

Developing an Electronic Records Disposition and Preservation Plan

Joint Technology Committee Webinar



Nial Raaen, CRM
NCSC Principal Consultant

Marcus Reinkensmeyer
Arizona Court Services Director

COSCA Principles of Judicial Records Management

ACCESS

GOVERNANCE

COMPLIANCE

INTEGRITY

PRESERVATION

DISPOSITION

Session Objectives



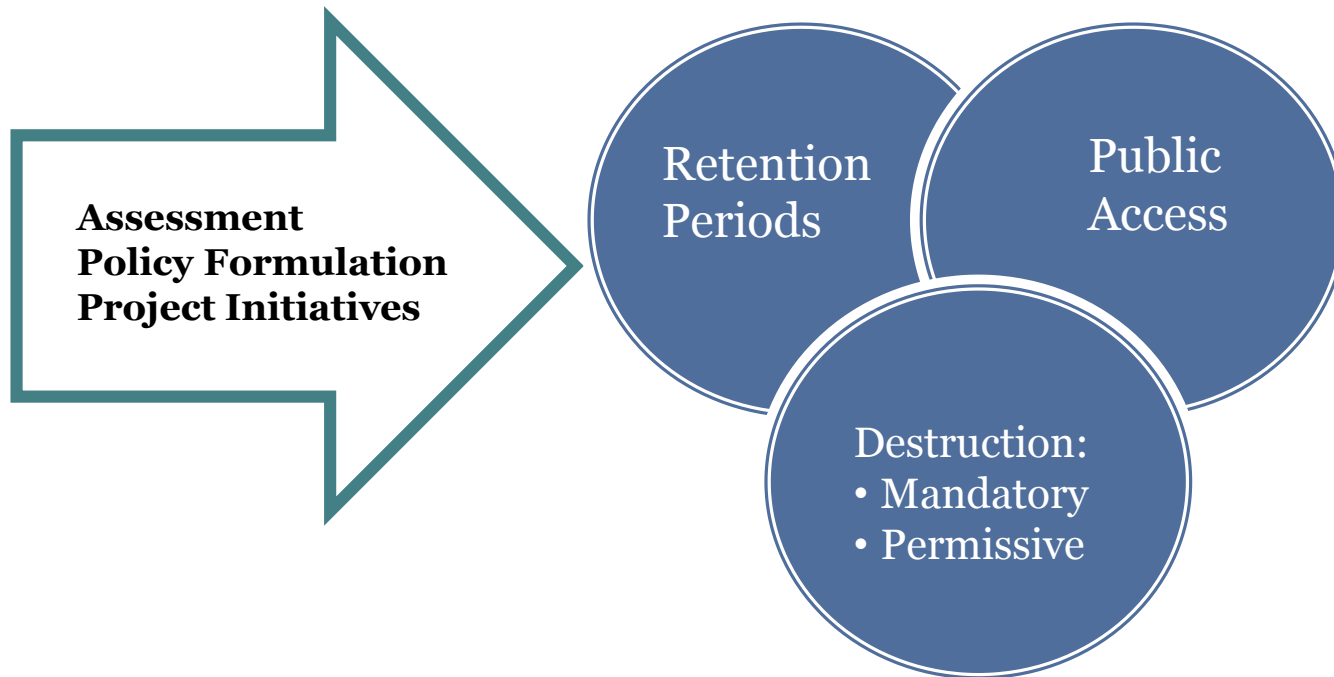
- Identify key ER preservation and disposition issues specific to court record systems
- Introduce industry best practices and emerging standards for preservation and disposition
- Identify preservation strategies for judicial records



