

In the ever-evolving world of Digital, Cyber, Cloud, and Al Technologies, safe and effective Records and Information Management has become an uphill challenge, to say the least...

While these technologies provide rapid advancement in the tools available for Data Collection, Compilation, Distribution and Retention, Migration, Longevity and Access, they concurrently present threats ranging from Operational Discontinuity to Data Diffidence, Inaccessibility and/or Interoperability, Technological Obsolescence and the risk of Cyberattack.

Furthermore, the ongoing management of the implementation, maintenance, and optimization of **Minutes**, **Vital Records**, and **Electronic Health Record Systems** - ensuring data collection and compilation, accuracy and completeness, storage and access, and security.

With the objective being to safeguard your most valuable asset: Information.

Constituency

Federal, State, County/Municipal, Boards, Authorities, Schools, Colleges, etc.

The International, Global Arena – Government, Private Agencies, Citizenry, etc.

Unions, Associations, Lobby & Additional Groups

Legal Counsel

Healthcare - Facilities & Professionals

Financial Institutions & Auditors

Private Sector & Vendors

The Media - Print, TV/Cable, Radio, etc.

Internet & Social Media

Parents, Legal Guardians & Adult Pupils

Local Residents - Taxpayers

The General Public at Large



A Public Agency's Responsibilities to its Constituency

Promote Transparent, Seamless & Efficient Operations

Foster Positive Trust & Reputation

Verify the Data Fabric

Accurate Data Capture, Collection, Processing, Storage, Management, Retrieval & Delivery

Monitor Data Security

Enhanced Concerns - International, National & Local Levels of Government

Ensure Compliance

International, Federal, State, County & Municipal

Why should We be concerned?

It's The Law

- NJ Public Records Law
- Open Public Records Act (OPRA)
- Data Privacy, Compliance and Security Laws
- Litigation and e-Discovery Support
- Globalism: International, Federal and State
 - European Union's General Data Protection Regulation (GDPR) & Regulation (EU)
 2016/679 Privacy and protection for processing of personal data;
 - Health Information Technology for Economic and Clinical Health Act (HITECH) Health Information Technology and Electronic Health Records (EHR);
 - Health Insurance Portability and Accountability Act (HIPAA) Personal medical information
 - Family Education Rights and Privacy Act (FERPA)
 - Section 504 of the Rehabilitation Act of 1973 Prohibits discrimination against students with disabilities
 - Individuals with Disabilities Education Improvement Act (IDEIA) Ensures the right to a free appropriate public education (FAPE)
 - NJAC 6A:22-3.3 Student enrollment in a NJ Public School regardless of immigration status

It's The Law continued.

- McKinney-Vento Act Protect the rights of children who are homeless
- Plyer v. Doe US 202 (1982) Protect the rights of children to a public education whether residing legally or not
- Title VI, Civil Rights Act (1964) Prohibits discrimination based on race, color or national origin
- The Immigrant Trust Directive NJ Directive No. 2018-6 NJ Law Enforcement may not stop, detain, question search or arrest an individual solely on suspected citizenship or immigration status
- Children's Online Privacy Protection Act (COPPA)
- NJ Law Against Discrimination Prohibits discrimination and bias-based harassment which includes in a public school
- NJ Data Privacy Law (NJDPL), PL 2023. c.266 Personal data & its collection and processing

Personal Data

- Home address
- Driver's license
- Passport information, etc.

Consumer Rights

- Correct inaccuracies in their personal data
- Delete their personal data

Compliance

- Program Review
- Information Governance: Data Access & Migration
- Coding and Classification: medical diagnosis and procedure, billing & treatment
- Data Analytics: Identify trends, improve care, and foster research
- Audit: Financial & Programmatic Relevance with Regulations & Standards
- Seamless & Efficient Government
- Positive Trust & Reputation
- Verify the Data Fabric
- Data Capture, Processing, Management & Delivery
- Monitor Data Security
- Enhanced Concerns on the International, Federal, State, County & Municipal

Cost Effective

Minimize costs and promotes savings, efficiency and productivity.

Legacy Information

Irreplaceable loss of intellectual rights, legacy records, etc.

Valuable Asset

- Establish Policies and Procedures Health Data Governance with ongoing training.
- Data Quality and Accuracy Ensuring the completeness, consistency, and accuracy of medical records to avoid compromised decision-making.
- Collaborative, seamless information exchange between the different systems, other departments, clinicians, administration and stakeholders.
- Loss, theft or damage can cause personal loss, financial loss, disrupt business operations, damage an agency's reputation resulting in loss of public confidence and trust.

NJ Data Privacy Law (NJDPL), PL 2023, c. 266 Effective Date: January 15, 2025

New Jersey Data Privacy Law (NJDPL)

Guarantees New Jersey Residents' rights in regard to their Personal Data and Sensitive Data and how it is being collected and processed by controllers.

Personal Data Identified

Home address, driver's license number, passport information, financial account number

Processing Personal Data

Concerns collecting, using, storing, disclosing, analyzing, deleting, or modifying.

Sensitive Data

Racial or ethnic origin; religious beliefs; health condition; financial information; sexual activity or sexual orientation; immigration or citizenship status; status as transgender or non-binary; genetic or biometric data; or precise geolocation data.

Processing Sensitive Data

Prior permission must be obtained to process Sensitive Data.

Rights

- Confirm whether a controller processes their data
- · Correct inaccuracies in their personal data
- Delete their personal data

Records PII vs. PHI

Personal Identifiable Information (PII) vs. Protected Health Information (PHI)

EMRs are typically utilized in a single practice or healthcare facility; whereas EHRs are to be shared among different healthcare providers and facilities as an electronic database of a Patient's Health History.

PII

Name, Date of Birth (DOB), Social Security number (SSN), passport number, driver's license number, taxpayer identification number, patient identification number, financial account number, or credit card number, personal address information, email and personal telephone numbers

PHI

As denoted in HIPAA, Name, Geographics (street, city, or ZIP code), phone and fax numbers, Email addresses, Social Security Numbers, Medical record and health plan beneficiary numbers, Account numbers, Certificate/license numbers, Device identifiers and serial numbers, Web URLs and IP addresses, Biometric identifiers (fingerprints, voiceprints, etc.), Full-face photographs and any other unique code or identifier

Records EMR vs. EHR

Electronic Medical Record (EMR) vs. Electronic Health Record (EHR)

EMRs are typically utilized in a single practice or healthcare facility; whereas EHRs are to be shared among different healthcare providers and facilities as an electronic database of a Patient's Health History.

EMR

Digital patient medical records that typically include but not limited to: chart clinical information collected during visits such as diagnoses, medications, lab test results, past medical history, visit summaries, demographic, insurance information, etc.

EHR

Database system of a comprehensive and standardized medical record from multiple sources, creating a comprehensive and accessible view of a patient(s) that can be shared across different healthcare settings, such as: hospitals, specialists and labs to foster the <u>interoperability of information sharing</u>, coordination of care, communication, research and trending public health reporting.

