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GOVERNMENT CODE - GOV

TITLE 2. GOVERNMENT OF THE STATE OF CALIFORNIA [8000 - 22980] (Title 2 enacted by Stats. 1943, Ch. 134.)

DIVISION 3. EXECUTIVE DEPARTMENT [11000 - 15990.3] (Division 3 added by Stats. 1945, Ch. 111.)

PART 2. CONSTITUTIONAL OFFICERS [12001 - 12790] (Part 2 added by Stats. 1945, Ch. 111.)

CHAPTER 3. Secretary of State [12152 - 12279] (Chapter 3 added by Stats. 1945, Ch. 111.)

ARTICLE 7. State Records Management Act [12270 - 12279] (Article 7 added by Stats. 2014, Ch. 28, Sec. 24.)

12270. This article shall be known, and may be cited, as the State Records Management Act.

(Added by Stats. 2014, Ch. 28, Sec. 24. (SB 854) Effective June 20, 2014.)

12271. For the purposes of this article, the following terms shall have the following meanings:

- (a) "Acquire" includes acquisition by gift, purchase, lease, eminent domain, or otherwise.
- (b) "Archival value" means the ongoing usefulness or significance of a record based on the administrative, legal, fiscal, evidential, or historical information it contains, justifying its permanent preservation.
- (c) "Public record plant" means the plant, or any part thereof, or a record therein, of a person engaged in the business of searching or publishing public records or insuring or guaranteeing titles to real property, including copies of public records or abstracts and memoranda taken from public records that are owned by or in possession of that person or that are used by that person in that person's business.
- (d) "Public use form" means a form used by the state to obtain or to solicit facts, opinions, or other information from the public or a private citizen, partnership, corporation, organization, business trust, or nongovernmental entity or legal representative thereof.
- (e) "Record" has the same meaning as "public records" as defined in Section 7920.530 and includes, but is not limited to, a writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by a state or local agency regardless of physical form or characteristics. Library and museum materials made or acquired and preserved solely for reference or exhibition purposes and stocks of publications and of processed documents are not included within the definition of the term "record" as used in this article.

(Amended by Stats. 2022, Ch. 28, Sec. 66. (SB 1380) Effective January 1, 2023.)

12272. (a) The Secretary of State shall establish and administer a records management program that will apply efficient and economical management methods to the creation, utilization, maintenance, retention, preservation, and disposal of state records.

(b) The duties of the Secretary of State shall include, but shall not be limited to:

- (1) Establishing standards, procedures, and techniques for effective management of records.
- (2) Obtaining from agencies biennial reports required for the administration of the program.
- (3) Reporting statewide compliance with this article to the Department of Finance at least every two years.

(Amended by Stats. 2019, Ch. 302, Sec. 1. (AB 469) Effective January 1, 2020.)

12273. Notwithstanding any other law, a record held in the State Records Center or by a state agency determined by the Secretary of State to have archival value and to be at risk of damage or loss, or in poor physical condition, shall be transferred to the State Archives at the direction of the Secretary of State with notification to the head of the agency not less than 10 days prior to the transfer. The Secretary of State shall enforce all statutory requirements regarding the confidentiality of records transferred to the State Archives pursuant to this section and shall make the records available to authorized individuals or the public, as determined by applicable law.

12274. The head of a state agency shall do all of the following:

- (a) Establish and maintain an active, continuing program for the economical and efficient management of the records and information collection practices of the agency. The program shall ensure that the information needed by the agency may be obtained with a minimum burden upon individuals and businesses, especially small business enterprises and others required to furnish the information. Unnecessary duplication of efforts in obtaining information shall be eliminated as rapidly as practical. Information collected by the agency shall, as far as is expedient, be collected and tabulated in a manner that maximizes the usefulness of the information to other state agencies and the public.
- (b) Determine, with the concurrence of the Secretary of State, records essential to the functioning of state government in the event of a major disaster.
- (c) When requested by the Secretary of State, provide a written justification for storage or extension of scheduled retention of a record in the State Records Center for a period of 50 years or more. The Secretary of State shall review and approve any scheduled retention of a record in the State Records Center for a period of 50 years or more. A record deemed to have archival value shall be transferred to the State Archives. Upon transfer of a record of archival value to the State Archives, the head of the state agency shall notify the Secretary of State if the record contains information that is not subject to public disclosure or is restricted from disclosure for a period of time pursuant to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1), the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code), or other applicable federal or state law.
- (d) Comply with the rules, regulations, standards, and procedures issued by the Secretary of State.
- (e) Appoint a representative from the agency to serve as the Records Management Coordinator and notify the Secretary of State's California Records and Information Management Program within 30 days of the appointment.
- (f) Notify the Secretary of State when records are stored with a third-party vendor or digitized.

