

Primer

State of Wisconsin

Electronic Records Management: Guidance on ADM 12

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**Primer Electronic Records Management:
Guidance on ADM 12**

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FOREWORD

Public records are essential for the conduct of government business. 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 Wisconsin citizens.

Many business transactions 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. Government agencies, and the citizens they serve, risk losing access to public records stored in computer databases, e-mail systems, local area networks, personal computers, audio and video media or in unreadable formats on tapes and disks. Recognizing these risks, the Wisconsin Legislature enacted an administrative rule, ADM 12, Electronic Records Management – Standards and Requirements, in November 2000, with an effective date of May 2001. Under this rule, State agencies and local units of government must take action to manage electronic records, including:

- Comply with all other legal and administrative requirements for record keeping in Wisconsin, and
- When the records are only maintained in electronic format, follow stringent standards to assure that public records maintained in electronic format will be available for as long as they have business value to the State and the public: administrative, fiscal, legal or historical.

This document provides background information and guidance for State agencies and local government agencies in Wisconsin to implement ADM 12, Electronic Records Management – Standards and Requirements.

Statutory Charge: 1995 Wisconsin Act 27 amended the State Public Records optical disk storage requirement under s.16.611 Stats., to include electronic storage and charged the Department of Administration to develop an administrative rule, applicable to State agencies and local units of government. The objective of the rule is to insure that the quality of public records in electronic format is maintained and that public records in electronic format remain accessible for their designated retention period.

E-Records Rule Team: A team was appointed to develop the administrative rule. The development team included participation by staff from five State agencies, the State Historical Society, the University of Wisconsin and the Legislative Council. Functions represented on the team included information technologists, archivists, legal counsel, records and forms managers and the State's Public Records Board.

BACKGROUND

Records and the Law – Paper-Based: Public records laws and requirements have been in existence for many decades. Laws were enacted to protect both governmental and citizen interests in records. Records are valuable information assets. They are necessary to adequately support business transactions, document agency actions and protect the public interest in information. Laws cover such requirements as efficient maintenance of records, disposition, preservation, record ownership, confidentiality, open records, access to information, and more. Most of these laws were first established when record keeping was primarily a paper-based practice.

The Advent of Computers: When computerized information systems were first implemented, CPU time was expensive, electronic storage was limited, and government agencies implemented data processing applications selectively. These agencies input and output hard copy documents to and from databases and generally continued to rely on paper files as the official records. Paper was the preferred record medium.

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Paper versions were also traditionally the records released for legal proceedings and provided in response to open records requests for information.

Over time, computer storage costs decreased, and government agencies increased their use of information technology. Despite technological advances and growing computer use, most agencies did not foresee a demand to implement systems and install software for the purpose of generating, managing and storing electronic records. Instead, they developed electronic systems and continued to maintain sets of paper records, the “official” records, separately.

Staff Assignments: Many records managers and IT professionals recognized the need to better integrate their functions and work together. However, records managers were often appointed to manage only paper-based records, and they have long been separated organizationally, culturally and in training background from the departments with the responsibility to develop and implement electronic applications. Information systems managers and computer specialists lived in different worlds from the records personnel. The paths of these groups were unlikely to cross, and thus, each group tended to create separate or redundant information systems. They faced communication and terminology problems, including different meanings for such basic terms as “record,” and “file.” Finally, they were often in direct competition with each other for limited funding and staff resources for information management functions.

Today: Computers are ubiquitous in offices and homes, Internet use has expanded, and the nature of business transactions has changed dramatically. Government agencies routinely receive requests to produce electronic records to comply with Wisconsin’s Open Records law. Government faces the opposing demands for greater access to information and new laws to protect privacy and limit the disclosure of personal information. In this environment, government agencies maintain innumerable electronic information systems. These agencies have also changed many business practices and eliminated some dependence on paper and hard-copy records. Information tools and systems that have been implemented do not necessarily serve as record keeping systems, despite the fact that electronically formatted records are, in some cases, the only versions of certain records in existence. Government agencies continue to need guidance to develop routine methods of identifying, storing and retrieving electronic records in response to records laws, the provisions of this rule and the demand for information.