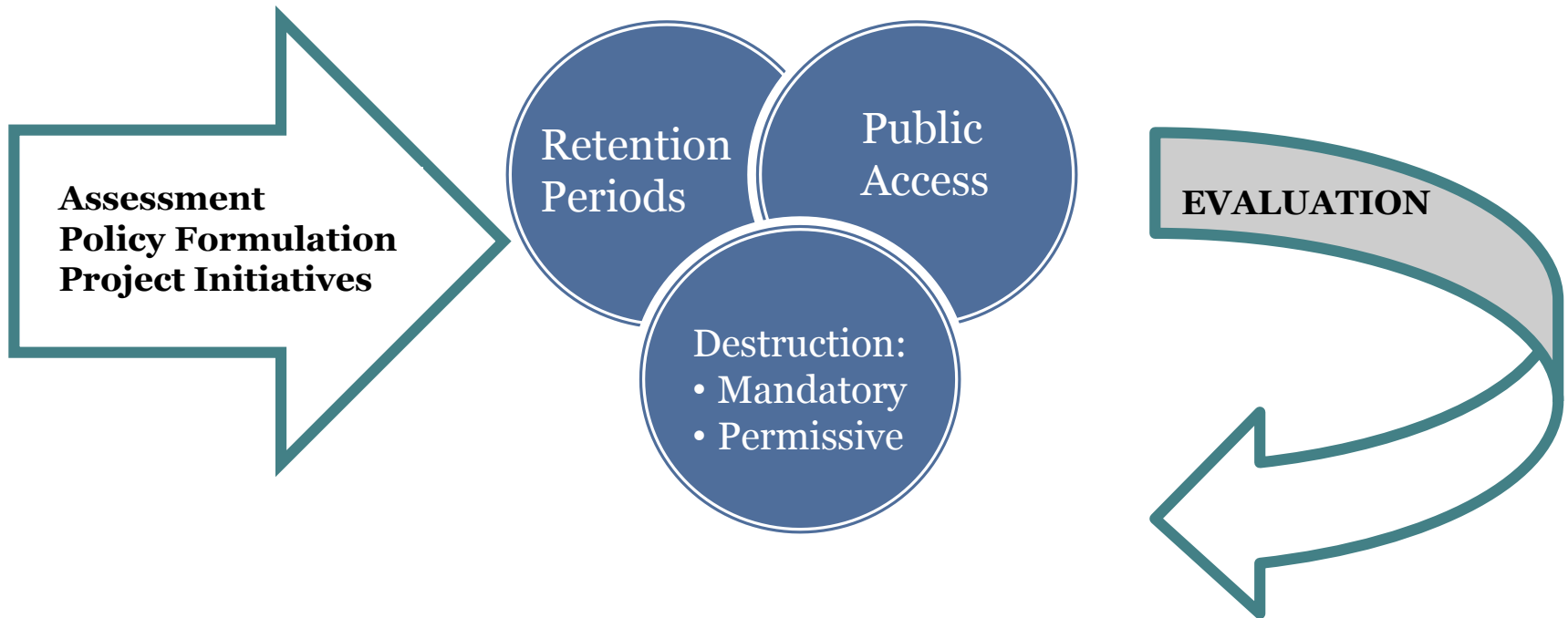
Trends in Judicial Records Management

- Widespread adoption of e-filing and e-documents
- Increasing volume and decreasing storage costs
- Greater expectations for public access
- Increasing demands on technology resources and capabilities

Electronic Records Management Policy



Electronic Records Management Policy



Principle of Preservation

The principle of Preservation addresses the need to maintain the integrity and accessibility of judicial records throughout their life cycle.

The Good Old Days



PROBATE ORDER BOOK 7 MAY 1913 DEC 1914
PROBATE ORDER BOOK 1 DEC 1914 MAY 1916
PROBATE ORDER BOOK 2 MAY 1916 FEB 1918
PROBATE ORDER BOOK 3 FEB 1918 MAY 1919
PROBATE ORDER BOOK 4 MAY 1919 DEC 1920
PROBATE ORDER BOOK 5 DEC 1920 FEB 1922
PROBATE ORDER BOOK 6 FEB 1922 SEPT 1924
PROBATE ORDER BOOK 7 SEPT 1924 FEB 1925

PROBATE ORDER BOOK 24 LAPORTE CIRCUIT COURT Oct 1940 Oct 1940
PROBATE ORDER BOOK 25 LAPORTE CIRCUIT COURT Oct 1940 May 1941
PROBATE ORDER BOOK 26 LAPORTE CIRCUIT COURT May 1941 Dec 1941
PROBATE ORDER BOOK 27 LAPORTE CIRCUIT COURT Oct 1941 July 1942
PROBATE ORDER BOOK 28 LAPORTE CIRCUIT COURT July 1942 Feb 1943
PROBATE ORDER BOOK 29 LAPORTE CIRCUIT COURT Feb 1943 Sep 1943
PROBATE ORDER BOOK 30 LAPORTE CIRCUIT COURT Sep 1943
PROBATE ORDER BOOK 31 LAPORTE CIRCUIT COURT

