



Midpeninsula Regional
Open Space District

R-22-32
Meeting 22-08
March 9, 2022

AGENDA ITEM 3

AGENDA ITEM

Resolution Declaring Laserfiche to be a Trusted System for Midpeninsula Regional Open Space District Records, and Adopting Procedures for the Management of Records and the Automation of Retention Requirements

GENERAL MANAGER'S RECOMMENDATION

Adopt a resolution declaring Laserfiche to be a “Trusted System” for document retention purposes and approving procedures for the management of records.

SUMMARY

Staff seeks to implement a “trusted system” as defined by California Government Code section 34090.5, which will allow official Midpeninsula Regional Open Space District (District) records to be stored electronically and hard copy records be destroyed. A “trusted system” means that documents in the system are maintained as an authentic copy of the original document and are not alterable. This ensures integrity of the electronic records as required by state law. This will allow the District to use efficient paperless processes and reduce material consumption. To create the trusted system, the General Manager recommends implementing a Laserfiche Vault system to securely store official records and adopt the recommended records management policy and procedures.

DISCUSSION

Trusted System

The Board of Directors (Board) adopted a resolution approving a new records retention schedule for the District in March 2020 (R-20-06) and established requirements for retaining District records in active and inactive files and for disposing records when they are no longer needed for administrative, fiscal, historical, or legal purposes. In February 2021 (R-21-16), the Board approved a contract with ECS Imaging, Inc., to configure and implement Laserfiche as the District’s electronic document management system (EDMS). The EDMS allows records to be managed electronically, resulting in more efficient processing of documents through paperless workflows, increased efficiency of document retrieval and the ability to access documents from any office or remote work location. The District seeks to destroy paper copies of records once they have been scanned into the EDMS to reduce paper storage. To destroy paper records, the District must adopt a “trusted system”. Laserfiche is an electronic records repository and on its own does not meet the state’s “trusted system” requirements. Documents must also be stored in a secure system that does not permit unauthorized alterations or deletions. Laserfiche Vault provides this functionality and will ensure that official District records are unalterable and stored

securely. Additionally, Laserfiche Vault will be configured to meet the security requirements set out by the Secretary of State for a trusted system.

A trusted system is comprised of a combination of policies, procedures, and technology. With the implementation of the EDMS and the adoption of the records retention schedule, the District has two final steps to complete the trusted system: approval of a records management policy and procedures, and implementation of an electronic document storage system that meets trusted system requirements.

California Government Code section 34090, *et seq.* outlines the parameters and processes to allow any District record, which has served its purpose and is no longer required, to be destroyed. Specifically, Section 34090.5 requires that certain records are reproduced on a “trusted system” before they are destroyed. California law imposes requirements related to the retention of official records using a “trusted system.”

The Secretary of State adopted Trustworthy Electronic Document or Record Preservation regulations, located in Chapter 15, Division 7, Title 2 of the California Code of Regulations, which govern the recording, storing and reproducing of records in electronic media where the intent is to destroy the original hardcopy and maintain the electronic copy as the official record.

Based on these regulations and codes, a “trusted system” must:

- store electronic records in at least two unique locations;
- ensure that records cannot be modified, moved, or deleted;
- store one copy in a separate secure location that does not permit unauthorized alterations or deletions; and
- provide full auditing/logging of any action taken on a document within the repository.

The District Clerk and Information Systems and Technology Departments recommend Laserfiche Vault to serve as the secure records repository. Based on staff’s research and review of numerous trusted system solutions, Laserfiche Vault is recommended because it meets the above requirements and is the only system that seamlessly integrates with Laserfiche Cloud, the District’s EDMS. Other trusted system options are more manual in nature, incur additional costs, and require more staff resources for oversight and management. Using Laserfiche Vault will ensure District official records are unalterable and stored in a safe and secure location.

Records Management Procedures, included as Exhibit A to the attached resolution, have been developed for the implementation of the retention schedule and to provide for the routine searching, scanning, uploading, saving, importing, and disposing of records in Laserfiche during the normal course of business.

Collectively, the District’s comprehensive retention schedule, records management policy, the records management procedures, and the Laserfiche Vault technology constitute a trusted system in accordance with state law.

FISCAL IMPACT

The FY22 budget includes sufficient funds to cover project costs. Laserfiche Vault implementation will cost \$12,800. Laserfiche EDMS and Laserfiche Vault annual fees are

\$42,350. Funds will be recommended in future fiscal year budgets as a part of the annual Budget and Action Plan process to cover future annual fees.

