

Testimony from Dr. Richard Lysakowski, Executive Director of the Global Electronic Records Association (GERA), President of the Collaborative Electronic Records Association (CENSA)

House Government Reform Committee, Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census

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Important Points to Cover:

NARA Alone Cannot Solve eGovernment's Problems with Electronic Records.

Electronic Records are not uniquely NARA's problem. They are inherent to all of OMB's eGovernment goals. Electronic Records are inherent to all work processes in all federal and state agencies. Every time that private industry has approached OMB to develop common government and industry-wide solutions for electronic records, OMB has repeatedly pushed all responsibility for electronic records onto NARA's shoulders as the "Managing Partner for the Electronic Records Management (ERM) e-Gov Initiative." NARA's ERM Initiative stated goals are to provide a government-wide policy framework and guidance for electronic records management. However, NARA's mission, scope, focus, size, budget (\$268M FY2003), and capabilities do not permit it to solve all local electronic records problems of federal, state, industrial, and nonprofit organizations. NARA's primary mission remains to "ensure continuing access to essential evidence that documents: 1) the rights of American citizens, 2) the actions of federal officials, 3) the national experience." NARA as our federal archives takes stewardship of only a very small percentage of federal and other historically important records for long-term preservation and access "until the end of the republic."

Industrial and private sector problems with electronic records are driven by many other factors not directly related to NARA's mission. For example, the private sector are driven by many concerns simultaneously, e.g., USPTO and intellectual property protection concerns, EPA and environmental protection and quality concerns, FDA and healthcare product safety and quality concerns all drive, SEC and accurate financial reporting and integrity concerns. These are just a few of the many concerns that are immediate, but have long-term impact on the private sector and industry.

Problems of electronic records are multifaceted – driven by administrative, legislative, legal, regulatory and business concerns – and implemented via well-orchestrated organizational programs, qualified people, policies, quality standards and procedures, and technology systems. While the needs for keeping high quality evidence of activities are universal throughout the public and private sectors, the scope, scale, and reasons for recordkeeping vary so widely that NARA's solution and approach cannot and will not work for all.

For eGovernment Reform regarding Electronic Records to work, a more universal, distributed approach is needed that does not put NARA at the center of everything, hence causing one of the smallest federal agencies to become a bottleneck in moving to Electronic Records as the basis of recordkeeping in eGovernment. The universal, distributed approach can be coordinated and aligned with NARA's assistance, however, some fundamental strategy shifts must occur so that NARA does not constrain the process it seeks to facilitate.

NARA’s ERM eGov Initiative – Where’s the eRecords Archive in each eGov Agency?

NARA’s current strategy focuses on assisting other federal agencies with Electronic Records Management Initiatives by providing a methodology for determining agency-unique requirements on top of the US DoD 5015.2 RMA Standard. While this approach takes good advantage of the excellent work of the DoD Version 2 standard – which NARA had significant input in developing – it does not address the need for each federal agency to set up and run its own Electronic Records Archives. It does not lay down the standard functionality or format standards for Electronic Records Archives to successfully deal with the 99% of agency records that NARA never receives.

NARA’s ERA Solution Does Not Solve Other Agencies’ ERA Problems

NARA’s Electronic Records Archive (ERA) Solution is a NARA-specific solution that is being designed first to solve NARA technological needs for a system that will solve NARA’s internal problems that are growing exponentially in scale in time. The NARA ERA is by design a “custom” system designed to NARA’s specifications. NARA’s ERA is not a general-purpose, “Configurable-Off-The-Shelf” (COTS) product designed to scale up to large agencies the size of the Department of Defense or Homeland Security, or down to much smaller agencies at the federal and state levels.

Procurement Processes Are Not Designed to Protect Agency or Taxpayers’ Property

See slides and handouts for more information.

Buyers’ Behaviors Must Change to Require Full Export and Interoperability of Their Data

See slides and handouts for more information.