PROBATE ORDER BOOK 48 LAPORTE CIRCUIT COURT Dec 1958 Sept 1959
PROBATE ORDER BOOK 49 LAPORTE CIRCUIT COURT Sept 1959 May 1960
PROBATE ORDER BOOK 50 LAPORTE CIRCUIT COURT May 1960 JAN 1961
PROBATE ORDER BOOK 51 LAPORTE CIRCUIT COURT Jan 1961 Sept 1961
PROBATE ORDER BOOK 52 LAPORTE CIRCUIT COURT Sept 1961 June 1962
PROBATE ORDER BOOK 53 LAPORTE CIRCUIT COURT June 1962 Feb 1963
PROBATE ORDER BOOK 54 LAPORTE CIRCUIT COURT Feb 1963
PROBATE ORDER BOOK 55 LAPORTE CIRCUIT COURT Apr 1963

ORDER BOOK 72 LA PORTE COUNTY May 1973
ORDER BOOK 73 LA PORTE COUNTY May 1973
ORDER BOOK 71 LA PORTE COUNTY May 1973
ORDER BOOK 75 LA PORTE COUNTY
ORDER BOOK 76 LA PORTE COUNTY
ORDER BOOK 77 LA PORTE COUNTY
ORDER BOOK 78 LA PORTE COUNTY

COMPLETE RECORD I APR 1955 MAR 1958
RECORD J
RECORD K
RECORD L
RECORD M
RECORD N
RECORD O
RECORD P

PROBATE ORDER BOOK 8 FEB 1925 MAY 1926
PROBATE ORDER BOOK 9 MAY 1926 SEPT 1927
PROBATE ORDER BOOK 10
PROBATE ORDER BOOK 11 LA PORTE CIRCUIT COURT
PROBATE ORDER BOOK 12 LAPORTE CIRCUIT COURT
PROBATE ORDER BOOK 13 LA PORTE CIRCUIT COURT
PROBATE ORDER BOOK 14 LA PORTE CIRCUIT COURT
PROBATE ORDER BOOK 15 LA PORTE CIRCUIT COURT
PROBATE ORDER BOOK 16 LA PORTE CIRCUIT COURT

PROBATE ORDER BOOK 32 LAPORTE CIRCUIT COURT Nov 1940 July 1940
PROBATE ORDER BOOK 33 LAPORTE CIRCUIT COURT
PROBATE ORDER BOOK 34 LAPORTE CIRCUIT COURT
PROBATE ORDER BOOK 35 LAPORTE CIRCUIT COURT Dec 1946
PROBATE ORDER BOOK 36 LAPORTE CIRCUIT COURT
PROBATE ORDER BOOK 37 LAPORTE CIRCUIT COURT
PROBATE ORDER BOOK 38 LAPORTE CIRCUIT COURT July 1949
PROBATE ORDER BOOK 39 LAPORTE CIRCUIT COURT Aug 1950
PROBATE ORDER BOOK 40 LAPORTE CIRCUIT COURT Oct 1951

PROBATE ORDER BOOK 56 LAPORTE CIRCUIT COURT Apr 1964 Nov 1964
PROBATE ORDER BOOK 57 LAPORTE CIRCUIT COURT Nov 1964 May 1965
PROBATE ORDER BOOK 58 LAPORTE CIRCUIT COURT May 1965 Nov 1965
PROBATE ORDER BOOK 59 LAPORTE CIRCUIT COURT
PROBATE ORDER BOOK 60 LAPORTE CIRCUIT COURT
PROBATE ORDER BOOK 61 LA PORTE CIRCUIT COURT
PROBATE ORDER BOOK 62 LA PORTE CIRCUIT COURT
PROBATE ORDER BOOK 63 LA PORTE CIRCUIT COURT
PROBATE ORDER BOOK 64 LA PORTE CIRCUIT COURT

ORDER BOOK 26 LA PORTE COUNTY
ORDER BOOK 27 LA PORTE COUNTY
ORDER BOOK 28 LA PORTE COUNTY
ORDER BOOK 29 LA PORTE COUNTY
ORDER BOOK 30 LA PORTE COUNTY
ORDER BOOK 31 LA PORTE COUNTY
ORDER BOOK 32 LA PORTE COUNTY

GEN ENTRY CLAIM AND ALLOWANCE BOOKLET 9 JUNE 1912 APR 1915
GEN ENTRY CLAIM AND ALLOWANCE BOOKLET 10 MAY 1915 FEB 1918
GEN ENTRY CLAIM AND ALLOWANCE BOOKLET 11 MAR 1918 JUNE 1920
GEN ENTRY CLAIM AND ALLOWANCE BOOKLET 12 JULY 1920 NOV 1922
GEN ENTRY CLAIM AND ALLOWANCE BOOKLET 13 DEC 1922 APR 1925
GEN ENTRY CLAIM AND ALLOWANCE BOOKLET 14 APR 1925 SEPT 1927
GEN ENTRY CLAIM AND ALLOWANCE BOOKLET 15
GEN ENTRY CLAIM AND ALLOWANCE BOOKLET 16
GEN ENTRY CLAIM AND ALLOWANCE BOOKLET 17

ER Preservation Challenges

- Greater complexity
- Range of retention requirements
- Rapid technological change
- Evolving data management, security and compliance requirements
- Unpredictability of future needs

No universal solution exists today for permanent or long-term digital preservation.

