

Electronic Records

Standards and Procedures

B



SLRM
STATE AND LOCAL
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MANAGEMENT

LOCAL GOVERNMENT
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Electronic Records Standards and Procedures

LOCAL GOVERNMENT BULLETIN B

Local Government Code

Chapter 205. Electronic Storage of Records.

Section 205.001. Definitions.

In this chapter:

- (1) “Electronic storage” means the maintenance of local government record data in the form of digital electronic signals on a computer hard disk, magnetic tape, optical disk, or similar machine-readable medium.
- (2) “Local government record data” means the information that by law, regulation, rule of court, ordinance, or administrative procedure in a local government comprises a local government record as defined by Section 201.003.
- (3) “Source document” means the local government record from which local government record data is obtained for electronic storage. The term does not include backup copies of the data in any media generated from electronic storage.

Source:

Added by Acts 1989, 71st Leg., ch. 1248, Sec. 1, eff. Sept. 1, 1989.

Section 205.002. Authorization.

Any local government record data may be stored electronically in addition to or instead of source

documents in paper or other media, subject to the requirements of this chapter and rules adopted under it.

Source:

Added by Acts 1989, 71st Leg., ch. 1248, Sec. 1, eff. Sept. 1, 1989.

Section 205.003. Standards and Procedures to be Adopted.

- (a) The commission shall adopt rules establishing standards and procedures for the electronic storage of any local government record data of permanent value and may adopt rules establishing standards and procedures for the electronic storage of any local government record data whose retention period is at least 10 years on a records retention schedule issued by the commission. The rules must be approved as required by Section 441.165, Government Code.
- (b) With regard to the types of local government record data covered by Subsection (a), the rules may require or prescribe:
 - (1) standards and procedures for the generation of backup or preservation copies of the local government record data on paper, microfilm, electronic, or other approved media;
 - (2) standards and procedures for the recopying or duplication of the magnetic tape, optical disk, or similar machine-readable medium on which the local government record data are stored;
 - (3) standards and procedures for the physical storage and maintenance of magnetic tapes, optical disks, or similar machine-readable media;
 - (4) standards and procedures for providing access by members of the public to electronically stored local government record data to which they are entitled under law; and
 - (5) other standards and procedures that the commission considers necessary to ensure the availability, readability, or integrity of the local government record data.

Source:

Added by Acts 1989, 71st Leg., ch. 1248, Sec. 1, eff. Sept. 1, 1989.

Section 205.004. Rules to be Updated.

The director and librarian shall monitor standards and procedures relating to electronic storage developed for use by federal agencies or adopted by national organizations that develop and set

standards in the fields of records and information management in order to recommend to the commission any needed amendments to rules.

Source:

Added by Acts 1989, 71st Leg., ch. 1248, Sec. 1, eff. Sept. 1, 1989.

Section 205.005. Supreme Court Rules.

This chapter is not intended to conflict with Subchapter I, Chapter 51, Government Code, relating to the electronic filing of certain documents in district and county courts. The commission shall incorporate any rules adopted under that subchapter into its own.

Source:

Added by Acts 1989, 71st Leg., ch. 1248, Sec. 1, eff. Sept. 1, 1989.

Section 205.006. Index.

An index to local government record data stored electronically must provide the same information that may be required by state law for an index to the source document, if applicable.

Source:

Added by Acts 1989, 71st Leg., ch. 1248, Sec. 1, eff. Sept. 1, 1989.

Section 205.008. Destruction of Source Documents.

- (a) The source document, if any, for electronically stored local government record data covered by rules adopted under Section 205.003(a) may be destroyed or returned to the person who filed it for record.
- (b) The magnetic tape, optical disk, or similar medium containing the local government record data and the hardware and software necessary to provide access to it must be retained by the local government or be available to the local government until the expiration of the retention period for all source documents, subject to the rules adopted under this chapter.
- (c) The source document, if any, for electronically stored local government record data not covered by rules adopted under Section 205.003(a) may be destroyed before the expiration of the retention period for the source document in a records retention schedule issued by the commission if the magnetic tape, optical disk, or similar medium and hardware and software necessary to provide access to local government record data on the media are retained for the retention period in the schedule. Conversely, the magnetic tape, optical disk, or similar medium may be erased, written over, or destroyed before the expiration of the retention period for a source document for local government record data not covered by rules adopted under Section 205.003(a), if the source document, if any, is retained until the expiration of its retention period or, if the source document has already

been destroyed, paper or microfilm copies are generated from the magnetic tape, optical disk, or similar medium before destruction or erasure and retained until the expiration of the retention period for the source document.

