

CHAPTER 04 - OFFICE OF ARCHIVES AND HISTORY

SUBCHAPTER 04M – DIVISION OF ARCHIVES AND RECORDS

SECTION .0100 - STATE ARCHIVES OF NORTH CAROLINA: USE AND SERVICES

- 07 NCAC 04M .0101** STATEMENT OF PURPOSE OF ARCHIVES AND RECORDS SECTION
- 07 NCAC 04M .0102** ARCHIVES SEARCH ROOM HOURS
- 07 NCAC 04M .0103** ARCHIVES REFERENCE SERVICES

History Note: Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;
Eff. February 1, 1985;
Amended Eff. April 1, 2001; June 1, 1989, May 3, 1986;
Repealed Eff. June 1, 2014.

07 NCAC 04M .0104 ARCHIVES STACKS

The stacks storing archival collections are not public spaces.

History Note: Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;
Eff. February 1, 1985;
Amended Eff. June 1, 2014; April 1, 2001; June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04M .0105 PUBLIC RESEARCH FACILITIES

Rules governing researchers' use of the Division of Archives and Records public research facilities are as follows:

- (1) Brief cases, attache cases, bags, coats, or other bulky clothing, notebooks, envelopes, pad folders, privately owned books, maps, and old manuscripts shall not be taken into the research facilities. Lockers and coat racks are provided outside the research facilities for such items.
- (2) Access to the archival collections shall only be by presentation of current photo identification, providing accurate name and address.
- (3) Researchers shall request archival records by completing the call slips or records request form provided by each facility. Information required to request records includes researcher's name, date, and citation or records to be requested.
- (4) The research facility in Raleigh shall issue researchers identification cards to be used when requesting archival records. To receive records in Raleigh, the identification card shall be surrendered to a member of the research facility staff. Upon leaving the research facility in Raleigh, the researcher shall surrender his or her identification card to a member of the research facility staff.
- (5) A researcher may request more than one box or volume of records. However, a researcher may access only one box of loose records or up to three volumes of records at any one time. When use of the box or volumes is completed, the researcher shall return the records prior to obtaining another box or other volumes of records.
- (6) Staff shall examine any materials the researcher brings into or removes from the research facilities.
- (7) Researchers shall exercise care in handling records, manuscripts, books, or other materials. In particular, researchers shall observe the following:
 - (a) Manuscripts shall not be marked or otherwise altered or defaced.
 - (b) Pens, highlighters, and other writing instruments that create permanent marks shall not be permitted in research facilities.
 - (c) No items shall be used as "pointers" when reading original records.
 - (d) Tape and other office supplies, such as correction fluid and gum erasers, shall not be permitted in the research facilities. Pencils shall be used with great care to ensure no marks or other damages are made to the materials.
 - (e) Researchers shall not return books or other materials to research facility shelves; these shall be replaced by a staff member.
 - (f) All manuscripts, volumes, and reference books from the research facility shelves shall be placed on the tables or reading stands provided in the research facility; they shall not be held in the lap or propped against the edge of a table.

- (g) Only one folder of loose papers from a box of loose papers shall be opened at one time in order to avoid mixing of records or folders.
- (h) Papers shall not be rearranged under any circumstances. If a researcher thinks something is out of order, he or she shall notify a staff member.
- (i) Records from the stacks and reference materials from the research facility shall not be permitted in the microfilm reading room.
- (8) Smoking, eating, or drinking shall not be permitted in the research facilities.
- (9) A researcher wishing to temporarily leave the research facility must turn in all pulled archival records and verify his or her registration when reentering.
- (10) Orders for copies placed in person by a researcher shall not exceed 50 copies per researcher per day. Fees for such orders shall be paid at the time the copies are made and may not be billed.
- (11) Equipment deemed by the Archives Conservator to be damaging to archival records shall not be used in the research facilities. The Archives Conservator shall make this determination based upon harm caused by excessive light exposure, tearing, or otherwise defacing the document. This shall include the use of equipment that sits on top of or pulls an original item through it to capture the image or provides light levels that damage the document.

