

**CS FOR SENATE BILL NO. 36(STA)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-SIXTH LEGISLATURE - FIRST SESSION**

**BY THE SENATE STATE AFFAIRS COMMITTEE**

**Offered: 1/30/09**

**Referred: Finance**

**Sponsor(s): SENATOR THERRIAULT**

**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 of the**  
5 **state."**

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

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

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

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

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

1 (3) initiate action to recover state records removed without  
2 authorization;

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

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

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

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

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

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

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

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

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

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

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

31 (1) make and preserve public records containing adequate and proper

1 documentation of the organization, functions, policies, decisions, procedures, and  
 2 essential transactions of the agency, and designed to furnish the information necessary  
 3 to protect the legal and financial rights of the state and of persons directly affected by  
 4 the agency's activities;

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

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

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

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

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

19 (7) establish safeguards against unauthorized or unlawful removal or  
 20 loss of state records;

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

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

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

26 (b) The commissioner of administration is the chief information officer for the  
 27 state. The chief information officer for the state carries out the duties and powers of  
 28 the commissioner of administration and the Department of Administration under  
 29 AS 44.21.150 - 44.21.170 and 44.21.305 - 44.21.330.

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

31 **Sec. 44.21.165. Security of records.** (a) As the department responsible for the

1 operation and management of automatic data processing resources and activities of the  
 2 executive branch under AS 44.21.150, the department is the state agency responsible  
 3 for ensuring the security of the nonarchived records produced or maintained by the  
 4 automatic data processing resources and activities of state agencies through the  
 5 development and adoption of standards, policies, and procedures.

6 (b) The department shall

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

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

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

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

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

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

22 (f) In this section,

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

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

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

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

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

1 takes effect.