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ARCHIVES DIVISION
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NOTICE OF PROPOSED RULEMAKING INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 166
SECRETARY OF STATE
ARCHIVES DIVISION

FILED

10/30/2025 3:26 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Updates requirements for management of long-term records in electronic recordkeeping systems

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 12/03/2025 1:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Filed By:
Kristopher Stenson
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 11/25/2025

TIME: 10:00 AM - 11:00 AM

OFFICER: Kristopher Stenson

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 503-446-4951

SPECIAL INSTRUCTIONS:

All attendees must register at the above link in order to attend.

NEED FOR THE RULE(S)

Current rule language is obsolete and requires certification to a standard which has since been withdrawn. These new requirements will provide greater flexibility for agencies while still ensuring that records are preserved for their full scheduled retention period.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Universal Electronic Records Management (ERM) Requirements, National Archives and Records Administration:
<https://www.archives.gov/records-mgmt/policy/universalertmrequirements>

Appendix A: Tables of File Formats, National Archives and Records Administration: <https://www.archives.gov/records-mgmt/policy/transfer-guidance-tables.html>

Library of Congress Recommended Formats Statement 2025-2026:
<https://www.loc.gov/preservation/resources/rfs/TOC.html>

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

These rules will have no direct impact on racial equity in Oregon, although may increase accessibility of government records in general.

FISCAL AND ECONOMIC IMPACT:

There is no direct fiscal or economic impact from these rules. Agencies may factor them in when planning, implementing, and configuring new recordkeeping systems, which may have cost involved. There may be some potential cost savings from the greater flexibility in systems afforded by these proposed rules.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

1. These rules apply to all public entities in Oregon, however there is no direct economic impact on them beyond consideration for software purchases and development.

2. There is no effect on small businesses, as these rules do not apply to them.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not involved in the development of these rules, as they do not apply to them.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:

166-017-0010, 166-017-0025, 166-017-0045

AMEND: 166-017-0010

RULE SUMMARY: Updates definitions to account for changes made to OAR 166-017-0045

CHANGES TO RULE:

166-017-0010

Definitions ¶¶

In addition to the definitions contained in OAR 166-005-0010, the following definitions apply to this division:¶¶

(1) "AIIM" - Association for Information and Image Management.¶¶

(2) "ANSI" - American National Standards Institute.¶¶

(3) "ASCII" - American Standard Code for Information Interchange; A standard, seven-bit character set for use by digital computers, which includes 96 displaying symbols (letters, digits, punctuation) and 32 control codes (line feed, newline, tab, etc.).¶¶

(4) "Born-digital records" refers to records which originate in a digital form rather than physical formats such as paper or film.¶¶

(5) "Cloud storage" is a model of networked enterprise storage where data is stored in virtualized pools of storage which may be hosted by third parties.¶¶

(56) "Digitization" means the process of transforming analog material into electronic form, especially for storage and use in a computer.¶¶

(67) "DoD" - Department of Defense.¶¶

(78) "DPI" - Dots per inch; refers to the number of pixels contained in a linear inch.¶¶

(89) "Electronic record" means any information recorded in a form that requires a machine to process and access the information.¶¶

(910) "Electronic records system" is a generic term to indicate any combination of hardware, media or storage, and software used to store electronic records.¶¶

~~(10) "Electronic records management system (ERMS)" means commercial or open source purpose-built software used by an organization to manage records from creation to final disposition. The system's primary functions are categorizing and locating records and identifying records that are due for disposition. The Electronic Records Management System also stores, retrieves and may dispose of the electronic records that are stored in its repository.¶¶~~

(11) "Hybrid micrographic system" means a system that combines a micrographic/microfilm analog system with electronic, digital technology.¶¶

(12) "IEC" - International Electrotechnical Commission.¶¶

(13) "ISO" - International Organization for Standardization.¶¶

(14) "Magnetic media" means any type of storage medium that utilizes magnetic patterns to represent information.¶¶

(15) "NIST SP" - National Institute of Standards and Technology Special Publication¶¶

(16) "Open format" means a data format that is defined in complete detail and that allows transformation of the data to other formats without loss of information. An open format may be either standards-based or proprietary.¶¶

(17) "Optical media" means a platter used to store large quantities of data that can be read using light.¶¶

