



Registers' Public Records in the Digital Era

Emily Roscoe and Charles Szypszak

Registers of deeds maintain records on which people rely to enforce their property rights and for proof of other important events. Much of this information can be found in the government's documentary archives. In recent years, copies of much of it have been kept in digital form. Statutes now authorize registers to receive and maintain some kinds of important public records in purely digital format. These innovations allow offices to operate more efficiently, and they reduce the need for public building space. They also give the public the convenience of being able to file and retrieve information directly from their offices and homes.

Realizing the opportunities and addressing the challenges of the digital age require fresh thinking about how best to manage public records. This bulletin reviews the laws, regulations, and standards that apply to the offices of North Carolina's registers of deeds, including those that apply to electronic records. Rules for electronic records are only now taking shape, and this bulletin considers some questions to which the answers are not yet entirely clear.

Public Access

Under North Carolina law, all documents and other records, "regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business," are "public records" and "are the property of the people." Section 132-1 of the North Carolina General Statutes (hereinafter G.S.). This public right to information reflects the fundamental rule of law notion that the people have a right to know about their government's activities so they can make informed decisions and hold officials accountable. This right to public records is unconditional: a person need not justify a request to see a public record. As the public records statutes provide, "No person requesting to inspect and examine public records, or to obtain copies thereof, shall be required to disclose the purpose or motive for the request." G.S. 132-6(b). The law presumes that every record related to public business is open for inspection and copying unless there is a law specifically subjecting it to access restrictions.

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Public records custodians must permit inspection of the records “at reasonable times.” G.S. 132-6(a). What is reasonable depends not only on the public’s need for the record but also the custodian’s other responsibilities. Requests for copies of public records must be met “as promptly as possible.” G.S. 132-6(a). There is no specific time limit. What would be considered prompt depends on the public’s legitimate need for the record as well as the custodian’s other office responsibilities. A simple request for a readily available record should be met within a few hours, but a register may take longer to furnish copies of records that require special treatment. For example, a copy of a jury list kept by the register should be readily producible, but more time and effort are necessary to copy and produce a database.

The statutes address appropriate charges for copying services. Specific fees are set for most kinds of certified copies. For uncertified copies a register is to charge a reasonable fee that must “bear a reasonable relation to the quality of copies supplied and the cost of purchasing and maintaining copying and/or computer equipment.” G.S. 161-10(a)(11). This fee must be posted in the register’s office. There is no simple formula for determining such an amount. It should be an estimate that takes into account the actual cost of acquiring, maintaining, and operating equipment, including the personnel who spend time in the process.

The public has a right to a copy of a public record in any medium requested if the custodian is capable of generating a copy in that medium, including a disk with digital files. G.S. 132-6.2. An office is not required to create new files or to acquire additional equipment to comply with a request for a record in a medium that the register does not usually maintain. A register must pull from a database a public record specifically identified but need not sort the database to generate a new record of sorted information.

State law requires public agencies to maintain an index of the computer databases they create. G.S. 132-6.1. A database covered by this requirement is any “structured collection of data or documents residing in a database management program or spreadsheet software.” The database index must include a list of data fields, a description of the format, information about database update frequency, a list of any data fields to which public access is restricted, a description of each form in which the database can be reproduced using the office’s computer facilities, and a schedule of fees for copying. For more information on database indexing, see the N.C. Department of Cultural Resources, Government Records Branch Database Indexing Guidelines (*available at:* <http://www.records.ncdcr.gov/erecords/pubdata/default.htm>). Authorities of the Government Records Branch recommend a yearly inventory of databases and supply a worksheet for doing so. N.C. Department of Cultural Resources, Government Records Branch Database Inventory Worksheet (*available at:* <http://www.records.ncdcr.gov/erecords/inv/invfins.htm>).

