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AB-469 State records management: records management coordinator. (2019-2020)

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Assembly Bill No. 469

CHAPTER 302

An act to amend Sections 12272 and 12274 of, and to add Section 12274.5 to, the Government Code, relating to state records management.

[Approved by Governor September 20, 2019. Filed with Secretary of State September 20, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 469, Petrie-Norris. State records management: records management coordinator.

Existing law, the State Records Management Act, requires the Secretary of State to 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. The act requires the Secretary of State, as part of those duties, to obtain from agencies the reports required for administration of the records management program.

This bill would require the Secretary of State to obtain those reports from agencies on a biennial basis, and would require the Secretary of State to report statewide compliance with the act to the Department of Finance at least every 2 years.

Existing law requires the head of a state agency to establish and maintain an active, continuing program for the economical and efficient management of the records and information collection practices of the agency. Existing administrative law requires the head of the agency to assign a Records Management Coordinator to work with the Secretary of State's California Records and Information Management Program, the State Records Center, and the State Records Appraisal Program staff. Existing law requires the head of a state agency to transfer a record deemed to have archival value to the State Archives.

This bill would similarly require the head of a state agency to appoint a representative from that agency to serve as the Records Management Coordinator and to notify the Secretary of State's California Records and Information Management Program within 30 days of the appointment. The bill would require the Records Management Coordinator to, among other duties, coordinate the agency's records management program and to attend records management training classes, as specified. The bill would require the head of the state agency to notify the Secretary of State when records are stored with a 3rd-party vendor or digitized by a 3rd-party vendor. The bill would require the head of the state agency to notify the Secretary of State if a record contains information that is not subject to public disclosure or is restricted from public disclosure for a period of time, as specified, upon transfer of the record of archival value to the State Archives.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 12272 of the Government Code is amended to read:

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.

SEC. 2. Section 12274 of the Government Code is amended to read:

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 (Chapter 3.5 (commencing with Section 6250) of Division 7 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 by a third-party vendor.

SEC. 3. Section 12274.5 is added to the Government Code, to read:

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.