

CR 92-66

STATE OF WISCONSIN)
)SS.
DEPARTMENT OF ADMINISTRATION)

I, James R. Klauser, Secretary of the Department of Administration and custodian of the official records, certify that the annexed rules, relating to the transfer of public records to optical disk format were duly approved and adopted by this department on May 11, 1993.

I further certify that this copy has been compared by me with the original on file in this department and that it is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand at 101 South Webster Street in the city of Madison this 11th day of May, 1993.

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ORDER OF THE DEPARTMENT OF ADMINISTRATION

The Wisconsin Department of Administration proposes an order to create Chapter Adm 12, relating to the transfer of public records to optical disk format.

Statutory authority: Sections 16.004(1), 16.611 and 16.612.

Statutes interpreted: Sections 16.611 and 16.612.

Analysis prepared by Department of Administration:

This rule is required by ss. 16.611 and 16.612, Stats., as enacted into law in 1991 Wis. Act 39. The purpose of the rule is to establish the parameters under which state agencies and counties can transfer public records to optical disk format.

Optical imaging is an information technology that has the potential for allowing state agencies and counties to automate paper-related activities and store large volumes of paper or microfilm-based records on an electronic medium.

The rule balances agency desires to utilize this technology with minimal restrictions against the risk that important records might be lost once they are dependent on computer hardware and software for retrievability back to a human readable format. When widely-accepted industry standards emerge for optical imaging systems, it would be appropriate to revise the rule to conform to these standards and procedures. Without recognized industry standards, the federal government, Wisconsin and other states are faced with the task of defining parameters that balance these competing interests.

The procedures are designed so state agencies and counties can analyze records and establish retention periods prior to transferring records to optical disk format. This has a dual purpose: identification of the more important records that require extra protection and may have secondary administrative, fiscal, legal or historical values; and keeping retention periods from being lengthened once records are in an electronic format. For records with more than 10 years through a permanent retention period, more stringent procedures to prevent loss are recommended. Variants on this approach have been taken by several other states.

The rule requirements are supplemented by guidelines provided in a December 1991 national report on optical imaging. State agencies and counties are encouraged to follow the guidelines in this report.

The rule was drafted to provide broad performance standards rather than specific detailed procedures that state agencies and counties must follow. This was done both to minimize concerns that the requirements would restrict vendor competition in a rapidly evolving industry and in recognition that the rule, for the most part, would be self-enforcing after retention schedules are approved by the Public Records and Forms Board. Nothing in the rule requires a state agency or county to use an optical disk system.

As required by statute, the rule was developed in collaboration with the Public Records and Forms Board. Comments from Board members were solicited and incorporated into the rule.

Text of Rule:

SECTION 1. CHAPTER Adm 12 is created to read:

Adm 12

TRANSFER OF PUBLIC RECORDS TO OPTICAL IMAGING

Adm 12.01 AUTHORITY. This chapter is promulgated under the authority of ss. 16.004 (1), 16.611 (2)(a) and (c), 16.612 and 227.11(2)(a), Stats., to implement s. 16.61, Stats.

Adm 12.02 PURPOSE. The purpose of this rule is to authorize state agencies and counties to maintain records on any optical imaging system that accurately reproduces or forms a durable medium for recording the original information, subject to the requirements of this rule.

Adm 12.03 DEFINITIONS. In this chapter:

(1) "Accurately reproduces" means that when displayed on a retrieval device or reproduced on paper, all information exhibits a high degree of legibility and readability.

(2) "Board" means the public records and forms board.

(3) "Legibility" means the quality of a letter or numeral that enables the observer to identify it positively and quickly to the exclusion of all other letters or numerals.

(4) "Optical disk" has the meaning specified in s. 990.01 (25g), Stats.

(5) "Optical imaging" has the meaning specified in s. 990.01 (25r), Stats.

(6) "Public records" has the meaning specified in s. 16.61 (2)(b), Stats.

(7) "Readability" means the quality of a group of letters or numerals being recognized as words or complete numbers.

(8) "Records" for county government has the meaning specified in s. 19.32(2), Stats.

(9) "Records series" has the meaning specified in s. 16.61 (2)(c), Stats.

(10) "Retention schedule" has the meaning specified in s. 16.61 (2)(cm), Stats.

(11) "State agencies" has the meaning specified in s. 16.61(2)(d), Stats.

(12) "WORM" system means an optical imaging system that can be Written-Once-but-Read-Many times.

Adm 12.04 PROCESS REQUIRED FOR CONVERSION OF RECORDS TO OPTICAL IMAGING. (1) A feasibility study shall be completed by each state agency or county that wishes to utilize optical imaging. The study shall include an analysis of the ongoing costs, costs compared to current costs of doing business and conversion costs.

(2) The feasibility study shall also include sufficient information to do all of the following:

(a) Determine if the records are public records as specified in s. 16.61(2)(b), Stats., for state agencies or s. 19.32(2), Stats., for counties.

(b) Categorize and group related records into records series to facilitate analysis.

(c) Document the records series and record keeping practices, particularly filing procedures for the records series.

(d) Identify the needs of established users of the records and records series both inside and outside the state agency or county department. State-wide or county-wide legal, fiscal, administrative and historical record values shall be considered in the identification, analysis and appraisal process.

(3) Establish retention schedules that determine the length of time records or records series must be maintained prior to destruction or transfer of records to a historical depository.

(a) State agencies shall submit records retention schedules for records to be converted to optical imaging for approval by the board prior to maintaining the records series on any optical disk system.