BOARD AND COMMITTEE REVIEW

- March 11, 2020 – Approval of the records retention schedule ([R-20-06](#), [minutes](#))
- January 11, 2021 – Approval of a contract with ECS Imaging, Inc., to implement the electronic document management system ([R-21-16](#), [minutes](#))

PUBLIC NOTICE

Public notice was provided as required by the Brown Act.

CEQA COMPLIANCE

This item is not a project subject to the California Environmental Quality Act.

NEXT STEPS

If the Board adopts the resolution declaring a trusted system for the management of records and adopting the records management procedures, staff will move forward with implementing the trusted system for District records. Implementation of the trusted system will allow District staff to move forward with using electronic versions of District records as the official copy and dispose of paper copies. Electronic records are easier to search, assist with expediting District responses to Public Records Act requests, and reduce the space needed to store documents.

Attachments:

1. Resolution Designating Laserfiche Vault as the Trusted System for the Management of Records in order to fulfill Records Retention Requirements

Responsible Department Head:

Ana Ruiz, General Manager

Casey Hiatt, Information Systems & Technology Manager

Prepared by:

Jennifer Woodworth, District Clerk/Assistant to the General Manager

Casey Hiatt, Information Systems & Technology Manager

Contact person:

Jennifer Woodworth, District Clerk/Assistant to the General Manager

RESOLUTION NO. 22-XX

RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT DESIGNATING LASERFICHE VAULT AS THE TRUSTED SYSTEM FOR THE MANAGEMENT OF RECORDS IN ORDER TO FULFILL RECORDS RETENTION REQUIREMENTS

WHEREAS, the Midpeninsula Regional Open Space District (“District”) has established a Records Retention Schedule, which specifies procedures for retaining District Records (“Records”) in active files and inactive files, and for disposing of Records when they are no longer needed for administrative, fiscal, historical, or legal purposes; and

WHEREAS, California Government Code section 34090 *et seq.* provides the parameters whereby District hard copy records that have served their purpose and are no longer required may be destroyed, provided that certain records are reproduced and stored electronically in a “Trusted System,” as defined in California Government Code section 12168.7, prior to destruction of hard copies of those records; and

WHEREAS, California Government Code section 12168.7 provides uniform statewide standards for storing documents in electronic media; and

WHEREAS, the California Secretary of State has adopted Trustworthy Electronic Document or Record Preservation regulations set forth in Chapter 15, Division 7, Title 2 of the California Code of Regulations, which govern the recording, storing and reproducing of records in electronic media where the intent is to destroy the original hardcopy and maintain the electronic copy as the official record; and

WHEREAS, the District intends to store records electronically in a Trusted System that meets the state requirements of a combination of technologies, policies, and procedures for which there is no plausible scenario in which a public record retrieved from or reproduced by the system could differ substantially from the public record that is originally stored; and

WHEREAS, the District Clerk’s Office and the Information Systems and Technology Department have worked together to ensure that the District’s document management system, and all records stored within the system are kept in accordance with the state's Trusted System requirements and the Trustworthy Electronic Document or Record Preservation regulations; and

WHEREAS, the District has established a policy instituting its standards for proper management of records, including the following features: 1) folder level permissions and restrictions in Laserfiche ensuring only appropriate personnel have access to records; 2) records stored electronically in Laserfiche shall be in the format required by law such as “Tag Image File Format” or “Portable Document Format;” and 3) the Laserfiche system includes audit capabilities to track records as they are added, deleted and viewed; and

WHEREAS, District Records Management Procedures, set forth and attached hereto as Exhibit A, govern the District’s implementation of its Records Retention Schedule and specify

processes for the routine searching, scanning, uploading, saving, importing, and disposing of records in Laserfiche during the normal course of business; and

WHEREAS, therefore, collectively, the District’s comprehensive Records Retention Schedule, Records Management Policy, Records Management Procedures, and the Laserfiche Vault technology constitute a Trusted System in accordance with state law.

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT AS FOLLOWS:

1. Laserfiche is designated as the District’s records storage repository.
2. Laserfiche is backed up using the Laserfiche Vault technology, and the backup copy is stored offsite in a format that cannot be altered.
3. The Records Management Procedures attached hereto as Exhibit A and incorporated herein are considered the District’s approved procedures for the management of electronic records which may be amended administratively under the General Manager’s authority, provided that the procedures comport with the Board’s objectives and findings stated herein.
4. The District hereby finds and determines that the Records Retention Schedule, combined with its records management procedures and Laserfiche Vault technology, collectively establish the District’s Trusted System pursuant to state law.
5. The District hereby considers electronic records stored in Laserfiche Vault as the District’s official record, and approves the destruction of paper records upon completion of quality control processes outlined in the Records Management Procedures.

