

The image shows two street signs mounted on a single metal pole. The top sign is dark green with white text that reads "PUBLIC RECORDS". The bottom sign is a lighter teal color with white text that reads "ELECTRONIC MAIL". The signs are set against a background of dense green trees and a clear sky. The pole is dark and appears to be made of metal.

PUBLIC RECORDS

ELECTRONIC MAIL

**Avoiding a
Collision at the
Intersection**

DARM'S PERSPECTIVE



- Are records in electronic format, including e-mail, considered public or government records?
- Definition: What is a **public** record?
- Are all public records disclosable?
- What governs the retention of electronic records?
- What about e-mail?
- Categories of e-mail
- Avoiding a collision: It's not easy!



**Q: ARE RECORDS IN ELECTRONIC
FORMAT, INCLUDING E-MAIL,
CONSIDERED PUBLIC OR
GOVERNMENT RECORDS?**



WHAT IS A PUBLIC RECORD?

DESTRUCTION OF PUBLIC RECORDS ACT



"public records" mean any . . . document . . . which has been **made or is required by law to be received for filing, indexing, or reproducing** . . . or that has been **received** . . . in connection with the transaction of public business and has been retained by such recipient or its successor as evidence of its activities or because of the information contained therein.

This definition is used by the DARM and the State Records Committee to establish records retention schedules and policies and regulate destruction.

L.1953,c.410,s.2; amended 1994,c.140,s.3. (N.J.S.A. 47:3-16)

OPEN PUBLIC RECORDS ACT

"Government record" or "record" means any . . . document . . . that has been **made, maintained or kept on file** in the course of his or its official business . . . **or that has been received** in the course of his or its official business The terms shall not include inter-agency or intra-agency advisory, consultative, or deliberative material.

This definition is used by the courts and the Government Records Council to determine what government records are publicly disclosable.

L.1995,c.23,s.1; amended 2001, c.404, s.2; 2005, c.170. (N.J.S.A. 47:1A-1.1)

ARE ALL “PUBLIC” RECORDS DISCLOSABLE?



- **No.** The Open Public Records Act (OPRA) provides **24** exemptions from disclosure.

N.J.S.A.47:1A-1.1

1. Inter-agency or intra-agency advisory, consultative or deliberative material
2. Legislative records
3. Law enforcement records:
 - a. Medical examiner photos
 - b. Criminal investigatory records (however, N.J.S.A. 47:1A-3.b. list specific criminal investigatory information which must be disclosed)
 - c. Victims' records
4. Trade secrets and proprietary commercial or financial information
5. Any record within the attorney-client privilege
6. Administrative or technical information regarding computer hardware, software and networks which, if disclosed would jeopardize computer security
7. Emergency or security information or procedures for any buildings or facility which, if disclosed, would jeopardize security of the building or facility or persons therein
8. Security measures and surveillance techniques which, if disclosed, would create a risk to the safety or persons, property, electronic data or software
9. Information which, if disclosed, would give an advantage to competitors or bidders
10. Information generated by or on behalf of public employers or public employees in connection with:
 - a. Any sexual harassment complaint filed with a public employer
 - b. Any grievance filed by or against an employee
 - c. Collective negotiations documents and statements of strategy or negotiating
11. Information that is a communication between a public agency and its insurance carrier, administrative service organization or risk management office
12. Information that is to be kept confidential pursuant to court order

ARE ALL “PUBLIC” RECORDS DISCLOSABLE?



- **No.** The Open Public Records Act (OPRA) provides **24** exemptions from disclosure.

13. Certificate of honorable discharge issued by the United States government (Form DD-214) filed with a public agency
14. Social security numbers
15. Credit card numbers
16. Unlisted telephone numbers
17. Drivers' license numbers
18. Certain records of higher education institutions:
 - a. Research records
 - b. Questions or scores for exam for employment or academics
 - c. Charitable contribution information
 - d. Rare book collections gifted for limited access
 - e. Admission applications
 - f. Student records, grievances or disciplinary proceedings revealing a students' identification

[N.J.S.A.47:1A-1.2](#)

19. Biotechnology trade secrets

[N.J.S.A.47:1A-2.2](#)

20. Convicts requesting their victims' records

[N.J.S.A.47:1A-3.a.](#)

21. Ongoing investigations of non-law enforcement agencies (must prove disclosure is inimical to the public interest)

[N.J.S.A.47:1A-5.k.](#)

22. Public defender records

[N.J.S.A.47:1A-9](#)

23. State or federal statutes and regulations, Executive Orders, Rules of Court, and privileges created by State Constitution, statute, court rule or judicial case law

[N.J.S.A.47:1A-10](#)

24. Personnel and pension records, except specific information identified as follows:

An individual's name, title, position, salary, payroll record, length of service, date of separation and the reason for such separation, and the amount and type of any pension received

WHAT GOVERNS THE RETENTION OF ELECTRONIC RECORDS?



