



State of Nevada

<NITOC Committee Name>

Standard

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		Sealing of Electronic Records		1 of 3

1.0 PURPOSE

To provide a standard for the sealing of electronic records which have been ordered sealed by a court or other legal authority.

2.0 SCOPE

This standard applies to all executive branch agencies including the Nevada System of Higher Education.

3.0 EFFECTIVE DATES

The requirements of this standard become effective 60 days after sign-off by the Governor or his designee.

4.0 RESPONSIBILITIES

All executive branch employees responsible for the care and custody of official state records are required to follow this standard..

5.0 RELATED DOCUMENTS

NRS 239.080
NRS 378.255
NAC 239.722
State of Nevada Glossary of Terms
<http://www.nitoc.nv.gov/>

6.0 STANDARD

1. For sealing records in electronic format, a state agency should:

a. Transfer the records to a file format that is unalterable and provides for read only and printing access. The records should not be left in a file format that allows for alteration or modification. It is recommended that a TIFF format be used.

b. Create a certification and authentication page in accordance with NRS 52.260 to become a part of the unalterable file format. This should include a description of the record, when and why it was transferred to this unalterable format and the legal citation for sealing the record. A copy of the sealing order in electronic format may also be included.

c. Destroy all other copies of the record after they have been transferred to the unalterable format. These records should be destroyed in a secure manner so that the record cannot be reconstructed or retrieved such as by shredding, degaussing, overwriting, or physical destruction of the recording media (See NAC 239.722).

d. Create an index within the regular file system identifying the sealed record and indicating that it has been sealed and removed from the regular files. A note indicating who to contact for further information for access to the record should be included. Another index, restricted to authorized staff only, should be created indicating where the electronic file is located and in what file format it exists.



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e. Transfer the unalterable record to a secure directory or to an off-line storage media (for example a DVD or CD). In all cases, a security backup copy must be created and stored separately from all other media and security back ups (See NRS 239.051).

f. Create an access log that documents when, by whom (staff), for whom (requester) and under what authority access was granted to the sealed record.

2. Sealed records may be destroyed only in accordance with a valid records retention and disposition schedule (See NRS 239.080) when the retention period has been satisfied. Sealed records may also be ordered destroyed by a court of record at any time. The destruction of sealed records should be documented. Documentation should include:

- The name of the file,
- The authority by which the file was disposed of (such as: by the approved records retention schedule, by a court order, etc.) and
- The date of destruction.

This documentation should be retained for a three year period of time (See the General Records Retention and Disposition Schedules located at:

<http://dmla.clan.lib.nv.us/docs/nsia/records/instruct/genrec.htm>).

Note: the electronic file and all copies, including security back ups, must be destroyed at the same time (See NAC 239.722 (3)).

3. When electronic sealed records need to be retained more than ten years, it is recommended that the electronic records be written to microfilm (See NAC 239.721).

4. It is recommended that when electronic records are unsealed, they should be printed to alkaline neutral paper along with the order that unsealed the record. Retaining an electronic copy is permissible.

7.0 EXCEPTIONS/OTHER ISSUES

Exceptions should be brought to the attention of the State Records Manager.

8.0 DEFINITIONS/BACKGROUND

“Official State Record”

Information made or received by an agency of the state government under state law or in connection with the transaction of public business and preserved or appropriate for preservation because of the evidence or information they contain, by the agency or its legitimate successor as evidence of the organization, function, policies, decisions, procedures, operations or other activities of the state government, or because of the informational value of data in them.

“Records Retention and Disposition Schedule”

A listing of the records created or received and maintained by an agency in the performance of its duties, containing the required retention and disposition of those records and approved by the State Records Committee in accordance with NRS 239.080. These schedules may be either agency specific (i.e.: pertaining to the named agency only) or general (pertaining to all state executive branch agencies).



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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.

“State Records Committee”

Officially known as “The Committee to Approve Records Retention and Disposition Schedules for Official State Records,” authorized by NRS 239.073. In accordance with NRS 239.080, no state agency may dispose of an official state record unless authorized to do so by a Records Retention and Disposition Schedule approved by the State Records Committee.

<i>Approved By</i>		
Title	Signature	Date
Chairman, Nevada Electronic Records Committee (NERC)		
Administrator, State Library and Archives		
State Records Committee Chair		
NV IT Operations Committee Chair		
NV IT Strategic Planning Committee Chair		
<i>Document History</i>		
Revision	Date	Change
(-)		Initial release.