The registers’ public records must be kept “insofar as possible” in a fireproof space and made easily accessible for inspection. G.S. 132-7. Although registers are not strictly required to keep all records in a fireproof vault as was once common, they must endeavor to protect records from a fire or other disaster. One of the most basic preservation practices is keeping records off the floor, where water damage and mold are most common. As described below in the section on required duplication, registers are also required to keep certain kinds of copies of many of the records, which would enable reconstruction of the records after a disaster. Security procedures should involve a disciplined program of insuring that the duplicates are transmitted to a location that will not be subjected to the same disaster as the registers’ offices. Registers should insure that computer data are stored in a nonproprietary format so that they will not become

inaccessible if a particular technology becomes obsolete or a particular vendor no longer supports the system.

Generally, primary public records may not be removed from the office to which they belong, but several statutory exceptions to this rule exist. G.S. 132-7. Registers of deeds may permit documents to be removed from their offices for not more than twenty-four hours for reproduction. G.S. 153A-436(b). County commissioner approval is required for longer absences. G.S. 132-7.

These general rules were developed for protection of important public records that are left for safekeeping with registers of deeds. But the public records laws apply to more than such primary records. When considering questions that might arise regarding the public records laws, the registers' records can be grouped into three general categories:

- Records that individuals file with the register for the purpose of making a public record, which includes real estate records, birth and death certificates, marriage licenses, and military discharge records. In this bulletin, these records will be referred to as *primary records*.
- Records and information that the register generates for the purpose of finding or managing public records, such as indexes. In this bulletin, these records will be referred to as *operational records*.
- Internal records received or generated in the course of official business, such as correspondence and interoffice memoranda, which are not necessarily related to a primary record. In this bulletin, this material will be referred to as *internal office records*.

Although the basic notion that public records belong to the people is straightforward, the details of registers' obligations can be confusing in some respects. There are two questions that most commonly arise:

- What records are subject to access restrictions and who may have access to them?
- When may a register dispose of a record for which there is no apparent public need?

This bulletin addresses these questions.

Record Format Considerations

In general, the public records laws are concerned with content, not format. The right to know applies to the information in a record, which does not depend on whether the record is in paper or digital form. The basic laws governing public access have stayed the same as new information technologies have emerged. Nonetheless, digital records—such as image files and e-mail—introduce new considerations, including the way in which they are to be stored.

Electronic records can be in centralized databases within or outside an organization, as well as in local computer drives and media. They can be easily duplicated and transmitted and are subject to corruption. Furthermore, while the displayed contents of a computer file may look the same as a paper version on the screen, the data that generate the image may also provide information that is not apparent on the screen. This information is known as *metadata*. This bulletin discusses one particular issue related to metadata in the subsection on required duplication: capturing metadata in the duplication. Public records authorities are now developing rules to address these new considerations for records that are to be kept digitally. The Government Records Branch, Local Records Unit will be the source for information regarding these rules.

Public Records Access Restrictions

Only a few of the register's records are restricted. Usually the restriction is not on public inspection; it is on getting a certified copy. This restriction on certified copies applies to documents likely to be used as proof of identity or to gain access to someone's records or accounts. For example, a certified copy of a birth certificate may be used for getting a driver's license, and a certified copy of a death certificate may be used to withdraw funds from a deceased person's accounts. The restrictions on certified copies are intended to protect against fraud.

Primary Records

Access to most of a register's primary records is unrestricted because the reason for filing them with the register is to give public notice. For example, when someone files a real estate record with a register of deeds, the public is deemed to have notice of the information contained in the record regardless of whether it is ever actually inspected. Although the point of filing is to make the document public, some kinds of documents are potential tools for fraud, and by statute access to these records may be restricted to those who can prove that they have a certain relationship to the record.

Real Estate Records

The register's essential duties include making real estate records publicly available for inspection and copying. Once a register determines that a presented document complies with statutory requirements, the register must immediately give the public the opportunity to find it in an index, to see it, and to obtain a copy of it if the prescribed fees are paid.