History Note: Authority G.S. 121-4(3); 121-5(d); 132-6.2; 143B-62(2)a;
 Eff. February 1, 1985;
 Amended Eff. June 1, 2014; April 1, 2001; June 1, 1989;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04M .0106 DUPLICATION SERVICES

The Division of Archives and Records shall charge fees pursuant to G.S. 121-5(d) for duplication services for archival records in its custody. The following duplication services are available for archival records in the custody of the Division of Archives and Records:

- (1) photocopies of loose documents;
- (2) imaging of paper and photographic materials;
- (3) paper prints from microfilm;
- (4) negative, first-generation or "original" microfilm of records and manuscripts in the custody of the Division, except those under restriction by law or donation agreement;
- (5) duplicate microfilm of entire rolls of microfilm in the collections of the Division;
- (6) certified photocopies of public records of state agencies, counties, municipalities, or other political subdivisions of North Carolina; and
- (7) exemplifications prepared for introduction as evidence in a court of law.

History Note: Authority G.S. 121-4(3); 121-4(14); 121-5(d); 132-6.2; 143B-62(2)a;
 Eff. February 1, 1985;
 Amended Eff. June 1, 2014; April 1, 2001; June 1, 1989;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04M .0107 OUTER BANKS HISTORY CENTER GALLERY REGULATIONS

- (a) Eating, drinking, and smoking are not permitted in the Gallery.
- (b) Visitors may not touch artifacts, art works, or graphics.
- (c) Children under 12 years old must be accompanied by an adult over 18 years old.

History Note: Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a; 143B-62(2)d;
 Eff. June 1, 2014.

SECTION .0200 - LISTING OF PROFESSIONAL RESEARCHERS

07 NCAC 04M .0201 ARCHIVES MAY MAINTAIN LIST OF RESEARCHERS

As a service, the State Archives may maintain a list of professional researchers who are willing and able to undertake research service in the State Archives for a fee. This list is informational only and no endorsement is given or implied.

History Note: Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;
Eff. February 1, 1985;
Amended Eff. April 1, 2001;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04M .0202 PROCEDURE FOR LISTING

- (a) A person wishing to have his or her name listed as professional researcher shall make application in writing to: Director, Division of Archives and Records, 4614 Mail Service Center, Raleigh, North Carolina 27699-4614.
- (b) The application shall include a brief resume of the applicant's experience that demonstrates his or her qualifications and aids in establishing his or her credentials. No special form is required for the application. The application must be accompanied by three letters of recommendation from persons who have engaged the applicant in the capacity of a paid researcher.
- (c) Letters of recommendation shall be from persons who have a professional relationship with the applicant related to the subject matter of the application. The letters of recommendation shall not be from a relative of the applicant.
- (d) The letters of recommendation shall:
- (1) outline the nature and extent of the research that the applicant undertook for pay; and
 - (2) attest the satisfaction of the reference with the services rendered.

History Note: Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;
Eff. February 1, 1985;
Amended Eff. June 1, 2014; April 1, 2001;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04M .0203 APPROVAL OF REQUESTS

The Director of the Division of Archives and Records shall review applications submitted for inclusion in the list of professional researchers. If determined that the applicant satisfies the procedures for listing as set forth in Rule .0202 of this Section, then the name of the researcher shall be placed on the list of available researchers as published by the State Archives of North Carolina. The list of professional researchers shall be made available on the Division website at www.ncdcr.gov.archives and upon request in research facilities.

History Note: Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;
Eff. February 1, 1985;
Amended Eff. June 1, 2014; April 1, 2001; June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04M .0204 REMOVAL OF NAMES FROM THE LIST

- (a) The Director of the Division of Archives and Records may for good cause remove any person from the list of professional researchers.
- (b) The term "good cause" as used in this Rule shall mean:
- (1) misrepresentation of credentials or services to be provided; or
 - (2) more than three complaints in a one-year period from patrons about the work of the researcher.

History Note: Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;
Eff. February 1, 1985;
Amended Eff. June 1, 2014;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04M .0205 DEFINITION OF GOOD CAUSE

History Note: Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;
Eff. February 1, 1985;
Amended Eff. April 1, 2001;
Repealed Eff. June 1, 2014.

