



Councilmember Anita Bonds

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on a temporary 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 Second Clarification Temporary 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,

29 including records created or received electronically,” in its place.

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

33 Sec. 3. Applicability.

34 This act shall apply as of the effective date of the Fidelity in Access to Government
35 Communications Clarification Emergency Amendment Act of 2023, effective March 24, 2023
36 (D.C. Act 25-0056; 70 DCR 3809).

37 Sec. 4. Fiscal impact statement.

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

41 Sec. 5. Effective date.

42 (a) This act shall take effect following approval by the Mayor (or in the event of veto by
43 the Mayor, action by the Council to override the veto), a 30-day period of congressional
44 review 59 as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved
45 December 60 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in
46 the District of 61 Columbia Register. 62

47 (b) This act shall expire after 225 days of its having taken effect.