Marriage Licenses

Records of marriage licenses and returns are not subject to access restrictions. Fees are specified by statute.

Birth and Death Certificates

There are only a few exceptions to the public right to inspect birth and death certificates. Access to health information on birth certificates has been restricted to the subject and to persons authorized by the subject. The State Registrar has already taken steps to remove this information from county vital records, and it should no longer appear in the registers' certificates. Occasionally, stray pieces of documents have been found in registers' offices with bits of information that may be redacted health information that were physically cut out of records but not destroyed. Registers should dispose of these scraps.

Access to a birth certificate can also be restricted if the subject is in a federal witness protection program. G.S. 130A-93(f). The State Registrar handles new birth certificates in the case of adoption and may direct that the county remove the adopted child's prior certificate. G.S. 48-9-107; G.S. 130A-93(d). The statute also directs that the register not provide any copy of a vital record to someone seeking his or her own record but who is known to be deceased, in which case attempted fraud is obvious. G.S. 130A-93(g).

Subject to these exceptions, any person may obtain an uncertified copy of a birth or death record. Certified copies may be provided only to:

- The subject*
- The subject's spouse, sibling, direct ancestor or descendant, or stepparent or stepchild*

- Someone “seeking information for a legal determination of personal or property rights,” which seems to include those who can provide documentation of a pending legal matter involving the subject*
- A funeral director or funeral service licensee

*Certified copies may also be furnished to an authorized agent, attorney, or legal representative of any of the persons above designated with an asterisk

G.S. 130A-93(c), (c1).

Fees are set by statute. By statute, the N.C. Department of Administration is entitled to “the requested number of certified copies” of local public records without charge when needed to assist veterans or their beneficiaries in obtaining benefits. G.S. 165-11(a). The Department’s Division of Veteran’s Affairs normally makes these requests, but they also are sometimes made on behalf of the division by a local veteran’s affairs representative.

Registers occasionally receive requests for a copy of an entire vital records database. The law is not entirely clear about a right to such a database even if none of the information in it is restricted. Two years after the statute was added requiring copying of databases, the vital records statute was amended stating that information about parents and their social security numbers is to be provided only according to the statute governing requests for specific vital records. A plausible interpretation is that this change was intended to exclude entire vital records databases from the copying requirement.

Military Discharge Records

There is no restriction on public access to copies of military discharges that have been on file for more than fifty years. Access also need not be restricted to discharges that were commingled with real estate records prior to January 1, 2004. Otherwise, access to military discharge records is restricted to the subject of the record and to others with an authorized capacity listed in the statute. In addition to the service member who is the subject of the document, documents may be recorded and copies of them may be obtained by:

- Representatives of the N.C. Division of Veterans Affairs, U.S. Department of Veterans Affairs, and U.S. Department of Defense
- Representatives of the N.C. State Archives
- “A court official with an interest in assisting the subject or the deceased subject’s beneficiaries to obtain a benefit.” G.S. 47-113.2(b)(1)(c). The statute does not define “court official.” A reasonable interpretation is that it includes a judge or court clerk as well as someone appointed by a judge or court clerk in connection with a matter involving the subject or the subject’s benefit rights.

Additionally, someone may record or be given access to a military discharge document if authorized in writing by one of the following:

- The subject of the document in a notarized writing
- The subject’s widow or widower in a notarized writing
- A court to represent the subject
- The subject’s executor acting on behalf of a deceased subject

G.S. 47-113.2.

A living subject's current or former spouse is not among those listed. An oddity of the statute is that a subject's widow or widower is among those who can authorize someone else to get the record, but the statute does not explicitly authorize the widow or widower to authorize herself or himself to get the record directly.

Registers of deeds must retain completed request forms for one year from the date of the request. Access to completed request forms is limited to the same parties who are authorized to file and obtain copies of the records. The information contained in the index for restricted records should be given the same privacy protections as the records themselves. No fee may be charged for filing military discharge documents or for providing certified copies of them to authorized recipients. G.S. 47-113.