* * * * *

PASSED AND ADOPTED by the Board of Directors of the Midpeninsula Regional Open Space District on _____, 2022, at a regular meeting thereof, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

APPROVED:

Karen Holman, Secretary
Board of Directors

Zoe Kersteen-Tucker, President
Board of Directors


APPROVED AS TO FORM:

Hilary Stevenson, General Counsel

I, the District Clerk of the Midpeninsula Regional Open Space District, hereby certify that the above is a true and correct copy of a resolution duly adopted by the Board of Directors of the Midpeninsula Regional Open Space District by the above vote at a meeting thereof duly held and called on the above day.

Jennifer Woodworth, District Clerk

Exhibit A: Administrative Procedure - *Electronic Document Management System*

 MIDPENINSULA REGIONAL OPEN SPACE	Electronic Document Management System	Administrative Procedures Manual
		Chapter # - Chapter Name Procedure #
Effective Date: 3/9/22		Responsible Department: District Clerk
		Attachments: a. Records Destruction Authorization Form
Prior Versions		

Purpose

The Midpeninsula Regional Open Space District (District) uses Laserfiche as its Electronic Document Management System (EDMS) to store official records of the District electronically. These official records may have originally existed as paper and/or electronic records.

The purpose of this policy is to ensure the District's EDMS meets the definition of a Trusted System, as set forth in California Government Code Sections 12168.7 and 34090.5, and is in compliance with regulations developed by the Secretary of State (SOS) to use in recording, storing, and reproducing permanent and non-permanent documents or records in electronic media, so that every reproduction of a record from the EDMS will be deemed to be a copy of an original record. This policy documents the business practices and procedures to be implemented to ensure the process for converting and storing paper records in the EDMS complies with California state law. It is designed and prepared in accordance with AIIM (Association for Information and Image Management) Guidelines, Sections 6.2 and 6.17.

Additionally, this policy will permit the District, pursuant to California Government Code Section 34090.5, to destroy original paper records, documents, instruments, books, and papers ("paper records") once those paper records have been stored into the EDMS in compliance with the procedures set forth in this policy. California Government Code Section 34090.5 sets forth that if a record series can be produced electronically and proper archival methods are set in place, the original may be destroyed, with the exception of those documents that are required to be kept permanently in their original form, as outlined in the District's Retention Schedule. This process will reduce storage boxes and storage space needs, as well as bring the District's records management program into compliance with the law.

Objectives

- To provide the public access to public documents in accordance with the California Public Records Act;
- To assist in the transparency of public government documents;
- To utilize state of the art security for database management of the District's long-term and/or permanent documents;
- To provide accurate and efficient archival research capabilities and document retrieval;
- To provide disaster recovery capabilities;

- To facilitate organizational access to final records in the most efficient and effective manner.

This policy regarding trustworthy official electronic record preservation applies to all District departments that:

- ~~Create or store electronic documents as the official records of the District;~~
- Intend to destroy the original hard copy and maintaining the electronic documents as the official records of the District; and/or
- ~~Create, store and/or maintain~~ electronically-originated documents as the official records of the District.

Staff shall not destroy:

- Official records that are expressly required by law to be filed and preserved; and/or
- Official records that are required by law to be retained in hard copy format.

This policy shall not be construed to allow a department to maintain such official records electronically in place of the original hard copy.

Records Retention Policy Compliance

- a. The Electronic Document Management System (EDMS) shall comply with the District's Records Retention Schedule.
- b. Permanent paper records scanned and stored in the EDMS and approved for destruction will be destroyed in compliance with the District's Records Retention/Destruction Resolution. Prior to records destruction, the responsible department manager(s) shall sign the Records Destruction Authorization Form approving the destruction and submit the form to the District Clerk for final approval and signature by the District Clerk and General Counsel. Once all approvals and signatures have been obtained for such destruction in accordance with state law and the District's current Records Retention/Destruction Resolution, the records may be destroyed. The responsible department staff member shall sign the Records Destruction Authorization Form once approved records are destroyed.
- c. Annually each Department is responsible for reviewing all records in its custody. Records that have reached the end of their retention period are to be destroyed pursuant to the Records Retention/Destruction Resolution.
- d. Record Holds: When notified by the General Counsel that a "records hold" or "legal hold" is in place, or when District staff reasonably anticipates that a claim or litigation may ensue, staff shall tag the potentially relevant records in the EDMS, using a unique tag assigned by the District Clerk, so that potentially relevant records are retained beyond their destruction date and not destroyed.