Preservation Risk Factors

Preservation risk increases with these variables:

- Storage media
- Frequency of access
- Complexity and features
- Volume
- Age



How Long is Long-Term?

ISO 14721 –

“Long enough to be concerned with the impacts of changing technologies, including support for new media and data formats, or with a changing user community.”

Primary Technical Issues

- Media longevity
- Media obsolescence
- Hardware lifespan
- Software obsolescence
- File format obsolescence



Hardware & Media



- Computer component and media failure.
- Storage medium may be superseded by newer versions or types of media.
- Computers and storage devices continually evolve - more features, functionality and storage capacity.

Rest in Peace!

8 inch floppy: 1971-81



5.25 inch floppy: 1972 – mid 1980s



12 inch optical: 1985 – 1992

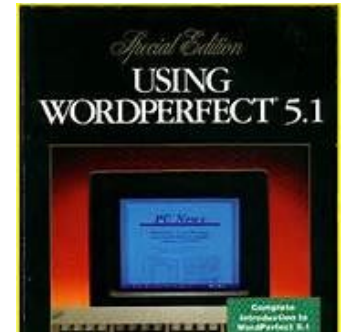


Jazz disk: 1996 – 2002



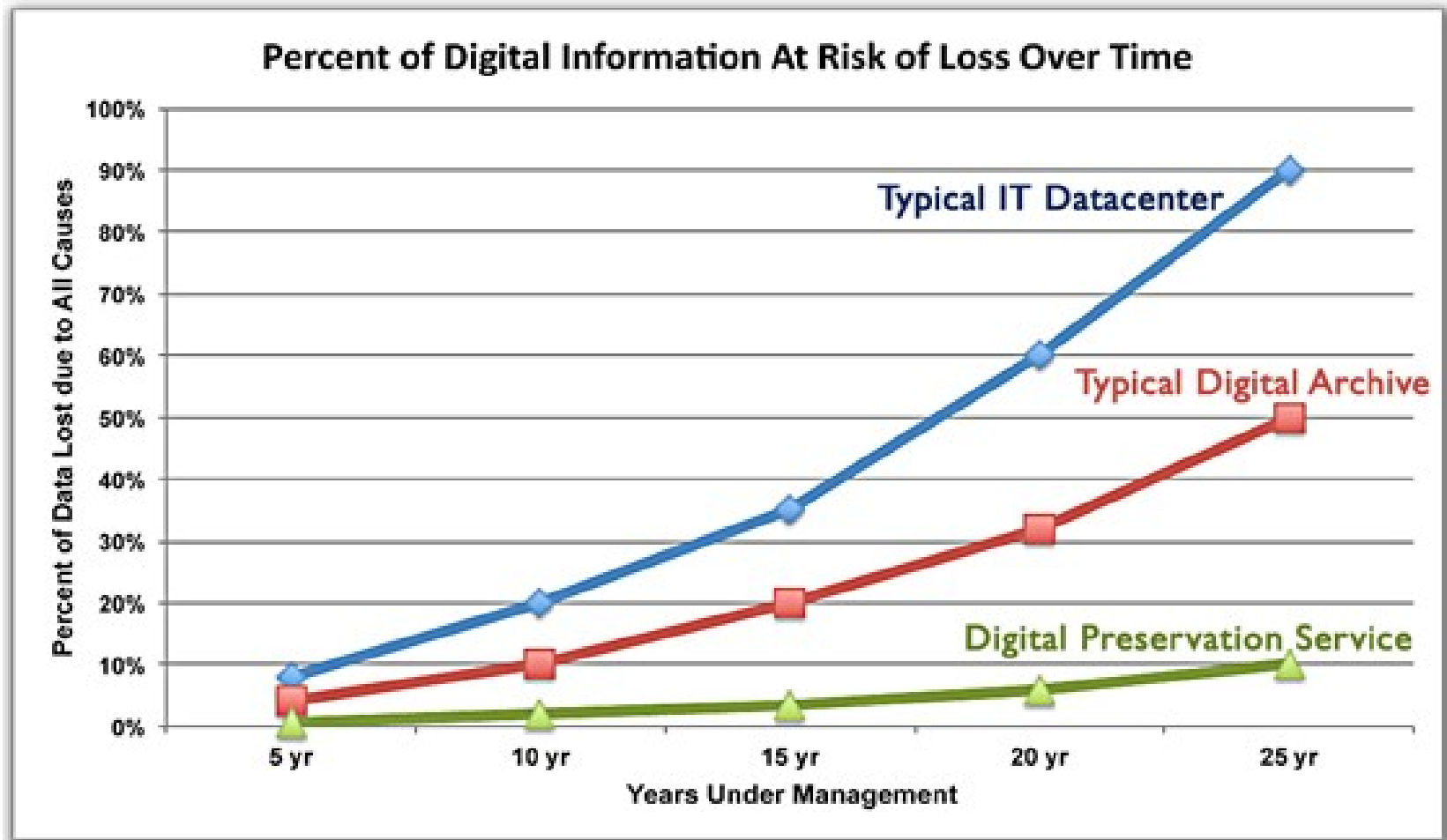
source: Cornell University *Chamber of Horrors*