Support staff to manage records have decreased. For the most part, both the ‘central files’ and the clerical support staff to maintain them are things of the past. Both paper and electronic records are highly decentralized. Current information technology has contributed greatly to decentralized record keeping responsibilities. In effect, government employees have been given the tools to be their own records managers. Government agencies receive, generate, capture, maintain and produce electronic records regularly. However, employees need additional guidance on how to manage them as records.

Challenges: Government agencies need to understand the relationships between the various records storage media and each media’s capabilities to meet record keeping requirements. Paper and microfilm documents are visible and concrete. Electronic records are updated frequently and are highly dynamic. They are conceptually abstract and difficult to understand. Often there is no one-to-one relationship between a dynamic electronic record and a fixed paper document.

The media does make a difference in the quality of public records, especially given the rate of technological change and technological obsolescence. Hardware and software life cycles are estimated at less than five years, but many records maintained in systems need to remain available for much longer periods.

Despite the temptation to treat all records alike, no single tool or piece of technology currently provides all the functionality needed to manage all records effectively over time. Records are likely to be

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maintained in a mixed media environment for some time to come. Managing public records in electronic format will necessarily entail new skill sets, training, considerable effort and an investment of resources.

New Partnerships: To effectively manage major information systems, government agencies must foster the close cooperation and coordination of a variety of information professionals, as well as users and program administrators. Records managers, archivists, librarians, computer scientists, applications developers, technical support and IT architects must be retrained to manage public records in electronic format. Managing records, in all media, can only be accomplished as a core management function that is closely connected to the organizational mission of each agency.

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STATUTORY AUTHORITY. s. 16.61 and s. s. 227.11, Wis. Statutes

The department shall prescribe, by rule, qualitative standards for the storage of public records in electronic format and for copies of public records stored in electronic format.

ADM 12.01 AUTHORITY.

This chapter is promulgated under the authority of ss. 16.611, state public records, 16.612, local government records, and 227.11(2)(a), Stats., to implement s. 16.61, Stats..

This rule is applicable to State agencies and to local government units as defined under:

s. 16.61(2)(d), Wis. Stats.: "State agency" means any officer, commission, board, department or bureau of State government.
s.19.42(7u), Wis. Stats.: "Local governmental unit" means a political subdivision of this state, a special purpose district in this state, an instrumentality or corporation of such a political subdivision or special purpose district, a combination or subunit of any of the foregoing or an instrumentality of the state and any of the foregoing.
s. 227.11(2)(a), Wis. Stats., authorizes the development of this administrative rule.

ADM 12.02 PURPOSE.

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

Public records are valuable for the conduct of government business. Government agencies rely on records to perform business functions, document decisions, provide evidence of actions, and support financial transactions. A percentage of government records also have long-term value for research and historical purposes. Citizens and customers have interests in and rights to public records.

Government agencies increasingly create and maintain many public records in electronic format. Because of frequent technological change, including hardware and software obsolescence, these agencies must take steps to manage and protect electronic records for as long as they are needed to meet business needs and protect the legal, financial and historical interests of Wisconsin citizens.

ADM 12.03 SCOPE.

This chapter establishes defined requirements, standards and guidelines for state and local government accessibility of electronic public records from creation through active use, long-term management, preservation and disposition. This chapter does not require an agency to maintain public records in electronic format.

The rule was drafted to provide guidance and standards to government agencies that wish to create, maintain and preserve records electronically. The scope of the rule is broad, covering the need to meet standards and requirements in this rule through all life cycle phases for electronic public records.

Nothing in this chapter requires government agencies to preserve their records in electronic format.

This chapter is essentially self-enforcing. The rule does not identify specific agency penalties for failure to comply with the provisions set forth in this rule.

Compliance Audits: However, the Department of Administration or the Legislative Audit Bureau may periodically review agency compliance with this chapter. Especially when and if a government agency maintains public records in electronic format only, that agency should prepare for such an audit. Compliance audits may include a review of information systems, electronic storage systems

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and applications such as e-Commerce, e-mail or electronic storage and retrieval systems. Audits may also include a review of agency internal controls and security procedures associated with the creation and maintenance of agency records in compliance with this rule.

