

REQUEST FOR CHANGES TO THE STATE ADMINISTRATIVE MANUAL (SAM)

Agency Code: 332

Department: Administration

Division (if applicable): Nevada State Library, Archives and Public Records

Appointing authority: Director Laura Freed

Agency contact (name, phone and e-mail): Cynthia Shein, Deputy Administrator Archives and Records, cshein@admin.nv.gov, 775 684-3306; Sara Martel, State Records Manager, smartel@admin.nv.gov, 775-684-3422

Budget Division Analyst (name, phone and e-mail): Jennifer Hamilton, jhamilton@finance.nv.gov, 775-687-0134

Proposed BOE date: October 11, 2022

Proposed effective date: October 11, 2022

1. Reason/purpose for requested change:

To correct outdated references in SAM 402 to the Department of Information Technology (DOIT), which became the Department of Administration, Division of Enterprise Information Technology Services (EITS) in 2011. To clarify ambiguous language throughout.

2. Explain how the recommended change(s) will benefit agencies or create consistencies or efficiencies, etc. (provide examples if applicable):

This change will create consistency for agencies referencing SAM and reduce some confusion for those in the state's workforce who are not familiar with DOIT.

3. Will recommended change have a fiscal impact (if yes, explain):

No.

4. Existing and recommended language in SAM (*blue bold italics* is new language being proposed and ~~red strikethrough~~ is deleted language being proposed). (Please provide requested change as an attachment):

Mark-up of changes is attached.

Appointing Authority: _____



BOARD OF EXAMINERS APPROVAL DATE: _____

(for BOE use only)

0402 Agency Responsibility for Records

The head of each *State* agency must make, receive and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of the agency. ~~The head~~ *He/She* is responsible and shall be held accountable to provide for effective controls over the creation, use, maintenance, security, distribution and disposition of these records by establishing a records management program.

The head of each State agency shall take the following actions to establish and maintain the agency's records management program:

1. Issue a directive establishing program objectives, responsibilities, authorities, standards, guidelines, and instructions.
2. Control the creation, maintenance, use, and distribution of agency records and information to ensure that the agency:
 - a. Does not accumulate unnecessary records or gather data which do not pertain to the function of the agency;
 - b. Adheres to a records retention and disposition schedule as mandated by [NRS 239.080](#) and [NAC 239.710 to 239.720](#);
 - c. Does not create information system forms and reports that collect information inefficiently or unnecessarily;
 - d. Annually reviews all existing forms and reports to determine if they need to be improved or dispensed with;
 - e. Designs forms for computer data entry or information gathering that are easy to complete, read, transmit, process, retrieve and does not gather information which does not pertain to the functions of the agency;
 - f. Eliminates unnecessary reports, designs reports for ease of use, deletes information on reports which is not needed, and limits distribution of reports to reduce cost;
 - g. Maintains its records in a cost-effective format, which allows for the rapid retrieval and protection of the information;
 - h. Provides for the security of electronic records consistent with the security and disaster recovery standards and procedures established by the Department of *Information Technology Administration, Division of Enterprise Information Technology Services*;
 - i. Establishes a written organized filing system which is standardized for all branches of the agency, provides for the supplies, personnel, and equipment to properly run the filing system, and provides for an ongoing training program for staff in the use of the filing system;
 - j. Provides for the transfer of records to the State Archives of historically valuable information in accordance with [NRS 239.080](#), [239.090](#), [378.250](#), and [NAC 239.760](#), and
 - k. Establishes written procedures for the proper access or denial of access to the public or other governmental agencies to ~~of~~ records ~~which~~ *that* have been declared by law to be confidential.
3. Prior to the creation of electronic records, the head of each State agency must:

- a. Consult with the Department of ~~Information Technology~~ *Administration, Division of Enterprise Information Technology Services* on the implementation of its strategic plan for information resources and information technology, the purchase and implementation of *information technology services, cloud solutions (e.g., Function-as-a-Service, Software-as-a-Service applications, Platform-as-a-Service, Infrastructure-as-a-Service)*, hardware and software, and the establishment of security and training programs consistent with [NRS 242](#);
 - b. Work with the State Records Management program of the Nevada State Library and Archives (NSLA) to ensure the proper use, maintenance, retention, preservation, and disposal of that record, and to implement the procedures outlined in NRS Chapters [239](#) and [378](#), and [NAC Chapter 239](#);
 - c. Establish a records retention and disposition schedule for the record series to be created, in accordance with [NRS 239.080](#), [NRS 378.255\(3\)\(7\)](#), and [NAC 239.710 to 239.720](#); and
 - d. Create a migration strategy and include this in a written plan for implementation to ensure that the information will be transferable to another format.
4. The head of each State agency must establish and be responsible and accountable for the implementation of written safeguards against the unlawful removal, misuse, damage, alteration, destruction or loss of records. An ongoing training program to teach staff in safeguarding records must be established. The training program must include:
- a. That records in the legal custody of the agency are not to be compromised or destroyed except in accordance with [NRS 239.080](#) and [NAC 239.715 to 239.722](#); and
 - b. That penalties are provided in law for the unlawful removal, misuse, damage, alteration, destruction or loss of records as provided by [NRS 205.4765 to 205.481](#), [NRS 239.010 to 239.012](#), [NRS 239.080 to 239.085](#), [NRS 239.300 to 239.330](#), [NRS 378.255\(9\)\(a\)](#), [NRS 281.180 to 281.190](#), and [NRS 603.080 to 603.090](#).
5. The head of each State agency must ensure that records are protected from the unlawful removal, misuse, damage, alteration, destruction or loss. The head of each State agency must inform the Attorney General of any actual, impending or threatened unlawful act regarding records in the legal custody of an agency of which he/she is the head that comes to his/her attention. With the assistance of the Attorney General and the Assistant Administrator for Archives and Records, he/she shall initiate action as provided by [NRS 378.255\(9\)](#) to recover records that he/she knows or has reason to believe were unlawfully removed from his/her agency.
6. The head of each State agency shall take all measures possible to protect the records in his/her legal custody from a natural or other disaster. ~~He/She~~ *The head* shall be responsible and held accountable to procure the proper supplies, equipment, and personnel to protect the records in ~~his/her~~ *the agency's* legal custody. If any damage ~~comes~~ *occurs* to the records, this must be reported to the Assistant Administrator for Archives and Records. The Assistant Administrator for Archives and Records, as provided by [NRS 378.255\(6\)\(7\)](#), shall provide advice and all help possible in saving or restoring damaged records.
7. As part of the Emergency Management Plan required by the Division of Emergency Management of the Department of Public Safety, and as allowed by [NRS 378.255\(6\)](#) in cooperation with the ~~State Archivist~~ *Assistant Administrator for Archives and Records*, the head of each State agency must prepare a disaster recovery plan for the records in the legal custody of the agency. The disaster recovery plan must include measures staff will take to recover records, regardless of physical format, after a disaster has occurred. The disaster recovery plan must provide for:
- a. A list of vital records, in order of importance, ~~that~~ *toward which* efforts *to protect and recover* will be directed ~~at to protect and recover~~;
 - b. A list of staff assigned responsibilities and duties to be carried out in case of an emergency;
 - c. A list of vendors capable of rendering help in emergency. For electronic records, agencies must follow the standards established by the Department of ~~Information Technology~~ *Administration, Division of Enterprise Information Technology Services*;
 - d. A list of equipment and supplies, with the location of each, which are to be used by staff

- in the recovery of records damaged or threatened by a disaster; and
- e. An ongoing training program for staff in disaster preparedness and recovery of damaged or threatened records.
8. "Officially Filed" means that records have been placed in the legal custody, care and keeping of a State agency.
 9. Records that have been officially filed with a State agency are subject to the provisions found in [NRS Chapter 239](#) and [NAC Chapter 239](#), and must be inventoried, appraised, and included on a records retention schedule.
 - a. When such records are transferred to the State Archives, legal custody is transferred to the State Archives as provided in [NRS Chapter 378](#).
 - b. If an approved records retention schedule provides for the destruction of such records, they may be destroyed subject to [NAC 239.722](#).
 10. If, ~~any agency~~ in the regular course of business, *any agency* has kept, received, or made any official State record, and ~~in the regular course of business has~~ caused the same to be recorded, copied, or reproduced ~~on any photographic, Photostat, microfilm, micro-card, miniature photographic, computer or other electronic recording, optical media, audio or audio-visual media, or in any physical or electronic format on~~ any durable medium ~~for so reproducing the original~~, the original may be destroyed in the regular course of business unless prohibited by law. **If the original is destroyed,** ~~the~~ duplicate of such ~~a~~ record shall be deemed to be the original, and must be retained according to an approved records retention schedule.

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 - i. Establishes a written organized filing system which is standardized for all branches of the agency, provides for the supplies, personnel, and equipment to properly run the filing system, and provides for an ongoing training program for staff in the use of the filing system;
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 10. If, in the regular course of business, any agency has kept, received, or made any official State record and caused the same to be recorded, copied, or reproduced in any physical or electronic format on any durable medium, the original may be destroyed in the regular course of business unless prohibited by law. If the original is destroyed, the duplicate of such record shall be deemed to be the original and must be retained according to an approved records retention schedule.