Software and Formats

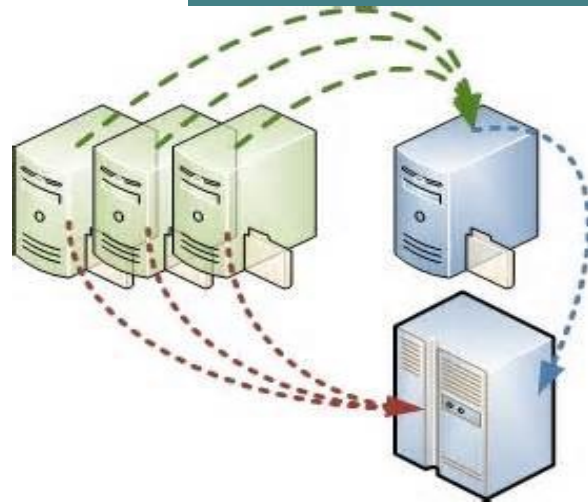


- File formats superseded by new versions, no longer supported by the vendor
- Software used to create, manage, or access digital content replaced by newer versions
- Characteristics such as hidden text, macros, and animations may be difficult to archive
- Vendors merge or go out of business, leaving application software unsupported

Ready...or Not?



Migration



A strategy for avoiding obsolescence

- Cycle is approximately every 10-15 years
- Media and file types must provide a stable repository for preservation and access
- A migration strategy and schedule should be established for specific media and file types

Other Preservation Methods

Emulation - recreating the legacy technical environment

Refreshing – moving records from one medium to another, primarily as a preventive measure

Preservation – maintaining the original technical environment



About PDF/A



- Archival file format and standard (ISO 19005-1)
- One component of a digital preservation strategy
- Preserves the static visual appearance over time
- A framework for recording metadata
- Continues to evolve

Metadata Matters!

Metadata provides meaning, access, context and chain of custody verification for electronic records

Descriptive: aids in indexing, discovery and identification

Administrative: management information such as ownership and rights

Structural: to display and navigate digital resources; describes relationships between files

Technical: describes the features of the digital file, such as resolution

Preservation: facilitates management and access to digital files over time

Metadata - an example



Dear Judge Michael Skiles:

As of 5/6/2015, Elisi successfully completed the Study Course.

Please note: Elisi signed affidavit of

Thank you,

~Wise Choice Alternatives

A screenshot of a software dialog box titled "Add / Modify Keywords". The dialog box has a blue title bar and a red close button in the top right corner. It contains a list of keywords at the top: "0206 - Criminal" and "0206 - Criminal - 5/14/2015 - J-0206-TR-0020141942". Below the list is a "Document Date" field with a calendar icon, showing "05/14/2015". Underneath is a "Keywords" section with several input fields: "Category" (TR), "Case Number" (J-0206-TR-0020141942), "Filing Date" (05/06/2015) with a calendar icon, "Event Code" (5140), "Sequence" (002), "Party Type" (D), and "Party Number" (001). At the bottom of the dialog are "Save" and "Cancel" buttons.