Subscription-Based Software Pricing Is the Biggest Threat to Record Security and Assets

Software products are tools used to generate personal and business property (data, information, and knowledge). Like all tools, software depends on having quality product manufacturers. Software vendors would love to move software to become a service, utility, or commodity, like water, electricity, gas or oil that is consumed and must be re-paid for periodically – either monthly, annually, or some other period. Large vendors like Microsoft have been the first to make this move to subscription-based pricing. It shocked many companies who got their first software “subscription bill” for the following year. If they did not pay their bill, their software would have been “deactivated”, shut off, or somehow made unusable, thereby denying them access to data and documents they own.

I have not taken the time to locate the exact federal and state legal codes, but I know there are federal and state laws against denying one access to one’s property. So I question the legality of this method of selling software without giving buyers a no-cost exit (easy migration) strategy.

Advocates for subscription-based software licensing (software vendors) argue that this eliminates the many hassles with continuously having to update software packages, because this can be done automatically as part of the subscription. They also argue that it prevents piracy because if software “times” out or becomes “deactivated” automatically if the software vendor doesn’t receive its regularly scheduled payment, then software pirates are unable to use stolen software. These are valid arguments

for software environments where dynamically updated software is done during the active subscription, and concerns about stability and “system quality” and validation are not of tantamount concern.

However, when it comes to business assets, a business’ access to its own property must NEVER be terminated because they did not make their monthly or annual payments to the vendor of the software. This is similar to the extortionary tactics used by Mafioso that shut down businesses and take people’s property hostage unless regular payments are made. Records are corporate or government property; one’s access to them must NEVER be at risk of “deactivation.” Subscription-based pricing models being foisted upon unwary buyers in government, industry, and private sector consumers give free license to software vendors to abusive or unethical business practices. Open data and record portability standards whose full rights are purchased at the time of software purchase are the only way around this potential abuse or loss of access to one’s property. What we need more than software “utilities” is higher-quality software product manufacturers.

Lack of Government-Mandated Record Storage Format Standards Is Holding Back Progress and Innovation

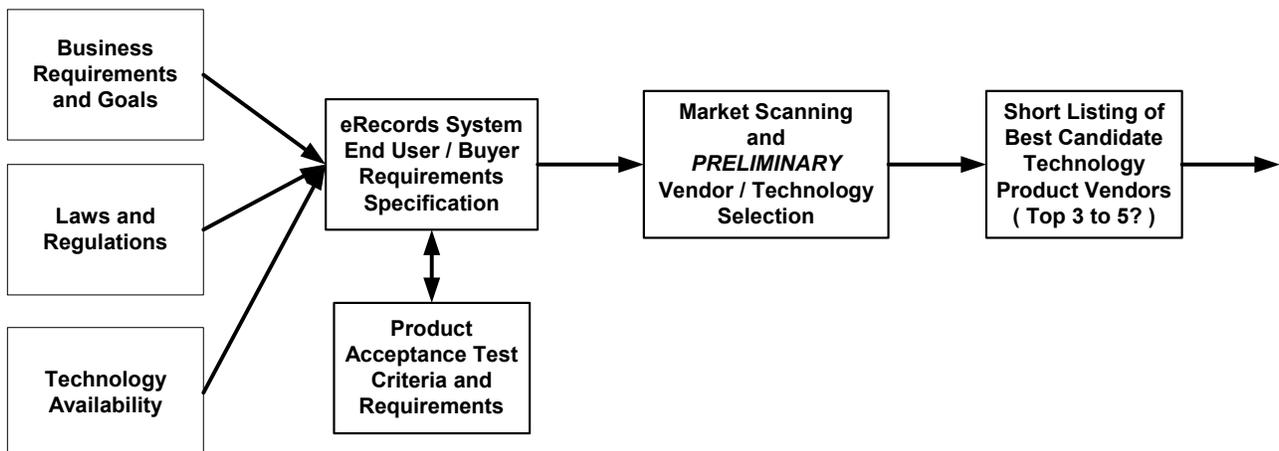
The slow formal acceptance and adoption of the Portable Document Format (PDF) as an official record storage format by the US Federal Government as a whole was a shining example of slowing down innovation. It has been accepted and mandated by law in other countries, including Australia, Italy, Holland, and Germany. I may elaborate on this during testimony.

