

## **NOTICE OF INTENT**

### **Department of State, Office of the Secretary of State, Division of Archives**

#### **Records Management Policies and Practices (LAC 4.XVII.Chapters 1-15)**

Under the authority of R.S. 44:405, et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary gives notice that rulemaking procedures have been initiated to amend Department of State regulations, LAC 4.XVIII.Chapters 1-15.

The proposed amendments update rules that are outdated to reflect current policies and practices and repeal rules that are no longer necessary. They also add rules regarding damaged or lost records, imaging services and standards, conversion of electronic records, retention of original source records, disposition of original records after imaging, electronic records preservation, and email guidelines.

### **Chapter 1. Agency Records Officer Designation**

#### **§101. Designation**

A. In compliance with R.S. 44:411, on or before July 1 of each state fiscal year, the head of each agency, as defined by R.S. 44:402, shall designate a records officer to act as liaison between the division and the agency on all matters related to records management for the term of one year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:951 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

#### **§103. Process**

A. Each agency shall communicate the records officer designation by completing Form SS ARC 940 (Records Officer Designation Form) and submitting it to the state archivist. The form must be signed and dated by the head of the agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:951 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

#### **§105. Responsibilities of an Agency Records Officer**

A. Each agency should select a records officer who:

1. can communicate effectively with agency personnel and with the division's personnel;
2. has adequate knowledge of how the agency is organized and operates;

3. has the ability to collaborate with the agency's information technology services section on records management issues related to electronic records created, received, and maintained by the agency; and

4. has the authority to oversee the records management program of the agency, including:

- a. the development and implementation of an agency retention schedule;
- b. the compliance with the division's policies and state and federal laws that govern records management;
- c. the transfer of inactive records to a records center for temporary storage (if needed);
- d. the transfer of permanent records with historical value to the custody of the Louisiana State Archives;
- e. the submission of disposal requests to the Louisiana State Archives listing records that have met retention requirements and are eligible for destruction;
- f. the destruction of agency records once approval has been received from the state archivist; and
- g. the conversion of records from their original paper format to microfilm or electronic formats (if needed).

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:951 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

### **§107. Changes in Records Officer Designees**

A. Agencies wishing to change their agency's designee before their designation period has expired, must notify the state archivist within 30 days of such a change by completing Form SS ARC 940 (Records Officer Designation Form).

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:952 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

## **Chapter 3. Retention Schedule Development**

### **§303. Records Inventory**

A. To facilitate the development of agency retention schedules in compliance with R.S. 44:411, each agency shall:

1. review the functions and activities of the agency;
2. develop a list of records produced, received, and maintained by the agency;
3. identify the inclusive dates, the medium and volume of records maintained for each record series held by the agency. This provision may be facilitated by agencies completing Form SS ARC 960 (Records Management Inventory Form) for each record series to document their decision process.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 44:405.

**HISTORICAL NOTE:** Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:952 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

### **§305. Writing the Retention Schedule**

A. Each agency shall submit a draft retention schedule to the state archivist for review and approval.

1. The agency will conduct adequate research to determine the length of time each record series needs to be maintained based on its administrative, legal, fiscal, operational, evidential and informational or historical values. Legal citations should be included if federal or state statutes or rules exist regarding the retention period or confidentiality of the records series.

2. The agency will develop specific retention and disposition instructions for each records series, including the transfer of inactive records to a secure, climate-controlled records storage facility, the maintenance of long-term or permanent records within the agency, and/or the transfer of permanent records to the custody of the Louisiana State Archives.

3. The agency will develop a draft retention schedule, using form SS ARC 932 (Records Retention Schedule). The schedule shall include brief descriptions of each records series, suggested retention periods for each records series, recommended disposition instructions for non-permanent records series, notations for any records series that contains confidential information and any citations used to formulate the retention periods, if applicable.

4. A records analyst within the records management section will review the draft and suggest edits if needed.

5. Once the division and agency agree upon the finalized draft, the records retention schedule must be signed by the head of the agency or the agency's records officer and the state archivist or his designee.

6. The agency should distribute the approved records retention schedule to its employees to inform them that they must maintain records for the time specified in the records retention schedule.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 44:405.

**HISTORICAL NOTE:** Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:952 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

### **§307. Retention Schedule Maintenance**

A. Each agency shall review its retention schedule annually to identify any record series requiring an addition, amendment, or deletion to the agency's approved schedule. Events that may require amendments to the schedule include but are not limited to new legislation that changes the confidentiality or retention requirements of a record or the creation or abolishment of programs within the agency, which would require the addition or deletion of record series to the retention schedule.

B. If changes to the records retention schedule are required, the agency shall submit an amended Form SS ARC 932 (Records Retention Schedule) noting any changes to its existing retention schedule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:952 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

### **§309. Retention Schedule Renewal**

A. An agency schedule, once approved by the Louisiana State Archives, will be valid for five years from the date of approval. Ninety days prior to the five year anniversary of a schedule's approval, each agency shall submit the schedule for renewal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:952 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

## **Chapter 5. Storage of records in the Louisiana State Archives' records center**

### **§501. Definitions**

A. For the purpose of this Chapter the following definitions apply.

*Approved Records Center Box*—a regular slotted container (RSC) box that is 1.2 cubic feet in size, with dimensions of 15" x 12" x 10".

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:952 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

### **§503. Eligibility**

A. In accordance with R.S. 44:408, the records center may accept records from state agencies when they meet the following criteria.

1. The records are scheduled on an approved records retention schedule and have a retention period of ten years or less.

2. The records belong to an office of the state executive or legislative branches of Louisiana government.

3. The records are considered inactive (not from the current operational year).

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:953 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

### **§505. Packing Instruction**

A. Each box containing eligible records must comply with the following requirements.

1. The records are boxed in an approved records center box obtained from the records center.

2. The records in each box are from the same records series with the same retention period.
3. The records should be packed in the same order as they are filed in the agency.
4. Boxes shall not contain mixed media (i.e., microfiche with paper records).
5. Approximately 1 inch of space shall be left in each box to facilitate retrieval.
6. Records shall not be placed on top of other records in the box.
7. The approximate weight of each box shall not exceed 35 pounds.
8. Packing tape is discouraged. If utilized, it must only be used to reinforce the bottom of the box.

