

THE NATIONAL ARCHIVIST

Regulation pursuant to the Archives Act of 1 December 1999 No. 1566 concerning further technical and archival provisions regarding the handling of public records, Chapter IX:

PROVISIONS CONCERNING ELECTRONIC FILING OF CASE DOCUMENTS

Laid down by the National Archivist on 1 October 2002 pursuant to Regulation of 11 December 1998 No. 1193 concerning public records, § 2-13.

A. General provisions

§ 1-1 Scope

These provisions apply to all public bodies which are subject to the Archival Regulation.

These provisions cover case documents to be stored on electronic media, and electronic systems associated with such documents, including registry and recordkeeping systems, case handling systems and specialized dedicated task systems.

§ 1-2 Registering electronic case documents

Case documents to be stored electronically should be associated with a system for entry into records or another electronic system for registering documents, cfr. § 2-1 – § 2-3. The system should manage all filing of and access to the case documents.

§ 1-3 Disposal of papers versions on scanning

When documents on paper are scanned and filed electronically in accordance with the provisions of this chapter of the present Regulation, the paper version of the documents may be disposed of, unless legal format requirements, such as requirements that signatures be hand-written, or other legal considerations require the paper version to be preserved.

The National Archivist may on a case-by-case basis decide that even the paper version of the documents should be preserved, in accordance with § 2-13 of the Archival Regulation.

§ 1-4 Supplementary provisions for district and city councils as well as county councils

An individual district or city council or county council may, within the framework of this chapter of the present Regulation, lay down supplementary provisions and instructions.

B. Requirements with regard to systems, formats and storage media

§ 2-1 General systems for entry into records and recordkeeping

The entry of electronic case documents into records should normally be performed on a system which conforms to the requirements of the Noark standard and has been approved by the National Archivist, in accordance with § 2-9 of the Archival Regulation. This applies irrespectively of whether a dedicated registry and recordkeeping system be employed, or functions performing the entry into records in accordance with § 2-6 and 2-7 of the Archival Regulation be integrated in a

case-handling system or similar system.

The electronic filing of case documents must be performed on a system which conforms to the specific requirements of electronic recordkeeping of the Noark standard, and must have been approved by the National Archivist for this purpose.

If case documents are to be exchanged electronically in connection with the electronic records, the system should also fulfil Noark's basic requirements with regard to integrated e-mail.

If documents are to be signed with an electronic signature, the system should also fulfil Noark's basic requirements with regard to the use of digital signatures.

§ 2-2 Specialized dedicated task systems with registry functions

For specialized dedicated task systems which include functions for the entry into records and filing of case documents, exemptions from the provisions of § 2-1 may be granted if the system was designed before the entry into force of these provisions, or if other factors make it unreasonable to require full conformity with the Noark standard. Such exemptions must be approved by the National Archivist for an individual system, in accordance with the notification duty of § 4-1.

Exemptions from the Noark standard according to the first subparagraph involves the granting of an exemption from the first sentence of § 2-9 of the Archival regulation, cfr. § 1-3 of the Archival Regulation. Nevertheless, the remaining provisions of the Archival Regulation regarding entry into records apply without limitations, cfr. in particular § 2-6, § 2-7 and § 2-10 of the Archival Regulation. This implies, among other things, that it should be possible to register all mandatory registry information in the system. It must be possible to link together documents belonging to the same case, or some other grouping of documents, under one shared number.

On export for the purpose of transfer or deposit, cfr. § 2-4, the system should in any case be capable of producing a data extract conforming to the specifications of the report called "Saks- og dokumentoversikt [Case and document summary] in the current Noark standard. In addition to this report, the National Archivist may on a case-by-case basis decide that a complete transfer extract must be produced according to the specifications of the Noark standard.

As part of the review of a system, the National Archivist may demand a test to be performed on a sample data extract in relation to the specifications of the Noark standard. In this context, the concerned body may be required to perform the test itself using tools which the National Archivist distributes for this purpose. The National Archivist may also authorize other bodies to perform or administer such a test.

§ 2-3 Other systems

For the purpose of electronic filing of case documents which are not subject to the provisions of § 2-6 and 2-7 of the Archival Regulation regarding entry into records, systems may be used which do not conform to the Noark standard. These systems must nevertheless conform to the remaining provisions of this chapter of the present Regulation. See also § 4-1 on the notification duty.

§ 2-4 Export functions

The system should be capable of exporting data extracts where the case documents are associated with higher-level tables, in accordance with chapter VIII of the present Regulation (for central government bodies) or chapter 4 of the "Normalinstruks for arkivdepot i kommuner og

fylkeskommuner" [Standard instructions for archival depot in district and city councils as well as county councils] (for district, city and county council bodies).

The provisions of the first subparagraph do not apply if all the documents and information in the system may be disposed of after ten years or less according to § 9 of the Archival Act.

§ 2-5 Storage formats

The system should have functions for storing electronic case documents in one or more of the document formats specified by the Noark standard and laid down as approved archival formats by chapter VIII of the present Regulation. District and city councils as well as county councils may exempt from this provision if other archival formats are included in an arrangement approved by the National Archivist, cfr. point 4.1.5 of the "Normalinstruks for arkivdepot i kommuner og fylkeskommuner".

The provisions of the first subparagraph do not apply to documents which may be disposed of after ten years or less according to § 9 of the Archival Act.