Source:

Added by Acts 1989, 71st Leg., ch. 1248, Sec. 1, eff. Sept. 1, 1989. Amended by: Acts 2019, 86th Leg., R.S., Ch. 533 (H.B. 1962), Sec. 19, eff. September 1, 2019.

Section 205.009. Denial of Access Prohibited.

A person under contract or agreement with a local government or elected county officer to create, file, or store local government record data electronically or to provide services, equipment, or the means for the creation, filing, or storage, may not, under any circumstances, refuse to provide local government record data to the local government in a timely manner in a format accessible and useable by the local government.

Source:

Added by Acts 1989, 71st Leg., ch. 1248, Sec. 1, eff. Sept. 1, 1989.

Texas Administrative Code, Chapter 7

Section 7.71. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise. Terms not defined in these sections shall have the meanings defined in the Local Government Code, Title 6, Subtitle C, Chapter 201.

- (1) **Authenticity**--The quality of a record as being what it purports to be by establishing the origin, reliability, trustworthiness, and correctness of its content.
- (2) **Data file**--Related numeric, textual, sound, or graphic information that is organized in a strictly prescribed form and format.
- (3) **Database**--An organized collection of structured information or data which makes up records within files that have relationships with other records within other files.
- (4) **Database management system (DBMS)**--Software programs designed to organize, store, and retrieve machine-readable information from within databases.
- (5) **Disposition**--Final processing of local government records by archival transfer under Local Government Code, §203.049 or destruction under Local Government Code, §202.001 or Government Code, §441.0945.
- (6) **Electronic record**--Any information that is recorded in a form for computer processing and that satisfies the definition of local government record data in the Local Government Code, §201.003(8).

- (7) Electronic records system--Any information system that produces, manipulates, and stores local government records by using a computer.
- (8) Electronic storage media--All physical media capable of being read by a computer including computer hard disks, magnetic tapes, optical disks, or similar machine-readable media.
- (9) Essential record--A record as defined in Local Government Code, §201.003(5).
- (10) Integrity--The quality of a record as complete and free from unauthorized alteration.
- (11) Metadata--Data that summarizes basic information about a record, and which can facilitate tracking, locating, verifying authenticity, or working with specific records or data. Examples include, but are not limited to, author, date created, date modified, file extension, and file size.
- (12) Migration--The act of moving data or records from one hardware or software system or configuration to another so that records may continue to be understandable and usable for as long as they are needed.
- (13) Records Management Officer--Each elected county officer or the person designated by the governing body of each local government pursuant to the Local Government Code, §203.025.
- (14) Reliability--The quality of a record as a full and accurate representation of the activity or transaction it captures.
- (15) Text documents--Narrative or tabular documents, such as letters, memorandums, and reports, in loosely prescribed form and format.
- (16) Third-party custodians--Parties with which a local government entity may contract for services who are temporarily responsible for the maintenance of local government records, other than an interlocal contract under Local Government Code, §203.025(f).
- (17) Usability--The quality of a record as related to the producing activity or that can be accessed, identified, and readily retrieved, and interpreted or read within the broader context.

Source:

Adopted to be effective March 12, 1993, 18 TexReg 1271; amended to be effective October 2, 1995, 20 TexReg 7484; amended to be effective August 31, 2021, 46 TexReg 5389.

Section 7.72. General.

(a) This subchapter establishes the minimum requirements for the maintenance, use, retention, and storage of any electronic record of a local government whose retention period is ten years or more on a records retention schedule adopted under §7.125 of this title (relating to Records Retention Schedules). These requirements are recommended as best practices for electronic records with retention periods of less than ten years. All electronic records are subject to the applicable provisions of the Local Government Code, Chapter 205.

(b) Unless otherwise noted, these requirements apply to all electronic records systems and electronic storage media.

(c) The governing body of a local government and its records management officer, in cooperation with other employees of the local government, must:

- (1) administer a program for the management of records created, received, maintained, used, or stored on electronic media;
- (2) integrate the management of electronic records with other records and information resources management programs;
- (3) incorporate electronic records management objectives, responsibilities, and authorities in pertinent directives;
- (4) establish procedures for addressing records management requirements, including recordkeeping requirements and disposition;
- (5) make training available for users of electronic records systems that addresses:
 - (A) the operation, care, and handling of the equipment, software, media, and information contained in the system; and
 - (B) records management concepts and applicable requirements, including any records management issues as they relate to subparagraph (A) of this paragraph;
- (6) develop and maintain up-to-date documentation about all electronic records systems that is adequate to specify all technical characteristics necessary for reading or processing the records and the timely, authorized disposition of records; and
- (7) specify the location and media on which electronic records are maintained to meet retention requirements and maintain inventories of electronic records systems to facilitate disposition.