9. To protect the records in case of fire, agencies are strongly encouraged to pack their boxes with the records facing the long side (15 inch) of the box. If records being packed are letter-sized (8 1/2" x 11"), the remaining space in the back of the box may include additional records with the records facing the short side (12 inch) of the box.

10. Boxes shall not contain hanging file folders, three ring binders, or binder clips.

11. If boxes contain records in a media other than paper (i.e., microfilm, audio/video files), the media type shall be noted on Form SS ARC 103 (Records Center Transmittal Form).

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:953 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

#### **§507. Labeling Instructions**

A. An agency must assign a unique box number to each box to be transferred to the records center. The agency shall write or affix the box number to the upper half of the short side (12 inch) of the box. The box number must correspond to an entry made on the agency's transmittal form submitted for the box. The agency may also write a short description of the records on the box.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:953 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

#### **§511. Records Transmittal**

A. Prior to the delivery of records to the records center for storage, an agency must submit a completed Form SS ARC 103 (Records Center Transmittal Form) to the records center.

1. A separate transmittal form (SS ARC 103) shall be completed for each disposal date (i.e., January or July of a given year).

2. For each box, the agency shall include the following information on their transmittal forms:

- a. agency box number;
- b. beginning and ending dates for the records in the box;
- c. the records series title as it appears on the agency's approved retention schedule;
- d. a notation if the records are on a media other than paper; and
- e. a notation if any of the records contain confidential information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:953 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

### **§513. Arranging Transfer**

A. After completing the transmittal forms for the boxes to be stored at the records center, the agency shall email the transmittals to the records center. The records center will contact the agency's records officer to finalize the delivery date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:953 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

### **§515. Delivery of Records**

A. In general, delivery dates will be set on a first-come, first-serve basis. The records center reserves the right to postpone or reschedule delivery dates if necessary to accommodate emergency situations or special circumstances.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:953 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

### **§517. Ownership and Access**

A. Records stored at the records center remain property of the agency depositing them at the records center. Only the depositing agency's designated employees will be allowed access to view the agency's records stored in the records center. Any requests to see an agency's records from non-authorized parties shall be forwarded to the agency's records officer for written approval. A written approval must include the name of the person requesting the records, the records center box number for the records being requested, and the signature of the agency's records officer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:954 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

### **§519. Requesting Stored Records**

A. An agency may request access to or check out the agency's records by following these procedures:

1. The agency must contact the records center by either phone or email requesting access to or checking out a file(s) or box(es) by listing the records center box number for the boxes being requested and providing the file name(s) if particular files are being requested.
2. Requests will be processed on a first-come, first-serve basis.
3. The records center will contact the agency's records officer when the records in question are ready for review or pick-up. Upon arrival at the records center, agency personnel will be required to show proper identification before access to the records will be granted.

4. To check out records from the records center, an employee from the depositing agency shall sign acknowledging he has received the requested boxes and/or files.

5. Once an agency checks out a record, the responsibility for the record returns to the agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:954 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

### **§523. Agency Disposal Approval**

A. Once the agency receives the disposal request, the agency's records officer must ascertain if any of the records listed on the request require further retention. The records officer should consult with the agency's legal counsel to determine if there are any legal holds (i.e. pending or ongoing litigation or investigations) that require the records be retained for a longer duration.

1. If the records are not needed for any legal or administrative purpose, the agency records officer shall sign the disposal request indicating which records should be destroyed.

2. If any record is still required by the agency, the agency's records officer shall provide the records center with the new disposal date requested and the reason for the extended retention. The agency may request the records be transferred back to their custody if they do not wish the records to remain in the records center.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:954 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

### **§525. Archival Review**

A. Prior to the destruction of any records in the records center, the state archivist will review each disposal request for possible archival records. In the event that the state archivist determines the records have archival value, the state archivist will notify the depositing agency that the Louisiana State Archives will assume ownership and permanent custody of the records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:954 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

## **Chapter 7. Transferring Records for Inclusion in Archives Collection**

### **§701. General**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:954 (June 2003), repealed by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

### **§703. Eligibility**

A. In accordance with R.S. 44:401 and 44:406, the Louisiana State Archives may accept records from state agencies according to the following criteria:

1. the records are scheduled on an approved records retention schedule;
2. the records are determined to possess intrinsic, historical, or evidentiary value or are mandated by law to be kept as permanent records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:954 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

#### **§705. Packing Instructions**

A. The records shall be packed according to the following requirements:

1. The records shall be boxed in an approved archival box obtained from the Louisiana State Archives.
2. The records in each box shall be from the same records series.
3. The records should be packed in the same order as they are filed in the agency and placed into the box with care.
4. Boxes shall not contain mixed media (i.e., microfiche with paper records).
5. Approximately 1 inch of space shall be left in each box to facilitate retrieval.
6. The approximate weight of each box shall not exceed 35 pounds.
7. Taping of printed descriptions to the box and use of packing tape is prohibited.
8. To protect the records in case of fire, agencies are strongly encouraged to pack the boxes with the records facing the long side (15 inch) of the box. If records being packed are letter-sized (8 1/2" x 11"), the remaining space in the back of the box may include additional records with the records facing the short side (12 inch) of the box.
9. Boxes shall not contain hanging file folders, three ring binders, or binder clips.
10. If boxes contain records in a media other than paper (i.e., microfilm, audio/video files), the media type should be noted on the Louisiana State Archives Transmittal Form.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:955 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

#### **§707. Non-Standard Sized Packing Instructions**

A. Prior to sending records that exceed 8 1/2" x 14", the submitting agency shall contact the Louisiana State Archives' collections management section for instructions on how to pack the records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:955 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

#### **§709. Labeling Instructions**

A. For boxes transferred to the Louisiana State Archives, the agency must:

1. assign a unique agency number to each box to be transferred by affixing the number on one of the long sides of the box;



2. provide a brief descriptor for the records (i.e., Dept of State, Correspondence 6/1/00—12/31/00; Bd of Ethics—Campaign Finance Reports #98-04 through #98-100) on the face of the box under the handle; and

3. include a duplicate copy of the Louisiana State Archives Transmittal Form matching the records series within the archival box.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:955 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

### **§711. Archives Transmittal Form Required**

A. Prior to the delivery to the Louisiana State Archives, the submitting agency must provide completed archives transmittal forms, which will serve as an inventory, sufficiently detailed, to enable archives staff to retrieve records as they are needed.