Notary Information

A notary's date of birth, mailing and residence address and phone number, last four digits of social security number, and personal and business e-mail addresses are not public information and should not be included in the register's public notary record book. G.S. 10B-7. Otherwise notary commission information is public.

Other Primary Records

A register may have a variety of other primary records, such as jury lists or notices of stray animals. Such records are not likely to be subject to any access restrictions.

Operational Records

Operational records are generated and maintained to enable the public to identify relevant primary records. As such they do not implicate access issues. The only questions that might arise are about registers' obligation to retain information about the operational records that are no longer in active use, or about when changes were made to operational records. The obligation to retain index information is discussed in the records disposal and archives section of this bulletin.

Internal Office Records

Public records laws exclude from public access certain types of information generated or kept for internal office purposes. A register who receives a request for access to a document that is not kept for the public in the ordinary course should review current laws to determine whether a restriction applies. When in doubt a register should consult with the county attorney. The following are the exceptions to the public records disclosure requirements that are most likely to be encountered.

Personnel Records

Statutes protect from disclosure some of the information in public employee personnel files. G.S. 153A-98. The statutes permit the employee and the employee's supervisor to have access to almost everything, and they permit certain others access to some of the file in limited circumstances. Public information includes such things as the employee's name, age, current salary, last raise, original employment date, current position title and location, and most recent change in position classification. Travel records for reimbursement are public and not considered part of the personnel file. Registers should consult with the county human resources office regarding requests for information from an employee's personnel file.

Legal Materials

Communications between a register and an attorney in connection with legal advice may be protected from compelled disclosure as privileged information. Communications from an attorney to a government body are protected if they involve a claim by or against the government, or a judicial or administrative proceeding to which the public body is a party or by which it may be directly affected. This exemption expires three years after the date the public body receives the communication. G.S. 132-1.1. Also protected from disclosure are certain kinds of trial preparation materials, such as documents showing the mental impressions or legal theories of an attorney or reports from consultants to be used at trial or in support of trial, for as long as the litigation continues. G.S. 132-1.9. Requests for information involving legal representation should be reviewed with the county attorney.

Trade Secrets

Material that was designated as confidential or a trade secret when it was shared with the government is subject to an exception to the public records disclosure requirements. G.S. 132-1.2. For example, this might arise in a contract regarding a vendor's proprietary secrets. The code in software programs used in the register's record-keeping is not likely to be considered a public record and is likely protected from copying or disclosure. Requests for this type of information should be reviewed with the county attorney.

Records Involving Public Security

Public records statutes restrict material related to public security concerns, such as plans and drawings of public buildings and infrastructure. The statutes also exempt from public access the security features of a government's electronic data-processing systems, information technology systems, telecommunications networks, and electronic security systems. G.S. 132-1.7; G.S. 132-6.1(c). Requests for this type of information should be reviewed with the county attorney.

Records Disposal and Archives

A right of public access to information would mean little if the government officials did not have to keep records in which the public can be expected to be interested. The law requires custodians to maintain records of their activities in a manner in which the records can be retrieved and not to dispose of them except according to the statutes and applicable retention schedules. Some kinds of records with historical value, or that provide useful information about decisions, may be required to be maintained indefinitely, while documents routinely generated or received with only transitory value may be authorized for disposal on an ongoing basis.

General Record-Keeping Considerations

The obvious first question for registers to consider about retaining a record is whether there might be a need for it. Registers are unlikely to have an obligation to sort through and dispose of any records according to a specific schedule. Rather, disposal is more likely to be a question of whether registers must retain a record despite having no apparent need for it. Nonetheless, registers' ability to manage records effectively is related to the records' volume, and sound records management practices include a periodic review of the collection to determine whether disposal or transfer to another format may enhance the office's operations. If the register determines that

there is no apparent need to retain a record, the second question is whether state laws and rules allow its destruction or transfer to the N.C. Department of Cultural Resources State Archives.