Adm 12.04 Definitions.

Definitions are provided after Adm. 12.05 and Adm. 12.06.

ADM 12.05 PROVISIONS.

State and local agencies shall comply with all statutes and rules relating to public records. With regard to public records stored exclusively in electronic format state and local agencies shall do all of the following:

This section is the core of this administrative rule.

First, government agencies must comply with all other legal and administrative requirements for record keeping in Wisconsin, as well as with the provisions of this rule. Legal requirements for managing public records are identified in various state statutes and administrative rules; federal laws and regulations; and, at times, specific local government ordinances and policies. See *Records Laws and Requirements*, attached.

Additional laws and requirements will apply specifically to particular governmental entities and government agencies. Each government agency is required to meet these additional legal provisions specific to their charter. For example, if a University of Wisconsin department accepts federal funds to conduct a drug research study, the department must comply with several requirements. The department must evaluate and appraise the records per section 16.61, comply with UW Faculty Laws regarding records retention for scientific misconduct in research and satisfy funding agency and FDA record keeping requirements.

Records Exclusively in Electronic Format: This section also specifies that if an agency keeps public records in electronic format only, the agency must adhere to the stringent standards for records set forth in these provisions. In addition, when an agency has records on multiple media but defines the official agency record as the version in electronic format, the agency must adhere to these standards. For such records, it is especially important for the agency to identify the record and determine records retention requirements in a retention / disposition schedule. See Section (7) for additional explanation.

(1) Maintain electronic public records that are accessible, accurate, authentic, reliable, legible, and readable throughout the record life cycle.

This provision identifies the features that make records trustworthy and, therefore, legally admissible in a court of law.

State and local records, including those in electronic format are broadly subject to Open Records requests for information, under s.19.31 – 19.39, Wis. Stats., Open Records Law. Public Records are also potentially discoverable in litigation. Government agencies must be able to retrieve public records from a variety of electronic systems including electronic mail, word processing and scanned images among others. “Information Systems” are discussed in Section (7).

This provision means that government agencies must identify the electronic records that they create or receive and apply the standards

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	for “accessible, accurate, authentic, legible and readable to them for as long as the records are needed.
(2) Document policies, assign responsibilities, and develop appropriate formal mechanisms for creating and maintaining electronic public records throughout the record life cycle.	<p>This provision requires government agencies to assure that records in electronic format will be retrievable over time. To comply with this provision, government agencies will need to adhere to a high standard for documentation of systems that contain electronic public records. Note: See Standards for “<i>Information Systems</i>” in Section (7). See “<i>Retention Schedule</i>” in Section (10). When government agencies implement information technology tools that create, store or manage records, they will need to develop policies and document procedures, including:</p> <ul style="list-style-type: none">• Identify and appraise records in electronic format and determine their retention values as electronic applications or systems are planned and designed and as electronic tools that generate records are implemented.• Assign staff responsibilities for maintaining, using, revising, updating and deleting data.• Establish certain technical and procedural requirements for records in electronic format, including minimum indexing requirements and finding methods.• Establish audit trails to document revisions to data identified as records.• Create operations logs to document electronic records problems and resolutions.• Develop methods to test and demonstrate the reliability of electronic data and records and implement periodic checks for reliability.• Determine software and version requirements to access and manipulate stored electronic data for the duration of the retention period. See Section (9) for a discussion of “<i>Migration</i>.” <p>A “Formal Mechanism” means a way to accomplish / implement a policy, procedure, standard or task. Examples of mechanisms include tools that could be used in connection with Rule 12 are: checklists, audits, disposition plans, guidelines/best practices. Government agencies will demonstrate appropriate formal mechanisms through the following:</p> <ul style="list-style-type: none">• Incorporate provisions of this rule in the design stages of information systems and applications development procedures.• Modify systems and applications development checklists to reflect provisions of the rule.• Assign agency records officers to work with agency staff to identify official records in the information system or application, and assist in developing appropriate retention policies.• Establish periodic records audits to insure that electronic records keeping requirements are being met.• Develop and implement disposition plans for electronic public records.

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(3) Maintain confidentiality or restricted access to records or records series maintained in electronic format, limiting access to those persons authorized by law, administrative rule or established agency policy.