1. On each transmittal form, the agency shall include:

- a. name and address of agency;
- b. the records officer name and official title within the agency;
- c. contact information (phone and email address) for the records officer;
- d. any restrictions that exist for the specific records within the collection, such as attorney-client privilege or that the records contain personally identifiable information, must be included on the particular form;
- e. the total number of boxes/items to be transferred;
- f. signature of records officer and date signed by officer;
- g. page number and total number of pages of transmittal (i.e., Page 1 of 5).

2. For each box or item, agency shall include on the transmittal:

- a. title of records series as it appears on the agency's approved retention schedule;
- b. only one box may be listed on an archival transmittal form.

3. Submission and the acceptance of an archives transmittal form from an agency or donor by the Louisiana State Archives constitutes an Act of Donation to the Louisiana State Archives by the agency or donor and transfers all rights and ownership of the records to the Louisiana State Archives.

4. The Louisiana State Archives will return a signed copy of the archival transmittal form signed by the receiving archivist after the transmittal has been processed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:955 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

### **§715. Delivery of Records**

A. The agency or donor will deliver the records to the Louisiana State Archives. In general, delivery dates will be set on a first-come, first-served basis. The Louisiana State Archives reserves the right to postpone or reschedule delivery dates if necessary to accommodate emergency situations or special circumstances.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

**HISTORICAL NOTE:** Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:955 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

#### **§717. Long Term Records Storage**

Repealed.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 44:405.

**HISTORICAL NOTE:** Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:955 (June 2003), repealed by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

#### **§719. Requesting Stored Records**

Repealed.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 44:405.

**HISTORICAL NOTE:** Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:956 (June 2003), repealed by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

### **Chapter 9. Destruction of Public Records**

#### **§901. General**

A. In accordance with R.S. 44:411, an agency shall secure written approval from the state archivist (or his designee) prior to disposing of any records of the agency.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 44:405.

**HISTORICAL NOTE:** Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:956 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

#### **§903. Request for Authority to Dispose of Records**

A. Agencies wishing to dispose of records shall submit to the state archivist (or his designee) Form SS ARC 930 (Request for Authority to Dispose of Records). Form SS ARC 930 must have the signature of either the agency's:

1. records officer as designated in LAC 4:XVII, Chapter 1; or
2. the head of the agency.

B. Records must be listed on the agency's approved records retention schedule to be eligible for destruction. If the records have not previously been scheduled, the agency shall submit an amended Form SS ARC 932 (Records Retention Schedule) to the state archivist noting the changes to its existing retention schedule.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 44:405.

**HISTORICAL NOTE:** Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:956 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

#### **§905. Non-Scheduled Records**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:956 (June 2003), repealed by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

#### **§907. Destruction Authorization**

A. Once a disposal request has been received by the state archivist (or his designee), the agency will be notified within 30 days of receipt that:

1. the disposal request has been approved;
2. the disposal request was partially approved or amended;
3. the disposal request has been denied along with an explanation why approval was not granted;
4. the disposal request contains records that should be transferred to the Louisiana State Archives; or
5. the disposal request requires more research and requires an additional 30 days to issue a response to the request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:956 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

#### **§909. Legal Hold Policy**

A. Each agency is required to develop and implement an internal process for placing legal holds on records that are involved in state or federal investigations and/or litigation. The policy should address:

1. the agency's internal disposal approval process;
2. which employees are notified of a legal hold, when they are told, and how they are told;
3. who is responsible for contacting possible third party vendors who may house records or data covered under a legal hold;
4. what steps should be taken by notified employees to safeguard records or data covered under a legal hold;
5. the agency's legal hold forms (including file level notice sheets) and instructions for any legal hold form/release forms created by the agency to implement the plan;
6. who within the agency has legal authority to lift the legal hold once the litigation or investigation has concluded.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:956 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

#### **§911. Disposal Methods**

A. Once approval for disposal has been granted, an agency shall dispose of the agency records in a manner acceptable to the level of confidentiality the record requires.

1. If a records series contains no information considered confidential in nature, an agency may use any acceptable disposal method including:

- a. landfill;
- b. recycling;
- c. shredding;
- d. incineration;
- e. maceration;
- f. pulverization; and
- g. data sanitization.

2. If a records series contains information considered confidential in nature, an agency shall use any of the following disposal methods:

- a. shredding;
- b. incineration;
- c. maceration;
- d. pulverization; and
- e. data sanitization.

3. For guidance on data sanitization practices, agencies shall refer to the *Data Sanitization Policy and Procedures, October 28, 2024*, produced by the Office of Technology Services, Division of Administration, or any superseding policies produced by the same authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:957 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

### **§913. Certificate of Destruction**

A. Agencies should document the destruction of its records by maintaining a certificate of destruction. Such destruction certificate should consist of either:

1. the Louisiana State Archives Form SS ARC 933 (Certificate of Destruction Form) along with the approved SS ARC 930 (Request for Authority to Dispose of Records Form); or

2. an equivalent document that records the date the records were destroyed, the method of destruction, the approved Form SS ARC 930 (Request for Authority to Dispose of Records Form), and the signature of at least one witness to the destruction or removal of the records. In the event that a third-party vendor is used for destruction, the date the records are transferred to the third-party vendor for destruction will constitute the destruction date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:957 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

## **Chapter 11. Damaged or Lost Records**

### **§1101. Loss of Records**

A. In accordance with R.S. 44:422, agencies must notify the state archivist (or his designee) in the event any records in its custody become damaged or lost.

