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**Testimony of LeAnn R. Power, CRM**

**Public Records Administrator**

**Connecticut State Library**

**Concerning Senate Bill No. 439**

**"An Act Concerning the Protection of Municipal Records"**

**Joint Committee on Planning and Development – Public Hearing**

**March 21, 2012**

Good morning Senator Cassano, Representative Gentile, Senator Coleman, Representative Grogins, and distinguished members of the Joint Committee on Planning and Development. My name is LeAnn Power and I am representing the Connecticut State Library, Office of the Public Records Administrator. In accordance with Section 11-8 of the *General Statutes of Connecticut*, I am responsible for developing and directing a records management program for all state agencies within the executive department, and the towns, cities, boroughs, and other political subdivisions of the state. Pursuant to Section 11-8, my office is responsible for adopting regulations that establish "the design, construction and degree of fire resistance" required for vaults in which public records are housed. I am here today to provide some clarification and express my concerns regarding the proposed changes to Section 7-27 in Senate Bill No. 439.

I understand that the main intent of this bill is to require my office to update the vault regulations, ensuring that the new regulations address electronic media vaults, as well as paper record vaults. My office is already working to update the regulations; we have completed significant research and will be forming a committee to assist in drafting language to be used in the updated regulations. The updated regulations will, as a matter of course, include specifications for both electronic media and paper record vaults. I do not feel that it is necessary to amend a statute to require my office to take action on something that we are currently working to address.

I would like to give you some information regarding our work on updating the regulations and to explain my concerns regarding the specific language proposed in this bill.

**I. Vault Regulations: Status**

My staff has already completed significant research regarding the options and issues involved in updating the *Standard for Fire-Resistive Vaults and Safes, Regulations of Connecticut State Agencies* Sections 11-8-1 through 11-8-12 [[www.cslib.org/publicrecords/vaults.htm](http://www.cslib.org/publicrecords/vaults.htm)]. The current regulations are based on the National Fire Protection Association Code (NFPA) 232, *Standard for the Protection of Records*. We have also examined other models for vault standards, such as those adopted by the State

of Massachusetts. The Massachusetts vault standards were drafted with the direct assistance of building and fire safety professionals.

We had hoped to be able to simply adopt the newest version of NFPA 232; however, this code has specific requirements that would be burdensome if not impossible for the towns to meet. For example, it prohibits the use of vaults as working spaces. Vaults in Connecticut town halls have always been used as working spaces for title searchers, attorneys, and other members of the public. In addition, the code prescribes building-wide specifications far beyond the scope of our regulations.

Vault regulations are technical in nature; they set specific design, construction and fire safety requirements. The regulations must interface with many state and national building and fire codes, cite specific relevant sections, and amend or change other sections in ways that fit the intended application. Furthermore, our current regulations are prescriptive rather than performance based. The updated regulations must be performance-based in order to sync with the updated codes and standards they draw on. Therefore, we cannot simply update specific sections of the current regulations, but must draft entirely new language from start to finish.

For these reasons, we will require input from subject experts, such as building officials, architects, and engineers, in order to complete the revisions. We are now completing committee work to draft new regulations concerning electronic land recording, pursuant to Section 7-35ee, and expect to submit these regulations to the Regulation Review Committee this month. Our next step is to convene a committee to draft the vault regulations. We have already identified individuals that can offer the required expertise. With the assistance of this committee, we hope to complete a draft for submittal by the end of the calendar year.

Please be aware that these new regulations will address the requirements for all vaults, whether they are built to store paper records or to store microfilm and electronic media. However, the state library does not require towns to store their electronic media in vaults, nor would it recommend on-site storage as the primary means of protecting electronic media. While it is understood that electronic records should be backed up regularly, they should also be stored off-site in the event of a catastrophic disaster. Similarly, microfilm security copies must be stored off-site in a secure location approved by my office, never on-site in the municipal vault. However, towns that wish to construct vaults suitable for both record types will be able to do so under the updated regulations.

## **II. Concerns Regarding the Proposed Language and Placement**

The proposed bill states that "On or before July 1, 2013, the Public Records Administrator shall adopt regulations concerning standards for fire-resistive vaults and safes in which computer media and electronic storage devices are stored." If this specific language is added to Section 7-27, it may change the overall meaning of that statute in a manner that could be misleading. It may also create an unintended duplication of effort.

First, the language, in this context, would imply that the towns' computer media and electronic storage devices must be stored in vaults – the most expensive type of storage to build, and the most limited in space. For the reasons given above, my office does not require this type of storage for electronic records and has never interpreted nor administered the provisions of Section 7-27 in this way.

Second, as written, this statement requires our office to adopt separate, new regulations for electronic media vaults, rather than simply updating the current regulations so that they apply to both types of vaults. This would require unnecessary duplication of effort and establish two regulations where only one is necessary.

Finally, I believe that any change that affects the regulations drafted by my office would belong in Section 11-8, the statute that specifically authorizes my office to establish these regulations, and not in Section 7-27. Therefore, if the committee feels it is necessary to amend the statutes, it seems that the revision should apply to Section 11-8.

### **III. Summary**

In summary, my office has already begun the process of updating the regulations. I would respectfully ask that the committee trust this process. If the committee chooses to go forward with the proposed bill, I would recommend placing this requirement under Section 11-8 and revising the language to avoid duplication of effort or any implication that all electronic records must be stored in special vaults.