This provision identifies the need to maintain confidentiality and other access restrictions for certain records, as a method of increasing records security and protecting records from tampering or loss.

Government agencies need to put policies and procedures in place so that only those who are authorized to do so will have access to the records. The first step is to identify individuals who are authorized to have access to records in electronic format and document the authorities and responsibilities given to those individuals.

(4) Utilize information systems that accurately reproduce the records they create and maintain.

See Standards for “*Information Systems*” and additional information about the “*Official Record*.” in Section (7).

See “*Retention Schedule*” in Section (10).

Government agencies are routinely required to produce electronic records, and this provision identifies the need for electronic records to be usable over time, for as long as records retention policy dictates. To meet this performance standard, government agencies must take steps to assure that the information systems used now and in the future will be capable of accurately reproducing the records. For any public record maintained in electronic format, government agencies rely upon their information systems, including hardware and software, throughout the records life cycle.

This provision is especially challenging because of the frequency of hardware and software obsolescence and loss of staff knowledge for using outdated technology. It may be necessary for government agencies to copy/convert records from one format to another or to migrate records to a new information system. Especially when the electronic record version is the only—and thus official copy—of record, then the information systems used must meet strict quality control standards for record keeping.

(5) Describe and document public records created by information systems.

Note: “*Information Systems*” and “*Official Record*” are explained in greater detail in Section (7).

This provision advises government agencies to focus selective attention on public records, rather than on the entire range of information that they may have in electronic systems. It also permits these agencies to exclude non-records and other materials from this effort.

Government agencies may comply with this provision by identifying public records created by the systems and targeting resources to document and manage them. As a practical matter, to comply with the requirement to describe public records, do so early, during the planning, design or revision stages of information systems.

In designing/developing or upgrading information systems or applications, government agencies should identify those transactions

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	<p>that produce the official record copy of public records; appraise those records; and determine retention requirements based on the content and purpose of the records. Determine what they tell of:</p> <ul style="list-style-type: none">• The position of an office in the administrative hierarchy of the organization.• The functions performed by an office.• The activities carried out under a given function.• Evidence of policy and decision making.
<p>6) Document authorization for the creation and modification of electronic public records and, where required, ensure that only authorized persons create or modify the records.</p>	<p>This provision requires government agencies to protect the integrity of the records. They must document that only authorized personnel are able to create or modify electronic records by developing audit trails for creating and modifying records. Similar procedures and safeguards are recommended for non-electronic records.</p> <p>An audit trail as used in this rule means a record showing who has accessed a computer system and what operations he or she has performed during a given period of time. Audit trails are useful both for maintaining security and for recovering lost transactions. Accounting systems and database management systems (DBMS) often include an audit trail component. In addition, separate audit trail software products are available to enable network administrators to monitor use of network resources.</p> <p>Modification of electronic public records is defined and discussed in Section 12.06.</p>
<p>(7) Design and maintain new information systems so that these systems can provide an official record copy for those business functions accomplished by the system.</p>	<p>This requirement identifies the need for a new information system or application to perform as an official record keeping system, to document business transactions and meet certain performance standards. The system must be capable of generating and providing official records to adequately support the agency's records needs. Note: Logically, if government agencies are using existing, old systems for these purposes, the need for providing official records also applies.</p> <p>Official Record Copy: Official records are those groupings of records so designated by an agency, and these records must meet the highest standards established in this rule. The official record is traditionally the record that is released for legal proceedings or used to respond to an open records request for information. Users have a right to expect that the records designated as "official" will meet the highest accuracy standard.</p> <p>Information systems commonly entail both manual and electronic processes in order to complete and record business transactions. To assure compliance with this standard, government agencies should maintain and make available upon request documentation of the business processes that:</p> <ul style="list-style-type: none">• Create the retained records

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- Modify and maintain records
- Satisfy requirements to support and verify entries
- Evidence the authenticity and integrity of the records

The documentation must be sufficiently detailed to identify:

- The functions being performed as they relate to the flow of information through the system.
- The internal controls used to ensure accurate and reliable processing of information
- The internal controls used to prevent unauthorized addition, alteration or deletion of retained records, including whether or not the business process includes an audit trail.