1. Agencies must submit Form SS ARC 980G (Records Damage Assessment Form) noting which records were damaged or lost, the cause of the damage, the location of the damage, and whether the records can be scanned, replaced, or salvaged.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

## **Chapter 13. Electronic Records**

### **Subchapter A. Agency Responsibilities**

#### **§1301. Definitions**

A. For the purpose of this Chapter the following definitions apply:

*Administrative metadata*—elements of information used to manage the records. Examples include but are not limited to information describing the creation of the record, access restrictions, rights management, and retention requirements.

*Agency Record*—a record as defined by R.S. 44:402.

*Analog Record*—a non-digital record, such as a paper document or a photographic print.

*Capstone Approach to Email Management*—an approach to email management developed by the National Archives and Records Administration (NARA) in which agencies can categorize and schedule email based on the work and/or position of the email account owner.

*Checksum*—a sum derived from the bits of a segment of an electronic file, against which later comparisons can be made to detect if an electronic file has been altered or corrupted during storage or transmission.

*Conversion*—the process of moving data from one format to another. Examples include but are not limited to scanning paper documents to create electronic files or microfilm.

*Descriptive metadata*—elements of information used to describe the intellectual content of the record. Examples include but are not limited to the record's title, creator, date of creation, and contents. Descriptive metadata support the discovery of the record.

*Electronic Mail (Email)*—a system that enables an agency to compose, transmit, receive and manage text and/or graphic electronic messages and images across networks and through gateways connecting other local area networks.

*Imaging*—the process of reproducing the appearance of records through scanning or microphotographic processes.

*Long-Term Record*—a record with a total retention requirement of over 10 years but less than permanent.

*Metadata*—information about a record that describes the context, content, and structure of a record and supports the management, discoverability, and preservation of the record.

*Migration*—the act of transferring records from one information system or storage media to another.

*Permanent*—a record with a total retention of life of the state and intended to be maintained in perpetuity.

*Records Series*—a group of related or similar records, regardless of medium, that may be filed together as a unit, used in a similar manner, and typically are evaluated as a unit for determining retention periods.

*Short-Term Record*—a record with a total retention requirement of 10 years or less.

*Structural metadata*—elements of information that describe how the parts of a record relate to one other and how the record itself relates to other records.

*Technical metadata*—elements of information that describe the properties of computer files, the hardware or software used to create them, and the parameters used by systems to render them. Examples include but are not limited to the file's byte size, file format and version, color encoding, the type of equipment used to make the file.

*Transitory*—transitory records are records that have limited or no administrative value to the agency and are not essential to the fulfillment of statutory obligations or to the documentation of agency functions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:957 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

### **§1303. General**

A. The head of each agency must establish internal policies to manage the agency's electronic records that ensure:

1. the agency can access and use all electronic records in its custody for the full durations of the records' retention periods, which are listed on the agency's approved retention schedule;
2. the agency is able to locate and destroy electronic records that have met retention and are approved by the state archivist for destruction;
3. the agency maintains ownership and access to its electronic records whether the records are stored in a public, private, or community cloud, a contracted environment, or under the agency's control;
4. the agency upgrades or replaces technology (hardware, software, storage media, file formats, etc.) used to store, operate, access, and use the records, as needed, throughout the lifecycles of the records, in order to maintain the accessibility, usability, and integrity of the records; and
5. the agency protects the integrity of the electronic records by developing a cybersecurity incident response plan to minimize the impact of malware, ransomware, and other cybersecurity incidents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

**HISTORICAL NOTE:** Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:957 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

## **Subchapter B. Louisiana State Archives Imaging Policy**

### **§1304. General**

A. In accordance with R.S. 44:415, all agencies shall contract with the Louisiana State Archives for imaging services or comply with the conversion standards and disposal request procedures established by the division.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 44:405.

**HISTORICAL NOTE:** Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

### **§1305. Compliance**

A. In accordance with R.S. 44:36 and 44:39, agencies are required to exercise diligence and care in preserving the records in its custody. Agencies must ensure any record they convert to electronic format remains unalterable, accessible, and usable for the entirety of the record's retention period as specified in the agency's approved retention schedule.

B. Agencies must carefully consider the potential risks associated with discarding the original paper record and maintaining the record only in electronic format. Electronic records are more fragile than paper records. File formats, hardware, software, and storage media rapidly become obsolete and unusable. The technology agencies use today may not be available or supported in the future. As a result, the electronic records may not be readable or accessible by replacement technology.

C. Statewide agencies considering whether to image records for the sole purpose of saving storage space should first consider the following:

1. If the records have met retention and no longer support the business functions of the agency, the agency should submit Form SS ARC 930 (Request for Authority to Dispose of Records) to the state archivist for approval to destroy the records. The records do not need to be imaged. See Chapter 9. Destruction of Public Records.

2. If the records are seldom accessed and have a retention period of less than 10 years, the agency should request to store its records in the State Records Center. The records do not need to be imaged. See Chapter 5. Storage of Records in State Records Center.

3. If the records are older than 50 years old, possess historical value, or have a permanent retention period deemed by law, the records may be eligible for transfer to the custody of the Louisiana State Archives for permanent preservation. The agency should contact the Louisiana State Archives for an appraisal of the records. See Chapter 7. Transferring Records for Inclusion in the Archives Collection.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 44:405.

**HISTORICAL NOTE:** Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:957 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

### **§1306. Electronic Records Conversion Agreement**

A. In accordance with R.S. 44:39 and 44:415, agencies who wish to convert records from analog format to electronic format and destroy the original analog records must obtain prior written approval from the state archivist, agree to comply with the document conversion standards established by the Louisiana State Archives in Form SS ARC 970 (Electronic Records Conversion Agreement), and submit a listing of the records series they wish to convert. To request approval, an agency shall submit to the state archivist the following:

1. Form SS ARC 970 (Electronic Records Conversion Agreement). The form must be signed by the head of the agency. The agreement is valid for five years.
2. A listing of all the records series the agency wishes to convert on Form SS ARC 972 (Electronic Records Series List).