Supervisory Authority

The N.C. Department of Cultural Resources has statutory authority to issue policies for local government management of their public records. The statutes direct that no one “may destroy, sell, loan, or otherwise dispose of any public record without the consent of the Department of Cultural Resources” except as authorized by statute. G.S. 121-5(b). The State Archives receives records that may not be destroyed but that registers of deeds no longer deem useful to official business in their offices. Transfer of these permanent records to the State Archives must be arranged with the Government Records Branch, Local Records Unit, and comply with directions about packaging and documenting.

The Government Records Branch requires that records be retained indefinitely if they have “historical value.” Some documents may have obvious historical value, such as old plats that are not in the land records system. Or historical value may be obvious based on a document’s age and subject, such as an old document related to a public figure’s role in county history. The Government Records Branch notes that records “might have historical value because they document the origin, organization, development, and functions of an agency,” or they might be valuable “sources of information on persons, places, subjects, events, and transactions [and] provide evidence of the interactions between citizens and local government agencies.” N.C. Department of Cultural Resources, Government Records Branch, *Records Retention and Disposition Schedule for the Register of Deeds*, at iii (Apr. 15, 2003) (available at: <http://www.records.ncdcr.gov/local/ROD/RoDfinal.pdf>). The older a document, the more likely it will have obvious historical value. Before disposing of any record that might have special significance, the register should first consult with the Government Records Branch. Often, although a record is not required to be maintained by statute or rule, the State Archives may have an interest in acquiring the record for permanent preservation. Therefore, consulting with the Government Records Branch not only ensures compliance, but also ensures the State Archives has the chance to acquire any records it deems valuable to its collection.

Required Duplication

The statutes direct the N.C. Department of Cultural Resources to cooperate with local governments to identify “public records considered essential to the operation of government and to the protection of the rights and interests of persons,” and to have a program for making and keeping “preservation duplicates” of them. G.S. 132-8.2. In an undated memorandum distributed several years ago and still available, the department identified land records and marriage licenses among examples of documents for which preservation duplicates are required. N.C. Department of Cultural Resources, *Public Records Requiring Human-Readable Preservation Duplicates* (undated) (available at: <http://www.records.ncdcr.gov/guides/Humreadabledupspolicy050217.pdf>). The statute further describes suitable “preservation duplicates” as records that are “durable, accurate, complete and clear” and “made by a photographic, photostatic, microfilm, micro card, miniature photographic, or other process which accurately reproduces and forms a durable medium.” G.S. 132-8.2. Another statute specifically prohibits the use of “computer-readable storage media” for preservation duplicates “except to the extent expressly approved by the Department of Cultural Resources.” G.S. 153A-436 (f). The department has not yet approved of such use. In its memorandum, the department took the position “that preservation duplicates should be either a paper or

microfilm copy of the original records.” The department based this human readability requirement on a view that digital technology is vulnerable to error and changes in hardware and software, whereas microfilm can be read with a lighted magnifying lens and last for hundreds of years. The department has issued a document describing best practices for long-term digital record retention that describes parameters for establishing a digital repository. N.C. Department of Cultural Resources, *Archival Process for Data Image Preservation: The Management and Preservation of Digital Media* (Apr. 1, 2008) (available at: http://www.records.ncdcr.gov/guides/AH_Best_Practices_Digital_Preservation_Final_2008_04_01.pdf). As a service to local government entities, the State Archives stores copies of microfilmed records.

