

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
ARIZONA CODE OF JUDICIAL)	Administrative Order
ADMINISTRATION § 1-507:)	<u>No. 2008 - 99</u>
PROTECTION OF ELECTRONIC CASE)	
RECORDS IN PAPERLESS COURT)	
OPERATIONS)	
<hr/>)	

The above captioned provision having come before the Arizona Judicial Council on December 2, 2008, and having been approved and recommended for adoption,

Now, therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that the above captioned provision, attached hereto, is adopted as a section of the Arizona Code of Judicial Administration.

Dated this 10th day of December, 2008.

RUTH V. MCGREGOR
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 1: Judicial Branch Administration
Chapter 5: Automation
Section 1-507: Protection of Electronic Case Records in Paperless Court
Operations

A. Definitions. In this section, the definitions set out in section 1-504 apply. In addition:

“Case management system” (CMS) means the information system that captures, maintains and provides access to data related to court cases over time, enabling systematic control of records through their lifecycle. It is often connected to a document management system that stores case-related documents electronically.

“Case record” means any record pertaining to a particular case or controversy.

“Closed case” means any case file record that is no longer subject to modification.

“Courts” means courts or clerks of court.

“Electronic record” means any record that requires the aid of a computer to be read, including imaged documents and files, whether stored in an EDMS or a CMS.

“Electronic Archive” means an electronic document repository consisting of imaged or e-filed documents associated only with closed cases.

“Offsite” means a temperature-controlled storage location physically located sufficient distance away from the main storage environment that an adverse event that affects the one does not affect the other.

“Online” means the storage of digital data on magnetic disks (such as hard drives) to make it directly and quickly accessible on the network using the application associated with the data.

“RAID” means Redundant Array of Independent Disks, a data storage system made of two or more ordinary hard disks and a special disk controller. Various RAID levels exist including RAID 1 which mirrors disks for fault tolerance and RAID 5 which stripes a set of disks for increased performance with fault tolerance.

“Storage” means a permanent repository for holding digital data that retains its content until purposely erased, even when electrical power is removed.

B. Applicability. This section is applicable to electronic case records in the custody of judicial entities in Arizona, as defined by Supreme Court Rule 123.

C. Purpose. This section provides minimum technical and document management prerequisites for destruction of paper records for which equivalent electronic records exist.

D. Requirements.

1. General Requirements.

- a. Courts shall not create or store electronic records using systems that employ proprietary designs, formats, software, or media or that require use of non-standard devices to access records, in accordance with ACJA § 1-504(C)(1).
- b. Courts shall preserve all electronic documents so that the content of the original document is not altered in any way and the appearance of the document when displayed or printed closely resembles the original paper without any material alteration, in accordance with ACJA § 1-506(D)(1).
- c. Courts shall preserve evidence and fingerprints in their submitted format – hardcopy items shall not be converted to electronic records for the purpose of storage and electronically submitted items shall not be converted to hardcopy for the purpose of storage.
- d. Printouts of electronic records shall be provided to other courts, as needed, unless arrangements have been made for those courts to receive electronic documents in lieu of paper.

2. Document Management Requirements.

- a. Courts shall use an electronic document management system (EDMS) that complies with ACJA § 1-505, or be granted an exception by Commission on Technology to use a non-conforming system.
- b. The EDMS application shall reside on two physically separate servers each using separate internal storage, structured query language (SQL) databases, and backup software. Log shipping shall be employed not less than daily to maintain synchronization of the two EDMSs for disaster recovery.
- c. At least six months of full-time production use of an EDMS is required before a court may request authorization to begin destroying the paper records corresponding to electronic records stored on the system, as required by subsection (E) of this section.

3. Storage Requirements.

- a. Courts shall maintain primary and secondary copies of records online at all times using at least two physically separate, RAID Level 5, disk arrays. New records shall be written simultaneously to all disk arrays.
- b. Primary and secondary storage shall be attached only to dedicated servers having redundant power supplies, network interface cards, and controller cards. Use of personal computers containing extra hard drives or attached storage devices is

