

# Unique Characteristics of Electronic Records

The State of Ohio's definition of a record found in ORC 149.011 states that the term "records" includes "any document, device, or item, *regardless of physical form or characteristic.*" While physical form does not influence the status of a record, electronic records present unique challenges when determining the best way to manage them compared to paper-based records.

## Out of site – out of mind?

Physical records take up space and provide a visual motivation to manage them. That is not so with electronic records, which tend to be an invisible problem, and which require extra effort to address.

## Changing media

Electronic records need to be accessible throughout their entire lifetime as defined by approved records retention schedules. Records in danger of loss due to the obsolescence of the medium on which they are stored and/or the software/file format in which they exist need to be addressed by either:

- A migration plan that transfers records to a different medium and/or format to ensure the continued access of the information
- A software and hardware library containing the working versions required to access legacy records

## Authenticity, Accuracy, Integrity, Accessibility

Electronic records lack physical and visual clues about their origins and their authenticity. Maintaining content, structure and context of electronic records is, therefore, both more vital and difficult than with traditional analog records. Metadata, simplistically defined as "data about data," can provide a key to understanding the origins, authenticity, purposes, and uses of electronic records. Because it is so easy to change and disseminate electronic records, guidelines must be put in place to ensure that they retain authenticity, accuracy, integrity, and accessibility.

## Legal Admissibility

Evidence that is introduced in legal proceedings is subject to Federal Rules of Evidence, specific Ohio legislation, and precedents established through case law. The admissibility of electronic records is an ever-evolving subject and one that agencies need to stay on top of.

## Disposal

Electronic records should be disposed of using the same rules specified on your records retention schedule as paper records. "Storage is cheap" is not an alternative for proper disposition. Disposition is more than just a means of freeing up storage space; there are efficiency and legal implications to keeping electronic records longer than necessary. However, electronic records may not be as easy to dispose of as their paper counterparts. Electronic footprints can lead back to records that were intended to be destroyed. Policies and procedures for secure and total destruction of electronic records when it is necessary need to be established.