§ 2-6 Storage media

For the purpose of electronic recordkeeping, storage media should be used which ensure that documents are preserved and available until the formal transfer to public archival depot has taken place. When documents are archived off-line on remotely-stored media (CD, tape), they must be copied to new storage media in due time before the filed material is likely to become unavailable or be lost due to a technologically obsolete medium.

There should always be at least one extra copy of electronic case documents on a separate storage device.

C. Requirements regarding organization and routines

§ 3-1 Mixed filing of electronic documents and paper documents

In systems which conform to the Noark standard, there may be registered a mixture of electronic documents and documents in paper form, provided that

- all the documents entered into records within one case are stored either electronically or on paper, with certain exceptions as far as attachments are concerned, cfr. Noark, and
- electronic and paper-based cases are filed in separate records sections.

If electronic documents and paper documents are mixed within the same case, the entire case must be filed and transferred in paper form. The electronic documents in such a case are considered work copies. If cases are divided as defined in the Noark standard, it will nevertheless be possible to file case sections electronically even if the rest of the case is paper-based. This presupposes that such case sections are filed in separate records sections containing only electronic material.

In systems which do not conform to the Noark standard, the same principles should be applied. The rule of thumb is that documents which constitute one case, or make up some other type of grouping of documents, cfr. § 2-2, should be stored either electronically or on paper. This applies insofar as it is feasible within appropriate solutions. Paper-based and electronic case documents should be included in separate, well-defined sections of the records (records sections).

Any mixing of paper-based and electronic records should be adequately documented in the filing plan.

§ 3-2 Structure and use of the electronic records

Before a system is put into use, instructions should be prepared for the concerned body describing the structure and use of the electronic records. For the use of Noark-based systems, these instructions should include the following specifications:

- 1) which categories of cases, including types of case documents, are to be filed electronically, and which, if any, should according to the formal requirements of laws and regulations, or for other reasons, be filed on paper, cfr. § 3-1,
- 2) which archival format(s) should be used,
- 3) if documents are to be authenticated using a digital signature: which types of documents should be authenticated,
- 4) guidelines for verifying that the scanning of incoming documents has been performed correctly and completely, and that the documents are legible, before the original paper version is disposed of,
- 5) guidelines for the disposal of received paper documents which have been scanned and filed electronically,
- 6) a plan for the periodization of the records and maintenance of the electronic material until it can be transferred to archival depot.

For systems which do not conform to the Noark standard, the instructions should fulfil the same requirements as long as they are relevant.

The filing plan should include a summary of the records structure, including any division into records sections.

§ 3-3 Internal responsibilities and routines

Before a system is put into use, a system and guidelines should be established with a view to managing and updating user rights to the system. Instructions should be established describing the following responsibilities and routines, insofar as these are relevant to the use of the system:

- 1) responsibilities for assigning and updating user rights to registration and filing functions,
- 2) which specific registration and filing rights are assigned to managers and executive officers,
- 3) responsibilities and procedures for registering and filing case documents which are sent and received,
- 4) responsibilities and procedures for converting case documents to archival format, including the time of conversion,
- 5) operator's responsibility, work procedure and routines for quality control regarding the scanning of incoming paper documents,
- 6) responsibilities and routines for the quality control of the registration and electronic recordkeeping,
- 7) if digital signatures are used: rules and routines for its use,
- 8) routines defining arrangements and responsibilities concerning:
 - the distribution of documents,
 - the correction of registered registry and records information,
 - the signing off of finalized documents,
 - the assessment of issues concerning public access,
 - the registration of exemptions concerning public access and the statutory authority for them,
- 9) emergency procedures for registration and filing, in case the system is out of order.

§ 3-4 Outgoing letters database

For records sections in which all own-produced documents are stored electronically, it is permissible to omit a paper-based outgoing letters database. For other records sections, a complete paper-based outgoing letters database should be kept, cfr. § 3-9 of the Archival Regulation.

If the outgoing letters database is omitted in accordance with the first subparagraph for one or more records sections, this should be documented in the filing plan.

D. Reporting and approval

§ 4-1 Notification duty for systems

If a public body plans to file electronic case documents in a system which is not subject to the system of approval according to § 2-1, the National Archivist should be notified before the system is put into use. The notification should include:

- a) the official name of the system,
- b) the name and address of the vendor,
- c) a brief summary of the main system functions for registering and filing electronic case documents,
- d) information as to what body, or bodies, is/are to use the system,
- e) information on the purpose of the system and which area and types of case documents will be covered by the electronic records,
- f) the name and functional area of the system being replaced by a new system.

The National Archivist may on a case-by-case basis require the system to be presented to him for approval, cfr. § 4-4.

§ 4-2 Special reporting arrangements for central government bodies

Central government bodies are subject to the notification duty according to § 4-1 first subparagraph, even when systems which have been approved according to the provisions of § 2-1, are being put into use. However, in such notifications, any information specified under (c) may be omitted.

§ 4-3 General information duty

The National Archivist may demand to have presented to him the internal instructions which have been prepared by a public body for the use of electronic recordkeeping, cfr. § 8 of the Archival Act.

§ 4-4 Approval

If systems or instructions which are reported according to the provisions of § 4-1, § 4-2 or § 4-3, do not fulfil the requirements of this chapter of the present Regulation, the National Archivist may demand that the concerned body file its case documents on paper.