SECTION .0300 - ACCESSIONING PROCEDURES OF OTHER THAN PUBLIC RECORDS

07 NCAC 04M .0301 ACCEPTANCE OF NON-GOVERNMENT PAPERS

(a) Original materials of historical and cultural significance may be accepted for custody in the State Archives of North Carolina as a gift, subject to the approval of the Director of the Division of Archives and Records, or a designated representative from within the Division. Prior to acceptance, the Division shall provide a contract of gift for the donor(s) to execute. The contract of gift shall be maintained in the Division's permanent files.

(b) Materials that may be accepted include:

- (1) private manuscripts;
- (2) audio visual materials;
- (3) records of private, professional, or civic organizations;
- (4) copies of pre-1913 family Bible pages listing genealogical data; and
- (5) student academic and financial aid records from defunct post-secondary schools and colleges having a campus in North Carolina.

History Note: Authority G.S. 121-4(1); 121-4(3); 121-5(d); 143B-62(2)a; Eff. February 1, 1985; Amended Eff. June 1, 2014; June 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04M .0302 VALUATION

07 NCAC 04M .0303 ORGANIZATIONAL RECORDS

07 NCAC 04M .0304 BIBLE RECORDS

History Note: Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a; Eff. February 1, 1985; Amended Eff. April 1, 2001; June 1, 1989; Repealed Eff. June 1, 2014.

SECTION .0400 – DEACCESSIONING OF RECORDS

07 NCAC 04M .0401 REVIEW

(a) The Director of the Division of Archives and Records shall review any accessioned records in the State Archives of North Carolina when records are:

- (1) duplicates;
- (2) not in keeping with the Division collection policies available on the Division website and upon request; or
- (3) no longer have permanent historical value.

(b) Each record series of the subject records shall be inventoried. The inventory shall be forwarded to the Director of the Office of Archives and History.

History Note: Authority G.S. 121-4(3); 121-4(12); 121-5(d); 143B-62(2)a; Eff. February 1, 1985; Amended Eff. June 1, 2014; April 1, 2001; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04M .0402 PREPARATION OF LISTS

If the Director of the Office of Archives and History concurs with the decision to deaccession the identified records series, the Director of the Office of Archives and History shall ask the staff of the Division or Archives and Records to prepare a detailed list for each series of records. The detailed list shall include:

- (1) series name;
- (2) description of the records;
- (3) date(s) and the quantity of records;
- (4) statement of rationale for decision to deaccession the records; and
- (5) statement of proposed disposition of the records. Disposition methods include:
 - (a) destruction;
 - (b) transfer to another institution; or

- (c) return to donor or heirs.

History Note: Authority G.S. 121-4(3); 121-4(12); 121-5(d); 143B-62(2)a,b;
Eff. February 1, 1985;
Amended Eff. June 1, 2014;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04M .0403 APPROVAL BY HISTORICAL COMMISSION

(a) The Director of the Office of Archives and History shall send the list as set forth in Rule .0402, the rationale for the decision to deaccession the records, and the proposed disposal of the records to each member of the North Carolina Historical Commission at least seven days before the meeting at which the proposal will be considered.

(b) Following approval by the North Carolina Historical Commission, the complete list of records authorized for deaccessioning will be entered into the minutes, along with the disposal method as set forth in Rule .0402(e) of this Section.

(c) Upon receipt of the minutes of the Commission granting permission for deaccessioning, the Director of the Division of Archives and Records shall proceed as directed by the Commission, retaining records of the action within the Division's files.

History Note: Authority G.S. 121-4(3); 121-4(12); 121-5(d); 143B-62(2)a,b;
Eff. February 1, 1985;
Amended Eff. June 1, 2014;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

SECTION .0500 – STATE RECORDS CENTER

07 NCAC 04M .0501 TRANSFER OF RECORDS TO STATE RECORDS CENTER

The State Records Center shall accept for transfer to its custody the records of state agencies, county agencies, or municipal agencies, provided the records are scheduled to be transferred to the State Records Center on an approved records retention and disposition schedule. A records retention and disposition schedule is approved when signed by the creating agency and the Department of Cultural Resources.