~~(18) "PDF" - Portable Document Format.¶¶~~

~~(19) "TIFF" - Tagged Image File Format.¶¶~~

~~(20) "WORM" - Write once, read many; refers to a type of optical disk which cannot be erased or amended.~~

Statutory/Other Authority: ORS 192.050, 05-192.06170, ~~192.100~~ORS 357.805-357.895

Statutes/Other Implemented: ORS ~~357.825(2), 192.005-192.170,~~ ORS 357.855, 05-357.895

REPEAL: 166-017-0025

RULE SUMMARY: Repeals this rule in favor of updated requirements in 166-017-0045

CHANGES TO RULE:

~~166-017-0025~~

~~Electronic Records Management Systems~~

~~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~~

RULE SUMMARY: Updates Rule to establish new requirements for electronic recordkeeping

CHANGES TO RULE:

166-017-0045

Electronic Record as Official Copy of a Public Record ¶¶

Electronic records (including digital ~~image~~ized paper records) 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~~maintained exclusively ~~in~~ electronic records systems and media format provided that the standards and requirements specified in OAR chapter 166, Division 17 are met.¶¶

(2) Public records with a scheduled retention period of 100 years or more ~~may be stored on electronic records systems provided that the original and those whose retention period is reasonably expected to exceed 100 years (such as records are retained in hard copy or on microfilm for the entire scheduled retention period, and in compliance with OAR 166.~~¶¶

(3) Agencies may petition the State Archivist in writing for exceptions to 166-017-0045(2) for public records meeting specific preservation requirements. The petition must specify whether the records are stored in a DoD 5015.2 certified system and state the file format for~~lated to physical infrastructure and other series where retention is tied to the life span of a person or structure/object~~ may be retained exclusively in electronic format provided that they are maintained in file formats listed in section (4) of this rule, and stored within systems which comply with the r~~Secords. The~~etary of State Archivist will either grant or deny the request based on the information provided.¶¶

(4) ~~At a minimum,~~es Division's "Electronic Recordkeeping System Requirements."¶¶

(3) If agencies are unable to meet the requirements in section (2) and section (4) of this rule they must additionally retain the 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 Incorpin hard copy or on microfilm for the entire scheduled retention period, and in compliance with OAR chapter 166. This includes born-digital records which meet the description in section (2) of this rule.¶¶

(4) Born-digital records may be created and utilized in a wide variety of file formats, however records described in section (2) of this rule must be converted to and retained in one of the following file formats upon becoming inactive as determined by the agency, or after 10 years, whichever comes first:¶¶

(a) Textual Data¶¶

(A) Extensible Markup Language (XML)¶¶

(B) OpenDocument Text Format (ODT)¶¶

(C) Plain Text (TXT)¶¶

(C) Portable Document Format (PDF)¶¶

(D) Rich Text Format (RTF)¶¶

(b) Still Images¶¶

(A) JPEG File Interchange Formated, 345 Park Avenue, San Jose, CA 95110-2704.¶¶

(c) ISO/IEC 11172-3 1993 MPEG Layer III (JPEG or JFIF)¶¶

(B) Portable Network Graphics (PNG)¶¶

(C) Tagged Image File Format (TIFF)¶¶

(c) Moving Images¶¶

(A) MPEG-2 Video (MP2)¶¶

(B) MPEG-4 (MP4)¶¶

(d) Audio EnRecording (MP3) specification which is hereby incorps¶¶

(A) MPEG Audio Layer III (MP3)¶¶

(B) Waveform Audio File Formated by reference and made part of this rule. This specification is available from the International Organization for Standardization, Geneva, Switzerland. (WAVE)¶¶

(e) Email Messages¶¶

(A) Extensible Markup Format (XML)¶¶

(B) Internet Message Format (EML)¶¶

(C) Microsoft Outlook Item Message Format (MSG)¶¶
(dD) 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.Portable Document Format (PDF)¶¶
(f) Structured Data¶¶
(A) Comma Separated Value (CSV)¶¶
(B) OpenDocument Format Spreadsheet (ODS)¶¶
(C) Extensible Markup Language (XML)¶¶
(g) Web and Social Media records¶¶
(A) Portable Document Format (PDF)¶¶
(B) JavaScript Object Notation (JSON)¶¶
(C) Web ARChive Format (WARC)
Statutory/Other Authority: ORS 192.050, 05-192.06170, 192.100RS 357.805-357.895
Statutes/Other Implemented: 357.825(2), ORS 192.005-192.170, ORS 357.855, 05-357.895

RULE ATTACHMENTS MAY NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.