Encryption PII, PHI, EMR, EHR

When collecting, maintaining and distributing information including PII, PHI, EMR and EHR, "end-to-end" in a database encryption should be utilized for the IT system and Business and Personal Data - especially due to the interoperability of the EHR.

IT

- Biometric Identifiers Fingerprint, Iris Scan, Face/Voice
- Recognition
- Device Identifiers
- IP Addresses
- Facility Identification

Personal

- Home Address
- Email Address
- Financial Information
- Health Insurance Information
- Medical Record Numbers
- Names
- Passwords
- Phone Number(s)
- Social Security Numbers

Personal Identifiable Information - PII
Protected Health Information - PHI
Electronic Medical Record - EMR
Electronic Health Record - EHR

Something we never want to be accused of ...

Spoliation: The destruction of or failure to preserve evidence relevant to litigation or investigation.

Litigation Hold Order

As Public Servants, we have an obligation to preserve the Public Records in our custody – regardless of their medium. In the event of an OPRA Request or potential Litigation, a *Litigation Hold Order* must be issued and all <u>relevant</u> Hardcopy, Digital and Electronic Information should be immediately segregated and stored.

[NOTE: Attention must be given to e-mail, because their automated processes may have a function that routinely deletes e-mail if no action is taken. To avoid this, relevant e-mails should be placed in a separate folder.]

- ➤ A **Notice of Acknowledgement** should be distributed to the specific agencies indicating that they have been notified of the **Litigation Hold Order**.
- The Acknowledgement of Receipt is to be signed and returned to the sender within five (5) days and <u>immediate</u> action should be taken in accordance with the <u>directives to</u> <u>segregate the associated records.</u>

Litigation Hold Order

For Discussion Purposes Only Consult With Legal Advisors When Dealing With Litigation Hold Orders

SAMPLE

<date>

TO: <individual and/or custodian>

FROM: <issuing office>

SUBJECT: <subject or nature of the matter>

Please be advised that you are required to immediately preserve all documents and electronic data related to the above-noted matter. Your failure to do so could result in significant penalties.

<Agency> has received the above-captioned complaint and a copy is attached. We have identified you as a <custodian or individual> who may have potentially relevant paper records (e. g. memoranda, letters, pictures) or electronically stored information (e. g. e-mails, other electronic communications such as word processing documents, spreadsheets, databases, calendars. telephone logs, Internet usage files and network access information) or authority over such records.

You must immediately take every reasonable step to preserve this information until further notice.

Your failure to do so could result in significant penalties against us.

Acknowledgement of Receipt

For Discussion Purposes Only Consult With Legal Advisors When Dealing With Litigation Hold Orders

RE: <subject matter="" or=""></subject>	
the above-captioned matter reasonable search for any	acknowledge that I have received the <date notice="" of=""> notice regardir from <representative> advising me of my obligation to conduct ocuments, whether stored in hard copy or electronically, that may bake reasonable steps to ensure the preservation of those documents.</representative></date>
I understand the instructions	ontained in the memorandum.
Signature	
Name	Date
contact representative> at < what documents might be re to take in order to conduct a	d the instructions, prior to completing this acknowledgement, you should>-<> with any questions you may have regarding either 1) vant to the above matter or 2) what actions you are reasonably expected assonable search for and preserve any documents, whether stored in at may be relevant to the above matter.





AUDIT

FINANCIAL & PROGRAMMATIC STRATEGIES

Audit

Objective: Transparency in Good Records Governance

Penalties: The unlawful and deliberate alteration, destruction or falsifying of records

Retention: Electronic, Digital, Hardcopy and Cloud Storage Records

IT Security:

- Prevent Data Breaches
- Access Physical & Electronic controls to prevent unauthorized access.
- Data Backup & Migration Protect sensitive data onsite and offsite.
- Change Management Document new employee access, hardware, software, database updates; and infrastructure changes; etc.

The Value of NJ Public Records

Value of Public Records

Public records are evidence of taxes paid, services rendered and obligations met. These records are crucial to the organization of our society and essential to the daily operation of government.

• The value of some records endure beyond their active use, because they provide unique evidence of significant actions and transactions that have affected the public.

Legal Framework

Public records are public property and are held in trust for citizens. Accordingly, public officials must ensure that records are protected from unauthorized alteration, defacement, transfer, destruction, being seized or cyberattacked.

 This is accomplished through compliance with New Jersey's Public Records Law (N.J.S.A. 47), the State's Records Management Statute (N.J.S.A 47:3-15 et seq.) and Administrative Rules(under N.J.A.C. Title 15:3 et seq.) which enact the standards and procedures mandated by the Law. Agency-specific Statutes and Administrative Rules have impact upon a public agency's records management responsibilities.

Destruction of Public Records Act PL 1953, c. 410

What is a Public Record?

<u>Destruction of Public Records Act (PL 1953, c. 410)</u>: Defines a <u>Public Record</u> as "Information, regardless of its medium (hardcopy, microform, digital, electronic & Internet-based) that is created, received, maintained and distributed by a public agency receiving taxpayer dollars and serves as Evidence of the Transactions of its Normal Course of Business."

<u>Title 47, N.J.S.A. 47:1A-1.1., OPRA:</u> Defines a <u>Government Record</u> as "All records that are made, maintained, kept on file, or received in the course of official business."

In New Jersey, "Public" Can Have Two (2) Meanings

Ownership

As previously stated, a record is Public when it is evidence of the <u>normal course of business</u> of a Public Agency which receives a substantial contribution of tax dollars to conduct its activities.

Access

The Open Public Records Act (OPRA)/PL 2001, c. 404, PL 2024, c. 16, NJSA 47:1A et seq., provides that public records must be accessible. However, because of issues of Privacy, Confidentiality & Security, an agency may restrict access to records:

In New Jersey, "Public" Can Have Two (2) Meanings continued...

Records Access

- OPRA Requests
- Common Law Requests
- Discovery Requests
- Administrative Requests
- Informal Requests
- Subpoenas, Court Orders, etc.

Records Inventory



In the event of an OPRA Request, Litigation, Audit or e-Discovery, a records inventory can be invaluable - documenting paper, digital, web-based and microformed records.

The inventory lists record type, volume, record storage location, classification, retention periods, disposition and applicable Federal and State Laws.

Records Inventory continued.

Format –

Paper Records that are also Microfilmed, Imaged, Electronic, Digital, etc.

Electronic Records - indices, input/output, data, etc. should also be identified.

Key to identify the records to safeguard in the event of OPRA, Audit, Litigation, and notably Cyberattack.



Records Retention & Disposition

PL 1953, c. 410/NJSA 47

Records Management Services (RMS)

As per NJSA 47, the Government Agency statutorily-entrusted with the creation of Records Retention Schedules and authorizing Request and Authorization for Records Disposals for EXPIRED* Public Records.

