

NEW PAINT FOR THE FENCE

Those of us whose profession it is to try and preserve records and information must be cautious (some would say conservative) in our approach to preservation issues. Garry Wills, in his book Certain Trumpets spoke of this type of conservatism in a way that helps to illustrate our on going approach to the preservation and maintenance of information in the court system. Mr. Wills indicated that most people



feel that Conservatism is a longing for the past and that you need to leave things alone in order to keep them as they always are. He went on to describe a white picket fence. If you leave it alone and do nothing to it, it eventually becomes a grey picket fence. To keep things as they always were, one must continually work at it - constantly re-paint the fence, at it were.

The same is true of our Records Management Guidelines, Policies and Regulations. Over the next year you will begin to see a number of revisions of these and a number of reiterations of them as well. The Electronic Records Guidelines have brought to the fore a number of questions having to do with the concept of "Record Copy". The description has not changed whether one used it for paper or microfilm but it does serve as a forum to reiterate the concept. So let us "re-paint the fence" on this issue in this article.

The "Record Copy" is defined as the copy that you would use to certify information. What defines a record copy is not whether the information resides on another medium, but whether it is the format that you would use to certify the information. In other words, if you were to be challenged on a record in court, what document would you take to court to prove the validity of the information - is it the paper? The microfilm? The electronic record?

Clearly, if you destroyed the original paper based upon the Office of Records Management Destruction Form because your microfilm passed its testing per the guidelines or your electronic format met and passed the guidelines, then the format that you maintain is the record copy. However, if you keep paper AND film or paper AND electronics or film AND electronics of the same record, the question gets a little bit more blurry. Which one of those would you consider to be the copy that you would take into court? It is a question that you have to answer. It is also one that you should formally, and in writing, designate.

Ava Raphael, Chief Clerk of the Onondaga Surrogate Court has set up a wonderful system to convert their old microfilm to digital images of their records. The question of record copy had to be answered and so, Ava has developed the following language to establish their record copy.

Commencing June 3, 2002, the digitized image of all files shall herein after be the official Court Record for the Onondaga County Surrogate's Court. The digital image of all microphotographed Court records shall become the record of the court upon the completion of scanning and digitization of said record.

This designation resides in their office and in ours as well. In the future, therefore, there will be no question as to what copy is the true record copy for that office.

The same is true, and has always been, for those of you that have created microfilm/microfiche images of your paper records. Whether you have destroyed the paper or not, you still need to designate the record copy format so that there is never a confusion as to the reliability of the information presented.

If you have any questions about this, please contact our office at 212-428-2875.