B. If an agency wishes to seek approval to convert additional records series after the initial agreement has been approved by the state archivist, the agency must submit Form SS ARC 972 (Electronic Records Series List) listing the newly requested records series as an addendum.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

### **§1307. Imaging Standards**

A. When converting analog records to electronic format, agencies must ensure imaging processes are defensible. The agency must be able to demonstrate:

1. the imaging of the records does not expose the agency to any undue risk;
2. the electronic version of the record is a true and accurate copy of the original source record;
3. the agency can use the electronic version of the record for all the purposes the original record served, including the ability to attest to transactions and activities;
4. all imaging processes are documented and usable as evidence and that all relevant imaging standards have been met; and
5. the records remain secure throughout the imaging process, minimizing the risk of unauthorized additions or deletions.

B. Any enhancements agencies use in the imaging process (for example, deskewing, sharpening, despeckling, cropping, contrast adjustment, brightening, and gamma correction) must not remove any of the original content of the records and must be documented.

C. Agencies must define specific metadata to access and manage the records efficiently:

1. the metadata must be sufficient to understand the content, context, and structure of the records;
2. the metadata must be sufficient to understand the relationships among the imaged records with each other and any associated records that may be maintained in their original analog format;
3. the metadata must be sufficient to identify and later retrieve the records; and
4. the metadata should include administrative, descriptive, structural, and technical metadata elements.

D. Agencies must implement the following quality control procedures:



1. provide training for all staff who are involved in the imaging process;
2. account for all records in the project's scope before the imaging process, and document any missing records or gaps in coverage found in the original source records;
3. verify that all pages and information contained in the original source records, including attachments, have been captured by visually comparing source records with their imaged versions and by referring to box lists, folder title lists, and other inventories;
4. verify the pages remain in their original order or are organized in the most accessible order;
5. verify the electronic files can be opened, viewed, are readable, and are not dimensionally distorted, do not have any information that is cropped, and do not have any content obscured by imaging artifacts;
6. ensure electronic files are named according to the agency's naming conventions;
7. verify the metadata is complete and accurate; and
8. ensure that if the agency contracts with a vendor for imaging services, the vendor complies with the Louisiana State Archives' imaging standards.

E. Agencies should follow the technical guidelines specified in the *Federal Agencies Digital Initiative's Technical Guidelines for Digitizing Cultural Heritage Materials, Third Edition* or any superseding guidelines produced by a relevant authority.

F. Agencies must maintain their records according to the standards put forth in Subchapter C. Maintenance of Electronic Records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:958 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

### **§1309. Retention of Original Source Records**

A. Agencies must maintain the following records in their original analog format after conversion to electronic format:

1. records that are required by federal or state statutes or regulations to be maintained in their original, physical format;
2. records that are not listed on the agency's approved retention schedule; and
3. records that are currently under a litigation hold, even if the records series has been previously approved for conversion by a signed SS ARC 970 (Electronic Records Conversion Agreement).

B. In accordance with R.S. 44:417, the state archivist may direct the transfer of the original source documents to the Louisiana State Archives if the state archivist determines the records have a historical value that warrants the continued preservation of the records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:958 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

### **§1311. Disposition of Original Records after Imaging**

A. Agencies may dispose of the original source records after the records are converted to electronic format provided:

1. the agency has met the requirements of §1306 and §1307; and
2. the agency has submitted Form SS ARC 930 (Request for Authority to Dispose of Records) to the Louisiana State Archives and has received approval to destroy the records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:958 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

## **Subchapter C. Maintenance of Electronic Records**

### **§1313. Electronic Records Preservation.**

A. In accordance with R.S. 44:39 and 44:411, agencies must establish and maintain a program for the maintenance, access, use, security, and preservation of the records in its custody.

B. Agencies must ensure they can locate, retrieve, access, and use the electronic records for the entirety of the records' retention periods.

1. Agencies should name electronic records at the point of creation. Files names must convey enough information to allow the records to be easily retrieved for discovery, public information requests, disposition, and operational use.

2. Agencies must monitor if the retention period for any record series is longer than the life of the information system the agency is using to store, access, or use the records.

3. Agencies must convert a record's file format to a usable format if its current file format is at risk of becoming obsolete.

4. Agencies must carry out system upgrades of hardware and software when needed to ensure continued access and use of the records.

5. Agencies must migrate records to a new information system before the records' current system becomes inoperable.

6. Agencies must ensure any migration of records does not neglect inactive records or records stored offline.

7. Agencies must retain responsibility for managing their electronic records, regardless of whether the records reside in a public, private, or community cloud, a contracted environment, or under the agency's physical control.

8. Agencies must monitor changes to third-party terms of service that may alter the management of records.

9. Agencies must ensure that if the records are stored in a proprietary system, the agency has an exit strategy, which allows the agency to retain legal ownership of the records and have the records returned in a usable format should the agency or vendor terminate the contract.

C. Agencies must create metadata to access and manage the electronic records.

1. The metadata must be sufficient to understand the content, context, and structure of the records.

2. The metadata must be sufficient to understand the relationships between the electronic records with each other and any associated records.