Electronic Recordkeeping System Requirements

Version 1.0, November 2025

Introduction

These requirements are meant to be used by agency records managers in evaluating and implementing recordkeeping systems used to store and maintain records with a scheduled retention period of 100 years and longer and those whose retention period is reasonably expected to exceed 100 years, as noted in OAR 166-0017-0045. The requirements should be used in conjunction with the *Electronic Recordkeeping System Self-Certification Checklist*. These requirements are also recommended for systems used to store and maintain records with a scheduled retention period of less than 100 years, as they are designed to ensure the continued viability of records stored within those systems. All records must be kept in compliance with OAR 166-017-015 regardless of storage location or retention period.

Statutory/Other Authority

ORS 192.005 - 192.170 & ORS 357.805 - 357.895; OAR 166-017 & OAR 166-020

Definitions

The definitions given below reflect their usage in the context of these requirements and may differ from definitions for the same terms used in other contexts. For additional information about terms and acronyms commonly used by the Archives Division please see [Key Terms & Acronyms](#).

- **Public Record:** See ORS 192.005(5)(a)
- **Retention Period:** The length of time a record must be kept for administrative, legal, fiscal, tribal cultural, or historical purposes.
- **Recordkeeping System:** A computer system used to store, organize, and categorize records to facilitate their management, retrieval, use, and disposition.
- **Metadata:** The data which provides administrative, descriptive, and technical information that describes electronic records and makes them usable.
- **Agency:** Any state officer, department, board or commission created by the Constitution or statutes of this state, as well as every county, city, school district, municipal organization, district, political subdivision; or any board, commission or agency thereof; or any other local public agency; and every officer, agent or employee thereof.
- **Integrity:** The quality of a record that is complete, unaltered, and free from corruption from the time of creation throughout its life



Electronic Recordkeeping System Requirements

Version 1.0, November 2025

Required Characteristics

Audit log

The system must log events and actions related to a record stored within the system, including each time the record is altered, moved, or has access controls changed. The logs must contain the date and time of the event or action, and the user or system process which initiated it. The system must retain audit logs at a minimum for the length of time a record is within the system.

Capture and Preserve Metadata

The system must capture, manage, and preserve metadata necessary for ongoing use and management of records while they are stored in the system. The system must at a minimum capture the metadata listed below for each record, but agencies may choose to capture additional metadata to meet agency policy or business need. See also: Records Retention section for requirements for retention tracking.

Minimum Required Metadata Elements:

- **Creation Date:** date assigned as creation date of the file
- **File Format:** The file format of the electronic file
- **File Name/Title:** The complete name of the electronic file
- **Unique System Record ID:** The unique identifier assigned to a record by an agency or system.

Destruction of Records

The system must allow for records to be destroyed when they have met their full scheduled retention period. The system must support destruction of records in groups defined by search parameters and in accordance with associated retention schedules applied within the system. The system must retain logs of records destruction in order to generate reports demonstrating compliance. Destruction of records must comply with OAR 166-017-0090. Additionally, the system must be able to suspend destruction actions in response to public records requests, litigation holds, ongoing audits, or other similar events.



Electronic Recordkeeping System Requirements

Version 1.0, November 2025

Export and Migration

The system must have the ability to export records and all associated metadata to another storage environment. The system must support export of groups of records defined by search parameters (see “Searching”), as well as individually or as a full system export. Exported records and metadata must be in formats which support their ongoing access, independent of the system previously used to store and maintain them.

Records Retention

Records in the system must be associated with approved retention schedules that link records to their final dispositions. The system must allow retentions to be updated in response to changes in approved retention schedules. Applied retentions must prevent the premature destruction of records by users or the system. All records must be accessible during their entire authorized retention period.

Searching

The system must have the capability to search across records contained within and their associated metadata. System users must be able to save searches for later reference and to support public records requests.

Security & Access Control

Appropriate levels of security must be applied to records for their full lifecycle in accordance with the agency’s requirements and in compliance with OAR 166-017-0055. The system must support this functionality and ensure integrity of the records including, at a minimum, physical and logical access controls, backup and recovery procedures, and file integrity monitoring.