



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Transitory Information - Records of temporary usefulness that are not regularly filed within an agency's recordkeeping system, that are required only for a limited period of time for the completion of an action by an official or employee of the agency, and kept solely for ease of access and reference. Transitory records are not essential to the fulfillment of statutory obligations or to the documentation of agency functions.

<i>Approved By</i>		
Title	Signature	Date
Nevada State Library and Archives Administrator		
Electronic Records Committee Chair		
NV IT Operations Committee Chair		
NV IT Strategic Planning Committee Chair		
<i>Document History</i>		
Revision	Date	Change
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