3. The metadata must be sufficient to identify and later retrieve the records.
  4. The metadata should include administrative, descriptive, structural, and technical metadata elements.
  5. When migrating records between information systems or converting to new file formats, agencies must ensure informational content remains unaltered and that sufficient metadata describing the context and structure of the records is retained so the records can be used for all the same business purposes as the source records.
  6. When migrating records to a new information system, all records and associated metadata in the originating system must be retained until the migration is complete and the destination system has been deemed reliable and secure.
- D. Agencies must preserve the integrity of the records.
1. Agencies must monitor and review access rights and permission rules for electronic records regularly.
  2. Agencies must have controls for file integrity monitoring to prevent unauthorized use, alteration, concealment, or deletion of records such as checksums, audit trails, and access lists.
  3. Agencies must ensure they have appropriate security and records management controls in place to manage the records throughout the records' entire lifecycle including preventing the unauthorized access to, alteration of, or disposal of records.
- AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.
- HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

## **Subchapter D. Electronic Mail (Email) Guidelines**

### **§1321. Retention of Email**

- A. An email is classified into a record series based on its content not its format. Email should not be treated as a single records series for retention scheduling purposes. Email should be incorporated into existing records series maintained by an agency.
- B. An email must be maintained for the full time period specified in the retention schedule for its associated records series.
- C. Agencies may adopt a Capstone or modified Capstone approach to email management and categorize and schedule emails based on the work and/or position of the email account owner. Agencies should refer to NARA Bulletin 2013-02, "Guidance on a New Approach to Managing Email Records" or any superseding guidelines developed by the same authority.
- AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.
- HISTORICAL NOTE: Promulgated by the Department of State, Office of the Office of the Secretary of State, Division of Archives, LR 29:958 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

### **§1323. E-Mail Is Not a Records Series**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

**HISTORICAL NOTE:** Promulgated by the Department of State, Office of the Office of the Secretary of State, Division of Archives, LR 29:958 (June 2003), repealed by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

### **§1325. Transitory Records and Non-records Emails**

A. Agencies are encouraged not to maintain emails that are transitory records or non-records. Agencies may delete them immediately without obtaining approval from the state archivist.

1. Transitory records. Transitory records are records that have limited or no administrative value to the agency and are not essential to the fulfillment of statutory obligations or to the documentation of agency functions.

2. Non-records. Non-records are kept only for convenience or reference purposes. They do not document an agency's business.

3. Examples of transitory records and non-records include but are not limited to the following: unsolicited and junk emails not related to agency work, listserv and other email broadcast lists that require subscription (including newspapers), reminders for meetings and events (i.e., cake in the conference room, staff meeting moved from 2 p.m. to 3 p.m.), personal non-work related emails received by employees.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 44:405.

**HISTORICAL NOTE:** Promulgated by the Department of State, Office of the Office of the Secretary of State, Division of Archives, LR 29:958 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

### **§1327. Maintenance of Electronic Mail**

Repealed

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 44:405.

**HISTORICAL NOTE:** Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:959 (June 2003), repealed by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

### **§1329. User Responsibilities**

A. It is the responsibility of the user of the email system to manage email messages according to their agency's retention schedule.

1. Names of sender, recipient, date/time of the message, as well as any attachments must be retained with the message.

B. When an email is sent to multiple recipients in the transaction of official business:

1. The creator of the email must retain the email and consider it a record.

2. If the recipient of the email takes any action in response to the email, the recipient must retain the email and consider it a record.

3. If the recipient receives the email for information purposes only and does not take any action in response to it, the email is considered transitory and may be deleted. Agencies are encouraged to use the "cc" designation to indicate to the recipient they were included for information purposes only.

C. User responsibilities may be mitigated by the use of a server level automated classification system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:959 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

### **§1331. Agency Responsibilities**

A. Each agency should adopt and disseminate to the employees the agency policy governing the proper use of email, messaging, and collaborative software. The policy should:

1. define official use and set limits on personal use of agency email, messaging, and collaborative software;
2. prohibit the use of agency email, messaging, and collaborative software to promote discrimination (on the basis of race, color, national origin, age, marital status, sex, political affiliation, religion, disability or sexual preference), promotion of sexual harassment, or to promote personal, political, or religious business or beliefs;
3. prohibit employees from sending electronic messages under another employee's name without authorization;
4. prohibit the altering of electronic messages including any attachments;
5. establish the agency process for storing and maintaining electronic messages for the duration of the message's retention period;
6. alert users of an agency's electronic messaging systems that they should not expect a right of privacy and that electronic messages may be monitored for compliance and abuse; and
7. establish which messaging services and collaboration softwares are acceptable for use in conducting agency business.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:959 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

### **§1333. Use of Records Management Application (RMA) Software**

A. Agencies may use records management application (RMA) software to manage records in digital form. RMA software categorizes and locates records and identifies records that are due for disposition. RMA software also stores, retrieves, and disposes of the electronic records that are stored in its repository. Agencies should use RMA software that complies with DoD 5015.2-STD, "Design Criteria Standard for Electronic Records Management Software Applications," as issued by the U.S. Department of Defense or any superseding standards that may be issued by a relevant authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:959 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

## Chapter 15. Microfilm Policy

### §1501. General

A. This policy applies to the microfilming of any agency record that is to be maintained solely in microfilm format and to all microfilm which is created or maintained for the full retention period of the record as a preservation copy of an agency record. This policy does not apply to access film.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:959 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

### §1503. Definitions

A. The following words and terms, when used in this Chapter, have the following meanings, unless the context clearly indicates otherwise. Terms not defined in these Sections have the meanings defined in the R.S. 44:402.

*Access Film*—microfilm copies of records created only for convenience of use and considered non-records under R.S. 44:402.

*Aperture Card*—card with a rectangular opening(s) into which 16mm/35mm microfilm frames can be inserted, mounted, or pre-mounted.

*Batch*—a quantity of chemicals or film which has been prepared at one time and which has been identified through labeling or through other means by the manufacturer as a batch or lot.

*CAD (Computer Aided Design)*—a method of creating microimages by computer-driven laser.

*Certification by the Camera or Scanner Operator*—a target photographed on film following the filmed records that provides identification of beginning and ending records on the film, signature of the scanner or camera operator, date the certification was filmed, and reduction range if more than one ratio has been used.

*Diazo*—a photographic film containing one or more photosensitive layers composed of diazonium salts in a polymeric material which react with coupler(s) to form an azo dye image after film processing.

*Duplicate Microfilm*—a microfilm copy made from the original or master negative. It can be silver, diazo, or vesicular film.