Records Retention Schedules: In accordance with the New Jersey Public Records Laws PL 1953, c. 410 & NJSA 47, Records Retention Schedules must be created for the records maintained by a public agency, noting the MINIMUM Legal and Fiscal time periods the records must be retained.

*Unless in Litigation, e-Discovery, Audit or OPRA, then the retention period is not applicable until <u>after final</u> settlement or resolution.

Records Retention

Records Retention Schedules creation and maintenance for all New Jersey Public

Agencies was mandated in accordance with:

- New Jersey Public Records Laws PL 1953, c. 410
- NJ Statutes Annotated Title 47 et. seq.

Records Retention Schedules address the following areas:

- Vital
- Legal, Fiscal & Administrative
- Historical
- Confidential
- Retention Period
- Final Disposition

Department of the Treasury, Division of Revenue and Enterprise Services, Records Management Services

Department of	are reasony, birision of revenue an	a Enterprise dervices, necords management dervi												
Records R	etention and Disposition Sch	nedule	Agend	су:	S8	211	110)		Sche	dule: 002		Page	#:1 of 4
Departmen	t: Treasury - Supplement	ntal Annuity Collective Trust (SACT)	Agend	су	Rep	оге	sei	ntat	tive:					
Division:			Title:											
Bureau:			Phone	e #	:									
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	Published	3/18/2015 3:56 PM												
Record	Record Title and Descriptio	n	\neg	П	П	\neg	Г	Т			Policy	Disposition	n	Citation
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0001-0000	Authorization of Disburseme	ent			Ш				7 Years	,	7 Years	Destroy		
	Form authorizes the disburs	ement of checks from the SACT section.	.		Ш									
0002-0000	Bank Record File				П			Γ	7 Years	1	7 Years	Destroy		
	Contains: acknowledgemen statements.	ts, deposit slips, reconciliations, and ban	k											
0003-0000	Cash Disbursements Journal	al - Manual Input	\neg		П		Г	Г	7 Years	3	7 Years	Destroy		
	Contains: payment totals, d	neck dates, and reason for refunds.												
0004-0000	Cash Disbursement List		\neg		П		Г	Г	7 Years	3	7 Years	Destroy		
		for various programs types (i.e., retirements as a cross-reference of terminations for the contract of the con												
0005-0000		ments and a listing of contributions from	the						7 Years	1	7 Years	Destroy		

Records Disposition

Public Agencies must submit

A Public Agency must submit, through **Artemis**, a "Request and Authorization for Records Disposal" to obtain **prior** authorization from DORES-RMS, to legally dispose of the **expired** Public Records in their custody.

Upon receiving authorization

The associated records should be disposed as they are **Discoverable** as long as they are in an Agency's **Physical Custody** regardless of receipt of a disposal authorization from DORES-RMS.

Request and Authorization for Records Disposal

Are **Permanently** retained in Artemis for immediate access in the event of:

- OPRA
- Litigation
- Audit



NOTE: It is imperative that <u>all</u> HARDCOPY 4-Part "Request and Authorization for Records Disposal" forms (Ex., "Agency 'PINK' Copy") issued prior to Artemis, be kept PERMANENTLY.

Artemis-Generated "Request and Authorization for Records Disposal"

REQUI AUTHORIA RECORDS 2. Request Id/Date 34274 3/8/2016	EST AND ZATION FOR S DISPOSAL 3. Requested By	4	ior to the disposition to the disposition to the disposition to NOTE: In the every the problem is researched. Department of Services, Record J. 08625-0661, C. Request Appro	ull and items 15.A ent of an olived, the form it of the Treasury, is Management 2westions, call ved By (Electron	Treasury - Pe 50 West State		ts 295 Trenton		_
6.Archival Review Not Required Authorization is her	Microfilm	Disposal (Due to Document Com- Digital Image Damaged Re Isposal of the following public record	cords Certificate			samended. It is f		that the recor	rd
series listed herein the Federal Rules o	have exceeded their re- f Civil Procedure, Dece	spective retention periods and are no mber 2006; and are not required for	ot involved in any a present or a fut	action, such as a pure audit.	ending OPRA re	quest, litigation, o	or anticipated I	tigation as pe	
# 9. Record Series #	10. F	tecord Series Title	11.Retention Period	From (MMYYYYY)	To (MM/YYY	13.Dispo		folume Subic Feet)	
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15.B Date		16.C Authorizing Signature, Records	s Management Serv	ices		17.A Verification Si	gnature	17.B Date	
					Form N	in. CR-AA-0005 (rev	09-11-2012)	Page	1 of 1

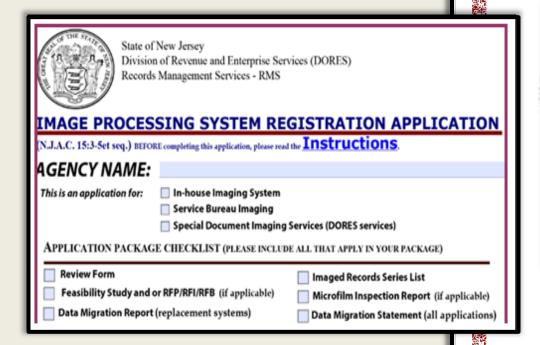
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Image Processing System Certification

Registration No. «Certification_»

STATE OF NEW JERSEY STATE RECORDS COMMITTEE

PUBLIC RECORDS IMAGE PROCESSING SYSTEM
CERTIFICATE OF REGISTRATION





Assistant Director
Division of Revenue and Enterprise Services-RMS

«Certification_Date»

Image Processing System Registration Application and Annual Renewal

As per *PL 1994, c. 140*, the State of New Jersey allows for the replacement of hardcopy public records with digital and microform images (e.g., Optical Disk, CD, DVD, Magnetic Tape & Microfilm).

The State Records Committee and Records Management Services issues Initial and Annual Imaging System Certifications to an Agency for an in-house or outsourced, **Non-Proprietary** imaging application. Documents required for obtaining an Initial and Annual Imaging Certification from the State Records Committee and Records Management Services include:

> Image Processing System Initial Registration Application

- Scanning Policy and Procedures
- Disaster Prevention and Recovery
- Data Migration Path
- Feasibility Study
- RFP/RFI/RFB
- Vendor Detail
- Imaged Records Series List
- Proof of Public Notice

NOTE 1: **PDF/A** is the only acceptable format.

NOTE 2: When certifying multiple offices, set up the Imaging System as an "Enterprise-wide System" for present and future expansion.

