

HOUSE BILL NO. 394

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE KELLER

Introduced: 2/23/10

Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the data processing and telecommunications activities of the state;**
2 **relating to the security of certain data processing records of the executive branch and**
3 **making the Department of Administration responsible for the security of those records;**
4 **and making the commissioner of administration the chief information officer."**

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 *** Section 1.** AS 40.21.030(b) is amended to read:

7 (b) In order to carry out the records management program, the state archivist
8 shall

9 (1) analyze, develop, and coordinate the standards and procedures for
10 record making and current record keeping;

11 (2) ensure the maintenance and security of records, subject to
12 AS 44.21.165;

13 (3) initiate action to recover state records removed without
14 authorization;

1 (4) establish and operate state records centers for the purposes of
 2 accepting, servicing, storing, and protecting state records that must be preserved for
 3 varying periods of time but **that** [WHICH] are not needed for the transaction of
 4 current business;

5 (5) transfer records considered to have permanent value to the state
 6 archives;

7 (6) institute and maintain a training and information program in all
 8 phases of the management of current records for all state agencies, **subject to**
 9 **AS 44.21.165**;

10 (7) make continuing surveys of paperwork operations and recommend
 11 improvements in current records management practices, including the use of space,
 12 equipment, and supplies;

13 (8) initiate programs for improving the management of
 14 correspondence, forms, reports, and directives as integral parts of the overall records
 15 management program;

16 (9) provide centralized microfilm service for state agencies as
 17 determined to be necessary by the department;

18 (10) establish standards for the preparation of records retention
 19 schedules providing for the retention of state records of permanent value and for the
 20 prompt and orderly disposition of state records no longer possessing administrative,
 21 legal, or historical value to warrant their retention;

22 (11) receive records retention schedules from the agencies and submit
 23 them to the attorney general for review and approval;

24 (12) obtain from agencies reports that are required for the
 25 administration of the program.

26 * **Sec. 2.** AS 40.21.060 is amended to read:

27 **Sec. 40.21.060. Duties of chief executive officers of state agencies. Subject**
 28 **to AS 44.21.165, the** [THE] chief executive officer of each state agency shall

29 (1) make and preserve public records containing adequate and proper
 30 documentation of the organization, functions, policies, decisions, procedures, and
 31 essential transactions of the agency, and designed to furnish the information necessary

1 to protect the legal and financial rights of the state and of persons directly affected by
2 the agency's activities;

3 (2) establish and maintain an active, continuing program for the
4 efficient management of the records of the agency under the procedures prescribed by
5 the department, including effective controls over the creation, maintenance, and use of
6 records in the conduct of current business;

7 (3) submit to the department, in accordance with the standards
8 established by it, records retention schedules proposing the length of time **that**
9 [WHICH] records having administrative, legal, or historical value shall be retained;

10 (4) apply the provisions of approved records retention schedules to
11 ensure the orderly disposition of state records including transfer to a state records
12 center;

13 (5) identify, segregate, and protect records vital to the continuing
14 operation of an agency in the event of natural, man-made, or war-caused disaster;

15 (6) cooperate with the department in conducting surveys made by it
16 under the provisions of this chapter;

17 (7) establish safeguards against unauthorized or unlawful removal or
18 loss of state records;

19 (8) comply with the regulations, standards, and procedures relating to
20 records management and archives established by the department;

21 (9) appoint a records officer who shall act as a liaison between the
22 department and the agency on all matters relating to the records management program.

23 * **Sec. 3.** AS 44.21.010 is amended by adding a new subsection to read:

24 (b) The commissioner of administration is the chief information officer in the
25 executive branch of the state. The chief information officer carries out the duties and
26 powers of the commissioner of administration and the Department of Administration
27 under AS 44.21.150 - 44.21.170 and 44.21.305 - 44.21.330.

28 * **Sec. 4.** AS 44.21 is amended by adding a new section to read:

29 **Sec. 44.21.165. Security of records.** (a) As the department responsible for the
30 operation and management of automatic data processing resources and activities of the
31 executive branch under AS 44.21.150, the department is the state agency responsible

1 for ensuring the security of the nonarchived records produced or maintained by the
2 automatic data processing resources and activities of state agencies through the
3 development and adoption of standards, policies, and procedures.

4 (b) The department shall

5 (1) develop, implement, and maintain policies to ensure that data
6 processing records are secure from unlawful release;

7 (2) define the responsibilities for the security of the data processing
8 records of each state agency, communicate the responsibilities to the state agency, and
9 coordinate the responsibilities among state agencies; and

10 (3) establish procedures for maintaining the security of the data
11 processing records and provide training for state agency personnel to implement the
12 procedures.

13 (c) The state information systems plan adopted by the commissioner must
14 satisfy the security requirements of this section.

15 (d) The department shall adopt regulations to implement this section.

16 (e) On or before January 1 every two years, the department shall submit to the
17 legislature a report that evaluates, for the two years since the period covered by the
18 previous report under this subsection, the effectiveness of the department's
19 implementation of this section in maintaining the security of data processing records.

20 (f) In this section,

21 (1) "data processing records" means the records that are produced or
22 maintained by the automatic data processing resources and activities of a state agency
23 and that are not being held by the Alaska State Archives;

24 (2) "records" includes personally identifiable information in a record;

25 (3) "state agency" means an agency of the executive branch.

26 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
27 read:

28 **FIRST REPORT.** Notwithstanding AS 44.21.165(e), enacted by sec. 4 of this Act, the
29 first report under AS 44.21.165(e) is due on January 1 of the fifth calendar year after this Act
30 takes effect.