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ARCHIVES DIVISION
ROY TURNBAUGH, STATE ARCHIVIST
800 Summer St. NE
Salem, Oregon 97310
(503) 373-0701
FAX (503) 373-0953

March 14, 2003

Guy L. Rocha
State Archivist
Nevada State Library and Archives
100 North Stewart Street
Carson City, Nevada 89701-4285

Dear Mr. Rocha:

I am responding to your request for information about digital imaging in Oregon government and in particular, my analysis of BDR 19-7 and its consequences to Nevada government. You mentioned that you are aware that we have been working to incorporate digital imaging into the array of choices available to government for several years.

Although I share the belief that digital imaging has many legitimate uses in government and, where appropriate, should be encouraged, I have several concerns about BDR 19-7 as written. I'll enumerate these for your consideration.

1. Nevada, like Oregon, has adopted the Uniform Rules of Evidence. Whether digital images of government records meet evidentiary standards depends on a host of procedural and technological factors that BDR 19-7 does not address.
2. Although your law mentions ANSI standards for microphotographs, BDR 19-7 does not include any equivalent mention for digital images. Perhaps the most significant publication in this arena is ANSI/AIIM TR25-1995, The Use of Optical Disks for Public Records. Any law and/or body of regulation dealing with digital images needs to address the issues identified in this publication.
3. As drafted, BDR 19-7 would include documents such as the Nevada Constitution. It's unlikely that Nevadans would want documents with significant historical value imaged and destroyed.
4. We are continually reminded of the importance of quality control in transfer of records from paper to digital image. BDR 19-7 does not address this issue, yet verification of image quality needs to occur before originals are destroyed.
5. Imaging technology has evolved rapidly during the past ten years and it continues to evolve. Absent a legal requirement that users of imaging plan and have identified budget resources in advance, I would expect them to face rapid obsolescence of their systems. The net effect, of course, is that the images would be unusable.

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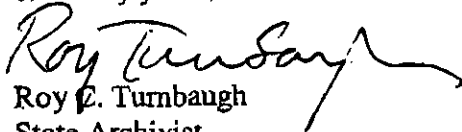
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SUBMITTED BY: Guy Rocha

6. Cost-benefit analysis should drive any conversion of records from one medium to another, yet I find no mention of cost in BDR 19-7. It's a truism that the payback on imaging projects can be very lengthy. At a time when governments everywhere face dwindling resources, I would expect your law to address this issue.

These are the most conspicuous concerns I've managed to identify. I'll be happy to answer any questions you may have or provide you with any information that I can.

Sincerely yours,


Roy E. Turnbaugh
State Archivist