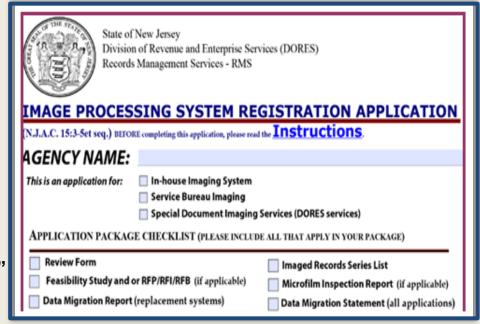


Image Processing System Certificate of Registration



Image Processing System Certification Letter



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF THE TREASURY
DIVISION OF REVENUE AND ENTERPRISE SERVICES
RECORDS MANAGEMENT SERVICES
P. O. BOX 661
TRENTON, NEW JERSEY 08625-0661

ELIZABETH MAHER MUOIO State Treasurer

SHEILA Y. OLIVER Lt. Governor JAMES J. FRUSCIONE Director

9 November 2022

Clerk City of Brigantine 1417 West Brigantine Avenue Brigantine, New Jersey 08203

Dear

This is to verify that the public records image processing system for the City of Brigantine was registered by the Records Management Services (RMS) on 09 November 2022, Registration Number 22110905-MP and is in compliance with the standards, procedures and guidelines adopted under N.J.A.C. 15:3-4, *Image Processing for Public Records*. This registration should be retained permanently by your agency, and a copy of it should accompany any future disposal requests for destruction of original records maintained on this system, pursuant to N.J.S.A. 47:3-17. Your agency must submit appropriate documentation to request destruction of the imaged records at such time as the record's lifecycle has expired.

Your system will be due for an annual review and renewal of registration per N.J.A.C. 15:3-5.6 on 1 October 2023.

Sincerely,

Division of Revenue and Enterprise Services-RMS

c: file

New Jersey Is An Equal Opportunity Employer - Printed on Recycled Paper and Recyclable

Image Processing System Annual Renewal/Amendment

Imaging Regi Annual Revie	stration ew/Amendment Form
	Trenton, NJ 08625-0661 St. 5th Floor Trenton, NJ 08625
A NNUAL REVIEW	AMENDMENT ANNUAL REVIEW AND AMENDMENT
A GENCY NA	ME:
CERTIFICATE	#:
Primary Contact Nam Address:	e:
Phone/fax/email:	
Custodian of Records Address:	Name:
Phone/fax/email:	
Preferred Annual Rev	ew Date (choose 1):
January 1	April 1 July 1 October 1
	this the annual review date for all certified systems in your agency? No
If yes, please list othe	r certified systems:
1. Has your agency o	dded additional records series or inclusive years to your imaging system?
	mit the imaged Records Series List for each retention schedule/office whose records are m
Imaged Records	Series List(s) attached
	ded to or upgraded the hardware and/or software for your Image processing system? res, attach appropriate documentation.)

a. Our agency has not produced any microfilm since out last annual review b. Our agency has its microfilm produced or processed by DORES C. Our agency produces its own microfilm or has its microfilm produced by a vendor. If you checked c. you must submit a reel of microfilm for each size produced for inspection BEFORE submitting an Annual Review/Amendment. This reel should be an original silver halide production copy, NOT a sample. Microfilm must be accompanied by a completed Microfilm Submission Form. Microfilm will be returned to the agency. A passing Microfilm inspection must accompany this Annual Review/Amendment Form. 5. Has your agency changed vendors? This includes vendors for: Imaging services, micrographics, hardware or software, maintenance. Yes	b. Our agency has its microfilm produced or processed by DORES c. Our agency produces its own microfilm or has its microfilm produced by a vendor. If you checked c. you must submit a reel of microfilm for each size produced for inspection BEFORE submitting an Annual Review/Amendment. This reel should be an original silver halide production copy, NOT a sample. Microfilm must be accompanied by a completed Microfilm Submission Form. Microfilm will be returned to the agency. A passing Microfilm inspection must accompany this Annual Review/Amendment Form. 5. Has your agency changed vendors? This includes vendors for: Imaging services, micrographics, hardware or software, maintenance. Yes No (If yes, attach appropriate documentation, including the names of the old and new vendors and contact information) 6. Does your agency want to Implement a migration path for long term records if you have not already? Yes No (If yes, attach appropriate documentation.) A GENCY VERIFICATION: I hereby certify that the documentation listed on and/or attached to this Image Processing System Annual Review/Amendment Form is a true and an accurate reflection of the agency's image processing system upon this date and is submitted in compliance with N.J.A.C.15:3-5.6. Legal Custodian: Print Name Signature: Date For questions or further assistance, contact your agency Records Analyst.		res, attach appropriate do Microfilm Inspecti		
submitting an Annual Review/Amendment. This reel should be an original silver halide production copy, NOT a sample. Microfilm must be accompanied by a completed Microfilm Submission Form. Microfilm will be returned to the agency. A passing Microfilm inspection must accompany this Annual Review/Amendment Form. 5. Has your agency changed vendors? This includes vendors for: Imaging services, micrographics, hardware or software, maintenance.	submitting an Annual Review/Amendment. This reel should be an original silver halide production copy, NOT a sample. Microfilm must be accompanied by a completed Microfilm Submission Form. Microfilm will be returned to the agency. A passing Microfilm inspection must accompany this Annual Review/Amendment Form. 5. Has your agency changed vendors? This includes vendors for: Imaging services, micrographics, hardware or software, maintenance. 1. Les No (If yes, attach appropriate documentation, including the names of the old and new vendors and contact information) 6. Does your agency want to Implement a migration path for long term records if you have not already? 1. No (If yes, attach appropriate documentation.) A GENCY VERIFICATION: Ihereby certify that the documentation listed on and/or attached to this Image Processing System Annual Review/Amendment Form is a true and an accurate reflection of the agency's image processing system upon this date and is submitted in compliance with N.J.A.C.15:3-5.6. Legal Custodian: Print Name Signature: Date For questions or further assistance, contact your agency Records Analyst.	b. Our agency has	its microfilm produced o	r processed by DORES	a vendor.
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For questions or further assistance, contact your agency Records Analyst.	For questions or further assistance, contact your agency Records Analyst. Submit by Email Attach Documentation	and contact informat	want to implement a migra		you have not already?
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Image Processing System Certification Letter of Annual Renewal



State of New Jersey

DEPARTMENT OF THE TREASURY DIVISION OF REVENUE AND ENTERPRISE SERVICES RECORDS MANAGEMENT SERVICES P.O. BOX 661 TRENTON, NJ 08625-0661

ELIZABETH MAHER MUOIO State Treasurer

JAMES A.FRUSCIONE
Director

PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

21 June 2022

Dear __[Name]

This is to verify that the annual renewal/amendment for the registered Public Records Image Processing System (#01092001) for public records of NJ Department of Transportation has been determined by the staff of the Department of Treasury Division of Revenue and Enterprise Services, Records Management Services to be in compliance with the standards, procedures and guidelines adopted under N.J.A.C. 15:3-4, Image Processing for Public Records.

The destruction of original records must adhere to the procedures mandated by State Statutes per $N.J.S.A.\ 47:3-15\ to\ 30$, including the submission of a "Request and Authorization for Records Disposal" form accompanied by a copy of the "Certificate of Registration."

Regulations allow an agency to choose their annual review date from the following dates, January 1, April 1, July 1 and October 1. We have temporally assigned you a new date. *Your next annual review will be due, July 1, 2023.* If you would rather have one of the other dates, please let us know as soon as possible.