Risk Assessment in Section 300 of OMB Circular No. A-11 (2002) Does Not Sufficiently Detail the Process to Protect Assets Over Long (Archival) Periods of Time

OMB must specify a process for procurement of eRecords systems that requires demonstration of complete interoperability and supplier independence (full capabilities to migrate away from one vendor to another) BEFORE purchasing. With electronic records, this is the only way to provide a minimal insurance policy against rapid planned obsolescence by computer hardware and software vendors.

CENSA developed a simple, logical recommended process for protecting business’ assets that includes four phases, illustrated below. Supplier candidates must pass each phase in succession.

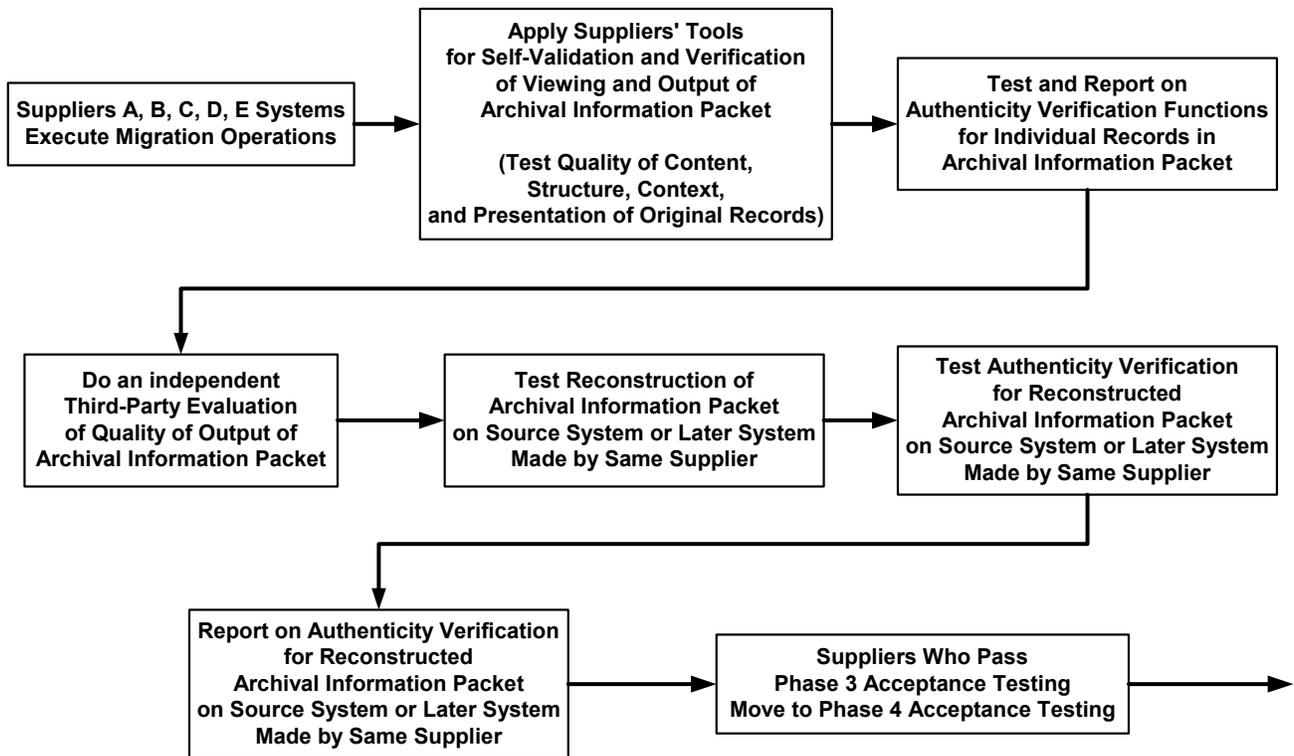
Phase 1 Articulating Requirements and Finding Qualified Suppliers and An User/Buyer Driven Process with Input From Suppliers



Phase 2 - Work With Qualified Suppliers to Prepare User Acceptance Testing Systems / Environment



Phase 3 - Test Quality of Output of Migrated Archival Information Packets



Phase 4 - Test Quality of Interoperability of Migrated Archival Information Packets

