

## **CHAPTER 54-46.1**

### **CENTRAL MICROFILM UNIT**

**54-46.1-01. Central microfilm unit - Contracting for services.** The state records administrator shall establish and maintain a central microfilm unit and microfilm any record of any state office, agency, or department in either the executive, legislative, or judicial branch of state government, if the administrator determines the cost of the microfilming is reasonable in relation to the record's historical significance or the frequency and type of use of the record. If the administrator and the office of management and budget determine that the services called for in this chapter can be provided more efficiently and economically through contracting with private contractors, the administrator may enter into such contracts or require an agency to use the services of a contractor as allowed by section 54-46.1-05. Release of records to a contractor for microfilming under this section or section 54-46.1-05 is not a violation of section 12.1-13-01, 54-46.1-07, or any other law that provides for any civil or criminal penalty for the release of certain records. A contractor hired by the administrator under this section or by an agency under section 54-46.1-05 may not disclose any information from any record, disclose any record the contractor receives for microfilming services, or make or retain a copy or other reproduction of a record not required by the contract to be made. Any contractor hired by the administrator under this section or by an agency under section 54-46.1-05 is subject to the penalties provided by law for unauthorized release of public records, and the contractor must agree to fully comply with all applicable state or federal laws or rules prohibiting release of public records. Each office, agency, and department shall reimburse the central microfilm unit for the actual costs incurred in microfilming its records. The administrator shall deposit moneys received under this section in the information technology operating account. The administrator shall employ professional, technical, and clerical personnel as the administrator determines to be necessary to carry out the duties prescribed in this chapter and, within the limits of the legislative appropriation, shall fix the salaries of all employees within the central microfilm unit. All personnel within the central microfilm unit must be allowed their actual and necessary travel expenses at the same rate as for other employees of the state. The administrator may perform microfilm services for any state institution and for any county, when the institution or county requests such services and the administrator agrees that the request is consistent with good records management practices.

**54-46.1-02. Transfer of equipment - Exception - Alternative services.** Repealed by S.L. 1991, ch. 614, § 9.

**54-46.1-02.1. Optical data storage authorized.** Any public entity may adopt and use an optical data storage process for the storage of records by optical disk mediums when the use of the process is consistent with good records management practices. The state records administrator may prescribe such practices, except for specialized commercial data bases such as those used in libraries. As used in this chapter, an optical data storage process includes the optical disk software and hardware used in that process and the records stored by that process after the entity involved has established a records management program with respect to optical data storage.

**54-46.1-03. Reproductions admissible in evidence - Preparation of copies.** A photographic, microphotographic, or microfilm copy of any record, a paper or microfilm reproduction of any record stored by optical disk, or a certified copy thereof, is admissible as evidence in any court or proceeding and has the same force and effect as though the original record has been produced and proved. The custodian of such records shall prepare enlarged copies of microphotographic or microfilm copies of the records and paper copies of records stored by optical disk and shall document the accuracy of the processes whenever their production is required by law.

**54-46.1-04. Duplicate storage of microfilm records.** Whenever any record or document is copied or reproduced as provided in this chapter, the state records administrator shall provide for duplicate storage of the photographic reproductions. The administrator may enter into contracts for duplicate storage services if, in the administrator's judgment, such contracts are necessary for the safekeeping of photographic reproductions.

**54-46.1-05. Restriction on purchases and contracts for microfilm equipment and services - Alternative services.** Except for the institutions and entities under the jurisdiction of the board of higher education, no state office, agency, or department may enter into any contract or agreement for the purchase or lease of any microfilm equipment or services without the express approval of the state records administrator. The administrator may authorize an office, agency, or department to make other arrangements for microfilm services if the central microfilm unit is unable to perform the services required or if, in the administrator's judgment, the special needs of the office, agency, or department justify such an authorization.

**54-46.1-06. Adoption of rules.** The state records administrator may adopt rules to establish standard procedures and practices in the development and use of the central microfilm unit, including the proper use of any optical data storage process.

**54-46.1-07. Secrecy provision.** The personnel of the central microfilm unit are hereby authorized to receive from the various departments and the employees of the various departments are hereby authorized to provide for the central microfilm unit, any information from the files and records of the various departments necessary to effect the purposes of this chapter without regard to the confidential or secret nature of the information; provided, however, the personnel of the central microfilm unit are subject to the same restrictions and penalties regarding the dissemination of this information as are the personnel of the department involved.