Since 1868, a state statute has authorized the county board of commissioners to direct a register to “transcribe and index” the books in the office when necessary due to “decay or other cause.” It also authorizes payment of compensation for the transcription. G.S. 161-18. A reasonable interpretation of this statute is that it is meant to apply to a “transcription” as it was understood before modern technology: that is, a hand-written copy. At that time transcription was a major undertaking. Requiring that commissioners first approve it made sense. According to this interpretation, commissioner approval would not be necessary when a register is duplicating a record in a modern sense, such as by converting photocopies to digital images. When the records are such duplicates of duplicates—not copies of original documents—no commissioner approval requirements would seem to be implicated. On the other hand, if the register intends to dispose of original documents—such as deeds, plans, or other instruments—prior consent of the Department of Cultural Resources should first be obtained, and the department may direct that the documents should instead be transferred to the State Archives for permanent retention.

Issues also arise if a register is copying recordings that originated in electronic form. Electronic records contain information known as *metadata* that may not be contained in a mere image of the document such as a printout. Metadata is most simply understood as data about data; it is information that describes, explains, or locates an electronic record. A record’s metadata can be stored internally or externally (e.g., “behind” the record or in a “separate database”). In some cases, without its metadata the full nature of a record may be incomprehensible. For example, a spreadsheet displays the results of calculations. A printout or screen image of the spreadsheet would only show the output of the calculations, not the formulas. However, the formulas used to calculate the output may be an important part of the record. Due to the potential importance of metadata, when making duplicates, registers should consider the necessity of including metadata in the copying process.

Disposal Procedure

A register may dispose of records according to the Government Records Branch disposition schedule provided that the county commissioners adopted the schedule as shown in their minutes. Note that registers’ signatures are also required on the disposition schedules that apply to their offices. No further approvals are necessary for records that are addressed on that approved schedule. Documents not specified on the schedule may be destroyed only after three steps have been completed:

- The register certifies that the record is of no further use or value
- The county board of commissioners certifies that the record is of no further use or value, which should be reflected in the minutes of the commissioners’ meeting
- The Government Records Branch approves of the disposal

The Government Records Branch provides guidance about the proper method of complete destruction of a public record that is not required to be maintained. N.C. Department of Cultural Resources, Government Records Branch, *Records Retention and Disposition Schedule for the Register of Deeds*, at v–vi (Apr. 15, 2003) (available at: <http://www.records.ncdcr.gov/local/ROD/RoDfinal.pdf>).

An electronic record that must be retained permanently must be retained in a format that assures future access. An electronic record that has only very short-term value may be destroyed according to the same disposition schedule as would apply to such a record in paper form. To destroy an electronic record, registers must take steps to insure complete destruction. Merely deleting a file from an operating system does not necessarily finally dispose of it; utilities exist to recover such files. If the device or media on which the file is stored is not being physically destroyed, additional steps may be needed to wipe clean the drive or other device on which the file was stored.

Retention Requirements for Register-Specific Records

Disposal of register records is governed by the *Records Retention and Disposition Schedule for the Register of Deeds* issued by the Government Records Branch. N.C. Department of Cultural Resources, Government Records Branch, *Records Retention and Disposition Schedule for the Register of Deeds* (Apr. 15, 2003, amended with respect to discharge records Apr. 1, 2004) (available at: <http://www.records.ncdcr.gov/local/default.htm>). It is a lengthy list of document types and information about whether and when they may be destroyed or transferred. The following describes the retention requirements for the most common kinds of records.

Primary Records, Redaction

Most of the register's public records fall within what the Government Records Branch defines as "program operational records." These are what are received, recorded, and created according to statutory requirements, principally real estate records, vital records, marriage licenses, notary public commissions, armed forces discharges, and indexes. In general all of these records are to be permanently retained and the only instance in which any such records will be destroyed is if they have been duplicated into another format according to an approved method.

Once registered a real estate document is part of the permanent public record and a register may not remove it from that record. If a document is registered that causes unlawful harm, a court may issue an order that declares the document void or otherwise addresses its legal effect, and that order when recorded is linked to the original harmful record with the subsequent instrument indexing method.

