CT State Library
Office of the State Librarian

Testimony of Kendall Wiggin
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Connecticut State Library
Concerning House Bill 6575
"An Act Revising the Retention Schedule for Land Use and Development Records"
Committee on Planning and Development
February 13, 2015

Good morning Senator Osten, Representative Miller and distinguished members of the Planning and Development Committee.

My name is Kendall Wiggin and I am the State Librarian and I oversee the Office of the Public Records Administrator. Our office has concerns that HB 6575 is based on a misconception regarding the formats prescribed by records retention schedules. Passage of this bill could lead to additional confusion and additional costs for municipalities as well as pose a threat to the preservation of municipal land records.

Proposed bill HB6575
This bill proposes to amend CGS Section 7-109 which covers the destruction of municipal public records. CGS Section 11-8 grants the State Library responsibility for developing and directing a municipal records management program which includes establishing policies and standards for the creation and preservation of records including essential operational records.

The bill seeks to eliminate the perceived requirement that land use and development records must be saved to microfilm or microfiche. It also seeks to allow such records to be stored electronically. However, with the exception of municipal land records, there is no requirement issued by the Office of the Public Records Administrator requiring public records to be saved to microfilm or microfiche. In addition, public agencies are allowed to retain their records in a format that suits their business needs including electronic formats as long as they are able to ensure accessibility to the records for the entire retention period established by the Office of the Public Records Administrator.

Under the new scanning policy and standards issued in August 2014 by this office, only permanent or archival records are required to have either a paper or microfilm backup to the scanned image to ensure continued access. It is the responsibility of each municipality to decide which format best suits their needs. Some of the records series listed on the current land use and building records schedule such as those that document the permitting process are required to be retained for "life of structure." While

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no structure can be guaranteed to be "permanent," buildings may stand for a hundred years or more. Therefore, these records require the same level of protection as permanent records. The municipality must be able to access the drawings, plans, permits, and inspection files for that same time in order to ensure public safety and protect the assets of its citizens, businesses and municipalities. Given the rapidly changing nature of electronic file formats, storage media, software and computer hardware, we cannot guarantee that records would be accessible unless they are created and maintained using the most reliable methods.

Retention schedule development

Our office regularly reviews records retention schedules to ensure that they accurately reflect the records created and maintained by public agencies. As part of that process, we work closely with records creators to establish retention periods that meet the municipality's regulatory and business needs as well as protect the rights of citizens. At the municipal level, we form advisory committees consisting of the officials who create and use the records to assist us. We are currently working with municipal building and land use officials to revise *Municipal Records Retention Schedule M10: Land Use and Development*. The committee includes representatives from the towns of Branford, Enfield, New Fairfield, Madison, Cromwell, Greenwich, and Hebron as well as the City of Hartford. The committee began meeting last July. It is finalizing review of the building and demolition permitting process and will move on to the planning and zoning enforcement function in the near future. Depending on the complexity of the records and the committee's ability to meet, this process may take another six months or more to complete.

Digital Imaging Guidelines

As I mentioned earlier, the Office of the Public Records Administrator recently updated the standards for scanning municipal records. *Public Records Policy 02 Digital Imaging* and *Digital Imaging Standards* can be found on our website. http://www.ctstatelibrary.org/public-records-programs/municipal-records-management-program. A copy of each is attached for your convenience. The revised policy allows for the disposal of original, non-archival records having a retention period of *less than permanent* and reformatted using imaging technology. Scanning should be done because it improves business functions and access in a cost effective manner not solely for space-saving purposes.

The Connecticut Digital Archive

There are many issues surrounding the disposition of original paper records having a permanent retention. Electronic records could be in jeopardy if there are not proper backups in place such as paper or microfilm; or the records are not created in accordance with digital preservation best practices, including storage in a trusted digital

repository. Permanent and long term records essential to the public agency's operations and functions require proactive management to protect against loss in the event of a disaster.

Electronic records rely on technology to be accessible for the entire retention period and can become unreadable very quickly if they are not properly managed. To ensure reliable and continued long term access to electronic records, many factors must be addressed, including authentication, integrity, chain of custody, metadata, file naming structure, security, file formats, and migration. Long term is defined as long enough to be concerned with the impacts of changing technology, including software, computer hardware, and file format obsolescence.

The management and preservation of electronic records requires significant technical, personnel, and financial resources and commitment over time. The University of Connecticut Libraries in collaboration with the State Library has developed the Connecticut Digital Archives (CTDA), a repository designed to maintain, deliver, and preserve electronic records for educational and cultural institutions and state agencies. The repository is compliant with ISO: 14721 Open Archival Information System (OAIS) which prescribes standards for maintenance, long term preservation and access to electronic records. On-going funding is needed to make this a viable trusted digital repository. We are now exploring the use of the CTDA by state agencies and municipalities for long term storage of other than permanent records such as land use and building records. We will be reaching out to a few municipalities to participate in a pilot project with UConn.

Next Steps

The revised imaging policy and standards already give municipal officials greater control over the format in which their records are created and maintained. Pursuant to Public Act 11-150, the State Librarian, in consultation with the state's Chief Information Officer, will be issuing a new Public Records Policy which will establish standards for the preservation and authentication of electronic documents. The Office of the Public Records Administrator will be developing these standards for born-digital records in collaboration with UConn, DAS/BEST and OPM to ensure that these critical municipal records remain accessible as long as they are needed. I ask that you not advance this bill and allow the Office of the Public Records Administrator the time to develop policies and guidelines that will ensure long term access to records as state and local governments transition to electronic records.

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