*Essential Record*—any agency record necessary to resume or continue an agency's business, to recreate its legal and financial status, and to preserve the rights of the agency, its employees, and its clients. It is also known as a vital record.

*Microfilm*—roll microfilm, microfiche, computer output microfilm (COM), and all other formats produced by any method of microphotography or other means of reduction on film.

*Microfilm Container*—generic term for any enclosure in close or direct contact with film such as a reel, can, bag, folder, sleeve (sheath), jacket, envelope, window mount or mat, slide mount, carton, cartridge, cassette, and aperture card.

*Microfilming*—the methods, procedures, and processes used to produce microfilm.

*Original Microfilm*—first generation of film produced when records are filmed.

*Silver Original*—first generation silver-gelatin film or other archival quality film.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:959 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

#### **§1505. Access to Referenced Standards and Practices**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:960 (June 2003), repealed by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

#### **§1507. Retention Schedule Compliance**

A. Microfilming of records must be in compliance with an approved agency retention schedule. For microfilm maintained as roll film, no more than one records series is permitted on each roll of microfilm.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:960 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

#### **§1508. Retention of Original Source Records**

A. Agencies must maintain the following records in their original analog format after microfilming:

1. records that are required by federal or state statutes or regulations to be maintained in their original, physical format;
2. records that are not listed on the agency's approved retention schedule; and
3. records that are currently under a litigation hold.

B. In accordance with R.S. 44:417, the state archivist may direct the transfer of the original source documents to the Louisiana State Archives if the state archivist determines the records have a historical value that warrants the continued preservation of the records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

#### **§1511. Annual Report Requirement**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

**HISTORICAL NOTE:** Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:960 (June 2003), repealed by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

### **§1513. State Centralized Microfilm Unit**

Repealed.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 44:405.

**HISTORICAL NOTE:** Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:960 (June 2003) repealed by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

### **§1515. Film Requirement**

Repealed.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 44:405.

**HISTORICAL NOTE:** Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:960 (June 2003), repealed by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

### **§1523. Image Sequence**

A. Image sequence on roll microfilm must include at a minimum:

1. leaders with a minimum of 3 feet (36 inches) of blank film;
2. a density target and resolution target;
3. a title page (including agency of record);
4. a records series identification page;
5. records on film;
6. a certification by camera or scanner operator;
7. a density target and resolution target; and
8. a trailer with a minimum of 3 feet (36 inches) of blank film.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 44:405.

**HISTORICAL NOTE:** Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:961 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

### **§1525. Retake Sequence**

A. Filming sequence for retakes and additions on all microfilm must include:

1. title target identifying the retake or addition records;
2. the retake or addition records; and
3. certification of the camera or scanner operator.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 44:405.

**HISTORICAL NOTE:** Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:961 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:



### **§1529. Quality Control**

A. Original processed microfilm must be visually inspected according to the following procedures:

1. A visual inspection of microfilm within two weeks of creation must be completed to verify legibility.

2. Images of documents must be uniformly placed on the film and must be free of any defects in the filming area that would interfere with the documents being read.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:961 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

### **§1531. Film Imaging and Ancillary Equipment**

A. It is recommended that film imaging equipment be calibrated, tested, or otherwise inspected and adjusted at least twice annually or more often if required to comply with manufacturer's specifications or recommended operating and maintenance procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:961 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

### **§1533. Storage of Original Microfilm**

A. Original film should be stored in a separate building from where duplicate copies or the original record are housed. In addition, films of different generic types should not be stored in the same storage room/vault or in rooms sharing common ventilation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:961 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

### **§1535. Storage of Original Microfilm at State Archives**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:961 (June 2003), repealed by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

### **§1537. Storage Environment**

A. Original microfilm should be stored in a storage room or vault that:

1. conforms to ISO 18911:2010 or any superseding standards that may be issued by a relevant authority;

2. offers protection from fire, water, steam, structural collapse, unauthorized access, and other potential hazards; and

3. has adequate temperature and humidity controls:
  - a. Temperature should not exceed 70 degrees Fahrenheit, with temperatures of 55 degrees Fahrenheit being preferable.
  - b. Relative humidity should not exceed 50 percent, with a maximum variation of plus/minus 5.0 percent relative humidity in a 24-hour period.
  - c. Due to Louisiana's high temperatures and humidity, agencies may not be able to achieve ideal storage conditions. Agencies should strive for consistency and avoid dramatic fluctuations in temperature or humidity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:961 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

### **§1539. Containers and Storage Housing**

A. Storage housing materials must be noncombustible and non-corrosive. Microfilm containers for original microfilm must:

1. be used for processed microfilm to protect the film and facilitate identification and handling;
2. be chemically stable materials such as non-corrodible metals (anodized aluminum or stainless steel), peroxide-free plastics, and acid-free paper to ensure no degradation is caused to the images; and
3. be stored in a closed housing or may be stored on open shelves or racks if the film is in closed containers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:962 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

### **§1541. Inspection of Stored Original Microfilm**

A. Inspection of stored original microfilm may be conducted in accordance with the following standards:

1. ISO 18911:2010;
2. ANSI/AIIM MS45;
3. ANSI/AIIM TR13;
4. ANSI/NAPM IT9.1; or
5. any superseding standard that may be issued by a relevant authority.

B. When inspection is done, the sample of microfilm to be inspected for each storage room or vault, if more than one, must be 1/1000th of the total volume of stored microfilm or at least 100 microforms (rolls, jackets, microfiche, aperture cards, COM, etc.), whichever is greater. Sampling procedures must be established that will assure that all parts of the group of microfilm are represented.

C. Inspection must be conducted every five years. Microfilm that has been stored under temperature and/or humidity conditions other than those specified in this policy must be inspected every two years.

D. Containers used to store the film must be inspected for evidence of rust, corrosion, or other deterioration and replaced, if needed.

E. Original microfilm must be inspected on a light box with rewinds or comparable equipment which will not scratch the film.