History Note: Authority G.S. 121-4(2); 121-5(d); 132-8.1; 143B-62(2)b;
Eff. February 1, 1985;
Amended Eff. June 1, 2014;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04M .0502 LEGAL CUSTODY OF RECORDS

(a) Public records sent to the State Records Center in accordance with the provisions of an approved records retention and disposition schedule, or in accordance with any other agreement between the Department of Cultural Resources and the originating agency or department, are considered to remain in the legal and official custody of the agency that created or received the records and transferred them to the State Records Center. A request for access to, or inspection of, these records by a person other than an authorized employee of the legal custodian shall not be honored until the appropriate official of the agency having legal custody provides written authority for the request.

(b) Public records transferred to the Division of Archives and Records for permanent retention may be accessed through the public research facilities of the Division.

History Note: Authority G.S. 121-4(2); 121-5(d); 132-6(a); 143B-62(2)b;
Eff. February 1, 1985;
Amended Eff. June 1, 2014; June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04M .0503 PROCEDURES FOR TRANSFER OF RECORDS

(a) A custodian of public records shall initiate the transfer of records to the State Records Center. A representative of the custodian shall submit to the State Records Center supervisor a records transfer notice form including agency name, title

of records, reference to schedule, quantity of records, their inclusive dates, and the name and telephone number of the representative submitting the request. The custodian shall request from the Division the records transfer notice form.

(b) For transfer of paper and other physical media:

- (1) The State Records Center shall only accept records packed in State Records Center boxes. Upon request of the transferring custodian, the Division shall send the agency State Records Center boxes, labels, paper tape, and instructions on packing and labeling the boxes. The agency shall pay the Division for the materials and shipping.
- (2) The custodian initiating the transfer shall arrange records in the boxes and label boxes in accordance with instructions. Boxes that do not comply with instructions shall be returned to the custodian for correction.
- (3) Records that cannot be identified clearly and completely by the information on the label of the State Records Center box shall be accompanied by a typewritten index or box list prepared by the custodian initiating the transfer.
- (4) Records transferred from within 10 miles of Capitol Square, Raleigh, shall be shipped by arrangement with the State Records Center staff. Records transferred from beyond 10 miles of Capitol Square, Raleigh, shall be shipped by the custodian concerned and at the custodian's expense.

(c) For transfer of electronic public records:

- (1) Transfers of databases shall be accompanied by index information required in G.S. 132-6.1.
- (2) The custodian shall scan records and find them to be free of viruses. The State Records Center shall not accept any electronic public records that contain viruses.
- (3) The custodian shall generate a hash algorithm for each file being transferred. The custodian shall include the hash algorithm as part of the transfer.
- (4) The custodian shall include any metadata generated at the time of file creation and any subsequent metadata created during the use of the file in the records transfer.
- (5) Upon receipt of the transfer of electronic records, the State Records Center shall verify that the electronic records transferred were complete and unaltered by reviewing the hash algorithm and using antivirus software prior to accepting them for storage by the Division of Archives and Records.

History Note: Authority G.S. 121-4(2); 121-5(d); 132-2; 132-6.1; 143B-62(2)b;
Eff. February 1, 1985;
Amended Eff. June 1, 2014; April 1, 2001; June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04M .0504 PHYSICAL TRANSMITTAL OF RECORDS

History Note: Authority G.S. 121-4(2); 121-5(d); 143B-62(2)b;
Eff. February 1, 1985;
Repealed Eff. June 1, 1989.

07 NCAC 04M .0505 RECORDS CENTER REFERENCE SERVICE

History Note: Authority G.S. 121-4(2); 121-5(d); 143B-62(2)b;
Eff. February 1, 1985;
Amended Eff. June 1, 1989;
Repealed Eff. June 1, 2014.

07 NCAC 04M .0506 PERSONAL PICKUP FOR EMERGENCY REFERENCE

Records approved for emergency reference shall not be mailed or sent by interagency messenger service. The representative sent to retrieve records must bring identification and written authorization for release signed by the legal custodian.