(b) For counties, a county ordinance determining how long records must be maintained shall be adopted by a county board and approved, if necessary, by the board under s. 19.21(5)(c), Stats.

Note: In sub. (3), the board is not approving the suitability of specific optical imaging applications, but is approving a retention period for specific records and records series and determining whether certain records have secondary, primarily historical values.

Adm 12.05 RECORDS ACCESSIBILITY. State agencies and counties shall:

(1) Maintain adequate safeguards against tampering with and loss of records or records series, consistent with the established retention periods for the records or records series.

(2) Assure that records or records series maintained on optical imaging systems can be made available to the public in conformance with ss. 19.21 to 19.39, Stats.

(3) Maintain and arrange all records and records series and their related indexes in a manner that permits prompt location and retrieval.

(4) Provide any hardware and software that is needed for locating, reading and promptly reproducing on paper any records or records series retained on optical imaging systems. Hardware and software shall be available and in good working order at designated state and county offices. Maintenance of the hardware and software shall be provided by state agencies or counties utilizing the optical imaging system.

(5) Protect identified records or records series with secondary values from destruction and make arrangements to transfer these records or records series and the technical documentation of the optical imaging system to the appropriate party when indicated pursuant to the approved retention schedule or county records retention ordinance. Legal ownership of records identified as having historical value transfers to the state historical society of Wisconsin, under the terms of the established retention schedule or county ordinance.

Note: Technical documentation is defined on pages 18-19 of guidelines. See s. Adm 12.09, Wis. Adm. Code.

Adm 12.06 RECORDS PRIVACY. (1) State agencies and counties shall assure that confidential or restricted access to records or records series maintained on optical imaging systems are managed in a manner that limits access to those persons authorized by law, administrative rule or established agency policy.

(2) Records or records series that have reached their approved retention period and do not have secondary value shall be routinely destroyed. For WORM systems, destruction of indexes to obsolete records is sufficient, although if possible counties or state agencies should structure records or records series converted to WORM systems so that the WORM disk as a whole can be destroyed.

Adm 12.07 RECORDS PROTECTION. A WORM system is recommended for transferring public records or records series to optical imaging systems, although all optical formats are acceptable. For records or records series with historical values as determined in s. Adm 12.04(3), counties or state agencies shall offer the original records to the state historical society of Wisconsin after verification. The state historical society may, on a case-by-case basis, choose to decline acceptance of historical records converted to optical disks. Counties and state agencies shall cooperate with the state historical society to protect records or records series with secondary historical values. For public records with 10 years through permanent retention periods, it is recommended, although not required, that the originals be retained for the duration of the established retention period either in hard copy or on microfilm that meets state standards. State agencies and counties must be aware of the need to maintain long term readability and intelligibility of information stored on optical imaging systems in light of the higher risk of loss due to hardware and software dependency. State agencies and counties shall develop and implement procedures that include, at a minimum, the following:

(1) Maintaining 2 copies of all records or records series on optical imaging systems using accepted computer backup procedures. One periodically updated copy shall be stored for the full required retention period at a separate location with automatic fire suppression capability that can provide a stable environment on a year-round basis. A constant temperature of 65-75 degrees Fahrenheit and a constant relative humidity level of 30-50 percent shall be maintained. The environment shall not have high levels of particulate matter.

(2) Verifying the legibility and readability of a statistically significant sampling of record images to ensure that the images are legible and readable. Original images that are not legible or readable, shall be flagged to alert users.

(3) Conducting inspections of a statistically significant sampling of images stored on optical imaging systems at least once every three years to verify that there has been no degradation of image quality.

(4) Transferring and verifying records or records stored on an optical disk to a new optical disk before the manufacturer's certified useful life of the original disk is exceeded.

(5) Prior to upgrading or replacing an optical imaging system with an incompatible new system, converting the records and indexes to the records stored on the old system into the new system before the old system is taken out of service. This conversion includes verification procedures.

Note: Section 16.61(7), Stats., and ch. PR 1, Wis. Adm. Code, entitled "Microfilm Standards," set forth the standards for microfilm.

Adm 12.08 OTHER PROVISIONS. (1) Any state agency or county may utilize paper, microfilm or optical imaging or combinations of the three, as media for records or records storage. Any system of records shall be used consistently and shall be relied upon in the regular course of business as being accurate, reliable and trustworthy.

(2) Any state agency or county utilizing optical imaging technology shall develop procedures to expunge records if required to do so by court order. For WORM systems, destruction of indexes to expunged records is acceptable.

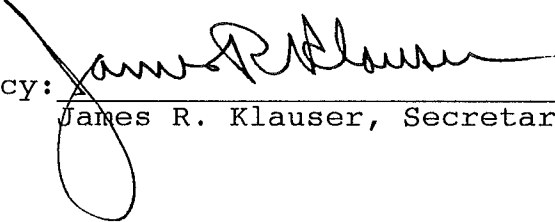
Adm 12.09 ADDITIONAL GUIDANCE. State agencies and counties are encouraged to follow the guidelines detailed in the report entitled, Digital Imaging and Optical Media Storage Systems: Guidelines for State and Local Government Agencies (A Joint Report by the National Archives and Records Administration and the National Association of Government Archives and Records Administrators), December, 1991 in planning for optical imaging projects.

Note: A copy of this report can be obtained from the Department of Administration, Records Management Section, 4622 University Ave., Madison, WI 53702. Telephone 608/266-2996.

This rule shall take effect as provided in s. 227.22(2)(intro.), Stats.

Dated: May 11, 1993

Agency:


James R. Klauser, Secretary

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