Respectfully,

Liz Hartmann

Image Processing System Guidelines When Contracting a Vendor

- 1. Ensure it is understood that hardcopy & imaged records are **Public Records** and **belong to the Public Agency**.
- 2. Ensure that the stored records are classified in accordance with their records retention schedules.
- 3. Require security controls to prevent unauthorized records access, manipulation, defacement or destruction.
- 4. Be aware of storage and backup locations restrictions.
- 5. Prohibit the Vendor from destroying any Imaged records unless the agency specifically directs the action.
- 6. Require the Vendor to document changes in their format/programming that may affect records access.
- 7. Specify records transfer requirements for contract-exit processes.
- 8. Ensure records are **retrievable and accessible** in response to OPRA Requests, Audits, Subpoenas, Investigations, e-Discovery, Litigation Holds and Litigation.

The Cloud

Due to the nature of virtual cloud storage, precautions must be taken when dealing with Database Data, Metadata, Portable Data, Text Messages, Email and Electronic Communications.

Records & Health Professionals should work across disciplinary lines to protect these records with the same considerations that were always given for hardcopy records:

- Auditors
- Procurement Professionals
- Legal Advisors
- Health Information Technology Staff
- Health Information/Internal Security Staff
- Agency Managers
- Records Management Liaisons
- Risk Management Professionals

Cloud Storage Guidelines When Contracting With a Vendor

- 1. Ensure it is understood that hardcopy & imaged records are **Public Records** that **belong to you.**
- 2. Ensure that the stored records are classified in accordance with their records retention schedules.
- Require security controls to prevent unauthorized records access, manipulation, defacement or destruction.
- 4. Be aware of storage and backup locations restrictions.
- 5. Monitor the life-cycle of records stored in the Cloud creation, storage, access, storage or legal destruction.
- Prohibit the Vendor from destroying or image records unless the Agency specifically directs the action.
- 7. Require the Vendor to document changes in their format/programming that may affect records access.
- 8. Specify records transfer requirements for contract-exit processes.
- 9. Ensure records are retrievable and accessible in response to Audits, Subpoenas, Investigations, e-Discovery, Litigation Holds and Litigation.

Email & Electronic Communication



Email & Electronic Communication

Including content, metadata and attachments, are Public Records with the same Records Retention, Disposition, Access, Intellectual Property, Legal Rules of Evidence and e-Discovery concerns as hardcopy or microform records. This includes: Email, Blogs, Wikis, Pod Casts, Social Media, Posts, Text, Chats, etc.

Email & Electronic Communication Management Guidelines

Email and Electronic Communications System should have:

- Security Controls that guard against unauthorized access, use, modification, dissemination, disclosure and/or destruction as Email is often a phishing target.
- Provisions for the administration of "Litigation Holds" and Compliance Audits.
- Back-up and Disaster Recovery for the restoration of Email.
- Authorized Agency IT Staff should control the tracking, indexing archiving, access, retention and disposition of Email records in the Email Central Storage/Management System.

Consult the General Schedule - General Retention:

Retentions for Email and Electronic Communication - in general, a **seven** (7) **year retention period** is regarded for the Retention and Disposition of Email.

Adopt

Polices for Email, Social Media and Internet usage with ongoing Agency-wide training.

Implement

Security Controls that guard against unauthorized access, use, modification, dissemination, disclosure and/or destruction as Email is often a phishing target.

Establish

Provisions for "Litigation Holds" and Compliance Audits.

Institute

Back-up and Recovery methods for the restoration of Email.

Authorized Agency IT Staff

Only authorized IT staff should control the tracking, indexing archiving, access, retention and disposition of Email records.

Email Safeguards

- Strong passwords and multi-factor authentication (MFA)
- Email encryption
- Email sender identity authentication protocols
- Data Loss Prevention (DLP) to detect & block sensitive data from being sent
- Routine backups and software updates

Email Threats

- Phishing Emails aimed at stealing information
- Malware & Ransomware Malicious software delivered via email
- Business Email Compromise (BEC) Criminals impersonate executives, vendors, or business partners to initiate wire transfers or divulge confidential information
- Data Loss Accidental or Deliberate leak of data through email
- Email Spoofing Emails that appear to originate from legitimate sources to deceive recipients
- Weak Passwords Increase the risk of unauthorized access and account compromise





Social Media

Interactive communication, web-based & mobile technology, **not the same as Digitally-borne or Website records.** On a website, you can print hardcopy and control and protect it; whereas Social Media, you **cannot** control it and it **can** be altered and or removed.

Social Media

Global, immediate and very accessible!

Public

Records Retention & Disposition directives should be established regarding content, language, subject matter, which includes: blogs, Wikis, Pod casts, Metadata, TEAMS, OneDrive, SharePoint and Email regarding – Operational Records, Meetings, Events, Chats & Recordings

Disclaimer

Should accompany the data being placed on a Social Media site and hardcopy should be printed as an audit trail in the event of e-Discovery, Litigation, etc.

Security

Social Media can be altered and used as a portal for Cyberattack, which presents a real concern for an agency's ability to operate effectively and release vital public information.

Passwords

Use different passwords for every social network used a single password enables a hacker to get access to everything.

Be careful of your mailbox

Direct messages are a form of phishing to get access.

Internet

Due to ever-changing content & structure, an agency's website should be routinely maintained and its hardware, software, metadata and content should reflect the following areas of concern:

Enterprise-wide Records & Information Management Policy

Records Access Perspective

Public and Private Access

Security Perspective

Implemented & Monitored Data Security/Encryption

Health IT Perspective

Website Creation, Maintenance, Growth & Security

Intellectual Property & Historical Perspective

Digitally-born documents if not printed, may be lost

Legal Perspective

Litigation, Rules of Evidence & e-Discovery

Financial Perspective

Federal, State or Local Audit

Blockchain

A transparent, decentralized "distributed digital ledger" of data blocks recording transactions chronologically across a cryptographic network linked chronologically in a "chain" that in theory, cannot be altered – however blockchain can be hacked.

Audit Trail

• Financial and Programmatic Audits - data "chained" together that is irreversible and cannot be altered, such as cryptocurrency, contracts, records, etc.

Data Management

- Secure Data Storage Decentralized and Distributed harder to attack
- Control over Records Access and Processing every transaction is recorded and can be accounted

Supply Chain Management

- Authenticity Verification
- Transparent
- Cost & Time Saving

Expedite Claim Processing & Contract Management

• "Plays well" well with online, automated claims and contracts processing and transactions

Four (4) Types of Blockchain

- **Public blockchain** anonymous, open network
- **Private blockchain** permission, closed network
- **Hybrid blockchain** combination of public and private network
- Consortium/Federated blockchain combination of public and private where members collaborate in a decentralized network



VITAL RECORDS: LIFE RELATED

Life event-related records maintained by State, County, Municipal Agencies - Birth, Death, Marriage, Adoption, Divorce, Domestic Partnership, Civil Union, Custody, Separation, Drivers License, Disability ID, and SSN and Religious Institutions - Sacramental Records*.

