



# STATE OF CONNECTICUT

## CONNECTICUT STATE LIBRARY

231 Capitol Avenue • Hartford, Connecticut 06106-1537



Testimony of  
Eunice G. DiBella, CRM  
Public Records Administrator  
Connecticut State Library  
Concerning HB 5957

“An Act Concerning the Use of Portable Scanners to Copy Public Records”

March 23, 2009

The Connecticut State Library, Office of the Public Records Administrator is opposed to HB 5957 for several reasons. Most important is that the use of these devices is potentially damaging to the records, and second that the use of copying devices in a vault is a violation of the regulations that govern vaults that house municipalities' most valuable, expensive and irreplaceable public records.

As Public Records Administrator for the State of Connecticut, I am responsible for overseeing the preservation and maintenance of the public records of the State of Connecticut. I also have administrative responsibility for the operation of the State Archives. I am a trained archivist, librarian and have earned the designation of Certified Records Manager (CRM). It is from this perspective that I express my grave concern regarding the use of portable scanners to copy public records by individuals who wish to do so solely because it is economically advantageous to them. As a records custodian, I have always supported the view held by the Town Clerks Association that the responsibility for deciding how records should be reproduced is the responsibility of the custodian of the record. I believe that this is in line with the intent of the Freedom of Information statutes.

The Northeast Document Conservation Center is a well know institution in the archives and library profession. They are known as both conservators and educators, and provide technical leaflets that are available online at <http://www.nedcc.org/resources/leaflets.list.php>.

Leaflet Number 4.1, "Storage Methods and Handling Practices," discusses the issues associated with photocopying records. I have included relevant portions of this leaflet for your review.

"Books are often unnecessarily damaged during photocopying. Photocopy machines with flat copy platens necessitate jamming the binding flat in order to get a good image. Better machines are those with edge platens or other features that allow a book page to be copied with the book open only to 90 degrees instead of 180 degrees. Photocopying of books of special value should be done only by staff members rather than by researchers, and then only if it can be done without causing damage to the books themselves. The spine of a book should never be pressed down with the hand or the cover of the copier to insure a good quality image. If a book is too brittle or tightly bound to photocopy safely, it should be microfilmed instead and a photocopy made from the film copy."

There is also information in Leaflet Number 3.11, "Collections Security," under the subheading "Patron Management," that relates to concerns about loss or disorganization of pages from loose-leaf volumes when people are taking these apart themselves. It has been reported to me that this has occurred when users have attempted to copy land records on flat bed scanners. Though directed to the use of loose paper files, it makes relevant points, such as the need for adequate staff supervision while materials are being used and for staff inspections for "sequencing and completeness" after materials have been used. This is not practical in a town clerk's operation, so the only way to safeguard these books is to have the town clerk or staff make the copies.

My second point deals with the use of these devices in vaults. HB 5957 states that a "hand-held or portable scanner means a battery or universal or serial bus (USB) operated electronic scanning device..." This means that these devices require auxiliary power to operate. They can be connected to a laptop and work off of the power provided by the battery, but it has been reported to me that there have been attempts to use electrical outlets in the vault as a source of power. In either case, this is a violation of the vault regulations. Section 11-8-10(a)(2) states "... there shall be no pendant or extension cord within the vault." Section 11-8-11(c)(2) states "No materials other than records and records storage equipment shall be permitted in the vaults at any time." The regulations are online at <http://www.cslib.org/publicrecords/vaults.htm>. During our vault inspections we issue a citation to any town that has photocopy equipment located in the vault.

In conclusion, I would like to go on record saying that I was opposed to the initial change in the law that allowed the use of hand held scanners to copy public records in the custody of the town clerk. This proposed change in the statute further compounds my concern for the reasons that I have outlined above.