(d) An electronic records system not meeting the provisions of this subchapter may be utilized for records subject to this section, provided the source document, if any, or a paper copy of the record is maintained, or the record is microfilmed in accordance with the provisions of Local Government Code, Chapter 204, and the rules adopted under it.

Source:

Adopted to be effective March 12, 1993, 18 TexReg 1271; amended to be effective October 2, 1995, 20 TexReg 7484; amended to be effective August 31, 2021, 46 TexReg 5389.

Section 7.73. Policies and Procedures.

(a) Local government records management officers, in conjunction with the governing body, shall approve and institute written policies and procedures that communicate the organization's approach for electronic records management practices that ensure electronic records maintain and retain reliability, usability, integrity, and authenticity.

(b) A local government's policies and procedures must:

- (1) establish a component of the local government's active and continuing records management program to address the management of electronic records created, received, retained, used, transmitted, or disposed of electronically, including electronic records maintained or managed by third-party custodians or other external entities;
- (2) integrate the management of electronic records into existing records and information resources management programs;
- (3) incorporate electronic records management objectives, responsibilities, and authorities;
- (4) address electronic records management requirements, including retention requirements and final disposition;
- (5) address the use of new technologies through regular media and format conversion, recopying, reformatting, and other necessary maintenance to ensure the retention and usability of electronic records until the expiration of their retention periods and final disposition; and
- (6) ensure transparency by documenting, in an open and verifiable manner, the processes and activities carried out in the management of electronic records.

(c) A local government's policies and procedures must ensure information that must be protected from unauthorized use or disclosure is appropriately protected as required by applicable law, regulation, or other applicable requirement.

Source:

Adopted to be effective March 12, 1993, 18 TexReg 1271; amended to be effective October 2, 1995, 20 TexReg 7484; amended to be effective August 31, 2021, 46 TexReg 5389.

Section 7.74. Minimum Requirements for all Electronic Records.

(a) Each local government must:

- (1) manage electronic records according to the local government's records management program and records retention schedule regardless of format, system, or storage location;
- (2) maintain ownership and responsibility for electronic records regardless of where the record originates or resides, including, but not limited to, external electronic records systems, third-party custodians, and social media platforms;
- (3) develop and maintain up-to-date documentation about electronic records systems and storage media adequate to identify, retain, read, process, or migrate electronic records and ensure the timely, authorized final disposition of electronic records;
- (4) ensure that electronic records remain readily retrievable and readable for as long as they are maintained by the local government through migration or by maintaining any software, hardware, and documentation required to retrieve and read the electronic records;

(5) maintain descriptive and technical metadata required for electronic records to maintain and retain reliability, including metadata necessary to adequately support the usability, authenticity, or integrity as well as the preservation of a record;

(6) preserve the authenticity, integrity, reliability, and usability of the records;

(7) ensure that electronic records are readily retrievable and readable independently of other records in the database management system, electronic records system, or electronic storage media;

(8) ensure that system backups that are required for disaster recovery are not used to satisfy records retention requirements unless indexed to ensure usability and are tested on a regular basis; and

(9) require all third-party custodians of records to provide the local government with descriptions of their business continuity and/or disaster recovery plans pertaining to the protection of the local government's essential records.

(b) Any technology for electronic records developed, used, or acquired by a local government must support the local government's ability to meet the minimum requirements in subsection (a) of this section to preserve and make readily retrievable and readable any electronic record or to extract or migrate the record in as complete a form as possible for its full retention period.

Source:

Adopted to be effective March 12, 1993, 18 TexReg 1271; amended to be effective October 2, 1995, 20 TexReg 7484; amended to be effective August 31, 2021, 46 TexReg 5389.

Section 7.75. Security of Electronic Records.

(a) Local governments must implement and maintain an electronic records security program for office and storage areas that:

(1) ensures that only authorized individuals have access to electronic records;

(2) provides for backup and recovery of records to protect against information loss;

(3) ensures that authorized individuals are trained to safeguard confidential electronic records;
and

(4) minimizes the risk of unauthorized alteration or erasure of electronic records.

(b) A duplicate copy of essential records and any software or documentation required to retrieve and read the records must be maintained in a separate storage area.

(c) For records stored on rewritable electronic storage media, local governments must ensure that read/write privileges are controlled and that an audit trail of rewrites is maintained.

Source:

Adopted to be effective March 12, 1993, 18 TexReg 1271; amended to be effective October 2, 1995, 20 TexReg 7484; amended to be effective August 31, 2021, 46 TexReg 5389.

Section 7.76. Maintenance of Electronic Storage Media.