F. If deterioration is found, a more extensive inspection must be conducted to locate all deteriorating film.

G. Any deteriorating film must immediately be removed from the storage area and the problem corrected before returning the film to storage.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:962 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

#### **§1543. Computer Output Microfilm (COM)**

A. All policies for COM are the same as other microfilm formats, except:

1. the COM original must be wet processed silver-gelatin film for essential records and records with a retention of 10 years or more;

2. the following standards for production, testing, and inspection of COM are recommended:

a. ANSI/AIIM MS1;

b. ANSI/AIIM MS5;

c. ANSI/AIIM MS28;

d. ANSI/AIIM MS39;

e. ANSI/AIIM MS43;

f. ANSI/NAPM IT9.17; or

g. any superseding standard that may be issued by a relevant authority.

B. If bar coding is used, the procedures in technical report AIIM TR12 should be followed.

C. The COM original must be visually inspected every 10 feet.

D. Eye-legible titling information must include the following:

1. name of agency;

2. records series title;

3. date(s) of records; and

4. starting and/or ending indexing information.

E. A reduction ratio not exceeding 48:1 must be used.

F. Adherence image sequence for filming, mentioned in this policy, is not required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:962 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

### **§1545. Jacketing**

- A. All policies for jacketed microfilm are the same as other microfilm formats except:
1. original microfilm may be placed in a jacket, if there is a security copy stored in the same fashion as original microfilm;
  2. jacket header information should include a record identifier (name, number). If no security copy exists, the following must be included in the jacket header information:
    - a. name of agency;
    - b. records series title;
    - c. date(s) of records; and
    - d. starting and/or ending indexing information.
- B. Header information must be created with a black carbon-type ribbon or ink that will not bleed, spread, or transfer.
- C. Microfilm jackets should comply with ANSI/AIIM MS11 or any superseding standard that may be issued by a relevant authority.
- D. The procedures in AIIM TR11 are recommended for the jacketing of film.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:962 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

### **§1549. Expungements**

- A. Such action must comply with statutory law.
1. If roll film is spliced, the following information must be inserted in place of the expunged record(s):
    - a. a start of expungement target;
    - b. replacement documents for documents that were expunged (if necessary);and
    - c. an expungement certificate containing the following information:
      - i. the number of the district court ordering the expungement;
      - ii. the signature, printed name, and title of the custodian of expunged records; and
      - iii. the date of expungement.

B. Images on film must not be expunged by punching holes through film, by using opaque, by blotting images with ink-type pen, or by using chemical means such as potassium dichromate (bleach) on film emulsion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:963 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

### **§1551. Destruction of Microfilmed Records**

- A. Microfilmed records must be destroyed only in accordance with R.S. 44:411. Microfilmed records scheduled for destruction must be disposed of in a manner that ensures

protection for any sensitive or confidential information. Destruction of records on a roll of microfilm containing multiple records series must be done by destroying the whole roll of film at the time the records on the film that have the longest retention period are eligible for destruction or, if filmed prior to the effective date of these standards, by deleting the section of the film containing records eligible for destruction and splicing the film. If the film is spliced, a destruction notice containing the following information must be inserted in place of the deleted records:

1. the records series title and the inclusive dates of the records;
2. the signature and printed name of the agency records officer approving deletion of the records; and
3. the date of the deletion.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 44:405.

**HISTORICAL NOTE:** Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:963 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

### **§1553. Documentation and Record Keeping**

#### **A. Microfilm Production**

1. The agency's records officer must require documentation to be maintained that identifies titles of records filmed, dates records filmed, disposition of records after filming, dates film processed, disposition of film, reduction ratio used, records series contained on each roll of microfilm, and equipment on which each microfilm was filmed and processed. The documentation must be retained until final disposition of all microfilm documented in the log or equivalent.

#### **B. Inspection of Stored Microfilm**

1. The following information must be recorded for each inspection of stored microfilm:

- a. the quantity and identification of microfilm inspected;
- b. the condition of the microfilm including description of any deterioration;
- c. any corrective action required;
- d. the date(s) of inspection and signed certification of inspector; and
- e. the date any corrective action was completed.

2. The inspection log of stored microfilm must be maintained by year and within each year numerically according to microfilm identifier or number.

**C.** Agency microfilm programs must be reviewed yearly by the agency's records officer for compliance with R.S. 44, Chapter 5, and this policy.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 44:405.

**HISTORICAL NOTE:** Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:963 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

### **Family Impact Statement**

The proposed Rule should not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

1. the stability of the family;
2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

### **Poverty Impact Statement**

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

### **Small Business Analysis**

The proposed Rule should have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

### **Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

### **Public Comments**

Interested persons may submit written comments, data, opinions and arguments regarding the proposed rule via U.S. Mail, hand-delivery, or email. Written submissions must be directed to Tray Wood, General Counsel, [legal@sos.la.gov](mailto:legal@sos.la.gov), Department of State, P.O. Box 94125, Baton Rouge, Louisiana 70804-9125 and must be received no later than 4:30 P.M. on August 26, 2025. All written comments must be signed and dated.

## Hearing

A hearing on the proposed rule will be held on August 26, 2025 at 10:00 A.M. in the auditorium of the Louisiana State Archives Building, located at 3851 Essen Lane, Baton Rouge, Louisiana 70809. All interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

## Fiscal and Economic Impact Statement

### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes are not anticipated to result in direct cost or savings to state or local governmental units. LAC 4:XVII details records management policies and procedures, which have not been updated since 2003. The proposed rule changes reflect current processes, replace outdated standards, modernize language, and correct grammatical errors. Chapter 1 through Chapter 11 provide instructions for state and local governmental units on how to submit records management forms and/or records to the State Archives. Chapter 13 establishes best practices for managing electronic records. Chapter 15 outlines procedures for microfilming records.

### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes are not anticipated to have any effect on revenue collections.

### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

The proposed rule changes are not anticipated to result in any costs or economic benefits to directly affected persons, small businesses, or non-governmental groups.

### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes are not anticipated to have an effect on competition and employment.

  
Nancy Landry  
Secretary of State