- prohibited.
- c. Courts shall use redundant network switches to connect workstations and imaging devices to EDMS application servers.
 - d. Courts shall employ uninterruptable power supplies and software that ensure a controlled shutdown of servers after batteries have been in use for at least five minutes.
 - e. Courts shall store a tertiary copy of records on magnetic tape using automated backup software. Manufacturer's usage specifications and backup system media replacement guidelines shall be followed at all times, in accordance with ACJA § 1-504(F)(2).
 - f. Backup tapes shall be stored in a secure, environmentally controlled, offsite location and retained a minimum of 28 days offsite before reuse.
 - g. Backup and restoration procedures shall be documented and tested for effectiveness.
 - h. Scanned records shall appear on the backup tape as well as primary and secondary storage before corresponding paper is destroyed.
4. Imaging and Indexing Requirements.
- a. Scanning quality must comply with *Recommended Practices for Quality Control of Image Scanners* (ANSI/AIIM MS44-1988 (R1993)), in accordance with ACJA § 1-504(D)(5).
 - b. The EDMS shall be integrated with the CMS or the following categories of metadata (as a minimum) shall be recorded in the EDMS:
 - Case number (including type code),
 - Party names,
 - Standard document type identifier,
 - Date of filing, and,
 - Citing agency number, where applicable.
 - c. Index entries shall be verified to ensure records are accurately retrieved prior to destruction of any corresponding paper originals. Un-retrievable records shall be rescanned and re-indexed until they prove to be accurately retrieved from the EDMS.
5. Support and Maintenance Requirements.
- a. Court personnel or contractors shall be certified in the following areas required to proficiently operate and maintain the records management system:
 - (1) Microsoft Certified Systems Administrator

- (2) Microsoft Certified Database Administrator
 - (3) OnBase Certified Advanced System Administrator or equivalent for any approved, non-conforming EDMS.
- b. When any system outage occurs, all records must be available not later than the end of the following business day. If lost, redundancy must be re-established as quickly as is practicable, even if records remain fully available in the non-redundant state.
 - c. Records generated by or received by courts shall be preserved in accordance with the applicable records retention schedule. Case records required to be submitted to Arizona State Library, Archives, and Public Records (ASLAPR) shall meet the submittal requirements specified by ASLAPR at the time of submittal, regardless of storage medium. Records destruction is subject to the notification requirements of ASLAPR.
 - d. In accordance with ACJA § 1-504(E)(4), courts shall periodically refresh electronic records in order to ensure their accessibility for as long as the applicable records retention schedule requires. Refresh procedures may require recopying of files to new media or disk arrays over time.
 - e. Courts shall ensure continued accessibility via a planned migration path so devices, media, and technologies used to store and retrieve records are not allowed to become obsolete and are promptly replaced or upgraded, in accordance with ACJA § 1-504(E)(2).
 - f. Courts shall ensure that any new equipment or software replacing that used in an existing system is backward compatible and shall obtain a vendor certification that the system will convert 100 percent of the images and index data to the new system so access to existing electronic records is never impeded, in accordance with ACJA § 1-504(E)(3).

E. Authorization to Destroy Paper Records. Any court desiring to implement a paperless case record operation shall obtain advance written approval of its operational policies and EDMS infrastructure as described herein from the Administrative Office of the Courts (AOC). The AOC shall provide a form for courts to use to request approval. The form shall include a checklist of audit criteria for electronic records management practices and infrastructure.

- 1. Courts not using an EDMS on the effective date of this section shall complete and submit a written notice of intent to comply with the requirements of this section prior to purchasing an electronic records management system. The court shall submit the AOC request form after not less than six months of full-time production use of an EDMS.
- 2. Courts already using an EDMS on the effective date of this section shall submit the AOC request form and indicate the date on which full-scale production use of the installed EDMS commenced.

3. The presiding judge of the county, presiding judge of the court, and, elected clerk of court, if any, shall sign the AOC request form prior to submittal to the AOC.
4. The AOC shall formally review each request, working with court representatives to ensure that all requirements of this section are satisfied and electronic records are adequately safeguarded.
5. The AOC shall notify the court in writing of the authorization to destroy paper records. The authorization shall contain an effective date and a reminder of the audit criteria.
6. Court operational review evaluations shall include management of electronic records at courts granted authority to destroy paper records.

F. Electronic Archives of Closed Cases in Limited Jurisdiction Courts. Justice and municipal courts that wish to create an electronic archive of closed case files and destroy the corresponding paper records prior to the applicable retention and destruction date shall meet all standards and protocols established by this section, with the following modifications:

1. Copies of the archived records can be limited to one primary copy and one backup copy. The primary copy of all electronic records in the archive shall be maintained online at all times using at least one RAID Level 5 disk array.
2. The EDMS application, SQL database, and tape backup software for the archive may reside on internal magnetic storage in a RAID Level 1 configuration, if these applications are not stored on the RAID Level 5 disk array.
3. Servers used for an electronic archive shall be installed in a rack or other fixture located in a secure, environmentally controlled area.
4. The backup copy of the archive shall meet the requirements of subsection (D)(3)(e).
5. A daily, incremental backup of the primary copy of records added to the archive shall be made on magnetic tape using automated backup software.
6. Courts are not required to comply with subsection (D)(3)(c).
7. When any system outage occurs, all archived records must be available not later than the end of the fifth business day.