(a) Local governments must ensure that the reliability, integrity, and usability of information is not lost prior to its authorized destruction date because of changing technology or media deterioration through periodic checking and maintaining the state of electronic storage media, converting electronic storage media or file format, and taking other action as required to provide compatibility with current hardware and software. The migration strategy for upgrading equipment as technology evolves must be documented and include:

- (1) periodically recopying to the same electronic media as required, and/or transferring of data from an obsolete technology to a supportable technology; and
- (2) providing backward compatibility to the data in old systems, and/or converting data to media that the system upgrade and/or replacement can support.

(b) The storage areas for electronic storage media must be maintained in environments without high levels of airborne particulates and within the following temperatures and relative humidities:

- (1) For magnetic media--65 degrees Fahrenheit to 75 degrees Fahrenheit, and 30% to 50% relative humidity;
- (2) For optical disks—14 degrees Fahrenheit to 74 degrees Fahrenheit, and 20% to 50% relative humidity.

(c) Electronic storage media that cannot meet the requirements of subsection (a) of this section may not be used for the exclusive storage of electronic records subject to this subchapter.

(d) Additionally, if electronic storage media is used to store permanent electronic records, local governments must maintain any metadata and media-specific information necessary to access the records.

(e) The following standards must be met for electronic records stored as digital images on electronic storage media:

- (1) A visual quality control evaluation must be performed on a representative sample of scanned images and related index data. A representative sample must be at least 10% of the total scanned images.
- (2) A scanning density with a minimum of 200 dots per inch is required for recording text documents that contain no type font smaller than six point.
- (3) A scanning density with a minimum of 300 dots per inch is required for engineering drawings, maps, and other text documents with background detail.
- (4) The selected scanning density must be validated with tests on actual text documents.

(f) A local government must prohibit smoking, drinking, and eating in areas containing electronic storage media.

Source:

Adopted to be effective March 12, 1993, 18 TexReg 1271; amended to be effective October 2, 1995, 20 TexReg 7484; amended to be effective August 31, 2021, 46 TexReg 5389.

Section 7.77. Minimum Requirements for all Electronic Records Systems.

(a) Local governments must maintain up-to-date technical documentation for each electronic records system that produces, uses, and stores data files. Documentation must:

- (1) include a narrative description of the system purpose and functionality;
- (2) describe the physical and technical characteristics of the records, including, but not limited to, each field associated with a record; its name, size, starting or relative position; and the form of the data;
- (3) outline steps to ensure the electronic records system remains usable for as long as the system is maintained by the local government, including maintaining any software, hardware, and documentation required to retrieve and read the electronic records;
- (4) describe the required descriptive and technical metadata the electronic records system must maintain for electronic records to have reliability, including metadata necessary to adequately support the usability, authenticity, integrity, and preservation of a record; and
- (5) incorporate instructions for carrying out disposition of records into electronic records systems.

(b) Local governments must ensure electronic records systems using electronic storage media to maintain the record copy, or data used to generate the record copy, allow for:

- (1) all authorized users of the system to retrieve desired records, such as an indexing or text search system;
- (2) security to ensure integrity of the records;
- (3) exchanging records using an established standard format amongst the departments of the local government using different software/operating systems; and
- (4) disposition of the records.

(c) An electronic records system must not create an impediment to access to public records.

(d) Local governments must ensure that records created or maintained in electronic records systems can be:

(1) identified sufficiently to enable authorized personnel to retrieve, protect, and carry out disposition of the records in the system; and

(2) associated with related records in other formats.

(e) A local government must prohibit smoking, drinking, and eating in areas containing electronic records systems that maintain the record copy.

Source:

Adopted to be effective March 12, 1993, 18 TexReg 1271; amended to be effective October 2, 1995, 20 TexReg 7484; amended to be effective August 31, 2021, 46 TexReg 5389.

Section 7.78. Destruction of Electronic Records.

(a) Electronic records may be destroyed only in accordance with the Local Government Code, §202.001.

(b) Each local government must ensure that:

(1) electronic records eligible for destruction are disposed of in a manner that ensures protection of any confidential information; and

(2) electronic storage media used for electronic records containing confidential information is not reused if the previously recorded information can be compromised in any way through reuse.

(c) For the court ordered expungement of information recorded on Write-Once-Read-Many (WORM) electronic storage media, all copies of the information must be destroyed wherever it exists, including any record, index, or reference to the expunged information on other electronic storage media. Methods for expunging information from WORM electronic storage media include:

(1) overwriting the information to obliterate the original data, leaving no evidence of the original information; or

(2) rewriting all the indices, pages, or documents, other than the expunged information, onto new electronic storage media and physically destroying the old electronic storage media.

Source:

Adopted to be effective March 12, 1993, 18 TexReg 1271; amended to be effective October 2, 1995, 20 TexReg 7484; amended to be effective August 31, 2021, 46 TexReg 5389.