Documentation should include:

- Record formats or layouts
- Field definitions including the meaning of all codes used to represent information
- file descriptions, e.g., data set names
- Evidence of periodic data quality/integrity checks
- Key dates documenting system changes, including the date the database system was placed into service; identification of changes to the database systems; and the dates that the changes are implemented
- A logical map or layout of the system.

(8) Develop and maintain information systems that maintain accurate linkages, electronically or by other means, to transactions supporting the records created where these linkages are essential to the meaning of the record.

A “*link*” is a pointer to another record or file. For example, it may be important to identify and link to an earlier e-mail message when sending a reply message to it. If an e-mail record contains an attachment, it may be important to identify and link to the attachment. Links also make it possible to reference a file by several different names and to access a file without specifying a full path. Links play a role in the completeness of the record.

As used in this rule, “*transaction*” means an action or set of actions occurring between two or more persons relating to the conduct of business, commercial or governmental affairs. Government agencies also transact business in carrying out mandated responsibilities, creating records that document those business transactions, such as responding to citizen requests, issuing licenses, receiving filings, etc.

(9) Utilize information systems that produce records that continue to reflect their meaning throughout the record life cycle

This standard requires attention to the meaning of the record for the entire record life cycle. Meaning includes these factors: content, context and structure. See Definitions in Section 12.04. Government agencies need to take steps to assure that electronic records will continue to meet standards over time. See Section (4) for related concerns on this topic.

To address the concern that records maintain their meaning, government agencies need to select durable and appropriate records

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storage media and develop adequate migration strategies for public records in systems.

“Migration” means 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.

Data migration is necessary when an organization decides to use a new computing systems or database management system (DBMS) that is incompatible with the current system. Typically, data migration is performed by a set of customized programs or scripts that automatically transfer the data. Migration also refers to the process of moving data from one storage device to another.

Government agencies should anticipate future needs for migration and include migration strategies in planning and development of new systems. Whenever possible, this approach is preferable to dealing with the need for migration after the system is implemented and as a reaction to changes in technology.

(10) Utilize information systems that can delete or purge electronic records created in accordance with the approved retention schedule.

“Retention Schedule”: Note: Under s. 16.62(4), Wis. Stats., government agencies must identify the period of time to retain public records in a retention schedule and obtain Public Records Board approval of that policy.

This provision of the rule requires that information systems allow information to be deleted. Government agencies need to develop and implement electronic information systems that have the capability to remove – delete and purge – records as the requirements of particular retention policies demand. Records may need to be deleted or purged on the basis of a predetermined date or based upon the occurrence of a particular event that closes the file, e.g., employee termination, close of a legal action, cancellation of an agreement or contract.

When government agencies delete or purge the official version of a public record, the record should be gone. It must cease to exist in the current record series and must no longer continue to exist in subsequent data backups or temporary files after the date of removal.

Government agencies risk non-compliance with records requirements if they fail to develop processes to meet this standard. If they continue to maintain copies or backups of “deleted/purged” records, those records are legally subject to open records law and the records discovery process. However, the agency may unwittingly deny having these records and face subsequent embarrassment and censure.

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(11) Utilize information systems that can export records that require retention to other systems without loss of meaning.

Note: See “*Retention Schedule*” in Section (10).
This standard requires that information systems can export records. “*Exportable*” means that electronic records can be transmitted to other systems without loss of information. The functionality should be represented in a fashion that produces the same result in the targeted system as in the originating environment.

(12) Utilize information systems that can output record content, structure and context.

This provision specifies that the information system used needs to generate, produce, or otherwise deliver, output, a record or document that contains all necessary components for the electronic record to have meaning.

Government agencies need to provide a means so that a person accessing public records maintained in the system will be presented with the identified content, structure, and context, now and for the duration of the record life cycle. Identify the content, structure and context of public records that will be maintained in the system during the system design and implementation phases.
See related comments under sections (4), (7), and (9).

(13) Utilize information systems that allow records to be masked to exclude confidential or exempt information.

This provision of the rule requires that systems allow government agencies to selectively exclude certain data when providing information to others. Some records and data are confidential or exempt from disclosure under the law, and the data must be protected from unauthorized access or reporting. Most systems currently in use do not have the level of functionality to meet this standard. Thus, masking and exclusion of data must be accomplished manually until these systems are revised or replaced.

When a new information system is implemented, the individuals responsible for that system must anticipate requests for records maintained in the system and identify how they will be satisfied. The process for satisfying records requests must prevent the requester and other unauthorized persons from accessing confidential information or other information exempt from open records requests. The process can be manual, automated, or a combination of manual and automated steps.

ADM 12.06 INITIAL APPLICABILITY.

This rule first applies to public records stored exclusively in electronic format and to information systems acquired or substantially modified after the effective date of the rule.

Government agencies shall apply this rule to public records in electronic format in the following priority order:

1. For public records stored exclusively in electronic format, government agencies shall apply the standards of this rule.
2. For all information systems that are or will be developed, acquired, or substantially modified after the rule is effective, government agencies shall apply the standards of this rule. “*Substantially Modified*” involves the addition, removal or replacement of any major function of the system. A substantial modification does not include routine maintenance or correction of errors. A moderate extension of the existing system is not a

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- substantial modification. To determine whether or not a modification is substantial, evaluate: (1) how many of the existing elements are used, (2) how much of the purpose of the extension is already part of the existing functions of the system and (3) the extent to which additional resources are needed.
3. When government agencies maintain records on multiple storage media, identify the official agency record and determine the retention requirements for it. Also determine whether or not the electronic version of the record will be maintained for the full retention period. If the agency defines the official agency record as the version in electronic format, then all the standards and provisions of this rule apply to the electronic version of the record and to the information system used.
 4. As government agencies convert records from one format to another, analyze the record as in #3 and apply the rule.

In implementing any electronic information system, government agencies are advised to consider the long-term likelihood for increased reliance on the record in electronic format and the wisdom of implementing the provisions of the rule to all. To reduce the risk of records loss, select information systems that meet the standards outlined in this rule.

ADM 12.04 DEFINITIONS.

In this chapter:

(1) “Accessible” means information arranged, identified, indexed or maintained in a manner that permits the custodian of the public record to locate and retrieve the information in a readable format within a reasonable time.

The term "accessible" means that the information system allows the agency to find, obtain and retrieve the needed information from the system.

The “custodian of the public record” is considered to be the Legal Custodian defined in s. 19.33, Wis. Stats., as the person with certain legal responsibilities for determining whether or not to provide access to information under Wisconsin’s Open Records law. Note that some government agencies may have “Records Custodians” who have physical custody of and responsibilities for maintaining records securely. However, in this rule, the Legal Custodian applies.

“Reasonable time” is not defined in the rule. The intent of this provision is for government agencies to address the need for timely retrieval of information, to meet government agency needs and also to anticipate and prepare to respond to public information requests.

Note that government agencies are not required to reformat information specifically in response to public requesters but they are required to provide access to public records. See s. 19.36, Wis. Stats., for additional information about access to records regardless of format.

(2) “Accurate” means all

Self-explanatory.

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information produced exhibits a high degree of legibility and readability and correctly reflects the original record when displayed on a retrieval device or reproduced on paper.

(3) “Authentic” means the retained electronic record correctly reflects the creator’s input and can be substantiated.

Records Management Standard ISO DIS # 15489 explains the term “authentic” as follows:

“An authentic record is one that can be proven:

- a) to be what it purports to be
- b) to have been created or sent by the person purported to have created or sent it
- c) to have been created or sent at the time purported.

To ensure the authenticity of records, organizations should implement and document policies and procedures which control the creation, receipt, transmission, maintenance and disposition of records to ensure that records creators are authorized and identified and that records are protected against unauthorized addition, deletion, alteration, use and concealment.”

Government agencies will also need to implement methods to substantiate the electronic record, meaning that they must be able to prove it is authentic. The methods may need to include steps to verify that data entries created, received, transmitted and maintained follow specific procedures.

For example, a customer making an entry on an Internet site may be required to review the data entry and click on a button to indicate that the entry is what was intended prior to having the entry accepted as a record.

(4) “Content” means the basic data or information carried in a record.

Content is the primary factor to determine that a record carries its original meaning.

(5) “Context” means the relationship of the information to the business and technical environment in which it arises. “Context” can include, but is not limited to, such elements as: the origin of the record: date and time the record was created, identification of the record series to which the information belongs.

Context is the second crucial factor to determine that a record carries its original meaning.

(6) “Electronic format”

This definition includes records in all manner of electronic formats:

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includes information created, generated, sent, communicated or stored in electrical, digital, magnetic, optical, electromagnetic or similar technological form.

electronic mail, scanned documents and images, and records residing in word processing software, on the Internet and in database applications.

(7) “Information system” means a system for generating, sending, receiving, storing or otherwise processing data.

The definition of information system covers manual procedures and requirements, as well as electronic tools and processes used.

(8) “Legible” means the quality of the letters, numbers or symbols can be positively and quickly identified to the exclusion of all other letters, numbers or symbols when displayed on a retrieval device or retrieved by device or reproduced on paper.

Self-explanatory.

(9) “Life cycle” means all phases of a record’s existence: creation, active use, preservation and management through to disposition. “Disposition” includes permanent preservation as well as designation for destruction.

The life cycle of a record includes all record phases, from planning, creation, active use, inactive storage (off-line or archived) to record disposition. Record disposition covers either destruction of the record or permanent preservation. Permanent records may be maintained either in the creating agency or transferred to the legal custody of the Wisconsin State Historical Society.

“Records Scheduling/RDAs”: Government agencies need to appraise the business values of the particular record and determine the necessary retention period. Then formally establish the record life cycle policy in Records Retention/Disposition Authorizations (RDAs) by complying with records scheduling requirements, as outlined in s. 16.62 (4), Wis. Stats.

Delay Records Disposition: Under unusual circumstances, such as pending litigation, open audit, or a request for the records under Open Records laws, government agencies must delay disposition of records until the circumstance is resolved.

(10) “Meaning” means a record carries its original content, context and structure throughout its life cycle.

See related definitions under “*Content₂*” “*Context₂*” and “*Structure.*”

(11) “Public record” has the meaning given in s. 16.61(2)(b), Stats.

“Public records” means all books, papers, maps, photographs, films, recordings, optical disks, electronically formatted documents or other documentary materials, regardless of physical form or characteristics, made, or received by any state agency or its officers or employees in

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connection with the transaction of public business, and documents of any insurer that is liquidated or in the process of liquidation under ch. 645. "Public records" does not include:

1. Records and correspondence of any member of the legislature.
2. Any State document received by a State document depository library.
3. Duplicate copies of materials the original copies of which are in the custody of the same State agency and which are maintained only for convenience or reference and for no other substantive purpose.
4. Materials in the possession of a library or museum made or acquired solely for reference or exhibition purposes.

(12) "Readable" means the quality of a group of letters, numbers or symbols is recognized as words, complete numbers or distinct symbols.

Self-explanatory.

(13) "Reliable" means the electronic record produced correctly reflects the initial record each time the system is requested to produce that record.

Reliable may also be considered as "trustworthy," meaning that the electronic records can be relied upon as evidence of transactions because certain standards have been followed in the creation of the records. Those standards should include:

- The systems that generated the records are periodically checked for errors.
- Procedures to protect the integrity of the data are in place.
- Adequate measures are in place to prevent the loss of data.
- The records are produced in the normal course of business.
- Reliability of the computer program can be verified.

(14) "Structure" means the appearance or arrangement of the information in the record. "Structure" can include, but is not limited to, such elements as heading, body and form.

Record structure is the last component that gives a record its meaning as an original record. Government agencies will need to determine whether or not the record that is maintained to document business needs to include particular structural elements as well as key data elements. For example, a contract, e-mail message or form may require headers, captions, signatures or other structural elements as well as data. However, when information is presented on the Internet, its structure is likely to be altered in appearance from comparable paper-based materials. Government agencies are likely to restructure paper-based, published versions of documents for Web display. It may be impractical and unnecessary to maintain copies of every iteration, every format and every display version of a document. Government agencies must appraise the value of various views and versions of the information for their record value, containing the original meaning, on a case-by-case basis.