The statutes contain only one authorized basis for removal of information from a registered real estate record: redaction of personal identification numbers from Internet records. G.S. 132-1.10(f). Individuals may request redaction of their social security, driver's license, state identification, passport, checking account, savings account, credit card, or debit card number or personal identification code or password contained in the public records displayed on the register's Internet website available to the general public. Redaction applies only to the identified personal information—not the entire record—and only to records on the Internet website. A request should be legibly signed by the person to whom the information belongs or by someone with demonstrated legal authority for such a person, such as someone with an applicable power of attorney, and it may be submitted in person or by mail, facsimile, or electronic transmission. It must specify the relevant document and the nature and location within the document of the

information to be redacted. Access to inspection of the requests for redaction is restricted to the register of deeds, the clerk of court, their staff members, or to another party by court order. Registers are authorized but not required to redact social security and driver's license numbers from the Internet website without a request. G.S. 132-1.10(f1). (Note that this optional register-initiated redaction does not apply to the several other kinds of personal identification information that must be removed upon request, as described above.) Also, registers should keep in mind that two separate records exist after redaction: the un-redacted original record within the office and the Internet record from which information has been redacted. Both of these are public records to be managed as such.

Operational Records: Indexes

The disposition schedule requires registers to retain the "index" permanently. Registers' primary duties include keeping complete, updated indexes for the public's use. What does it mean for registers to "retain" an index for archival purposes? The index of recorded instruments is constantly evolving. New entries are added for newly recorded documents, and occasionally information is corrected or added for documents already indexed. Each time new information is added or changed, the index is different than before. Keeping every version of the index would be an absurdly onerous obligation. A more reasonable interpretation is that registers must retain both a current index and a record of when changes were made to indexing information that had already been in use.

With respect to new entries for newly recorded documents, registers are required to make this information available to the public within twenty-four hours of registration. G.S. 161-22(a). With respect to corrections or additions to the index for documents previously indexed, the date at which this change is made may be important public information. The manner in which a real estate instrument has been indexed could have an impact on the rights of the parties to it and others claiming rights in the subject property. G.S. 161-22(h). Accordingly, the public may expect registers to be able to show when and how an index was changed. This can be done with administrative notices or other records showing the date and nature of the change.

A statute requires that registers who maintain indexes electronically at least monthly obtain "a printed copy on paper or film, or a tape or disk, of all index entries made since the previous printed or filmed copy, or tape or disk, was obtained." G.S. 161-22(f). This can be understood as intended to insure that registers can quickly produce a useable index if electronic data are lost.

Internal Office Records

Every day, registers generate and receive routine documents and e-mails that contain no information of the sort intended to be preserved for the public. Accordingly, the Government Records Branch has issued instructions recognizing that records with only very short-term value to the creating agency need not be retained. N.C. Department of Cultural Resources, Government Records Branch, *Records Retention and Disposition Schedule for the Register of Deeds*, at x (Apr. 15, 2003) (available at: <http://www.records.ncdcr.gov/local/ROD/RoDfinal.pdf>). The rules allow these records with only "short-term value" to be destroyed "expeditiously" when they no longer have any administrative or reference value. The records in this category include those that do not contain information necessary to conduct official business, meet statutory

obligations, carry out administrative functions, or meet organizational objectives. Examples of short-term value records include:

- Transmittal sheets without significant additional material
- Entirely personal messages
- Drafts with no significant information not also contained in the final version
- Internet downloads not used in the transaction of business

As described above, any records, including internal office records, with historical value must be retained permanently. Otherwise, internal office records that do not fall into the category of disposable short-term records may be destroyed after three years have passed. However, according to the disposition schedule, records of employee certification must be retained until “superseded or obsolete,” educational records for specific employees must be kept or transferred to the county personnel office, and other general educational records must be maintained until superseded or obsolete but within five years.

Before disposing of any office record other than a routine disposable document that clearly falls into the short-term category described above, the register should check the disposition schedule to see if there is a retention requirement and when in doubt contact the Government Records Branch for advice.

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