0206 - Criminal
0206 - Criminal - 5/14/2015 - J-0206-TR-0020141942

Document Date 05/14/2015

Keywords

Category TR

Case Number J-0206-TR-0020141942

Filing Date 05/06/2015

Event Code 5140

Sequence 002

Party Type D

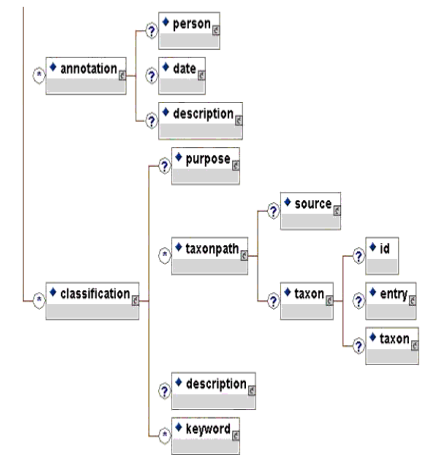
Party Number 001

Save Cancel

Preservation Metadata

Preservation metadata includes

- Identifying record “owner” or custodian
- Confirming the authenticity of the record
- Describing the technical environment of origin
- Tracking changes to original content
- Identifying changes related to preservation



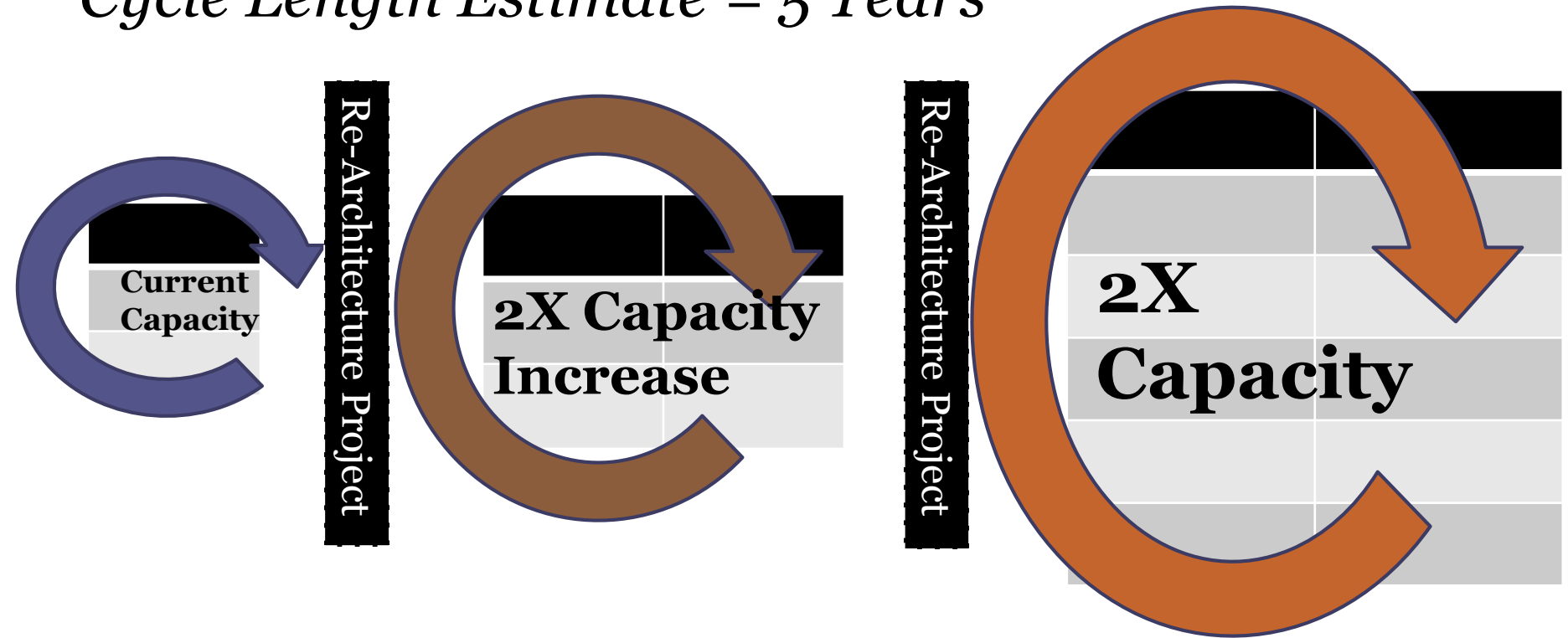
Preserving Record Integrity



- Control of physical security and user access
- Training and documentation
- Integrity and validation checking for corruption, deterioration and accessibility
- Internal compliance audits
- Hazard mitigation and disaster planning
- Selection of appropriate storage systems

Future Cycles of Storage Technology

Cycle Length Estimate = 5 Years



Foundational items include security, servers, operating systems, database mgt system, EDMS application, SAN support personnel, management, documentation, vendor support/maintenance contracts, backup software, and testing resources.