History Note: Authority G.S. 121-4(2); 121-5(d); 143B-62(2)b;
Eff. February 1, 1985;

Amended Eff. June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04M .0507 PERSONNEL RECORDS

Any employee or former employee desiring access to personnel records in the possession of the State Records Center shall make the request through the personnel office of the agency that retains legal custody of the records. Upon receipt of request from the appropriate personnel office, the State Records Center shall forward personnel information to that office.

History Note: Authority G.S. 121-4(2); 121-5(d); 143B-62(2)b;
Eff. February 1, 1985;
Amended Eff. June 1, 2014; June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04M .0508 CERTIFICATION BY AGENCY WITH CUSTODY

- (a) The Department of Cultural Resources shall certify only copies of records that are in its legal custody.
- (b) Copies of records that are only in the physical custody of the State Records Center must be certified by the agency having legal custody, if such certification is requested.
- (c) If records of terminated agencies are in the State Records Center and are in the legal custody of the Department of Cultural Resources, copies shall be certified by the Department of Cultural Resources.

History Note: Authority G.S. 121-4(2),(3); 121-5(d); 132-4; 143B-62(2)b,c;
Eff. February 1, 1985;
Amended Eff. June 1, 2014;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04M .0509 DESTRUCTION OF RECORDS IN STATE RECORDS CENTER

Records transferred to the State Records Center according to Rule .0501 of this Section shall retain the same records retention and disposition schedule as when they were transferred. If the disposition of transferred records is destruction, the records shall not be destroyed until the agency with legal custody concurs in writing.

History Note: Authority G.S. 121-4(2); 121-5(b),(c),(d); 132-8.1; 143B-62(2)b;
Eff. February 1, 1985;
Amended Eff. June 1, 2014;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04M .0510 METHODS OF DESTRUCTION

- (a) When used in an approved records retention and disposition schedule, the provision that paper records are to be destroyed means that the records shall be:
 - (1) burned, unless prohibited by local ordinance;
 - (2) shredded or torn so as to destroy the record content of the documents or materials concerned;
 - (3) placed in acid vats so as to reduce the paper to pulp and to terminate the existence of the document or materials concerned; or
 - (4) sold as waste paper, provided that the purchaser agrees in writing that the documents or materials concerned will not be resold without pulverizing or shredding the documents so that the information contained within cannot be practicably read or reconstructed.
- (b) When used in an approved records retention and disposition schedule, the provision that electronic records are to be destroyed means that the data and metadata are to be overwritten, deleted, and unlinked so the data and metadata may not be practicably reconstructed.
- (c) When used in an approved records retention and disposition schedule, the provision that confidential records of any format are to be destroyed means the data, metadata, and physical media are to be destroyed in such a manner that the information cannot be read or reconstructed under any means.

History Note: Authority G.S. 121-4(2); 121-4(12); 121-5(b),(c),(d); 132-3; 132-8.1; 132-8.2; 143B-62(1)g; 143B-62(2)b;
Eff. February 1, 1985;
Amended Eff. June 1, 2014; April 1, 2001; June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04M .0511 DESTRUCTION OF CERTAIN RECORDS SCHEDULED FOR ARCHIVES

Records scheduled in an approved records retention and disposition schedule to be transferred to the State Archives, but not yet accessioned by the State Archives may be destroyed provided:

- (1) the records are considered by the Director of the Division of Archives and History not to have permanent historical value pursuant to G.S. 121-5(c); or
- (2) the records are exact duplicates or copies of other records in the records series transferred or accessioned.

History Note: Authority G.S. 121-4(2); 121-5(b),(c),(d); 132-8.1; 132-8.2; 143B-62(1)g; 143B-62(2)b;
Eff. February 1, 1985;
Amended Eff. June 1, 2014; April 1, 2001; June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04M .0512 RESTRICTED AREAS IN STATE RECORDS FACILITIES

Access to the facilities controlled by the State Records Center shall be limited to persons on official business. Visitors shall not be permitted in the records storage areas or beyond the administrative office without an escort provided by the State Records Center. All visitors shall sign in when entering and sign out when leaving the facilities. Requests for access by visitors not on official business shall be denied.

History Note: Authority G.S. 121-4(2); 132-6; 143B-62(2)b;
Eff. February 1, 1985;
Amended Eff. June 1, 2014; April 1, 2001; June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.