

## **TITLE 430 - STATE RECORDS ADMINISTRATOR**

### **Chapter 4 - ESSENTIAL RECORDS AND PRESERVATION DUPLICATES**

#### **001 Essential Records**

001.01 Agency heads shall designate which if any records of their agencies shall be essential records.

001.02 Only those records which strictly and absolutely fall within the definition of essential record, whether in Category A or Category B, shall be so designated. Those supporting records and other records which are useful, but which are not absolutely essential according to this definition, shall not be designated as essential records.

001.03 When the agency head shall determine which if any records of an agency are essential records, such determination shall be in writing, and one copy shall be kept by the agency head and one copy shall be sent to the Administrator.

#### **002 Preservation Duplicates**

002.01 A preservation duplicate shall be durable, accurate, complete and clear, and if made by means of photograph, microphotography, photocopy, film, microfilm, or similar processes, shall be prepared in conformity to standards prescribed and approved by the Board.

002.02 No process shall be used for preparing a preservation duplicate unless standards for its use have been prescribed.

002.03 The Administrator may make or cause to be made preservation duplicates of essential records, or may designate as preservation duplicates existing copies thereof.

002.04 A preservation duplicate made by a photographic, photostatic, microfilm, microcard, miniature photographic or similar process, which accurately reproduces or forms a durable medium for so reproducing the original, shall have the same force and effect for all purposes as the original records, whether the original exists or not.

002.05 A transcript, exemplification, or certified copy of such preservation duplicate shall for all purposes be deemed a transcript, exemplification or certification copy of the original record.

002.06 No copy of an essential record shall be used as a preservation duplicate unless, under the general laws of the state, the copy has the same force and effect for all purposes as the original record.

#### **003 Safeguarding Essential Records and Preservation Duplicates**

003.01 The Administrator may establish storage facilities for essential records and preservation duplicates.

003.02 The Administrator shall properly maintain essential records and preservation copies stored by him.

003.03 An essential record or preservation duplicate stored by the Administrator may be removed by the regularly designated custodian for temporary use when necessary for the proper conduct of his office and shall be returned immediately after such use.

003.04 The Administrator shall, upon the request of the regularly designated custodian thereof, provide for the inspection of an essential record stored by him, or for the making of certification copies thereof, and such copies when certified by the Administrator shall have the same force and effect for all purposes as if certified by the regularly designated custodian.

003.05 When an essential state record is required by law to be treated in a confidential manner, the Administrator shall protect its confidential nature as well as that of any preservation duplicate or other copy thereof.

003.06 No essential record or preservation duplicate shall be destroyed.

003.07 Each agency head shall make an effort to protect the availability of essential records by using built in dispersal, designed dispersal, duplication, offsite storage, or such other methods of protection as may be determined suitable for that particular situation.

**004 Review of Program** The Administrator shall review periodically, and at least once a year, the program for the selection and preservation of essential records, including the classification thereof and the provisions for preservation duplicates and for the safeguarding of essential records and preservation duplicates to insure that the purposes of the Records Management Act are accomplished.