Selection of Storage Technology

- Access requirements (speed and frequency)
- Media lifespan
- Hardware compatibility over lifespan
- Technical capacity and capabilities of staff
- Cost of acquisition and maintenance

=> Consider total record lifecycle needs



Recommended Preservation Activities

- Identify current holdings
- Eliminate Redundant, Obssolete & Transitory records (ROT)
- Assess existing capabilities, capacity and risks
- Continually verify security and authenticity
- Select storage systems and architecture
- Apply appropriate preservation methodologies

Principle of Disposition

The principle of Disposition recognizes that all records reach a point in their lifecycle where they are committed to long-term archival storage and preservation, or are scheduled for destruction.

ER Disposition Challenges

- Disparate Digital Systems
 - Case management
 - Document storage
 - Office automation
- Multiple Vendors and Platforms
- Alignment with Paper Retention
- Automating Disposition
- Inter-related Records and Data



Problems with Consistency

- Retention rules vary across states
- Compliance with retention schedules may not be consistent
- Schedules may not include digital formats
- Technical capabilities and capacity may be insufficient

Locating the “Sweet Spot” for Retention

Likelihood of Need



Too Little Time
Insufficient for Justice Processes

Too Much Time
Costly, Perceived Harm, Data Loss

Business

Legal

Record
Value

Fiscal

Historical



How long is too long?

(Are you a “digital hoarder”?)



- Consider total costs of retention – search, storage, back-ups, migration.
- Coordinate paper and electronic retention schedules
- Inconsistent practices diminish trust and confidence
- Impact on access to public information

Issues with Third Party Use of Court Records



*An estimated 65 million people
have criminal records*

(National Employment Law Project)

- Inaccuracies (upon receipt or publication)
- Problems with individual identity
- Reporting of obsolete arrests
- Not excluding expunged cases
- Not updating judgments/dispositions

Other Policy Considerations

- Mandatory v. permissive purging
- Local choice v. statewide consistency
- Method of destruction
- Duration of public access
- Data, documents or both
- “Selective” purging



“Unstructured” Records

- Email
- Office automation work products
 - Documents
 - Spreadsheets
 - Presentations
- Social media
- Web content



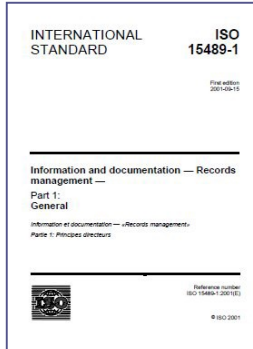


Is Email a Record?

- Is the message evidence of work? (explain, justify, or document an action or decision)
 - The completion of a message string?
 - Are other records available about the content?
 - Do confidentiality or retention requirements apply to the content?
- *Over 80% of email may be “transitory”*

Disposition Activities

- Take an “enterprise” and “life cycle” approach
 - Case data and documents
 - Office automation products
 - Email, social media and web content
- Apply appropriate methods of disposition
 - Destruction
 - Archiving
 - Accession/transfer
- Conduct disposition actions regularly and consistently
- Verify and document disposition actions
- Adopt industry standards