A: The same records retention schedules that apply to traditional hardcopy documents.

Retention schedules now contain boilerplate language certifying that agencies will retain all records maintained in electronic format for the same period required for traditional hardcopy, and will apply for destruction authorization in the same manner as for obsolete hardcopy records.

DIVISION of ARCHIVES & RECORDS MANAGEMENT
NJDARM
 new jersey public records and archives

ABOUT Us **STATE ARCHIVES** **RECORDS MANAGEMENT** **PARIS GRANTS** **IMAGING SERVICES & MICROGRAPHICS** **RECORDS STORAGE CENTER** **RELATED ORGANIZATIONS**

LOCAL RECOF MANU

REQUEST AND A FOR RECORDS

2. REQUEST DATE

5. SERIES NUMBER

Treaty of Paris

25

state of new jersey links

contact us | privacy notice | legal statement



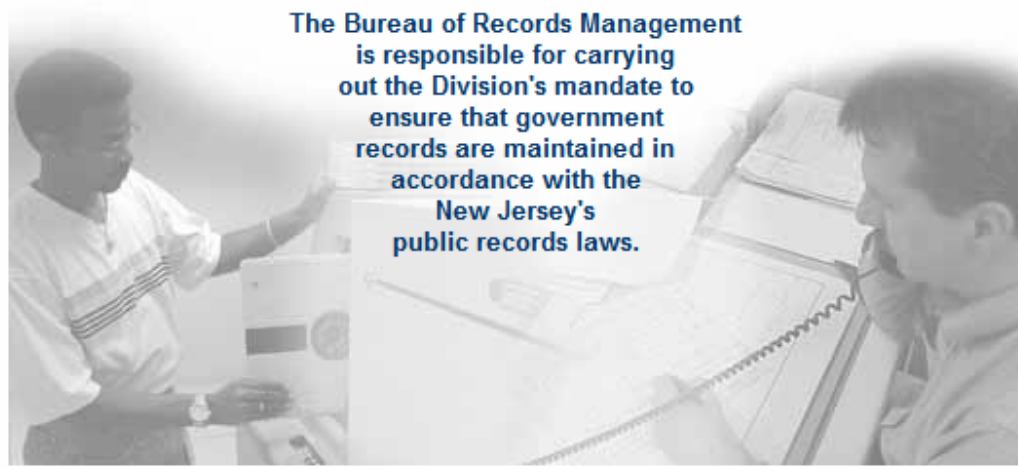
Please send comments concerning this website to: webmaster.darm@sos.state.nj.us

DIVISION of ARCHIVES & NJDARM RECORDS MANAGEMENT

records management

ABOUT US | STATE ARCHIVES | RECORDS MANAGEMENT | PARIS GRANTS | IMAGING SERVICES & MICROGRAPHICS | RECORDS STORAGE CENTER | RELATED ORGANIZATIONS

- Electronic Records
- Imaging Certification
- Records Disposal
- Records Manuals
- Records Retention**
- Directions
- FAQs
- Forms
- Legislation
- Statutes
- Regulations
- Staff
- Site Map / Index



The Bureau of Records Management is responsible for the Division's mandate to ensure that government records are maintained in accordance with the New Jersey's [public records laws](#). These functions include:

records retention

- Electronic Records
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Records Retention Schedules

The Bureau of Records Management places all public records on Records Retention Schedules that list the minimum legal and fiscal time periods they must be retained by state and local governmental and educational agencies. Working with personnel from the records-creating agency, the Bureau determines these retention periods in conformance with state and federal codes, regulations, and statutes of limitation. Final approval of the schedules comes from the [State Records Committee](#), which is comprised of representatives of the Attorney General, State Treasurer, State Auditor, Director of Local Government Services, and the Director of the Division of Archives & Records Management.

Below are the most commonly used schedules. Please click on the the Records Series # to view the schedule in PDF format. Eventually all of the State of New Jersey's Records Retention Schedules will be available in an on-line database.

To download an order form to receive a schedule not listed below [click here](#).

