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OFFICE of the
PUBLIC RECORDS ADMINISTRATOR AND STATE ARCHIVES

GENERAL LETTER M97-1

DATE: **OCTOBER 20, 1997**

TO: **ADMINISTRATIVE HEADS OF MUNICIPALITIES, TOWN CLERKS,
AND MUNICIPAL RECORDS CUSTODIANS**

FROM: **EUNICE G. DIBELLA, CRM
PUBLIC RECORDS ADMINISTRATOR**

A handwritten signature in cursive script that reads "Eunice G. DiBella".

SUBJECT: **AN ACT CONCERNING THE RECORDING, COPYING AND
MAINTENANCE OF CERTAIN PUBLIC RECORDS**

PA 97-89

**"An Act Concerning the Recording, Copying and Maintenance of Certain
Public Records"**

This year the Connecticut State Legislature passed PA 97-89, "An act concerning the recording, copying and maintenance of certain public records."

This is an important piece of legislation because it includes electronic imaging as an approved process for the recording of documents into the land records. Recording essentially means making a permanent copy for the official record. As with any other system used to record documents in the land records, any electronic imaging system selected for use is subject to the approval of the Public Records Administrator.

PA 97-89 amends several sections of the general statutes. They are Sections 1-7, 1-8, 1-14, 1-16, 1-17, 7-23, and 7-27a. It is important to note, that copies of documents made from an electronic imaging system can be certified and serve as the original. This gives records made using electronic imaging systems legal status that had previously been in question.

Many town clerks are wondering exactly what this new law means as applied to land records. Specifically, will the Public Records Administrator approve a recording system that does not have a paper-based copy as a component? Currently, the answer is no.

This office has issued a policy statement regarding optical imaging. That statement is contained within General Letter 94-1 "Optical Imaging Technology and Public Records: Policy Statement." The policy established in this directive states that the Office of the Public Records Administrator and State Archives will approve disposal authorizations for original public records reformatted on an optical imaging system if their approved retention period is 10 years or less.

This policy goes on to state that the medium of optical imaging technology is not "permanent." It is important to understand that the longevity of the medium is not necessarily the primary factor to consider in evaluating whether or not a system is able to maintain a permanent record. Even if the actual disk lasts indefinitely, the information on the disk may be lost due to obsolescence in hardware and software.

It is for this reason that this office will not approve a land record recording system that does not have an eye-readable component. This currently means a paper copy made in accordance with the requirements for permanent papers. This office will consider a non-paper-based land recording system, but only after the successful completion of a one-year trial. Test systems must demonstrate that they function in recording and certifying land record documents in accordance with the state statutes that govern land records. This office will not approve, any non-paper based land record system unless it includes a microfilm copy created and stored in accordance with General Letter 96-2 " Required Minimum Microfilming Standards for Public Records; Disposition of Original Records: Policy Statement."