

Approved Standards for Retention of Permanent Records Described in A.R.S. § 41-1092.01(C)(6)

1.0 Overview:

1.1 A.R.S. § 41-1092.01(C)(6) provides that the Director of the Office of Administrative Hearings (OAH) shall: "... secure, compile and maintain all decisions, opinions or reports of administrative law judges issued pursuant to this article and the reference materials and supporting information that may be appropriate."

1.2 A.R.S. § 39-101(A) provides that "[p]ermanent public records of the state ... shall be transcribed or kept on paper or other material which is of durable or permanent quality and which conforms to standards established by the director of the Arizona State Library, Archives and Public Records" and A.R.S. § 39-101(B) provides that such records shall be "... be stored and maintained according to standards for the storage of permanent public records established by the director of the Arizona State Library, Archives and Public Records."

2.0 Agreement:

2.1 The Director of the Arizona State Library, Archives and Public Records (ASLAPR) hereby approves the methodology reflected in Section 3 as meeting the standards of A.R.S. § 39-101(A) for securing, compiling, keeping, storing and maintaining the public records to be preserved pursuant to A.R.S. § 41-1092.01(C)(6) in electronic form.

2.2 The Director of the OAH agrees to maintain the methodology reflected in Section 3 and to abide by the transfer and certification requirements of Section 4 and Section 5.

2.3 Subject to the provisions of 5.2, the agreement remains in force unless both parties mutually agree to substitution of another agreement.

2.4 This agreement can be modified only upon agreement of both parties in writing.

3.0 Methodology:

3.1 Public Records to be Preserved:

- 3.1.1** The phrase, "reference materials," is interpreted by the OAH Director as consisting solely of applicable statutes and rules. OAH will not separately maintain these documents as they are secured and maintained by ASLAPR.
- 3.1.2** The phrase, "all decisions, opinions and reports," is interpreted by the OAH Director as meaning all orders, including, but not limited to, the Administrative Law Judge decisions as defined in A.R.S. § 41-1092.
- 3.1.3** The phrase, "supporting information as appropriate," is interpreted by the OAH Director as docket event entries made contemporaneously reflecting actions taken by OAH Administrative Law Judges and Staff concerning cases and summarizing documents submitted by parties. It does not include docket event entries with a separate retention and disposition schedule approved by ASLAPR.

3.2 Method of Securing:

- 3.2.1** All relevant actions taken regarding a case are reflected in the OAH Case Management (OAH-CM) electronic docket as "docket event entries."
- 3.2.2** All documents received in cases are summarized in docket event entries that become part of the OAH Case Management (OAH-CM) electronic docket.
- 3.2.3** All documents created are captured, tracked and stored through the electronic case docket by document type.

3.3 Definition and Method of Compiling:

- 3.3.1** The term "compile" includes:
 - 3.3.1.1** The ability to view all decisions, opinions, reports and supporting information by case number, also known as "matter id."

3.3.1.2 The ability to sort by date and type:

3.3.1.2.1 Cases.

3.3.1.2.2 Decisions, opinions and reports.

3.3.1.3 The ability to text search all decisions, opinions and reports.

3.3.2 The OAH-CM incorporates full case and docket sorting and text search capability of all supporting information and decisions, opinions and reports.

3.4 Method of Keeping and Storing:

3.4.1 The OAH-CM consists of:

3.4.1.1 The database.

3.4.1.2 Stored documents.

3.4.2 The database and stored documents are maintained on a server(s) with sufficient redundant hardware and software to assure business continuity.

3.5 Method of Maintaining:

3.5.1 The OAH-CM is backed up daily, Monday through Friday.

3.5.2 Daily backup tapes are maintained offsite.

3.5.3 OAH-CM backup logs are checked daily.

3.5.4 A sample restoration is done to ensure reliability every two weeks.

3.5.5 Backup tapes are replaced annually to ensure that there is no degradation.

3.5.6 The OAH-CM system is updated annually to ensure that the technology remains current. Such updates will be documented. The preexisting version will be maintained until the validity of the updated system is established through agency use of the system.

- 3.5.7 The case created under the earliest version of the OAH-CM, 95F-F0123-ROC, is checked at least annually to ensure that all events remain accessible.
- 3.5.8 The OAH word processing program will be updated to a program and version supported by the manufacturer.
- 3.5.9 The earliest identifiable document created with the earliest version of word processing software, Doc 64211463, accessible through 95F-S0106-ROC, is checked at least annually to test retrievability using the existing version of software. All documents will be converted as necessary to ensure long-term accessibility. The preexisting versions will be maintained until the validity of the documents is established by opening and comparing a statistically significant, random sample of the original and converted documents. All conversions will be documented.
- 3.5.10 Any conversion from the existing OAM-CM must incorporate the features described in section 3.3 and import all items described in Section 3.2.
- 3.5.11 All documents and data will be maintained on-line. At such time that the OAH determines to transfer portions of the OAH-CM to off-line or near-line storage, ASLAPR will be notified and these inactive portions will be copied or exported and transferred to the State Archives in a format approved by ASLAPR that is appropriate for long-term preservation as negotiated at the time of transfer.

4.0 Transfer of OAH-CM Upon Termination or Sunset

- 4.1 Upon notice of the elimination of the OAH through sunset or other termination, the OAH-CM and all necessary hardware and software to access the OAH-CM will be transferred to ASLAPR.
- 4.2 The system shall include the ability to export permanently valuable documents to a format approved by ASLAPR that is appropriate for long-term preservation and is sufficient for use as historical (rather than operational) records, including any indices necessary to find records. This functionality must be operational before the system can be certified.

5.0 Annual certification

- 5.1 The Director of the OAH, after personal inquiry, will certify to ASLAPR on an annual basis that the items listed in Section 3 are true. The certification will include the name of the Director, a contact address and telephone number.
- 5.2 At least once every three years, the Director of the OAH will review this agreement and report to ASLAPR any recommendations for modification of this agreement that are deemed appropriate due to changes in legislation, technology and work flow processes. In the absence of such report, the agreement will terminate. Any new agreement must then be signed by both parties.

FOR AND ON BEHALF OF THE ARIZONA STATE LIBRARY, ARCHIVES AND STATE RECORDS

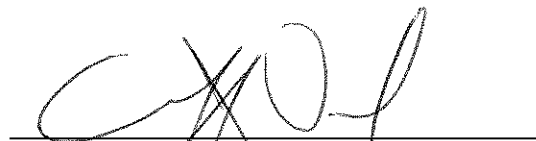


GLADYSANN WELLS
Director

4 June 2005

Date

FOR AND ON BEHALF OF THE ARIZONA OFFICE OF ADMINISTRATIVE HEARINGS



CLIFF J. VANELL
Director

May 27, 2005

Date