(Amended by Stats. 2023, Ch. 145, Sec. 5. (AB 1759) Effective January 1, 2024.)

12274.5. A Records Management Coordinator of an agency shall do all of the following:

- (a) (1) Upon initial appointment as a Records Management Coordinator, attend a minimum of 12 hours of records management training classes offered by the Secretary of State within 12 months of appointment.
(2) After the initial 12 months, attend a minimum of 4 hours of biennial records management training offered by the Secretary of State.
- (b) Coordinate the agency's records management program.
- (c) Act as liaison between the agency and the California Records and Information Management Program (CalRIM), State Records Center (SRC), and the State Records Appraisal Program (SRAP) within the State Archives Division of the Secretary of State.
- (d) Respond to questions from CalRIM, SRC, and SRAP.
- (e) Schedule CalRIM and SRAP training for agency staff who have records management duties.
- (f) Review and approve agency records retention schedules before submission to CalRIM.
- (g) Review and approve records retention schedules before submission to CalRIM.
- (h) Review and approve agency destruction of records stored at the SRC.
- (i) Facilitate annual disposition of agency records not stored at the SRC, including transfer of records to the SRC as well as destruction of records at the Document Destruction Center.
- (j) Review and approve purchase or rental of filing equipment or shredders.
- (k) Provide all requested reports, written justifications, requests for offsite storage approval, or any other retention schedule documentation to CalRIM or SRAP.
- (l) Distribute announcements of records management activities.
- (m) Notify the Secretary of State if a record is lost or destroyed before it has met the retention period specified on the agency's approved retention schedule.

(Amended by Stats. 2023, Ch. 145, Sec. 6. (AB 1759) Effective January 1, 2024.)

12275. (a) A record shall not be destroyed or otherwise disposed of by an agency of the state, unless it is determined by the Secretary of State that the record has no further administrative, legal, or fiscal value and the Secretary of State has determined that the record is inappropriate for preservation in the State Archives.

(b) The Secretary of State shall not authorize the destruction of a record subject to audit until the Secretary of State has determined that the audit has been performed.

(c) The Secretary of State shall not authorize the destruction of all or any part of an agency rulemaking file subject to Section 11347.3.

(Amended by Stats. 2021, Ch. 50, Sec. 59. (AB 378) Effective January 1, 2022.)

12276. (a) The records of a state agency may be microfilmed, electronically data imaged, or otherwise photographically reproduced and certified upon the written authorization of the head of the agency. The microfilming, electronic data imaging, or photographic reproduction shall be made in compliance with the minimum standards or guidelines, or both, as recommended by the American National Standards Institute or the Association for Information and Image Management, and as adopted by the Secretary of State, for recording of permanent records or nonpermanent records.

(b) The certification of each reproduction or set of reproductions shall be in accordance with the standards, or have the approval, of the Attorney General. The certification shall contain a statement of the identity, description, and disposition or location of the records reproduced, the date, reason, and authorization for the reproduction, and other information that the Attorney General requires.

(c) The certified reproductions shall be deemed to be original records for all purposes, including introduction in courts of law and state agencies.

(Added by Stats. 2014, Ch. 28, Sec. 24. (SB 854) Effective June 20, 2014.)

12277. A person, other than a temporary employee, serving in the state civil service and employed by the Department of General Services in the California State Records and Information Management Program shall remain in the state civil service and is hereby transferred to the Secretary of State. The status, position, and rights of the person shall not be affected by the transfer and shall continue to be retained by the person pursuant to the State Civil Service Act.

(Added by Stats. 2014, Ch. 28, Sec. 24. (SB 854) Effective June 20, 2014.)

12278. All equipment and records in the California State Records and Information Management Program in the Department of General Services are transferred to the Secretary of State.

(Added by Stats. 2014, Ch. 28, Sec. 24. (SB 854) Effective June 20, 2014.)

12279. If a record of a state agency has been lost or destroyed by conflagration or other public calamity, the Secretary of State may acquire the right to reproduce any portion of a public record plant as is necessary for the purpose of restoring or replacing the record or its substance.

(Added by Stats. 2014, Ch. 28, Sec. 24. (SB 854) Effective June 20, 2014.)