The Commonwealth of Massachusetts
Department of Early Education and Care

POLICY	
Use of Electronic Records	**Applicability: Field Operations - Licensed and Funded Programs**
Effective Date: August 1, 2024	

BACKGROUND

EEC regulations require applicants and licensees to make information available to the Department as needed to determine compliance with any pertinent regulations and rules. While paper records have always been the accepted format for required documentation, many programs have moved away from paper records and now use digital applications for purposes such as enrollment, attendance, staff records, and family forms.

Electronic records are any records maintained in an electronic format, such as documents, forms, and files that are created, managed, and/or stored digitally on computers, smartphones, or tablets. Through this policy, EEC establishes that electronic records shall be acceptable for the purposes of demonstrating and determining compliance with any applicable regulations.

AUTHORITY

In accordance with 102 CMR 1.06 (3), applicants, licensees, providers, assistants, household members, staff members, and any individuals who are regularly on the premises must make any information requested by EEC to determine regulatory compliance available by providing access to their facilities, records, staff and references. This includes all information required in any applicable EEC regulations.

POLICY

Programs may keep electronic records, paper records, or a combination of both electronic and paper records. Required records must be stored securely on-site at the program electronically or in paper format. For programs choosing to keep electronic records, EEC recommends storing information in a secure (encrypted) cloud-based system. Programs should ensure that access to any cloud-based systems follow best security practices, including not sharing account information or passwords and only accessing systems from password-protected devices.

Required records must be immediately available to program and EEC staff as necessary and must be portable for use during an emergency evacuation, as required by EEC regulations.

Emergency contacts, authorization for emergency care, emergency medication information and treatment forms, current attendance, and any restraining order documentation must always be readily accessible and portable. EEC strongly recommends that programs keep paper copies of these records as a redundancy. Please see 606 CMR 7.11(5)(2-6) for additional information.

Electronic records are subject to the same records confidentiality and retention requirements as paper records. Please see 606 CMR 7.04(4) and 7.04(12) for additional information about these requirements. Programs must take steps to ensure that their retention of electronic records maintains confidentiality in the same manner as their retention of physical records.

Programs maintaining electronic records must have a plan in place for an alternative method to access those records in case of a power outage or when the internet is not working. To ensure that electronic records are always accessible, including during emergencies and system outages, programs should have multiple backup systems (data saved to one or two other safe and secure locations).

Programs must be able to demonstrate compliance with all pertinent records requirements before the end of a licensing visit. Devices used to access electronic records must be charged, in working order, and available in the licensed space during all times that children are in care.

EEC Access to Electronic Records

EEC staff will follow routine procedures for reviewing program records when reviewing electronic records. EEC staff must be given immediate access to all required records and files. When necessary to view electronic records, EEC staff must be given access to the program's or licensee's computer, iPad, smartphone, applications, or other equipment used to access and view electronic records. EEC staff may request a copy or emailed scan of any records when necessary for observation documentation.

Use of Electronic Files