Procedures

[https://openspace.sharepoint.com/gm/boardmeetings/2022 reports/20220309/trusted system/laserfiche procedures.docx](https://openspace.sharepoint.com/gm/boardmeetings/2022%20reports/20220309/trusted%20system/laserfiche%20procedures.docx)

Procedure for Converting and Storing Paper Records in the EDMS

The District Clerk is the District staff member responsible for oversight of the EDMS. District Clerk staff shall provide assistance and guidance to other District departments to ensure the intent of this administrative procedure is carried out and that the EDMS serves as a trusted system for storage and reproduction of District records that originated in paper format. Official permanent records should never be retained outside of the EDMS.

a. Conversion and Storing of Paper Records

1. All records scheduled for permanent retention shall be converted and stored in the EDMS.
2. District Clerk staff shall work with each District department to prioritize their records for conversion and storage in the EDMS.
3. Records without a permanent and/or long-term retention pursuant to the District's Records Retention Schedule, shall not be placed in the EDMS. Unless a draft is being retained as a District record, preliminary drafts should not be stored into the EDMS.

b. Scanning of Paper Original Records.

1. Scanned images shall be a true copy of archival quality.
2. Department staff shall be responsible for scanning permanent and/or long-term documents into the EDMS.
3. Files that contain confidential/attorney-client privilege documents must be scanned and filed separately from the public documents into a folder with limited access to assigned staff. This will ensure confidential documents are not released to the public during review of an electronic document.
4. Department staff shall check scanned documents for legibility, readability, completeness, page counts, confirm that document pages were scanned in the proper sequence, and if necessary, re-scan poor quality images and/or missing pages, and correct page sequencing. The number of pages of each original document shall be verified with the electronically scanned version. Blank pages should not be included in the scanning process.
5. Documents shall be imaged in a method that ensures they are reproducible in their original form, matching both size and color. In most cases, solid color paper, such as invoices, shall be scanned in black and white. Any use of electronic highlighting, or color descriptors shall be scanned in color.

6. Notes and annotations deemed significant must be retained pursuant to federal law, state law, or the District's current Records Retention/Destruction Resolution, shall be scanned and managed as a part of the electronic record.
 - i. If not already inserted within the document, loose notes to be included in the scanned document will be placed in order at the back of the document before scanning.
 - ii. Any page containing sticky or otherwise attached note(s) will be copied with the notes in place. Before scanning, a photocopy of the page with the note(s) in place will be made, and then scanned with the notes removed from the original document. In this way, the District will retain both a clean copy of the document, and a copy of the page with note(s) in place. All scans of sticky or otherwise attached note(s) shall be in black and white.
7. Staff may employ a digitized record enhancement technique which is commonly used in scanning software, including but not limited to deskew, despeckle, crop, and rotate; however, staff shall not use an enhancement technique if it alters the content that exists in an original record.
8. All pages shall be rotated right-side up for viewing purposes.
- c. Naming electronic documents. Naming conventions are critical and must be followed to ensure document consistency and accuracy. All electronic documents shall be named.
- d. Indexing. An electronic template will be used to gather the relevant information about each record. The indexed information will be used to facilitate document search and sort capabilities.
- e. Optical Character Recognition (OCR) will be performed on every predominantly text-based document scanned into the EDMS.
- f. Quality Control and Assurance
 1. Imaged records will be verified as accurate and complete before finalizing their placement in the EDMS. Department staff shall review and verify that each image of each page of the record is a true and accurate copy of the original record that can be reproduced from the electronic record with full legibility, and the data field information is accurate. Images shall be checked for document name, legible images, paper size scanned, number of pages, blank pages, and page rotation.
 2. When possible, staff shall not quality check their own scans. Scans should be quality checked by a staff person other than the staff person who originally scanned the electronic documents.