History: Cr. Register, November, 2000, No. 539, eff. 5-1-01.

Appendix 1

RECORDS MANAGEMENT LAWS AND REQUIREMENTS

The following Wisconsin statutes, Wisconsin Administrative Codes, and federal laws cover a range of records management requirements. See the latest edition of Wisconsin Statutes, or contact the agency Records Officer or your Records Coordinator for additional information regarding these requirements.

☛ *s. 15.04 Duties of Department Heads*

- 15.04(1)(i) Establish and maintain a records (and forms) management program
- 15.04(1)(j) Appoint a Records (and Forms) Officer
- 15.04(1)(m) Notice on Forms and data collection

☛ *s. 16.61 Records Scheduling & Disposition*

Public Records Board (PRB) authorized to:

- Preserve important State records for permanent use.
- Provide method to dispose of other State records.
- Make the management of agency records cost-effective.

- 16.61(2) Definition of "Public Records" and exceptions (non-records)
- 16.61(3) Safeguard records, establish records management program
- 16.61(4) Approval for Disposition of Records
- 16.61(5) Transfer of Records to Optical Disk Format
- 16.61(6) Microfilm Reproduction of Public Records
- 16.61(12) Authority to reproduce, access to copies, etc.
- 16.61(13) Historical and UW Archives as depositories

☛ *s. 19.21-19.25 Public Records & Property - Transfer of Records*

- 19.21 Custody and Delivery of Official Property & Records
- 19.22 Proceedings to compel the delivery of official property
- 19.23 Transfer of records or materials to Historical Society
- 19.24 Refusal to deliver money, etc. to successor
- 19.25 State officers may require searches, etc. without fees

☛ *s. 19.31-19.39 Open Records Laws: Access to Records, Fees, Limitations on Access, Enforcement & Penalties*

- 19.31 Declaration of Policy
- 19.32 Definition of "Record"
- 19.33 Legal Custodians
- 19.34 Procedural Information
- 19.35 Access to records, fees
- 19.36 Limitations on access and withholding
- 19.365 Rights of data subject to challenge, authority corrections
- 19.37 Enforcement and Penalties
- 19.39 Interpretation by Attorney General

☞ **s. 19.62-19.80 Privacy Laws, Personally Identifiable Information**

19.625	Powers and Duties of Privacy Council
19.63	Powers and Duties of Privacy Advocate
19.65	Rules of Conduct, Employee Training, Security
19.67	Data Collection
19.69	Computer Matching
19.71	Sale of Names and Addresses
19.75	Access to Confidential Records - Advocate
19.77	Summary of Case Law and AG Opinions
19.80	Penalties

Agency Responsibilities - Personally Identifiable Information

- Records Scheduling Information - for Registry of Records Series
 - ☞ 16.61 (3)(u) Registry of Records Series
- Computer Matching Program Notices
 - ☞ 19.69 Notices of Agency Computer Matching Programs
- Data Collection and Use Notice
 - ☞ 15.04(1)(m) Notice on Forms

☞ **s. 166.10 Preservation of Essential Public Records - Vital Records**

Public Records Board (PRB) authorized to:

- Determine essential operational records for an emergency.
- Provide for their preservation; Provide security storage.
- Require Agency to establish a preservation program.
- Advise on preservation of essential public records.

☞ **s. 978.07 Obsolete District Attorney Records**

District Attorney may destroy obsolete records

- After microfilmed, transferred to optical disk or electronic storage
- Case records of traffic, misdemeanor, civil or related cases – retention
- Case records of felonies – various retention condition factors
- Written offer to State Historical Society of Wisconsin

☞ **Chapter ADM 12 Electronic Records Management - Standards and Requirements**

☞ **Other Records Laws and Requirements**

☞ Federal Rules of Evidence 2001 - What's admissible in court? Best evidence rules

☞ Confidentiality of Records - specified in Federal and State Laws:

Medical Information Generally

Information Pertaining to Juveniles

FERPA - Family Educational Rights & Privacy Act

Law Enforcement or Litigation prior to close of case

Others - as specifically cited