



The **Archivists Round Table**
of Metropolitan New York, Inc.



CDLI
CARDOZO DATA LAW INITIATIVE



The
Sedona
Conference®

Archives in the Electronic Age: Part I

Co-Sponsored by The Archivists Round Table of Metropolitan New York, Inc. (A.R.T.),
the Cardozo Data Law Initiative and The Sedona Conference®

Wednesday, June 24th, 2015 – 10:00 a.m. – 4:30 p.m.
Cardozo Law School, 55 Fifth Avenue @ 12th Street New York, NY 10003

Program Schedule

10:00am – 10:30am Registration

10:30am – 10:45am Opening Remarks & Comments

Patrick J. Burke, Senior Counsel, Seyfarth Shaw LLP, and Executive Director of the Cardozo Data Law Initiative
Melanie Leslie, Dean, Benjamin N. Cardozo School of Law
Ryan Anthony Donaldson, President, Archivists Round Table of Metropolitan New York, Inc. (A.R.T.)
Ken Withers, Deputy Executive Director, The Sedona Conference®

10:45am – 11:45am Case Study One

A public entity as well as a private organization stored significant volumes of archival materials in warehouses in New York City. One of the warehouses burned down and some or all of the archival materials stored by the two entities were destroyed. This unfortunate and unforeseeable event led to the following questions that were posed to the archivists by their governing bodies:

- Exactly what was destroyed?
- What was damaged (as opposed to destroyed)?
- What is undamaged?
- Were the archival materials duplicated and stored somewhere else?
- Assuming that the materials were duplicated in electronic format, are these duplicates available to the public?

Moderator: Ronald J. Hedges, Ronald J. Hedges LLC.

Panelists: Frederic Grevin, Vice-President, Records Management, NYC Economic Development Corporation
Lorraine Hill-Campbell, Regional Advisory Officer (RAO), New York State Archives
Marvin Parker, General Manager, DocuSafe Data & Records Management

11:45am – 12:00pm Break

12:00pm – 1:00pm Case Study Two

During a review of its collection, a private entity noted that it has maintained several hundred VHS tapes. Unfortunately, the labeling on the majority of these tapes has fallen off or become unreadable. However, the extant labeling describes that the corresponding tapes contain recordings of events presented by the entity. These recordings fall within the definition of the entity's archival materials. However, the entity cannot play the tapes. A number of questions have been posed to the archivist by her governing body:

- Based on what the archivist knows, do all the tapes contain recordings of events?
- If that question cannot be answered, what can or should the archivist do to enable her to learn whether all the tapes contain recordings of event?
- Should the entity discard all or some of the tapes and, if not, what should be done to transfer the contents of the tapes to a readable format?

Moderator: Janet Bunde, New York University

Panelists: Michael Grant, Archivist, NYU MIAP Class of 2015
Dave Rice, Archivist, CUNY TV

1:00pm – 2:00pm: Lunch Break (on your own)

2:00pm – 3:00pm: Case Study Three

The governing bodies of a private entity has decided to digitize all of its archives and, once having done so, intends to store and preserve all the “original” archival materials that the archivist deems to be “historically relevant.” The governing body has also decided that, given the significant presence of the entity on social media and through its website, that everything on those media should be deemed archival in nature and preserved by the entity. A number of questions have been posed to the archivist by his governing body:

- How will the archivist decide what is “historically relevant”?
- How will the archivist preserve the content of social media and the website?
- How will the archivist ensure that, however the archives are digitized, the resulting digitized materials remain accessible over the next 20 years? (The archivist plans to retire in 5 years).

Moderator: Patrick J. Burke, Senior Counsel, Seyfarth Shaw LLP, and Executive Director of the Cardozo Data Law Initiative

Panelists: Jason R. Baron, Of Counsel, Drinker Biddle & Reath LLP
Johnathan Thayer, Graduate School of Library and Information Studies, Queens College, CUNY & The Seamen's Church Institute

3:00pm – 3:15pm Break

3:15pm – 4:15pm Case Study Four

The governor of a state has signed an executive order that will require the state archivist to define the content of interactive websites maintained by the state as archival materials and to preserve all such content for twenty years. However, the governor intends to propose legislation which will amend the state’s public records law to provide that preserved content need only be produced in response to public records requests in PDF format. A number of questions have been posed to the state archivist by the governor (who is, incidentally, a strong advocate of access to public records):

- What technical issues might arise from requirement that content be preserved?
- What will preservation cost?
- What are the pros and cons, if any, in production of content in the selected format?

Moderator: Ken Withers, Deputy Executive Director, The Sedona Conference

Panelists: Frederic Grevin, Vice-President, Records Management, NYC Economic Development Corporation
Geof Huth, Chief Records Officer, New York State Unified Court System
David Kay, Manager, Information & Archival Services, The Winthrop Group

4:15pm – 4:30pm Concluding Thoughts

Ronald J. Hedges, Ronald J. Hedges LLC.

The Archivists Round Table of Metropolitan New York, Inc. (A.R.T.) would like to thank Cardozo Data Law Initiative and The Sedona Conference® for co-sponsoring this event. A.R.T would like to thank all of the panelists and moderators, as well as the planning committee: Janet Bunde, Patrick J. Burke, Ryan Anthony Donaldson, Ronald J. Hedges, Julie Maher, and Kenneth J. Withers.

About the Archivists Round Table of Metropolitan New York, Inc. (A.R.T.)

Founded in 1979, the Archivists Round Table of Metropolitan New York, Inc. (A.R.T.) is a volunteer-led not-for-profit organization representing a diverse group of more than 700 archivists, librarians, records managers and those who support archival efforts in the New York metropolitan area. It is one of the largest local organizations of its kind in the United States with members representing approximately 375 repositories.

<http://www.nycarchivists.org>

Cardozo Data Law Initiative (CDLI)

Cardozo School of Law is a top law school located on lower Fifth Avenue in New York City’s Greenwich Village. The school offers approximately 1,100 J.D. and LL.M. candidates a comprehensive legal education in the midst of one of the world’s leading cities for law, business, finance, media and culture. The Cardozo Data Law Initiative (CDLI) is a groundbreaking program designed to prepare law students for careers in the rapidly expanding legal fields of information governance, e-discovery, data privacy, social media law, and cyber security.

<https://cardozo.yu.edu/CDLI>

About The Sedona Conference® (TSC)

TSC is a nonprofit, tax-exempt research and educational institute dedicated to the advanced study of law and policy in the areas of antitrust law, complex litigation, and intellectual property rights. The mission of TSC is to drive the reasoned and just advancement of law and policy by stimulating ongoing dialogue amongst leaders of the bench and bar to achieve consensus on critical issues. TSC brings together the brightest minds in a dialogue-based, think-tank setting with the goal of creating practical solutions and recommendations of immediate benefit to the bench and bar.

<https://thesedonaconference.org>