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State Laws Regarding the Photographic Preservation of Records

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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State Laws Regarding the Photographic Preservation of Records 3
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County public records commissions may authorize the destruction of original records that have been reproduced through photocopying, photostating, filming, microfilming, or other micro-photographic process.^[1] When doing so, the records must be reproduced in duplicate. The reproduction must result in permanent records of a quality at least as good as is prescribed by the minimum standards for permanent photographic records as established by the Bureau of Standards of the United States government (now the National Institute for Standards Testing). One copy of the reproduction shall be stored for safekeeping in a place selected by the county public records commission and concurred in by the county legislative body. If proper facilities are available, the location should be within Tennessee. The storage location should be selected based on the goal of preserving the records from fire and all other hazards. The other copy of the records must be kept in an office in the county accessible to the public and to county officers, together with the necessary equipment for examining the records whenever required and requested by the public during reasonable office hours. Microfilmed records may be kept in the office that generated the records, or, if the records commission determines, all such records of the county may be kept in one central microfilm repository for all microfilm records of the county.^[2] The law specifically states that it is the intent of the General Assembly to provide for the original recording of any and all instruments by photograph, photostat, film, microfilm or other microphotographic process.^[3] Other statutes also provide that county election commissions, with the approval of their county legislative bodies, may use a supplemental system for maintaining voter registration using microfilm.^[4]

State Microfilming Program

Before embarking on their own microfilming program, county offices should consult with the Tennessee State Library and Archives to find out more about the services available from that agency and for its recommendations on working with private vendors. The office of Preservation Services, Tennessee State Library and Archives may be reached by phone at (615) 741-2764. The law provides that the Tennessee State Library and Archives is charged with providing trained staff and appropriate equipment necessary to produce and store microfilm reproductions of official, permanent value bound volume records created by county and municipal governments. To implement this security microfilming program, the Tennessee state librarian and archivist is authorized to develop a priority listing of essential records based on retention schedules developed by the County Technical Assistance Service and the Municipal Technical Advisory Service. This priority listing of essential records may be revised from time to time to accommodate critical needs in individual counties or municipalities or to reflect changes in retention schedules. The camera negative of the microfilmed records shall be stored in the security vault at the Tennessee State Library and Archives and duplicate rolls of these microfilmed records shall be made available to county and municipal governments on a cost basis.^[5]

Budgetary constraints over recent years have forced the Tennessee State Library and Archives to scale back some of the microfilming services it offers. However, the agency still performs limited microfilming services free for local governments and remains the best objective source of information and advice about microfilming for Tennessee counties.

[1] T.C.A. § 10-7-404(a).

[2] T.C.A. § 10-7-406.

[3] T.C.A. § 10-7-406.

[4] T.C.A. § 2-2-137.

[5] Title 10, Chapter 7, Part 5.

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