Download in [\[MSEXcel\]](#) or [\[PDF\]](#) Format a [Records Retention Disposition Table](#), which allows an agency to quickly ascertain whether a record series is ready for disposal. The table notes the year in which a records series is created with corresponding disposition dates based on retention requirements. Records become eligible for disposition as of **December 31st** of the year indicated in the table(s).

- [General Schedules](#)
- [Individual County & Local Record Series Description](#)
- [Individual Educational Record Series Description](#)

General Schedules & Series

● State Agency General Records Retention Schedule (including Financial; Personnel; General Administrative; Agency Related Policy, Legislation, and Operating Procedures; & Reports and Publications)

UPDATED Effective Date: [8/19/2004](#) [G100000-905](#)

● County & Municipal Agency General Records Retention Schedule (including Financial; Personnel; General Administrative; & Reports, Publications and Agency Related Policy)

UPDATED Effective Date: [10/20/2005](#) [M100000-905](#)



[Top of Page](#) [Top of Section](#)

Individual County & Local Record Series Description & Series

SCHEDULE NAME	SCHEDULE #	EFFECTIVE DATE
● Adjuster - County	C260000-999	5/25/1983
● Airports - County & Municipal	C970000-999	3/21/1984
● Board of Elections & Superintendent of Elections - County	C440000-903	5/21/1998
● Board of Chosen Freeholders - County	C320000-999	10/20/1982
● Bridge Commission- County UPDATED	C120000-001	4/19/2007
● Building Inspector	M190000-902	1/20/2005
● Clerk - County (Civil)	C100001-902	2/24/1993
● Clerk - County & Register of Deeds	C100000-903	10/22/1998
● Clerk - Municipal	M200000-904	3/17/2005
● Construction Board of Appeals - County	C470000-001	8/25/1993
● Counsel -County	C350000-001	1/18/1984
● Detention Center/Jail - County	C280000-902	6/16/2005
● Detention Center, Juvenile - Local	C330000-999	4/24/1991



STATE OF NEW JERSEY



COUNTY & MUNICIPAL AGENCIES GENERAL RECORDS RETENTION SCHEDULE

M 1 0 0 0 0 0 - 9 0 5



Prepared by:
Division of Archives and Records Management
2300 Stuyesant Avenue, PO Box 307 Trenton, NJ 08625-0307
www.njarchives.org
609.530.3200

Address bar: http://www.njarchives.org/links/pdf/m100000-905.pdf

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1 (2 of 27) 75% Find

RECORDS RETENTION AND DISPOSITION SCHEDULE		AGENCY # M100000	SCHEDULE # 905	PAGE # 1 OF 26
DEPARTMENT: General Schedule, County and Municipal Agencies		AGENCY REPRESENTATIVE: Marc Pfeiffer		
DIVISION:		TITLE: Deputy Director, Local Government Services, DCA		
BUREAU:		PHONE #: / /		
<p>SCHEDULE APPROVAL: Unless in litigation, the records covered by this schedule, upon expiration of their retention periods, will be deemed to have no continuing value to the State of New Jersey and will be disposed of as indicated in accordance with the law and regulations of the State Records Committee. This schedule will become effective on the date approved by the State Records Committee.</p>				
AGENCY REPRESENTATIVE SIGNATURE		DATE:	SECRETARY, STATE RECORDS COMMITTEE SIGNATURE	
s/ Marc Pfeiffer		9/30/2005	s/ Karl J. Niederer	
			DATE: 10/20/2005	

RECORDS SERIES #	RECORD TITLE & DESCRIPTION	RETAIN IN		DISPOSITION
		AGENCY	RECORDS CENTER	
	<p>NOTICE CONCERNING PERMANENT RECORDS</p> <p>Record series listed on this schedule with a "Permanent" retention and disposition are to be preserved in perpetuity in a legally sanctioned format. Agencies responsible for such records should maintain them in the office as long as they are needed on a regular basis for transacting business. Once active use ceases, agencies should consider transferring the records to a central archival facility maintained by the county or local government. For more information about storage and preservation of permanent records, contact the State Archives at (609) 633-8334.</p>			
	MANAGEMENT OF ELECTRONIC RECORDS			

government. For more information about storage and preservation of permanent records, contact the State Archives at (609) 633-8334.

MANAGEMENT OF ELECTRONIC RECORDS

This records retention schedule includes some record series which are maintained in an electronic format. In the normal course of business, the agency will take the necessary actions to ensure: hardware and software maintenance, backup procedures, security measures, and compliance with the rules and regulations pertaining to the maintenance public records.



WHAT ABOUT E-MAIL?