Public Health

Data collection, statistics, research, monitoring trends, tracking disease and developing public health programs.

• Legal

Legal procedures, proving identity and residence, applying for benefits and obtaining citizenship.

• Genealogical Research

*Religious Sacramental Records have been used as proof of residency.



VITAL RECORDS: MEDICAL

Records and data imperative to maintain life, such as:

- Prescriptions
- Medication(s)
- Living Will
- Medical Diagnosis
- HIPAA
- Power of Attorney



VITAL RECORDS: OPERATIONAL



Records, regardless of their medium, that are deemed Essential in case of Litigation, Prove Legal Ownership, Emergency, Disaster, and Cyber Breach – they typically comprise 10% of an Agency's records.



However, the best laid plans...

Disaster Prevention & Recovery/Business Continuity of Operations (COOP) Plan

Objective

To **identify the major operational records** (Hardcopy, Electronic, Digital, etc.) and institute measures for their protection in the event of a Disaster (Cyberattacked or Destroyed) and mitigate data loss; ensure data integrity and access and resume operations and services quickly, efficiently and effectively to lessen the amount of damage and associated costs relating to:

- Data & Information
- Lost Revenue
- Wages
- Labor
- Employee Morale
- Customer Goodwill
- Marketing Opportunities
- Incurred Bank Fees
- Incurred Legal Penalties &
- Bad Publicity



Disaster Prevention & Recovery Business Continuity of Operations (COOP) Plan

Used in conjunction with: Security Standards, Guidelines, Policy and Procedures, Client Network Installation and De-installation Plans, Hardware and Software supporting documentation.

ESTABLISH

- Disaster Prevention & Recovery and Business Continuity of Operations (COOP) Plan
- Identify Physical and Cyber Vendors for: Disaster Recovery Services and Supplies, System Hardware and Software and Information and Electronic Disaster Recovery Services
- Establish Disaster Recovery & COOP Team Management, Records Management, Key IT Staff, Custodian of Public Record and Local Law Enforcement
- Create an Agency Chain of Command
- Designate Data Center Hot & Cold Site(s) & Alternate Operations Site for Staff, IT and Records

IDENTIFY

- Hardware and Software (manufacturer, models and versions)
- Identify the Agency's Vital Records Legal, Fiscal, Personnel, Contracts, Plans, etc.
- Potential Recovery Costs associated with Hardware, Software, Supplies, Technology Supplies, etc.

RETAIN

• Retain hardcopy of the Disaster Prevention & Recovery and Continuity of Operations Plan in various safe and accessible in offsite locations and with every Disaster Recovery & COOP Team Member.

REVISE

Create the Plan! Test The Plan! Revise The Plan! Re-Test The Plan!

If a Records Disaster should strike...

Check

Your Insurance Policy!

Implement

Disaster Prevention & Recovery Plan!

Assemble Disaster Prevention & Recovery Team - Management, Records Management, Custodian of Public Record, State Cybersecurity and Law Enforcement Agencies

Conduct an Assessment

To ascertain if the Damaged Records and Information may have had backups such as, Hardcopy, Optical Disk or Microform that may be salvaged.

Submit to DORES-RMS

Damaged Records Report for presentation before the State Records Committee (SRC).

TECHNOLOGY A DOUBLE-EDGED SWORD?

Information Technology fosters Operational Efficiencies but it can also create Internal and External Operational Single & Multiple Threat Groups that can:



Cause Physical Harm

Affect Employee Morale

Disrupt and/or Shutdown Operations

Alter, Corrupt and/or Destroy Information

Exploit to Ruin an Agency's Credibility & Reputation

Inflict Legal, Intellectual, Political & Financial Ramifications

Cyber Security

Cyber Security

Safeguarding devices, hardware, software, networks, data and information from cybercriminal attacks including but not limited to: phishing, ransomware, identity theft, data breaches, espionage and nation-state attacks.

Data and Information Targets

Personal & Sensitive Data, Protected Health Information (PHI), Personally Identifiable Information (PII), Electronic Medical Record (EMR), Electronic Health Record (EHR), Personal and Sensitive Data, Intellectual Property, Personal Information, Financial, Educational, Government and Business Information Systems.

Cyber Security Key Elements:

Disaster Prevention and Recovery

Business Continuity

Cloud Security

Email, Internet & Social Media Security

Identity Management

Data Security

Mobile Security

Network Security

Vital Records

COMMON TYPES OF CYBERATTACK



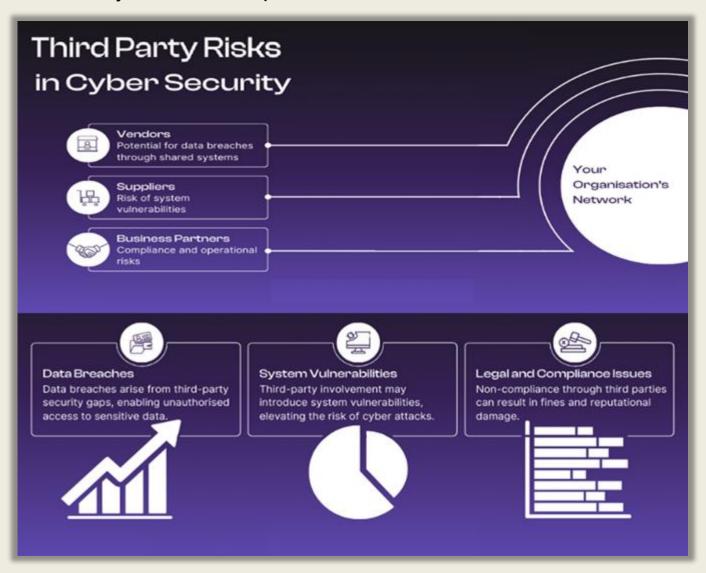
CYBER ATTACK TYPES

Cyber Attacks may be a single or group attack, a one-time or a repeated attack for: Financial Gain, Espionage, Sabotage, Fraud, Influence, Notoriety, etc.

- Phishing, Spearphishing, Smishing, Typosquatting, Vishing, Whaling
- Ransomware/Scareware
- Malware & Wiper Malware Families
- Exploit & Prior Compromise
- Cyber-Physical Attack
- Man-in-the-Middle Attack (MITM)
- SQL injection
- Identity Theft, Medical Information & Stolen Devices/Credentials/IDs
- Al-generated Voices in Video & Robocalls
- Stalkerware/Spyware
- Denial of Service (DoS)
- SIM Swap Attacks/SIM Swap Scam/Port-out Scam/SIM Splitting/ Smishing / Simjacking /SIM Swapping) Account Takeover (ATO)

Third-Party Contractor or Vendor Risks

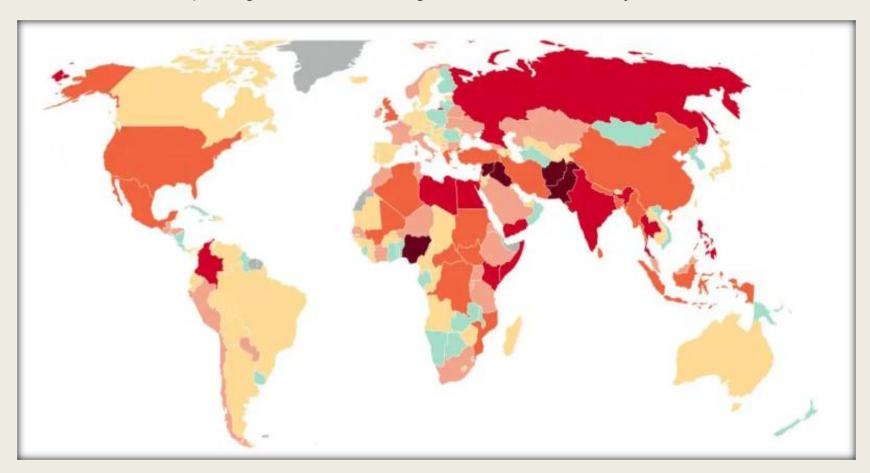
Direct access to people, facilities, networks and/or systems could unknowingly pose a risk to an agency. In addition, they could pose a threat through their network databases and systems if their security became compromised.



Noted Regions of Nation State-Sponsored Cyberterrorism, Cyber Security Wars & Attacks

Americas - North & South Asia-Pacific (APAC) Europe-Middle East-Africa (EMA)

Cyber Attacks may be a single/group attack(s), a one-time/repeated attack(s) for Financial Gain, Espionage, Fraud, Sabotage, Influence, Notoriety, etc.



THREE (3) CYBER ATTACK STRATEGIES



ZERO TRUST POLICY



CIA STRATEGY

CIA

Confidentiality

Only Authorized Individuals can access information.

Integrity

Only Authorized Individuals can alter, add or remove sensitive information.

Availability

Systems, Functions and Data must be accessible on-demand.



ETHICAL HACKING



Ethical Hacking

An agency-authorized deliberate attempt to gain unauthorized access to its System, Applications and/or Data through duplicating the strategies and actions of a Hacker to identify system security vulnerabilities and resolve them **before** a real cyber attack occurs.

Cybersecurity Incident Response Plan



Much like the Vital Records Plan, a Cybersecurity Incident Response Plan, identifies essential personnel, vendors, equipment and alternate space which are imperative to resume offsite daily operations and safely mitigate the consequences of such an event:

Before a Cyberattack

ESTABLISH

- Vendors Lists: Disaster Recovery Services/Supplies, System
 Hardware/Software Information and Electronic Disaster Recovery Services
- Cyber Security Team: Management, Records Management, IT, Custodian of Public Record, State Cyber Security Agencies & Local Law Enforcement
- Create an Agency Chain of Command
- Designate Data Center Hot & Cold Site(s) and establish an Alternate Operations Site for Staff, IT and Records
- MVR Monitoring: Continuous (24/7/365) automated Monitoring, Verification and Reporting – "End-to-End"

Cybersecurity Incident Response Plan

ESTABLISH cont.

- Physical Security: Enterprise-wide Policies and Procedures
- Data Encryption: Storage/transit/network-wide
- Firewalls & Filters: Prevent illicit network traffic
- Software/Antivirus/Antimalware: Routine update and patching, detect & prevent unauthorized access and/or intrusion and minimize Dwell Time
- Back-up: Data and Records
- Computer: Configuration Management
- Security Event: Management and Reporting
- Data Security: Policies and Procedures

Cybersecurity Incident Response Plan

ASSEMBLE

- Activation Authority Procedures
- Specific Task(s) List
- Disaster Recovery Team List
- Response Team List
- Vital Records Protection Methods/Equipment <u>Already</u> Employed
- Cyber Security Response Procedures Distribution List
- Cyber Security Monitoring Procedures
- Communications and Media Sources
- Backup and Hot/Cold Site Locations
- Federal Agency & State Agency Cyber Security Resource Lists
- Cyber Security & Firewall Software Vendor Lists
- Hardware and Software Lists

RETAIN

 Retain hardcopy of the Disaster Prevention & Recovery and Continuity of Operations Plan in various safe and accessible offsite locations and with every Disaster Recovery & COOP Team Member.

Cybersecurity Incident Response Plan

In the event of a cyberattack...

IDENTIFY

- Assemble Cybersecurity TEAM
- Identify and Target attacked areas as best as possible
- Isolate them from further attack, quickly as possible
- Check your Insurance Policy
- Reach out immediately to the NJ Office of Homeland Security for assistance 1-866-4-SAFE-NJ
- Resume operations safely & efficiently as possible
- Reassure staff, clients, constituents
- Ensure the normal flow of business as quickly as possible seconds count!
- Submit DORES-RMS Cyber Attack Records Report for presentation before the State Records Committee (SRC).

Artificial Intelligence (AI) Defined

Artificial Intelligence (AI) - Computers that perform reasoning, decision making, problem solving and learning on a level that exceeds human intelligence through processing large quantities of data and identifying patterns and relationships utilizing Computer Science, Data Analytics, Statistics, Hardware & Software Engineering, Linguistics, Neuroscience, Philosophy and Psychology.

- Machine Learning (ML) A subset of AI that use data and algorithms to replicate how a human learns and quantitatively improve its accuracy.
- Deep Learning (DL) A subset of ML that uses multilayered neural networks (Deep Neural Network [DNN]) to simulate the complex decision-making function of the human brain.
- Generative Artificial Intelligence (GAI) A subset of AI that can analyze code, syntax, functions, words, grammar, semantics and context to constantly refine, rebuild and perfect itself.
- Natural Language Processing (NLP) The process of Speech Recognition and Synthesis, Question Answering, Information Retrieval in a human language format.

Al Applications & Strategies: Positive

Medical: DaVinci Robot Enhanced Surgical Procedures

Interaction via Human Speech: Siri and Alexa

Human-Machine: Interaction techniques

Robotics: Productivity enhancements

Government: Enhance processing times

Educational: Intelligent tutoring and adaptive learning tools

Generative & Creative Tools: ChatGPT,* CoPilot, Gemini, Claude

Cyber Incursions & Defense: Applications for Detection and Elimination

Climate Change: Advanced Strategies & Techniques

*ChatGPT, a chatbot application using Generative Pre-trained Transformer (GPT) technology.

Al Applications & Strategies: Negative

Medical: Bad Al Data resulting in Mis-Diagnosis & Incorrect Procedure/Treatment;

Taking Wrong Mediation or Taking Incorrect Dosage of Medication

Human Visual & Speech: Perfect Impersonation

Human-Machine Interaction Techniques: Replace Human involvement

Government: Warfare, Espionage, Control, Fake Data & Fake Information

Education: Replace Human Student-Teacher Classroom Learning Experience

Übermensch, Super-man, Superhuman: "Terminator"?