3. Poor quality images shall be rescanned. The original paper record shall be retained and appropriately filed so that it is preserved.

g. Paper Record Destruction

1. All scanned documents shall be retained until the digitized image and indexing is verified as accurate and complete.
2. Once the digitized image and indexing are verified as accurate and complete, and that the document can be reproduced with full legibility, the paper record may be destroyed with the consent of the department manager and the District Clerk, which consent shall be in writing, utilizing the Records Destruction Authorization form; however:
 - i. No paper record designated as a vital and/or historical record shall be destroyed. The District Clerk, in consultation with the General Counsel's office, shall identify those classes of records that are vital and/or historical records. Vital and/or historical records, at a minimum, shall include:
 1. District historical/archival information;
 2. Records affecting the title to real property or liens;
 3. Settlement and/or Litigation Agreements; and
 4. Bond Documents
 - ii. Every illegible page shall be permanently preserved electronically in the same form and identified/denoted as such (i.e., poor source original).

h. Destruction of Records after Reproduction

In accordance with Government Code Section 34090.5, the District may without written approval of the Board of Directors (Board) or the written approval of the General Counsel, shall dispose of the public record/document, if all of the following conditions are met:

1. The public record, paper, or document is photographed, microphotographed, reproduced by electronically recorded video images on magnetic surfaces, recorded in the electronic data processing system, recorded on optical disk, reproduced on film or any other medium that is a trusted system and that does not permit additions, deletions, or changes to the original document, or reproduced on film, optical disk, or any other medium in compliance with Government Code Section 12168.7 for recording of permanent records or non-permanent records.

2. The device used to reproduce the public record, paper, or document on film, optical disk, or any other medium is one which accurately and legibly reproduces the original thereof in all details and that does not permit additions, deletions, or changes to the original document text and images.
3. The photographs, microphotographs, or other reproductions on film, optical disk, or any other medium are made as accessible for public reference as the original records were.
4. A true copy of archival quality of the film, optical disk, or any other medium reproductions shall be kept in a safe and separate place for security purposes.
5. Poor quality documents shall be scanned and noted as illegible. The electronic version shall be a true and correct copy of the original and shall be permanently preserved as an electronic record.
6. Every reproduction shall be deemed to be an original record and a transcript, exemplification, or certified copy of any reproduction shall be deemed to be a transcript, exemplification, or certified copy of the original.
7. Compliance with these procedures ensures that every reproduction is deemed an original record.

Procedure for Storing Electronically Originated Records in EDMS

- a. District records that exist electronically may be stored in the EDMS if they can be converted electronically to TIFF or PDF format.
 1. Conversion should be performed with a minimum 300 dots per inch (DPI) and adjusted higher, on an individual record basis, to provide accurate and complete reproduction. For image files coming from ~~in other~~ formats, such as JPEG, BMP, or GIF, the resolution should be adjusted to closely match the DPI of the original image file.
 2. If an electronic record cannot be converted to TIFF or PDF format, such records should be printed and the instructions followed for converting and storing a paper record.
 3. If electronic submissions for maps, design plans, or other architectural drawings will be accepted from the public with the intent of storing the record in the EDMS, such submissions shall be of the highest possible resolution and quality in PDF format, with a minimum 300 DPI.
- b. Records without a permanent and/or long-term retention pursuant to the District's Records Retention Schedule, shall not be placed in the EDMS. Unless a draft is being retained as a District record, preliminary drafts should not be stored into the EDMS.

- c. Department staff is responsible for converting and storing permanent records and indexing that department's electronic records into the EDMS. The information attached to each record through indexing will include at least its name, date, and retention period.
- d. Optical Character Recognition. Optical Character Recognition (OCR) will be performed on every predominantly text-based electronic document converted and stored into the EDMS.
- e. Quality Control and Assurance. Once an electronic record is converted and stored in the EDMS.
- f. Duplicates stored on District server and/or cloud-based storage. Once an electronic record is converted and stored in the EDMS, the electronic record on the District's server and/or cloud-based storage may be deleted as a duplicate.

Trusted System

Government Code Section 34090.5 authorizes the conversion of hard copy materials and records onto other electronic mediums (i.e., burning CDs or DVDs or other format reasonably accepted within the industry, as may be determined by the District Clerk) as long as the following conditions are met:

- a. The record, paper, or document is photographed, microphotographed, reproduced by electronically recorded video images, recorded in electronic data processing system, recorded on optical disk, or any other medium that is a trusted system and that does not permit additions, deletions, or changes to the original document;
- b. The device or method used to reproduce the record, paper, or document reproduces the original in all details and does not permit additions, deletions, or changes to the original document images;
- c. The reproductions are made accessible for public reference as the original records were; and
- d. A true copy of archival quality of the film, optical disk, or any other medium reproductions shall be kept in a safe and separate place for security purposes.

If the above conditions are met, subject to system verification by the District Clerk and General Counsel, the public official having custody of the records (department manager) may convert the hard copy to a permissible electronic format and destroy the hard copy.

General Manager's Signature:

Dated:
