

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the District of Columbia Public Records Management Act of 1985 to clarify that communications created or received electronically in the course of official business are subject to existing record-retention obligations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Fidelity in Access to Government Communications Clarification Emergency Amendment Act of 2023”.

Sec. 2. The District of Columbia Public Records Management Act of 1985, effective September 5, 1985 (D.C. Law 6-19; D.C. Official Code § 2-1701 *et seq.*), is amended as follows:

(a) Section 2(13) (D.C. Official Code § 2-1701(13)) is amended by striking the phrase “electronic mail” and inserting the phrase “electronic mail or other communications transmitted electronically, including through any electronic messaging service or mobile messaging application” in its place.

(b) Section 7(a)(1) (D.C. Official Code § 2-1706(a)(1)) is amended as follows:

(1) Strike the phrase “official business” and insert the phrase “official business, including records created or received electronically,” in its place.

(2) Strike the phrase “in any manner” and insert the phrase “in any manner, including through the enabling of settings on electronic devices that allow for the non-retention or automatic deletion of records” in its place.

Sec. 3. Applicability.

This act shall apply as of March 28, 2022.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

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Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia