

Oregon Association of Municipal Recorders  
Region II  
Discussion with Connor Edmonds of  
Secretary of State, Archive Division

Update to Oregon Administrative Rules – OAR 166

- When: 9-11 a.m., January 28, 2010
- Where: City of Tigard Library Community Room  
13500 SW Hall Boulevard  
Tigard, Oregon
- What: Connor Edmonds, Records Unit Manager of the Archives Division in the Secretary of State's office will describe recent changes to OAR 166.
- Two hearings were held last year on changes to OAR 166, divisions 5, 10, 17, 20, 25, 30 and OAR 166-500-0015. Changes to the electronic records OAR 166-017 were put on hold so the advisory committee could be reconvened to review this rule again after input was received from records officers, county clerks, and municipal recorders. Connor will spend time going over the proposed changes to the electronic record OARs and the status of the review.
- Who: Open to all OAMR members.
- RSVP If you would like to attend, please email or call Tigard City Recorder Cathy Wheatley ([cathy@tigard-or.gov](mailto:cathy@tigard-or.gov); (503) 718-2410).
- Attached: Current version of OARs to be discussed on January 28, 2010

DIVISION 5  
POLICY, PURPOSE, AND DEFINITIONS

166-005-0000

Policy

It is the policy of the State of Oregon to assure the preservation of records essential to meet the needs of the state, its political subdivisions and its citizens and to assure the prompt destruction of records without continuing value. Unlawful destruction of any public record, regardless of medium or physical format, is a crime punishable under the provisions of ORS 162.305. Public records may be created and retained in a variety of media and physical formats, including but not limited to paper, microfilm, sound recordings, video recordings, and electronic media, devices and recordkeeping systems.

166-005-0005

Purpose

The purpose of these rules [(Divisions 5 through 475)] is to implement the provisions of ORS 192.005 to 192.170, and 357.825 to 357.895, by providing procedures for the orderly retention and disposition of public records, regardless of medium or physical format; specify standards for appropriate use of microforms and electronic records; specify standards for the protection and storage of public records; and specify rules for the use of the State Archives, State Records Center and Security Copy Depository. General Records Retention Schedules published as a part of these rules provide state and local agencies with the lawful authority to destroy or otherwise dispose of commonly occurring public records.

166-005-0010

Definitions for Divisions 5 through 475

As used in these rules, "photocopy", "political subdivision", "public record", "public writings", and "state agency" are defined by ORS 192. As used in these rules unless otherwise required by context:

(1) "Accession" means to take into physical custody a group of records or other materials and to formally document their receipt.

(2) "Agency" when used alone means either a state agency or a political subdivision.

(3) "Exempt records" are public records that do not need to be disclosed under ORS 192.410.

(4) "Excluded records" are records which are excluded from the definition of public records by ORS 192.005(5) or other state or federal laws or rules.

(5) "Hard Copy" means a printout of data stored in a computer.

(6) "Local agency" means any officer, department, board, commission or institution created by or under the jurisdiction of a political subdivision of this state.

(7) "Official copy" is that version of a public record that has been designated by the agency as the record of a transaction or event, and which is subject to the requirements of laws, rules and the records retention schedule authorized by the State Archivist.

(8) "Permanent" public records are those deemed worthy of permanent preservation by the State Archivist and the official copy of permanent records must be retained in paper or in microfilm.

(9) "Records Management" means the planning, controlling, directing, organizing, training, promoting and other managerial activities involving the life cycle of information, including creation, maintenance (use, storage, retrieval) and disposal, regardless of physical form. Records management procedures are used to achieve adequate and proper documentation of state policies and transactions and effective and economical management of agency and organizational operations.

(10) "Records Officer" refers to the person designated by a state agency or political subdivision in accordance with ORS 192.105(2)(a). Records Officers organize and coordinate the agency's Records Management Program. Records Officers also serve as their agency's primary liaison with the State Archivist and receive training from the State Archivist in performing their duties. Typical duties include planning, controlling, directing, organizing, training, promoting the program, and other activities involving the life cycle of information including records scheduling, retirement, storage and destruction.

(11) "Record series" is an itemized listing on a records retention schedule which identifies a single record or a group of records for purposes of retention and disposition.

(12) "Records Retention Schedule" means a document produced and approved by the State Archivist listing the length of time a record needs to be kept for administrative, legal, fiscal or historic purposes. For state agencies this time represents both the minimum and maximum length of time a record must be kept. A records retention schedule approved by the State Archivist is an agency's legal authorization to destroy public records. The State Archivist writes two types of records retention schedules. The first is a special schedule that is written for records unique to an agency, and the second is a general schedule representing those records that are common to most agencies.

(13) "Retention Period" means the length of time a public record must be retained as authorized by an applicable records retention schedule produced and approved by the State Archivist. Retention periods for state agency records are both a minimum and maximum retention meaning that the records must be destroyed when the retention has been met as long as there is no pending litigation and all audit requirements have been satisfied. Retention periods for local governments are required minimums only.

(14) "Security Copy Depository" is a storage and retrieval facility operated by the State Archivist for security copies of microfilm for state and local agencies. The depositing agency maintains custody of the records and all requests for access to the stored records are made through authorized persons of that agency.

(15) "State Archivist" is the public employee who serves under the Secretary of State and who administers the Archives Division which operates the State Archives, the State Records Center and the Security Copy Depository (ORS 192 and 357).

(16) "State Records Center" is a storage and retrieval facility operated by the State Archivist for inactive records of state agencies. The depositing agency maintains custody of the records and all requests for access to the stored records are made through authorized persons of that agency.

## DIVISION 10

### STATE ARCHIVES, STATE RECORDS CENTER, AND SECURITY COPY DEPOSITORY SERVICES

166-010-0000

#### General

The Archives Division, Office of the Secretary of State, is administered by the State Archivist. The State Archives accepts custody of permanently valuable public records and provides access to those public records in the official custody of the State Archivist. The State Records Center provides storage and retrieval services for inactive records of state agencies. The Archives Division also provides advice and assistance to state and local agencies, and operates the

Security Copy Depository which is a storage and retrieval service for security copy microfilm from state or local agencies.

166-010-0006

#### Custody of Records

The Archives Division may accept custody of public records in accordance with ORS 357.825 or 357.835. The ownership of the records, transfers to the State Archivist upon acceptance into the State Archives. The State Archives accessions records in under the following conditions:

(1) Prior approval is required to deposit public records in the State Archives. These deposits will be done according to procedures, criteria and standards established by the State Archivist.

(2) Except as otherwise provided by ORS 357.835(2), official custody of all records of a state agency which is abolished or ceases to operate shall pass to the State Archivist.

(3) When the State Archivist has determined that public records, no longer required for the discharge of duties by the official custodian, are stored where they are no longer available for use or in conditions which endanger the public records, the State Archivist shall requisition them for transfer to the State Archivist's custody if they are determined by the State Archivist to be of value.

(4) Public records in the State Archives are available for use in the Archives Building Reference room. Records may not be removed from the Archives Building, except as otherwise provided by law. Patrons shall use public records in the Reference Room, observing its rules, OAR 166-010-0015.

(5) When the State Archivist has determined that records in the custody of the State Archivist cease to be of value, the State Archivist may destroy the records.

166-010-0015

#### State Archives Reference Room Rules

Patrons shall observe the following rules for the protection and control of records:

(1) Patrons shall register and shall furnish current and valid government-issued photo identification to use public records in the State Archives.

(2) Patrons shall only use a pencil when making notations, shall not mark public records, and shall maintain the original order of the public records consulted.

(3) No person shall smoke, drink or eat in the Reference Room.

(4) Patrons shall notify the staff when their work is completed.

(5) Patrons shall not remove from the Reference Room public records or other materials in the official custody of the State Archivist.

(6) Patrons shall not alter, mutilate or otherwise deface public records.

(7) Patrons may take paper and research materials into the Reference Room. Personal electronic devices such as laptop computers, cameras and scanners are allowed under the following conditions, but must be removed from any enclosed cases before entering the Reference Room:

(a) Patrons may bring cameras to photograph records, but may not use a flash.

(b) Patrons may use scanners with the following restrictions: the copying surface (platen) must be the same size or larger than the records they plan to scan; the scanner must not cause friction, abrasion, or otherwise damage records; light sources must not

generate heat on the records; and equipment surfaces must be clean and dry before being used. Drum and automatic feeder scanners are prohibited.

166-010-0016

#### Archives Division Fees

The following fees are collected for State Archives services:

(1) Ready Reference Requests - no charge. This includes requests for information that can be answered by staff without leaving their workstation or by consulting basic reference tools such as finding aids, tracing binders, or reference books.

(2) Basic Records Request - \$5 in-state; \$10 out-of-state. This includes copying charges, postage and supplies. It applies to one-page documents. A Basic Records Request must provide an exact citation to a record (e.g., a citation from the death index, a record listed in the on-line index) in the custody of the Archives Division.

(3) Basic Case File Request - \$10 in-state; \$15 out-of-state. This includes up to 10 photocopies, postage and supplies. Additional photocopy pages are charged at 75 cents per page. A Basic Case File Request must provide an exact citation to a record in the custody of the Archives Division.

(4) Requests - not defined above will include labor charges plus copying, supply and postage charges when incurred. In addition, requests received from out-of-state will be charged an additional \$5 fee.

(5) Labor Charges - \$40 per hour, charged in 15-minute increments. There is a maximum of four hours labor for any request.

(6) Expedited service fee: Rush requests will be assessed a thirty-dollar (\$30) fee in addition to all applicable research and copy fees. Rush requests are limited to single specific requests and are dependent on staff availability. Such requests may be subject to review and restrictions.

(7) Photocopies. Copies made by the customer - 25 cents per page. Copies made by Archives Division staff - 75 cents per page.

(8) Fax - 75 cents per page.

(9) PDF - 75 cents per page.

(10) Audio Tape duplication. Cassette to cassette duplicates - \$7 per cassette.

(11) Certification - \$5 per certification.

(12) Digital Images of existing files for electronic download or copied to CD-ROM:

(a) Case File - \$35

(b) Multipage image (10 pages or less) - \$10

(c) Single page image - \$5

(13) High Resolution (600 dpi) digital images of Historical Trademarks, oversized maps or photographs - \$20 per image.

(14) Reproduction by Outside Vendor – Vendor and travel costs, when applicable plus \$10 handling fee.

(15) The Secretary of State shall not refund fees paid in excess of the amount legally due the Division if the amount is \$10 or less, unless a refund is requested in writing by the applicant or the applicant's legal representative. Such requests must be made within three years of the date payment is received by the Division.

166-010-0018

#### State Records Center

The State Records Center accepts records for storage under the following conditions:

(1) Only state agencies with approved records retention schedules can store records at the State Records Center.

(2) Official custody of the records transferred to the State Records Center remains with the state agency from which they were received or its legal successor.

(3) Prior approval is required for state agencies to transfer public records to the State Records Center. These transfers will be completed according to procedures, criteria and standards established by the State Archivist which are available on request.

(4) Requests from the depositing state agency for records or information stored at the state Records Center shall be made by mail or fax, and only by authorized personnel. Phone requests are not accepted.

(5) Deliveries to state agencies of public records as requested will be made as follows:

(a) Deliveries will be made through the Central Mail Service of the Department of Administrative Services to state agencies served by that Department.

(b) Postal service will be used for deliveries to state agencies which are not served by the Central Mail Service at the expense of the depositing agency.

(c) Under special circumstances, the agency may make prior arrangements with the staff of the State Records Center to go to the State Records Center to pick up their request.

(5) A state agency may request or authorize the loan or return of public records in its official custody from the State Records Center as follows:

(a) Loans of individual files or boxes may be made and a follow-up system for loaned public records will be observed.

(b) All requests for loan or return of public records in the State Records Center must originate from authorized personnel of the state agency which has official custody of the public records.

(c) A state agency must authorize in writing the State Records Center to loan or transfer public records in its official custody to another agency.

(6) Storage fees for the State Records Center are based on a biennial assessment and are listed in the State Price List.

166-010-0019

#### Security Copy Depository Deposits for Storage

The Security Copy Depository operates vault facilities, located in the State Archives Building, for the off-site storage of security microfilm of public records. The Security Copy Depository accepts deposits for storage under the following conditions:

(1) Public records transferred to the Security Copy Depository remain in the official custody of the agency from which they were received. All requests for access to the stored records are made only through that agency.

(2) Prior approval is required to transfer public records to the Security Copy Depository. Transfers will be completed according to procedures, criteria, and standards established by the State Archivist, which are available on request.

(3) Only records with an approved retention period of ten or more years shall be accepted for transfer.

(4) Minimum requirements for the depository are listed in OAR 166-025-0030.

(5) Storage fees for the Security Copy Depository are based on a biennial assessment. Please contact the State Archives, Security Copy Depository (503-378-5250) for current fees.

## DIVISION 20

### THE PROTECTION AND STORAGE OF PUBLIC RECORDS

166-020-0005

#### Purpose

This Division defines storage and conditions that are acceptable for the use, storage, and protection of public records in Oregon, ensuring that the informational content is protected for the entire length of the authorized retention period of the public record.

166-020-0007

#### Definitions

In addition to the definitions contained in OAR 166-005-0010 and OAR 166-017-0011, the following definitions apply to this division:

(1) "Essential electronic records system" means a records system which requires a computer to process and contains records that are essential to the continued functioning or reconstitution of an agency during and after an emergency, and those records that are essential to protect the rights and interests of that agency and of the individuals directly affected by its actions. Essential records are sometimes called vital records.

(2) "Essential records" means records that are essential to the continued functioning or reconstitution of an agency during and after an emergency, and those records that are essential to protect the rights and interests of the agency and of the individuals directly affected by its actions. Essential records are sometimes called vital records.

(3) "Records system" means an organized collection of data captured, processed, maintained, transmitted or disseminated in accordance with defined procedures (automated or manual).

166-020-0010

#### Duties of Public Records Custodians

Public records custodians are charged with protecting and providing access to public records:

(1) The term "public records" as used in statutes and rules pertaining to disposition of public records means records which are the property of the public. Alienation of public records is prohibited by public policy and statute (ORS 192.001). Custodians of public records are specifically charged by statute with the responsibility of protecting them, and, except as expressly provided by statute, furnishing reasonable opportunities for inspection and examination of them by any person (ORS 192.430 (1)).

(2) State and local agencies are responsible for public records in their custody, wherever deposited, until the public records have been transferred to the custody of the State Archivist or otherwise disposed of as authorized by an approved records retention schedule produced by the State Archivist

(3) Pursuant to ORS 357.875, no state agency or local government shall enter into or renew an agreement with any records storage entity that restricts the access or inspection of Oregon public records by the State Archivist.

(4) When a state agency is abolished or ceases to operate, its public records shall be deposited in the official custody of the State Archivist, except as otherwise provided by ORS 357.835(2).

(5) Public records deposited in the State Records Center or Security Copy Depository remain in the official custody of the agency which deposited them.

166-020-0015

#### Storage Area Standards

Safe storage of public records requires compliance with the following standards:

(1) Public records should be stored in secure, fire-resistant structures and in areas in which the temperature and humidity are maintained at the levels required to ensure optimum longevity of the paper, film or medium on which they are recorded. Adequate light and access should be provided to permit retrieval of public records. Adequate ventilation and protection against insect or mold invasion should be provided. Steam, water, and sewer pipes, other than fire-control sprinkler systems, pose extreme hazard to records. No public records of enduring value should be stored where heat, breaks, drips or condensation from pipes could damage them; where windows, doors, walls or roofs are likely to admit moisture; or where they will be exposed to sunlight or extreme temperature variations.

(2) Aisle space in public records storage areas should be kept free of obstruction and no public records should be stacked or piled directly on the floor of any storage area. All public records should be shelved above initial flood level of any bursting pipe, leaky roof, sprinkler system or other source of water.

(3) Additional storage area standards are specified in these rules for public records stored in electronic format (OAR 166, Division 17), and in microforms (OAR 166, Division 25).

166-020-0045

#### Essential Records Systems, Identification and Storage

(1) Agencies shall, with the advice and assistance of the State Archivist, identify their essential records, regardless of medium or physical format.

(2) Agencies shall store security copies of essential electronic records systems off the premises where the system is used, along with any system documentation necessary to enable recovery of the system in the event of an emergency.

(3) Agencies shall comply with the following storage requirements for security copies of essential electronic records systems:

(a) Off-site storage conditions shall have temperatures no less than 60 degrees or greater than 80 degrees Fahrenheit, and shall have a relative humidity no greater than 50 percent.

(b) Off-site storage shall be in secure facilities with fire suppression systems. Facilities must provide adequate ventilation and protection against insect and mold infestation. No essential records systems shall be stored where heat or moisture can damage them.

## DIVISION 25

### MICROFILM STANDARDS RULES

#### 166-025-0005 Purpose and Application of Microfilm Standards Rules

The authority for these rules is found in ORS 192.070, 357.825(2), and 357.895. State agencies and political subdivisions shall comply with these rules for microfilming public records. These rules contain the measures necessary to insure that the informational content of public records is protected for the life of the record.

#### 166-025-0010 Definitions

In addition to the definitions contained in OAR 166-005-0010, OAR 166-017-0011 and 166-020-0007, the following definitions apply to this division:

- (1) "AIIM" refers to the Association for Information and Image Management.
- (2) "ANSI" refers to the American National Standards Institute.
- (3) "Aperture card" means a card with a rectangular opening into which microfilm may be inserted.
- (4) "Certification (Certificate of Legality)" means the confirmation that images recorded on microfilm are accurate, complete, and unaltered reproductions of the original records. It is sometimes referred to as a "Camera Operator's Certificate."
- (5) Computer Output Microfilm (COM) Computer Output Microfilm is a process for copying data from electronic media on computers onto microfilm or microfiche using a high-speed recorder which transfers machine-readable digital data onto human-readable microfilm/fiche using laser technology and a processor, which develops the microfilm after it is exposed to the light source. COM is most often used for large reports that do not need to be edited or manipulated.
- (6) "Density" means the light-absorbing or light-reflecting characteristics of a photographic medium.
- (7) "Generation" means one of the successive duplicates of a photographic master. The camera original is the first-generation film. A duplicate made from the master is a second-generation copy; a duplicate made from the second-generation copy is third-generation, and so on.
- (8) "Hybrid system" means a system that combines a micrographic/microfilm analog system with a electronic, digital technology)
- (9) "Image" means any representation of a document or data produced by radiant energy.
- (10) "Jacket" means a transparent plastic carrier with channels into which film may be inserted.
- (11) "Light box" or "light table" means a back-lit translucent surface used for film inspection.
- (12) "Loupe (lupe)" means a small, hand-held optical magnifying device used in conjunction with a light box for the inspection of microfilm.
- (13) "Methylene blue test" is a test used to measure the amount of residual thiosulphate ion (hypo) remaining on the film following washing.
- (14) "Microfiche" is a piece of film with images arranged in a grid pattern. Computer-Output-Microfilm is usually produced in this format.
- (15) "Planetary camera" is a type of microfilm camera that photographs a document as it lies stationary as it is being photographed. The document lies on a plane surface and the camera itself is suspended above the document.

(16) "Processing" means the steps necessary to render a latent image visible, usable and permanent (fixed). These steps are development, fixing, washing and drying.

(17) "Reduction ratio" is the relationship between the dimensions of the original document and the dimensions of the microimage of that document.

(18) "Resolution" is the ability of microfilm or a photographic system to record fine detail.

(19) "Retakes" means refilming of documents.

(20) "Roll microfilm" means film that is wound on a reel, spool or core.

(21) "Rotary camera" is a type of microfilm camera that photographs the document as it is being moved by some sort of a transport mechanism. The document transport mechanism is connected to a film transport mechanism, and the film also moves during exposure.

(22) "Security copy" means a silver duplicate or first-generation microfilm which is stored under strictly controlled environmental conditions and used solely as a back-up or duplication master.

(23) "Security Copy Depository" means the section of the Archives Division which offers storage of security microfilm.

(24) "Source document microfilming" means the conversion of paper records to microfilm. It is differentiated from Computer Output Microfilm, which converts digitally encoded data to microfilm.

(25) "Splice" means the joining of two pieces of film so that they function as one piece.

(26) "Target, Informational" is a chart or document which is photographed in order to assist in identifying the content of the microfilm.

(27) "Target, Technical" is an aid to technical control of the photographic system which is photographed on the film preceding or following the body of documents.

(28) "Unitized microfilm" means film that is formatted in discreet units of information, e.g. microfiche, jackets, or aperture cards.

(29) "Working copy" is a copy of microfilm which is distributed for end user use and not for security purposes.

166-025-0015

Technical Specifications for First-Generation 16 mm, 35 mm, and 105 mm Silver-Gelatin Source Document Roll Microfilm for Permanent and Long-Term Oregon Public Records

(1) Microfilm Specifications: All security microfilm for long-term or permanent records shall be 16 mm, 35 mm, or 105 mm negative non-perforated silver gelatin type on a polyester base, as described in ANSI IT9.1-1996; Imaging Media (Film) -- Silver Gelatin Type -- Specifications for Stability. The film shall be at least 0.13 mm thick.

(2) Reels: Processed film shall be on storage reels which are chemically inert, in compliance with ANSI IT9.2-1998; For Imaging Media -- Photographic Processed Films, Plates, and Papers -- Filing Enclosures and Storage Containers, are sturdy, and have dimensions which conform to ANSI/AIIM MS34-1990; Dimensions for Reels Used for 16 mm and 35 mm Microfilm. The film shall be stored with the start target at the outer end in accordance with ANSI/AIIM MS23-2004P; Practice for Operational Procedures/Inspection and Quality Control of First-Generation Silver Gelatin Microfilm of Documents.

(3) Restrainers: Only acid-free, button tie paper bands in compliance with ANSI IT9.2-1998; For Imaging Media -- Photographic Processed Films, Plates, and Papers -- Filing Enclosures and Storage Containers shall be acceptable to restrain film on its reel.

(4) Enclosures: Film enclosures (containers) shall be inert black plastic.

(5) Quality Control-Inspection: Inspection and quality control data shall be recorded at the time the film is processed. A film inspection form is available from the Archives Division. First-generation (camera) film shall be inspected frame-by-frame for visible defects and missing documents. Inspection may be performed on a light table using an eye loupe for the frame-by-frame inspection and under a microscope for the inspection of resolution. The inspector shall wear clean, white, lint-free cotton gloves when handling the film. All inspection shall be performed in accordance with ANSI/AIIM MS23-2004P; Practice for Operational Procedures/Inspection and Quality Control of First-Generation Silver Gelatin Microfilm of Documents, Section 8. Security copies of film shall be free from scratches, gouges, blemishes, dust, dirt, or fingerprints.

(6) Residual Thiosulfate: All film shall meet the requirements for residual thiosulfate ion concentration as specified in ANSI IT9.1-1996; For Imaging Media (Film) -- Silver-gelatin type-Specifications for Stability, Section 6.4. The maximum allowable thiosulfate ion concentration is .014 grams per square meter. Testing for residual thiosulfate ion concentration shall be done by using the Methylene Blue method in accordance with ANSI/ASC PH4.8-1985; For Photography (Chemicals)-Residual Thiosulfate and Other Chemicals in Films, Plates and Papers-Determination and Measurement, Section 5. This test shall be conducted within two weeks of film processing and may be performed at the processing site or by an independent laboratory. All test results shall be documented.

(7) Target Density: The aim point density shall be  $1.00 \pm .10$ . The acceptable density range on targets shall be .80 - 1.25. There shall not be more than a .20 density shift on targets in a single roll. Any roll which falls outside the acceptable .80 - 1.25 density range on targets shall be re-filmed. Density variation shall not be greater than .15 across a target. The plain white pages or acceptable density target photographed at the beginning and end of each roll of film shall be used as the primary density measurement targets.

(8) Reduction Ratio: The reduction ratio used shall approximately fill the image area across the width of the film as seen on the camera's projected image area; the ratio shall not be less than 8:1. All edges of the document shall be visible in the image area. (See ANSI/AIIM MS23-2004P; Practice for Operational Procedures/Inspection and Quality Control of First-Generation Silver-Gelatin Microfilm of Documents, Section 3.6.) Reduction ratio changes within the same record series shall be avoided. If they are necessary, however, the change in ratio shall be identified by an informational target filmed immediately before each change.

(9) Resolution: Each roll of first-generation film shall be evaluated for resolution by viewing the standard ISO Resolution test chart (see OAR 166-025-0020 on Targets and Certifications) at 100X magnification. The smallest distinguishable test pattern must correspond to the correct reduction ratio as seen in Figure 1:

Figure 1

Reduction Ratio	Smallest ISO Test Chart Pattern Read	Resolving Power
8:1	10.0	80
12:1	9.0	108
15:1	7.1	106
16:1	7.1	114
17:1	6.3	107
20:1	5.6	112
21.2:1	5.6	119

24:1	5.0	120
28:1	4.5	126
30:1	4.5	135
33.9:1	4.0	136
36:1	4.0	144
42.4:1	3.2	136

(10) Splicing: There shall be no more than six splices on security copies of film. Retakes shall include at least two pages preceding and following the pages to be refilmed. There shall be no splices between the technical target and the text. All splices shall conform to ANSI/AIIM MS18-1992(R1998); Splices for Imaged Film -- Dimensions and Operational Constraints.

(11) Targets and Certification: All microfilm shall conform to the standards for targets and certifications set forth separately in these rules.

[ED. NOTE: The publications referenced in this rule are available from the State Archives.]

166-025-0020

#### Targets and Certifications

The following informational and technical targeting and certification shall be included in all public records on roll microfilm. All targets are available from the Archives Division:

(1) At the beginning of each roll there shall appear:

(a) A minimum of 24 linear inches of exposed and, processed blank film;

(b) Followed immediately by three exposures of clean, blank white paper or the density target;

(c) Followed by a planetary camera or rotary camera technical target of the type specified by the American National Standards Institute and the Association for Information and Image Management (hereafter ANSI/AIIM) in standards ANSI/AIIM MS19-1993; Recommended Practice for the Identification of Microforms and ANSI/AIIM MS23-2004P; Practice for Operational Procedures/Inspection and Quality Control of First-Generation Silver Gelatin Microform of Documents for the laboratory measurement of resolution and reduction ratio;

(d) Followed immediately by a "Start" target;

(e) Followed by a target indicating roll number;

(f) Followed immediately by a title sheet containing name of agency creating the records, series title of the records, starting identification (first records number, etc.) and reduction ratio.

All missing documents or records shall be so identified with an appropriate target.

(2) At the end of each roll there shall appear:

(a) A target sheet including series title of the records filmed, ending identification (last record number, etc.);

(b) A Certificate of Legality and Authenticity, including the name and signature of the camera operator;

(c) Followed by a target indicating roll number;

(d) Followed by an "End of Reel" target;

(e) Followed by three exposures of clean, blank white paper or the density target;

(f) Followed by 24 inches of exposed and processed blank film.

(3) See the Archives Division Micrographics Manual for instructions on use of these and other informational targets.

[ED. NOTE: The publications referenced in this rule are available from the State Archives.]

166-025-0021

#### Hybrid Systems

The use of hybrid systems (system that combines a micrographic/microfilm analog system with an electronic, digital technology) may be used provided the following conditions have been met:

(1) Electronic Imaging to Microfilm-for records with a retention period of 100 years or greater

(a) The microfilm copy produced is a silver halide microfilm that meets all of the requirements for microfilm outlined in OAR 166 Division 25.

(b) Each roll of film produced from an electronic imaging system carries the required targets for both electronic imaging systems (166-017-0031) and for microfilm (166-025).

(c) Each roll of film that will be deposited into the Security Copy Depository shall be polysulfide treated according to OAR 166-025.

(d) Documents shall be scanned using a resolution of not less than 200 dpi and can be transferred to either 16mm or 35mm rolls of microfilm. However, documents containing fonts smaller than six-point, architectural and engineering drawings, maps, and line art shall be scanned at a minimum density of 300 dpi. In addition, documents containing fonts smaller than six-point, architectural and engineering drawings, maps, and line art shall be recorded on 35 mm roll silver halide film only.

(e) One-hundred percent of the scanned images shall be verified for completeness and accuracy prior to the destruction of the original record. The verification of images shall include the inspection of images on the microfilm.

(2) For records with a retention period of less than 100 years, documents shall be scanned using a resolution of not less than 200 dpi; documents containing fonts smaller than six-point, architectural and engineering drawings, maps, and line art shall be scanned at a minimum density of 300 dpi, and one-hundred percent of the scanned images shall be verified for completeness and accuracy prior to the destruction of the original record.

(3) Microfilm to Electronic Imaging

(a) A duplicate of the microfilm shall be made prior to scanning the microform.

(b) One-hundred percent of the scanned images shall be verified for completeness and accuracy.

(c) Microfilm with a retention period of less than 100 years may be destroyed once one-hundred percent of the scanned images are verified for completeness and accuracy.

(d) Microfilm with a retention period of greater than 100 years may not be destroyed unless written permission has been obtained from the State Archivist.

(4) Targeting and certification shall be completed according to the requirements of 166-025-0022.

166-025-0022

#### Target and Certifications (Hybrid Systems)

The following informational and technical targeting and certification shall be included in all public records on hybrid systems. All targets are available from the Archives Division:

(1) At the beginning of each roll there shall appear:

(a) 24" of processed leader

- (b) One blank sheet of white paper
  - (c) ANSI/AIIM Scanner Test Chart #2
  - (d) Title sheet that includes series title, roll number, agency name, reduction ratio and dpi
- (2) At the end of each roll there shall appear:
- (a) Certificate of legality and authenticity (required information: Name of record creating agency, series title, date(s) of filming, name of scanner operator, signature of scanner operator, date signed.
  - (b) One blank sheet of white paper
  - (c) 24" of processed trailer

166-025-0025

#### Storage of Security Microfilm

Custodians of microfilm which contains long-term or permanent records shall provide off-site storage for silver security microfilm. This storage shall be at the appropriate temperature and relative humidity as specified in ANSI IT9.11 -- (1998) American National Standard for Imaging Media -- Processed Safety Photographic Film -- Storage. Security microfilm shall be stored in acceptable containers and on acceptable reels. (See OAR 166-025-0015; Technical Specifications for Roll Microfilm)

[ED. NOTE: The publication referenced in this rule is available from the State Archives.]

166-025-0030

#### Security Copy Depository

The Archives Division operates the Security Copy Depository. The following are requirements for deposit of microfilm in Depository:

- (1) Microfilm with an approved retention period between 10 and 99 years:
  - (a) Microfilm will be inspected for evidence of deterioration only on request of the depositor. Depositors shall be charged for all inspections.
  - (b) Microfilm for deposit shall be silver gelatin film, but may be unitized formats (e.g., microfiche, aperture cards). Non-silver films will not be accepted.
  - (c) All microfilm must be accompanied by a valid transmittal at the time of transfer.
- (2) Microfilm with an approved retention period of 100 years or greater:
  - (a) Microfilm must have received approved, polysulfide treatment prior to acceptance into the Depository.
  - (b) Use of the Depository satisfies the off-site storage requirements of OAR 166-025-0025, Storage of Security Microfilm;
  - (c) Film transferred to the Security Copy Depository with a retention of 100 years or more will be inspected upon receipt for compliance with OAR 166-025-0015.
  - (d) The Archives Division shall require remedial action and/or image stabilization treatment on microfilm in the Security Copy Depository with a retention of 100 years or more and accepted prior to 1999. Depositors shall be charged for image stabilization and/or remedial treatments. Depositors who do not wish to have their film treated, will have their film returned to them.

(e) All microfilm in the Security Copy Depository with a retention of 100 years or more shall be on 16 mm, 35 mm, or 105 mm polyester based wet-processed silver gelatin roll film only;

(f) All microfilm in the Security Copy Depository with a retention of 100 years or more shall be enclosed in inert plastic containers in accordance with ANSI IT9.2-1991; For Imaging Media -- Photographic Processed Films, Plates, and Papers -- Filing Enclosures and Storage Containers. Containers shall be labeled in compliance with the requirements in the Oregon State Archives Division Micrographics Manual.

(g) All microfilm in the Security Copy Depository with a retention of 100 years or more shall be accompanied by a valid transmittal at the time of transfer; (h) Non-silver films will not be accepted.

[ED. NOTE: The publications referenced in this rule are available from the Secretary of State.]

166-025-0035

#### Microfilm as Official Copy of Public Record

Microfilm may be substituted for any paper or machine readable record if it is made according to the following conditions:

(1) A security copy of microfilm of public records which has a required minimum retention period of 100 years or longer must be made and stored in accordance with OAR 166-025-0005 to 166-025-0030. A security copy must be reserved and used solely as a backup security copy or as a master for making working copy duplicate film when required.

(2) Working copies of microfilm, and microfilm of public records with a minimum retention period of less than 100 years, may be made in accordance with agency standards and requirements for the retention period of the public records, including the option of using any film, processing system, or storage containers the agency may select.

### DIVISION 30

#### RECORDS MANAGEMENT PROCEDURES PROGRAMS

166-030-0005

##### Purpose

This Division specifies requirements for agency records management programs, and specifies the lawful authority and methods to destroy or otherwise dispose of public records. They apply to all public records, regardless of medium or physical format, created and stored by state and local agencies.

166-030-0016

##### Appointment of Records Officer

To establish a records management program that ensures the orderly retention and disposition of all public records, and to ensure the preservation of public records of value, each state or local agency shall designate a Records Officer. Records Officers organize and coordinate the agency's Records Management Program, serve as their agency's primary liaison with the State. Typical duties include planning, controlling, directing, organizing, training, promoting the program, and other activities involving the life cycle of information including records scheduling, retirement,

storage and destruction. The State Archivist will provide training and assistance for Records Officers.

166-030-0021

Inventory and Appraisal (State Agencies)

To ensure accurate identification and evaluation of its records, each state agency shall, cooperate with the State Archivist in preparation of an inventory of the records of each of its organizational units, including the records of any other agency in its custody. These inventories shall be used to prepare a Special Schedule (OAR 166-030-0026) for public records in agency custody, regardless of medium or physical format. Special Schedules will not include schedules for records already listed in the State Agency General Schedule (OAR 166-300).

166-030-0026

Public Records Retention and Disposition Authorization (State Agencies)

Authorization for destruction of public records by a state agency shall be obtained as follows:

(1) No authorization is required to destroy materials which are excluded or exempt by statute from the definition of public records. (ORS 192.005(5), 192.170)

(2) A Special Schedule approved by the State Archivist, or an applicable State Agency General Records Retention Schedule found in OAR Chapter 166, Division 300, establishes the appropriate retention and disposition for state agency records. A state agency shall destroy public records that have met the terms and conditions of their scheduled retention period, subject to the prior audit requirements of OAR 166-030-0041 and any suspension ordered under the provisions of OAR 166-030-0045. Special Schedules shall be created from inventories (OAR 166-030-0021). Unless otherwise stated, a retention period shall be calculated from the date the public record was created. Retention periods for state agency records are both a minimum retention and a maximum retention period.

(3) State agencies shall submit a record of all public records (paper only) destroyed on the authority of the approved records retention schedules. This record shall list schedule number, record series title, cubic feet destroyed, and date destroyed. For electronic records, only agencies using an electronic records management system, need to report the records destroyed. The destruction report generated by the system shall suffice and should include retention schedule number, record series title, and date destroyed. Both the destruction report for paper records and for electronic records (when applicable) shall be forwarded to the State Archivist on an annual basis.

(4) Notwithstanding any existing records retention schedule, any State Agency electronic records with a scheduled retention period of Permanent, and which are also scheduled to be transferred to the State Archives, shall be kept by the agency in both electronic form and hard copy or microfilm form until State Archives electronic records accession review is completed. The State Archives will notify the agency in writing which electronic records, if any, will be accessioned and will specify transfer procedures, required format, required metadata and a required timetable for the electronic records transfer.

