

**SENATE BILL NO. 36**

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

**BY SENATOR THERRIAULT**

**Introduced: 1/21/09**

**Referred: State Affairs, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the security of certain data processing records of the executive**  
2 **branch and making the Department of Administration responsible for the security of**  
3 **those records."**

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

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

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

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

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

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

14 (4) establish and operate state records centers for the purposes of

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

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

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

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

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

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

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

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

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

25 \* **Sec. 2.** AS 40.21.060 is amended to read:

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

28 (1) make and preserve public records containing adequate and proper  
 29 documentation of the organization, functions, policies, decisions, procedures, and  
 30 essential transactions of the agency, and designed to furnish the information necessary  
 31 to protect the legal and financial rights of the state and of persons directly affected by

1 the agency's activities;

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

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

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

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

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

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

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

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

22 \* **Sec. 3.** AS 44.21 is amended by adding a new section to read:

23 **Sec. 44.21.165. Security of records.** (a) As the department responsible for the  
24 operation and management of automatic data processing resources and activities of the  
25 executive branch under AS 44.21.150, the department is the state agency responsible  
26 for maintaining the security of the nonarchived records produced or maintained by the  
27 automatic data processing resources and activities of state agencies.

28 (b) The department shall

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

31 (2) define the responsibilities for the security of the data processing

1 records of each state agency, communicate the responsibilities to the state agency, and  
2 coordinate the responsibilities among state agencies; and

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

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

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

9 (e) On or before January 1 every two years, the department shall submit to the  
10 legislature an audit that evaluates, for the two years since the period covered by the  
11 previous audit under this subsection, the effectiveness of the department's  
12 implementation of this section in maintaining the security of data processing records.

13 (f) In this section,

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

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

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

19 \* **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to  
20 read:

21 **FIRST REPORT.** Notwithstanding AS 44.21.165(e), enacted by sec. 3 of this Act, the  
22 first report under AS 44.21.165(e) is due on January 1 of the fifth calendar year after this Act  
23 takes effect.