

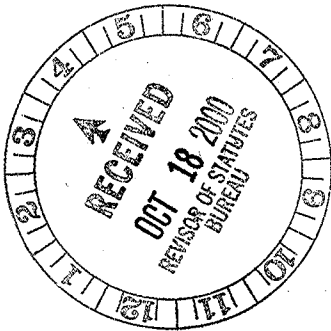
Clearinghouse Rule 00-042

RULES CERTIFICATE


State of Wisconsin)
) ss.
Department of Administration)

I, George Lightbourn, Secretary of the Wisconsin Department of Administration, and custodian of the official records, certify that the attached rule relating to Electronic Records Management Storage and Requirements was duly approved and adopted by the Department of Administration on October 17, 2000.

I further certify that this copy has been compared by me with the original on file with this Department and that it is a true copy thereof and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set my hand in the City of Madison, Wisconsin this 17 day of Oct, 2000.


George Lightbourn, Secretary
Department of Administration

**ORDER OF THE
DEPARTMENT OF ADMINISTRATION**

The Department of Administration proposes an order to repeal and recreate Chapter Adm 12 of the Wisconsin Administrative Code.

ANALYSIS PREPARED BY THE DEPARTMENT OF ADMINISTRATION:

Statutory authority: ss. 16.611, 16.612 and 227.11(2)(a), Stats.

Statute interpreted: s. 16.61, Stats.

1995 Wisconsin Act 27 amended the statutes relating to storage of public records under s. 16.611, and s. 16.612 Stats., to include storage of public records in electronic format. The statute directs the Department of Administration to adopt rules prescribing qualitative standards for the storage of public records in electronic format for state agencies under s.16.611 and for local units of government under s.16.612. The proposed rule repeals and recreates Chapter Adm 12 of the Wisconsin Administrative Code. The objective of the proposed rule is to ensure that the quality of public records in electronic format is maintained and that public records in electronic format remain accessible for their designated retention period.

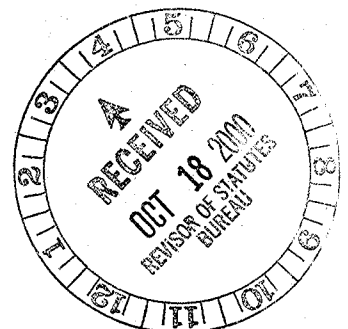
This Chapter provides guidelines and standards for agencies wishing to maintain their public records electronically. The rule does not require public records to be maintained in electronic format, nor does the rule modify general regulations that apply to all public records.

Public records can be created and maintained with a variety of technologies including paper as well as various electronic methods. Electronic records may include but are not limited to scanned, imaged or word processing documents; electronic forms; sound or visual recordings; and records stored in automated systems regardless of computer platform.

The Chapter defines terms used within and refers readers to the statutory definition of a public record found at s.16.61(2)(b). General provisions of the chapter are intended to ensure electronic records will be accessible through time and will comply with State record-keeping and confidentiality requirements. More specific provisions establish standards for information systems that are used to maintain agency public records where the electronic version is the exclusive agency record.

Final Regulatory Flexibility Analysis:

Pursuant to s. 227.114, Stats., the rule is not expected to negatively impact on small businesses.



TEXT OF RULE:

SECTION 1: Adm 12 is repealed and recreated to read:

Chapter Adm 12

Electronic Records Management — Standards and Requirements

Adm 12.01 Authority. This chapter is promulgated under the authority of ss. 16.611, state public records, 16.612, local government records, and 227.11(2)(a), Stats., to implement s. 16.61, Stats.

Adm 12.02 Purpose. The purpose of this chapter is to ensure that public records in electronic format are preserved and maintained and remain accessible for their designated retention period.

Adm 12.03 Scope. This chapter establishes defined requirements, standards and guidelines for state and local government accessibility of electronic public records from creation through active use, long-term management, preservation and disposition. This chapter does not require an agency to maintain public records in electronic format.

Adm 12.04 Definitions. In this chapter:

- (1) "Accessible" means information arranged, identified, indexed or maintained in a manner that permits the custodian of the public record to locate and retrieve the information in a readable format within a reasonable time.
- (2) "Accurate" means all information produced exhibits a high degree of legibility and readability and correctly reflects the original record when displayed on a retrieval device or reproduced on paper.
- (3) "Authentic" means the retained electronic record correctly reflects the creator's input and can be substantiated.
- (4) "Content" means the basic data or information carried in a record.
- (5) "Context" means the relationship of the information to the business and technical environment in which it arises. "Context" can include, but is not limited to, such elements as: the origin of the record; date and time the record was created; identification of the record series to which the information belongs.
- (6) "Electronic format" includes information created, generated, sent, communicated or stored in electrical, digital, magnetic, optical, electromagnetic or similar technological form.
- (7) "Information system" means a system for generating, sending, receiving, storing or otherwise processing data.
- (8) "Legible" means the quality of the letters, numbers or symbols can be positively and quickly identified to the exclusion of all other letters, numbers or symbols when displayed on a retrieval device or retrieved by device or reproduced on paper.

