



Vermont State Archives and Records Administration

Office of the Secretary of State

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LAND RECORDS STANDARD FOR ALL TOWN CLERKS Date Effective: August 1, 2020

PURPOSE

The purpose of this information management standard is to establish a set of statewide recommendations for: 1) the conversion of paper documents accepted for recording into electronic form; and 2) the provision of access to, and for searching and retrieval of, recorded land records by electronic means. This standard is not intended to be a statement of the current abilities or practices of Vermont town clerks but is instead a statement of goals and expectations. The realization of such goals and expectations will result in strengthened legal certainty of converted paper land records accessed through an electronic land records system for legal purposes.

SCOPE

This standard applies to the paper documents accepted for recording that are converted into electronic form and made accessible through an electronic system.

STATEMENT OF AUTHORITY

Pursuant to 1 V.S.A. § 317a, 3 V.S.A. § 117, and 3 V.S.A. § 218, the Vermont State Archives and Records Administration (Office of the Secretary of State) is authorized to establish and promulgate standards, procedures and techniques for the effective management of public records.

STATEMENT OF BENEFITS

Sound records management practices and procedures result in a number of benefits: fulfilling legal mandates, improving access and accountability, reducing costs for the retrieval of records, ensuring the creation and management of accurate and reliable records, and reducing the costs of storing records.

STATEMENT OF RESPONSIBILITY

Maintaining and providing access to records over time is a shared responsibility. Establishing and operating effective recordkeeping systems and practices requires a multidisciplinary approach. Public agencies should make effective use of the necessary range of expertise available throughout the State of Vermont. This includes expertise in archives, records and information management, information technology, business process management, risk management, and law.

CONTACT

Questions about this information management standard may be directed to the Vermont State Archivist and Chief Records Officer.

DEFINITIONS

Conversion: The conversion of paper documents accepted for recording into electronic form. Includes the conversion of already recorded paper or microform documents into electronic form.

Digitization: See *Conversion*.

Document: Information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form; and eligible to be recorded in the land records maintained by the town clerk.

Electronic: Technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

Electronic Land Records: Deeds and other instruments or evidences respecting real estate as defined in 24 V.S.A. § 1154 received for recording as paper documents and converted to electronic form for access through a recordkeeping system.

Index: Index of transactions affecting the title to real estate that are required to be prepared and kept by town clerks pursuant to 24 V.S.A. § 1161 and 24 V.S.A. § 1162.

Land Records: Deeds and other instruments or evidences respecting real estate as defined in 24 V.S.A. § 1154 that shall be recorded by town clerks, at length or by accurate, legible copy in books furnished by the town.

Metadata: Structured or semi-structured information, which enables the creation, management, and use of records through time and within and across domains.

Paper Document: Document received by the town clerk in a form that is not electronic.

Record: Any written or recorded information, regardless of physical form or characteristics, which is produced or acquired in the course of agency business (1 V.S.A. § 317(b)).

Record Schedule: A policy issued by the Vermont State Archives and Records Administration and approved by the State Archivist governing the life cycle management, retention, and disposition of public records (3 V.S.A. § 117).

Recordkeeping System: A system of coordinated policies and procedures that enable records to be collected, organized, and categorized to facilitate their management, including preservation, retrieval, use, and disposition. Systems may be manual or electronic.

VERMONT LAND RECORD STANDARD

1. Deeds and other instruments or evidences respecting real estate as defined in 24 V.S.A. § 1154 shall be recorded by town clerks, at length or by accurate, legible copy in books furnished by the town.

- a. Land records should be retained in accordance with 24 V.S.A. Chapter 35 and record schedules issued by the Vermont State Archives and Records Administration pursuant to 1 V.S.A. § 317a and 3 V.S.A. § 117.

2. Paper documents converted to electronic form should be in a preferred electronic format for textual records, along with their associated metadata, as prescribed in State Information Management Standards.

- a. Clearly written policies and procedures governing the conversion process and documenting the State of Vermont Information Management Guidelines for *Imaging, File Formats, and Recordkeeping Metadata* adopted and followed should be established, implemented and maintained.
- b. Metadata may be generated automatically or created manually, and it may be internal or external to the land records themselves.

3. Electronic land records created by converting paper documents to electronic form should meet technical standards for document formatting and document data fields as prescribed by the Property Records Industry Association (PRIA).

- a. Clearly written policies and procedures governing the conversion process and documenting the PRIA standards adopted and followed should be established, implemented and maintained.

4. Electronic land records created by converting paper documents to electronic form should be maintained in a recordkeeping system designed for electronic land records.

- a. Reasonable measures to ensure electronic land records are protected from alteration and unauthorized access should be documented and implemented.
- b. A digital preservation system or security microfilm should be used to secure and preserve information created and stored electronically.
- c. For future scalability, systems should meet the requirements prescribed by the Uniform Law Commission in the *Uniform Real Property Electronic Recording Act* (URPERA).

5. Fees should be collected according to statute and in a manner consistent with 1 V.S.A. § 316 (Access to public records and documents).

- a. The system's payment processing capabilities should be determined and approved methods of payment, which may include credit cards, ACH (automated clearing house), escrow accounts, electronic checks, or other methods, should be designated.

6. Business rules governing access to, and for search and retrieval of, recorded electronic land records in an electronic land records system should be established and made available through the electronic land records system portal or the town clerk's website. Business rules should cover the following items, at a minimum:

- a. Memorandum of understanding or contract;
- b. Defined technical specifications;
- c. Document formatting and indexing specifications;
- d. Hours of operations and processing schedules;
- e. Payment options;
- f. Termination terms;
- g. Statement that any amendments and/or alterations to the business rules will be published with adequate notice before taking effect; and
- h. Statement clarifying the liability of the town clerk's office.

REVISION HISTORY

2020-08-01 New standard issued by the Vermont State Archives and Records Administration.