



Electronic Records: Residential Programs

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Applicability: All Licensed Residential Programs

BACKGROUND

606 CMR 3.09 requires residential programs licensed by the Department of Early Education and Care (EEC) to maintain complete, accurate, confidential, and accessible records for resident, staff, and program operations. While paper records have historically been used to demonstrate compliance, many residential programs now utilize electronic systems to create, store, and manage required records. This policy establishes standards for the use of electronic records in residential programs to ensure regulatory compliance, continuity of access, and protection of confidential information.

AUTHORITY

- This policy is issued pursuant to M.G.L. c. 15D; 606 CMR 3.00, including 606 CMR 3.09 (Records and Confidentiality) and 102 CMR 1.06, which authorize EEC to require access to records and information necessary to determine compliance with applicable regulations.

DEFINITIONS

- **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, discs, drives, smartphones, tablets, servers, and/or systems known as “clouds.” “Electronic records” includes digital images and videos (including surveillance camera footage), for the purposes of this policy. Through this policy, EEC establishes that electronic records shall be acceptable for the purposes of demonstrating and determining compliance with any applicable regulations.

POLICY STATEMENT

Residential programs may maintain required records in electronic format, paper format, or a combination of both. Electronic records shall be deemed acceptable for purposes of demonstrating compliance with 606 CMR 3.00, provided all regulatory requirements are met. Additionally:

- **Security and Confidentiality:** Electronic records must be stored and accessed in a manner that protects confidentiality and privacy, consistent with state and federal law. Programs shall implement reasonable administrative, technical, and physical safeguards, including controlled access, password protection, and encryption where appropriate.
- **Accessibility and Availability:** All required electronic records must be immediately accessible to program staff and EEC upon request during licensing, monitoring, or investigative activities. Devices used to access electronic records must be charged, functional, and available in the licensed space whenever residents are in care.
- **Emergency Readiness and Portability:** Programs shall ensure that critical records, including emergency contacts, medical authorizations, attendance, medication information, and court or restraining order documentation, are readily accessible and portable during emergencies or evacuations. Programs are strongly encouraged to maintain paper copies of critical records as a redundancy.
- **Backup and Continuity of Access:** Programs maintaining electronic records must have procedures in place to ensure continuity of access during power outages, natural disasters, emergency evacuations, internet disruptions, or system failures. Such procedures shall include secure backup systems and alternative access methods.
- **Retention and Record Integrity:** Electronic records are subject to the same retention, accuracy, and integrity requirements as paper records under 606 CMR 3.00. Programs shall ensure that electronic records remain unaltered, complete, and retrievable for the required retention period.
- **EEC Access to Electronic Records:** Upon request, EEC staff shall be provided immediate access to view all required electronic records. When necessary, EEC

staff shall be granted access to program-owned devices or systems used to retrieve records and may request copies or electronic transmissions of records for documentation purposes.

This policy applies only to the use of electronic records and shall be read in conjunction with 606 CMR 3.09 and other applicable EEC regulations and policies governing records, confidentiality, and licensing oversight.

COMPLIANCE

Failure to maintain electronic records in accordance with this policy and 606 CMR 3.00 may result in adverse licensing findings, required corrective action, or other enforcement measures.