War-gaming: Advanced Warfare Techniques and Strategies

Workforce: Replace White Collar & Blue Collar Jobs

Global Control & Interaction: Distribute False Information

Decrease Human Contact/Interaction/Relationships: Loneliness and Isolation

Al can make mistakes, so double-check responses

AI & Ethics

The NEED for Government Regulations and Control to Prevent Misuse

Moral Compass for Emerging Technology & Innovation

Legal & Financial Ramifications

Maintaining Confidentiality

Al Threats & Ethical Risks

Fake Data & Information Distribution

Al Threat of Replacing Humans Jobs

An Overall Threat

Emotional Attachment to AI - Distorted Human Social

Expectations/Relations

Social Isolation - Atrophy of Human Empathy

Replace Human-to-Human Relationships

Al & the Human Touch

Al Needs a real flesh & blood Human Being

Be part of the loop

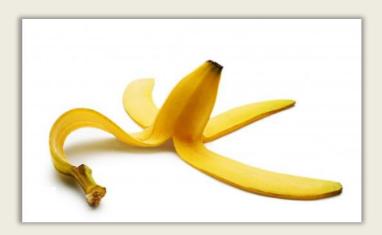
Perform Decision Management

Human introduction & oversight of standards, procedures, etc.

Foster Effective Negotiations between individuals or groups

Ensure that no Bad Data is getting into the process, the IT adage still applies:

"Garbage in, Garbage out" —————— "Bad AI in, Bad AI out"



GLOBAL AREAS OF AI PROCESSING EFFICIENCY OR AI TAKE OVER?

Agencies & Institutions

Healthcare
Government
Financial Institutions
Education
Higher Education
Nonprofit Organizations
Religious Institutions
Business
Military

Operations & Services

High Tech
Telecommunications
Entertainment & Media
Construction & Engineering
Transportation & Logistics
Energy & Utilities
Retail
Manufacturing
Hospitality



Records & Information Management, OPRA and Al

A thorough and efficient Records and Information Management Program should be the foundation before implementing an Al Application.

Public Agencies must continue safeguarding their Public Records and conducting ongoing due diligence on the part of the "Human Component" - Records Manager, IT, Legal, etc. pertaining to: Data Retention, Disposition, Conversion, Preservation, Migration, and Protection of the AI process.







Records & Information Management, OPRA and Al

Enhanced Knowledge Capture and Analysis for Information and Services - Al and Generative Al can search, retrieve, process and provide information at rapid speed and create reports, audio & video –

Customer Service Process - Enhancing customer response turnaround for information processing and delivery.

High Speed Data Search & Retrieval - Search and Retrieval Systems are able to understand queries and extract relevant information from structured and unstructured data sources quickly and accurately ex., OPRA Request Processing.

Data Governance - Data Analysis repositories and can identify PII, PHI and Confidential information providing guidelines for ethical use of information.

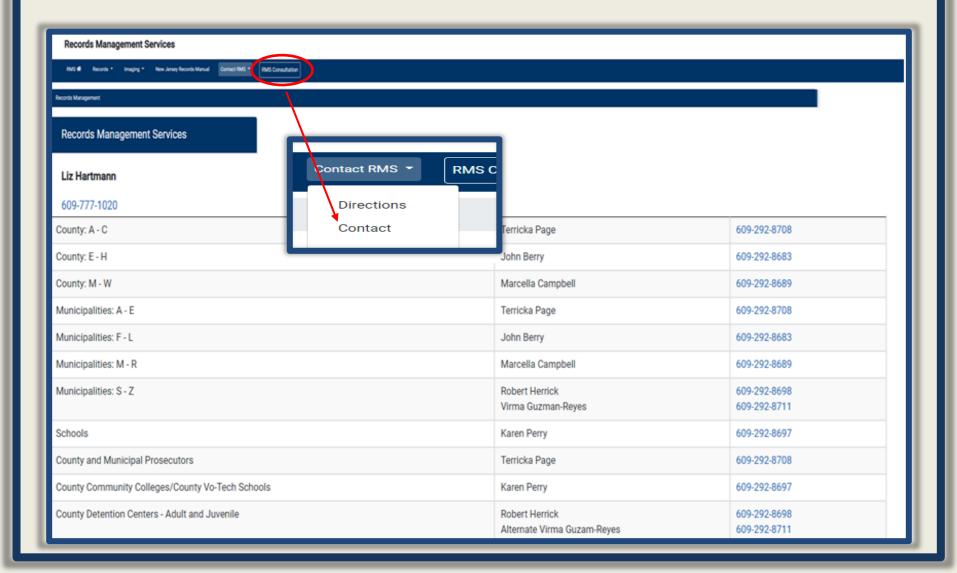
Data Compliance - Regulatory Compliance monitor and detect abnormalities, visual security, authentication which has the potential to reduce risk of data breaches.



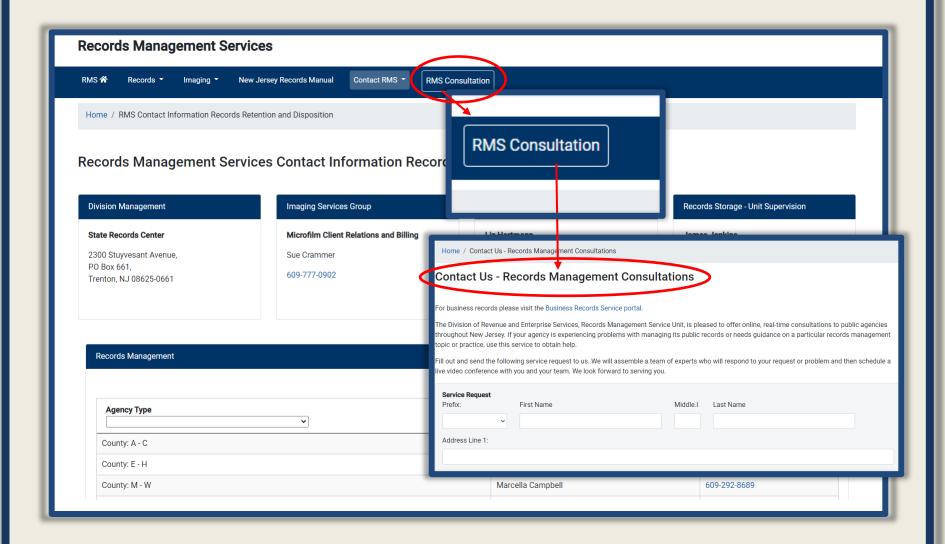
Department of the Treasury Division of Revenue and Enterprise Services Records Management Services PO Box 661 Trenton, NJ 08625 609-292-8711

https://www.nj.gov/treasury/revenue/rms/index.shtml

Records Management Services Staff Contact



Records Management Services Staff Consultation



Thank You.