Standards Organizations

International Organization for Standardization – ISO

Department of Defense – DoD

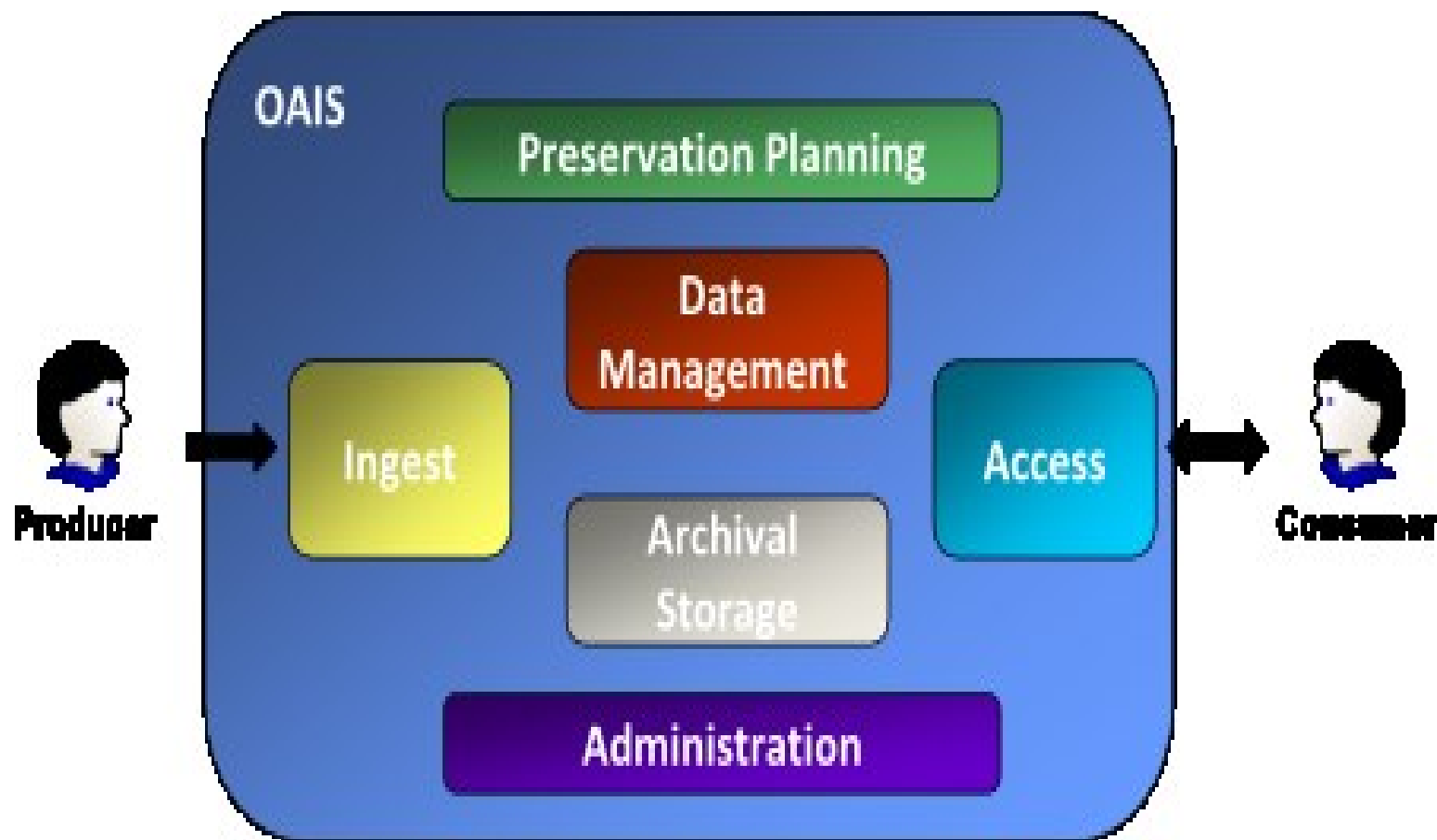
American National Standards Institute – ANSI

ARMA International - ARMA

Association for Image & Information Management - AIIM

Model Requirements for Electronic Records – MoReq

Open Archives Information System (OAIS) Model - ISO 14721



OAIS Elements



- **Ingest:** The steps required to transfer items from their current location into the archive in a managed manner.
- **Archival Storage:** The storage of the bulk data (usually files) based on standard storage management tools.
- **Data Management:** Tools to manage archival storage, including metadata.
- **Administration:** Tools for system administration & access.
- **Access:** Tools to search, browse and download content.
- **Preservation Planning:** Overall management to ensure long term access.

Self-Assessment Tools



- ❖ Digital Preservation Capability Maturity Model
- ❖ Digital Continuity Checklist *
- ❖ NDSA Levels of Digital Preservation Framework*
- ❖ NCSC Judicial Records Maturity Matrix

<http://survey.confirmit.com/wix8/p2776972228.aspx>

* Handouts

Where Do We Go From Here?

- Seek executive commitment to digital continuity
- Link digital continuity to strategic technology goals
- Assess existing digital systems using available audit and certification criteria
- Through collaboration, build a records continuity business plan encompassing:
 - Resources
 - Training
 - Technical infrastructure
 - Standards



Contact Us!

Nial Raaen

nraaen@ncsc.org

Jim Harris

jharris@ncsc.org

Marcus Reinkensmeyer

mreinkensmeyer@courts.az.gov

QUESTIONS or
COMMENTS ??

