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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

OSA 1-2025

CHAPTER 166

SECRETARY OF STATE

ARCHIVES DIVISION

FILED

03/25/2025 11:45 AM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Removes references to obsolete standards, provides electronic records management rules

EFFECTIVE DATE: 03/25/2025 THROUGH 09/20/2025

AGENCY APPROVED DATE: 03/25/2025

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NEED FOR THE RULE(S):

These rules currently reference a standard which has been officially withdrawn and is no longer valid. Replacement standards are being developed for permanent rule change, but this temporary action eliminates confusion.

JUSTIFICATION OF TEMPORARY FILING:

1. As the current rules reference an obsolete standard it is impossible for agencies to actually comply with it. Leaving it in place is both confusing and legally problematic.
2. All public entities in Oregon are subject to these rules, so thousands of different units of government are affected.
3. Agencies attempting to maintain electronic records in compliance with State Archives requirements are unable to do so with the current language. This temporary action is necessary to provide the needed time to develop clear and useful replacement language.
4. The temporary language provides broad guidelines for compliance as a stop-gap until more specific standards can be developed. This will allow agencies to remain in compliance while still safeguarding the records in their care.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

None

RULES:

166-017-0025, 166-017-0045

SUSPEND: 166-017-0025

RULE TITLE: Electronic Records Management Systems

RULE SUMMARY: Suspends current obsolete language in anticipation of re-write.

RULE TEXT:

If an agency purchases an Electronic Records Management System (ERMS) to manage electronic records, the system must be certified as conforming to DoD 5015.2-STD, "Design Criteria Standard for Electronic Records Management

Applications, Version 2 or 3."

STATUTORY/OTHER AUTHORITY: ORS 192.050, 192.060, 192.105

STATUTES/OTHER IMPLEMENTED: 357.825(2), 357.855, 357.895

AMEND: 166-017-0045

RULE TITLE: Electronic Record as Official Copy of a Public Record

RULE SUMMARY: Removes references to obsolete standard, inserts language to provide guidance for storage of electronic records.

RULE TEXT:

Electronic records (including digital images) may serve as the official copy of a public record under the following conditions:

- (1) Public records with a scheduled retention period of less than 100 years may be stored exclusively on electronic records systems and media provided that the standards and requirements specified in OAR 166, Division 17 are met.
- (2) Public records with a scheduled retention period of 100 years or more may be stored exclusively on electronic records systems provided that they are maintained in such a way as to ensure their integrity and accessibility are preserved. This includes utilizing file formats as listed in (4) of this rule, planning for future format and system migrations, implementing system protections to prevent changes to the content of the records, and implementing appropriate backup and security measures.
- (3) If agencies are unable to account for the requirements listed in (2) of this rule they must retain the records in hard copy or on microfilm for the entire scheduled retention period, and in compliance with OAR 166.
- (4) At a minimum, records stored in an electronic format, with a scheduled retention period of 100 years or more must be maintained in accordance with one of the following:
 - (a) TIFF 6.0 (with Intel byte order) specification (June 3, 1992), which is hereby incorporated by reference and made a part of this rule. This specification is available from Adobe Systems Incorporated, 345 Park Avenue, San Jose, CA 95110-2704.
 - (b) ISO 32000-1 2008 PDF specification which is hereby incorporated by reference and made part of this rule. This specification is available from Adobe Systems Incorporated, 345 Park Avenue, San Jose, CA 95110-2704.
 - (c) ISO/IEC 11172-3 1993 MPEG Layer III Audio Encoding (MP3) specification which is hereby incorporated by reference and made part of this rule. This specification is available from the International Organization for Standardization, Geneva, Switzerland.
 - (d) ISO/IEC 14496-14 2003 MPEG 4 File Format (MP4), Version 2 specification which is hereby incorporated by reference and made part of this rule. This specification is available from the International Organization for Standardization, Geneva, Switzerland.

STATUTORY/OTHER AUTHORITY: ORS 192.050, ORS 192.060, ORS 192.105

STATUTES/OTHER IMPLEMENTED: ORS 357.825(2), ORS 357.855, ORS 357.895