166-030-0027

Public Records Retention and Disposition Authorization (Local Agencies)

Authorization for destruction of public records by local agencies shall be obtained as follows:

(1) No authorization is required to destroy materials which are excluded or exempt by statute from the definition of public records. (ORS 192.005(5), 192.170)

(2) An applicable General Schedule published in OAR Chapter 166, or a Special Schedule approved by the State Archivist, establishes the appropriate retention and disposition for local agency records. A local agency may destroy public records which have met the terms and conditions of their scheduled retention period, subject to the prior audit requirements of OAR 166-030-0041 and any suspension ordered under the provisions of OAR 166-030-0045. Unless otherwise stated, a retention period shall be calculated from the date the public record was created. Retention periods for local government agency records are minimum retention period.

(3) Notwithstanding any retention period listed in a General Schedule, no public record created in or prior to 1920 shall be destroyed without the express written permission of the State Archivist.

(4) Specific approval from the State Archivist by means of a Special Schedule is required to dispose of public records which are not listed in an applicable General Schedule found in these rules. Instructions on creating Special Schedules are available from the State Archivist.

(5) Special schedules will not be written for records contained in applicable local government general schedules unless the State Archivist determines that is necessary to do so. General schedules for local government agencies will be developed and filed as Oregon Administrative Rule following the procedures defined in OAR Chapter 166, Division 500. General schedules for local government agencies will be reviewed at least every five years, or sooner as specified by the State Archivist

(6) Notwithstanding any retention period listed in a General Schedule or Special Schedule, no public records listed on the Oregon Historical Records Inventory shall be destroyed. Copies of lists of records on the Oregon Historical Records Inventory are available from the State Archivist.

(7) Local agencies shall submit a record of all public records (paper only) destroyed on the authority of the approved records retention schedules. This record shall list schedule number, record series title, cubic feet destroyed, and date destroyed. For electronic records, only agencies using an electronic records management system, need to report the records destroyed. The destruction report generated by the system shall suffice and should include retention schedule number, record series title, and date destroyed. Both the destruction report for paper records and for electronic records (when applicable) shall be forwarded to the State Archivist on an annual basis.

#### 166-030-0041

##### Prior Audit of Fiscal Public Records Required

Public records of fiscal transactions, regardless of medium or physical format, may not be destroyed until the minimum retention period has passed and the person charged with their audit has released them for destruction. If federal funds are involved, requirements of the United States government shall be observed.

#### 166-030-0045

##### Suspension of Scheduled Public Records Destruction

A scheduled destruction of records, regardless of medium or physical format, which are the subject of a public records request or pending litigation shall be suspended until the request or

litigation has been resolved. Only those records which have been specifically requested need be retained.

166-030-0060

#### Public Records Disposition and Destruction (State and Local Agencies)

A Special Schedule approved by the State Archivist, or an applicable General Schedule published in OAR Chapter 166, authorizes disposition of public records. Disposition includes:

(1) Transfer to the custody of the State Archivist. When the scheduled retention period specifies transfer to the State Archives, an agency shall transfer its custody of the specified records to the custody of the State Archivist.

(2) Shredding, Pulping, or Incineration. Public Records which are confidential by law and negotiable instruments (even when cancelled or satisfied in writing) must be destroyed by shredding, pulping, or incineration. The destruction should be supervised and witnessed by a responsible employee of the agency. When using a contractor to destroy public records, the state or local agency must require posting of a bond or undertaking by the contractor to indemnify the state or local agency against any claims or actions resulting from his failure to protect the confidentiality of the public records, and must require a provision precluding sale, transfer, or delivery of the public records to a third party prior to data obliteration. The agreement shall also include provisions requiring secure transit to and handling by the contractor; and prompt processing of the public records by the contractor to fully obliterate the data they contain by shredding, pulping, or incineration.

(3) Recycling. Records which are not confidential by law may be sold or traded for recycling of the fiber or chemical they contain, provided that the sale or trade agreement includes provisions to ensure that the public records are promptly converted into a form which precludes use of the information they contain.

(4) Deposit in a Library, Museum, or Historical Society with the permission of the State Archivist. The originals of public records that have been microfilmed in compliance with ORS 192.040 to 192.070 and OAR 166-025, and other public records which have continuing local historical value although destruction is authorized, may be deposited in a Library, Museum, or Historical Society if disclosure of the record is not prohibited by law and the depository agrees to comply with ORS 162.305, 192.420, and 192.430. Agreements for such deposits must stipulate that the depository cannot sell or otherwise dispose of the records except by lawful and complete destruction or by returning them to the depositing agency. Permission of the State Archivist is required prior to transfer of records.

(5) Additional destruction requirements for electronic records are specified in OAR 166-17-0061.

DIVISION 500  
ADMINISTRATIVE RULES UNIT

166-500-0015 Fees

Fees charged by the Administrative Rules Unit are set forth in the Archives Division Fees rule OAR 166-010-0016. Fees for goods and services unique to the Administrative Rules Unit are as follows:

- (1) Certifying administrative rule records — \$5 per certification plus any copying, labor or research fees incurred in filling the request;
- (2) CD Rom or other media — \$15 per file copied plus any associated costs;
- (3) Oregon Administrative Rules Compilation bound set — \$550 per year;
- (4) Individual volumes of the OAR Compilation — \$45;
- (5) Oregon Bulletin: Per hard copy issue — \$20. Each;
- (6) Walk-in customers or customers with large requests will be assisted as workloads permit.