



Information Alert

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Real ID Regulations: Brief 6

Document and Record Retention

This is the sixth brief in a series summarizing the final regulations for implementation of the Real ID Act of 2005. This brief relates to a section of subpart C of the regulations, which focuses on the document and record retention requirements of the final regulations. Brief 7 will address regulations for the renewal and re-issuance process for Real ID compliant driver's licenses (DL) and identification cards (ID). A copy of the regulations and other NCSL resources on the Real ID, including other briefs, are available at <http://www.ncsl.org/realid>.

Under the Real ID Act, states are required to retain copies or images of source documents for issuance of Real ID compliant DL and ID. Copies of source documents must be retained for at least 7 years; images of source documents must be retained for at least 10 years.

NCSL, governors and motor vehicle administrators recommended that the states not be required to capture documents presented by an applicant to verify address of principal residence. It was also recommended that DHS clarify the need for and ability of states to electronically transfer source documents.

Under the regulations, DHS requires states to retain copies of the following documents:

- signed declaration affirming that the information presented by the applicant is true and accurate as required under state law;
- an original or certified copy of identity documents or source documents, such as a birth certificate or passport (see NCSL Brief #2);
- if applicable, the alternate documents used to demonstrate a name change as permitted under state law;
- if applicable, the alternate documents accepted or copies thereof used under a state's exceptions process (see NCSL Brief #1); and
- digital photograph of the applicant or cardholder (also see NCSL Brief # 4).

A state must also describe its standards and procedures for safeguarding and destroying source documents in the state's security plan (see Brief #8).

The regulations require that states retain:

- paper copies of source documents for a minimum of 7 years;
- microfiche copies of source documents for a minimum of 10 years;
- digital images of a source documents for a minimum of 10 years; AND
- digital photograph of the cardholder for at least 2 years beyond the expiration of the card; OR
- digital photograph of the applicant (if a DL/ID is not issued) for at least 5 years.

States that choose to store source documents in a digital format must:

- store photo images in Joint Photographic Experts Group (JPEG) 2000 format, or standard that is interoperable with this format;
- store document and signature images in a compressed Tagged Image Format (TIF), or a standard that is interoperable with the TIF standard;
- ensure all images are retrievable if properly requested by law enforcement; and
- upon request by the DL/ID applicant, record and retain the applicant's birth certificate information in lieu of an image or copy thereof.

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