The Star-Ledger

Officials must think first before they delete Many are unaware e-mails are records

Wednesday, October 24, 2007
BY JULIE O'CONNOR
Star-Ledger Staff



In this electronic age, a public document can be destroyed with just one click. Like a copy of the e-mail ***** of the ***** Township Committee recently tried sending to ***** County Freeholder Director ***** , the town's former mayor.

The e-mail bounced back because the address was incorrect. But had it been delivered, ***** would have accidentally violated the state's record-keeping policy soon afterward.

"I would have deleted that e-mail, not knowing I was supposed to keep it," he said.

Hundreds of other New Jersey municipal officials are also struggling with state regulations on e-mails that discuss official business -- rules adopted five years ago.

After all that time, many public officials still don't know e-mail guidelines even exist.



WHAT ABOUT E-MAIL?



A: In general, e-mail should be considered correspondence, and retained in accordance with applicable retention periods.

DARM and the State Records Committee have issued Circular Letter 03-10-ST to provide government agencies guidance in classifying and retaining different types of e-mail.

0502-0002	Agency-Sponsored Semmar – Printed Materials (Copy)	Periodic review		Destroy
0502-0003	Agency-Sponsored Seminar – Correspondence and Work papers	3 yrs		Destroy
0503-0000	Correspondence (E-mail or Hardcopy)			
0503-0001	Correspondence - General External	3 yrs		Destroy
0503-0002	Correspondence – Administrative Internal	Periodic review		Destroy

DEPARTMENT OF STATE - DIVISION OF ARCHIVES & RECORDS MANAGEMENT
FORM CR-AA-0004 (10/89)

RECORDS RETENTION AND DISPOSITION SCHEDULE	AGENCY # M100000	SCHEDULE # 905	PAGE # 20 OF 26
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RECORDS SERIES #	RECORD TITLE & DESCRIPTION	RETAIN IN		DISPOSITION
		AGENCY	RECORDS CENTER	
0504-0000	Executive Administrative Subject File Subject file of a Mayor, County Executive, Administrator, County Manager, or equivalent authority dealing with all administrative aspects of their offices.			
0504-0001	Executive Administrative Subject File – Policy-Setting Includes substantive correspondence, minutes (copy), reports, speeches, etc. concerning agency policy/procedure; organization; programs; fiscal; and personnel matters.	Permanent		Permanent
0504-0002	Executive Administrative Subject File – Non-Policy-Setting Includes non-policy-setting correspondence, reports, speeches, and supporting documentation.	4 yrs		Destroy

DIVISION of ARCHIVES & RECORDS MANAGEMENT

NJDARM records management

ABOUT US STATE ARCHIVES RECORDS MANAGEMENT PARIS GRANTS IMAGING SERVICES & MICROGRAPHICS RECORDS STORAGE CENTER RELATED ORGANIZATIONS

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The Bureau of Records Management is responsible for carrying out the Division's mandate to ensure that government records are maintained in accordance with the New Jersey's public records laws.

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circular letters

circular letters

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Circular Letter 03-10-ST: Managing Electronic Mail: Guidelines & Best Practices

EFFECTIVE DATE: 7 July 2002

ATTENTION: Heads of State and Local Government Agencies

SUBJECT: Managing Electronic Mail: Guidelines & Best Practices

EXPIRATION DATE: Indefinite

INFORMATION: Albin Wagner, Chief of Records Management, 609.530.3204



For Printer Friendly Versions Click Here: [\[PDF\]](#) [\[MSWord\]](#)

1.0 Managing Electronic Mail: Guidelines

- [1.1 Intent and Purpose](#)
- [1.2 Introduction](#)
- [1.3 Definitions](#)
 - [1.3.1 E-mail system](#)
 - [1.3.2 E-mail messages](#)
- [1.4 Legal Requirements](#)

CATEGORIES OF E-MAIL



- **Non-Record E-mail** (personal correspondence, spam, listserv messages, non-governmental publications)
- **Official Record E-mail** (meets the public records definition in Title 47:3-16)
- **3 subcategories of Official Record E-mail:**
 - **Transient documents** – limited administrative value, such as meeting notices
 - **Intermediate documents** – some administrative value, such as non-policy-related general correspondence, internal communications, meeting notes
 - **Permanent documents** – executive correspondence of agency heads, departmental policies, board and commission minutes

**AVOIDING A COLLISION AT THE
INTERSECTION OF PUBLIC RECORDS
AND ELECTRONIC MAIL . . .**



. . . IT'S NOT EASY!

FOR



CONTACT DARM



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NJDARM

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