- (9) "Life cycle" means all phases of a record's existence: creation, active use, preservation and management through to disposition. "Disposition" includes permanent preservation as well as designation for destruction.
- (10) "Meaning" means a record carries its original content, context and structure throughout its life cycle.
- (11) "Public record" has the meaning given in s. 16.61(2)(b), Stats.
- (12) "Readable" means the quality of a group of letters, numbers or symbols is recognized as words, complete numbers or distinct symbols.
- (13) "Reliable" means the electronic record produced correctly reflects the initial record each time the system is requested to produce that record.
- (14) "Structure" means the appearance or arrangement of the information in the record. "Structure" can include, but is not limited to, such elements as heading, body and form.

Adm 12.05 Provisions. State and local agencies shall comply with all statutes and rules relating to public records. With regard to public records stored exclusively in electronic format, state and local agencies shall do all of the following:

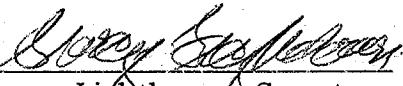
- (1) Maintain electronic public records that are accessible, accurate, authentic, reliable, legible, and readable throughout the record life cycle.
- (2) Document policies, assign responsibilities, and develop appropriate formal mechanisms for creating and maintaining electronic public records throughout the record life cycle.
- (3) Maintain confidentiality or restricted access to records or records series maintained in electronic format, limiting access to those persons authorized by law, administrative rule or established agency policy.
- (4) Utilize information systems that accurately reproduce the records they create and maintain.
- (5) Describe and document public records created by information systems.
- (6) Document authorization for the creation and modification of electronic public records and, where required, ensure that only authorized persons create or modify the records.
- (7) Design and maintain new information systems so that these systems can provide an official record copy for those business functions accomplished by the system.
- (8) Develop and maintain information systems that maintain accurate linkages, electronically or by other means, to transactions supporting the records created where these linkages are essential to the meaning of the record.
- (9) Utilize information systems that produce records that continue to reflect their meaning throughout the record life cycle.
- (10) Utilize information systems that can delete or purge electronic records created in accordance with the approved retention schedule.

- (11) Utilize information systems that can export records that require retention to other systems without loss of meaning.
- (12) Utilize information systems that can output record content, structure and context.
- (13) Utilize information systems that allow records to be masked to exclude confidential or exempt information.

Adm 12.06 Initial Applicability. This rule first applies to public records stored exclusively in electronic format and to information systems acquired or substantially modified after the effective date of the rule.

This rule shall take effect on the first day of the sixth month commencing after publication in the Wisconsin Administrative Register.

Dated: 10-17-00


George Lightbourn, Secretary
Department of Administration

FISCAL ESTIMATE FORM

1999 Session

- ORIGINAL
- UPDATED
- CORRECTED
- SUPPLEMENTAL

LRB #

INTRODUCTION #

Admin. Rule # Adm 12.01-12.06

Subject

Electronic Records Management – Standards and Requirements

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

X Increase Costs - May be possible to Absorb Within Agency's Budget Yes No

- Increase Existing Appropriation
- Decrease Existing Appropriation
- Create New Appropriation
- Increase Existing Revenues
- Decrease Existing Revenues

Decrease Costs

Local: No local government costs

- 1. X Increase Costs
 - X Permissive Mandatory
- 2. Decrease Costs
 - Permissive Mandatory

- 3. Increase Revenues
 - Permissive Mandatory
- 4. Decrease Revenues
 - Permissive Mandatory

5. Types of Local Governmental Units Affected:
- Towns Villages Cities
 - Counties Others _____
 - School Districts WTCS Districts

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate:

The proposed rule replaces prior rules on electronic records management. The rule establishes standards and requirements regarding electronic records that must be used by state government agencies or by local governments. The rule does not require electronic records but if the choice is made to use such records, then it does set public standards.

Many of these same standards would apply to manual records and their management. The agencies and local governments constantly need to review record retention policies for both functional needs and legal uses. Cost for retention will be driven by records management more than by type or form of record.

Private sector vendors offer electronic record keeping at costs that range from \$0.06 to \$0.08 a page. Paper record retention may run higher with costly storage space and manual retrieval staff time factored in as costs.

Record retention or storage costs are a small part of overall IT costs. Regular records backup occurs as a general standard practice and is done on frequency schedules depending on the record, its uses, and desired retention.

Long-Range Fiscal Implications:

Agencies will need to manage electronic records as they manage other existing records, in all cases determining the best and most cost effective retention and management choices.

Prepared By: / Phone # / Agency Name
Richard Wagner 608-266-0653

Authorized Signature / Telephone No
Chuck McDowell 608-267-3836

Date 1/21/00