

By Mr. Scaccia of Boston, petition of William Francis Galvin and Angelo M. Scaccia relative to the creation, maintenance and preservation of government and municipal electronic records. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO ELECTRONIC RECORD STANDARDS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 66 of the General Laws, as appearing in
2 the 2002 Official Edition, is hereby amended by adding the
3 following new section to be known as Section 4A:—

4 Section 4A. Notwithstanding any general or special law of the
5 Commonwealth, all government and municipal electronic records
6 as defined herein, shall be created, maintained and preserved in
7 accordance with the regulations promulgated by the supervisor of
8 records under the authority granted under this chapter, so as to
9 ensure the integrity, authenticity, reliability and usability of said
10 record for the period of time proscribed by the supervisor, the
11 record conservation board pursuant to their authority under
12 section 42 of chapter 30 of the general laws.

13 In addition, all government electronic records created or
14 received by employees, officers or agents of the executive depart-
15 ment as that term is defined herein and in other applicable law
16 shall also comply with all information technology standards
17 issued by the executive department's chief information officer.

18 At least once every three years, on a form provided by the
19 supervisor and the record conservation board, the executive
20 director or head municipal official in charge of such government
21 agency or municipality shall certify that all electronic records sys-
22 tems and records meet the electronic record regulations as pro-
23 mulgated. The supreme judicial court or superior court shall have

24 jurisdiction in mandamus, on petition of the supervisor and pur-
25 suant to section 5 of chapter 249 of the general laws, to order
26 compliance with the provisions of this section.

27 The provisions of this section shall not apply to any electronic
28 record created prior to the date of enactment. All government
29 agencies and municipalities shall use their best efforts to comply
30 with the reporting provision by January 1, 2006. The supervisor
31 and the records conservation board shall work in cooperation with
32 government agencies and municipalities in order to bring about
33 full compliance with the reporting provision by January 1, 2008.

1 SECTION 2. Section 3 of chapter 66 is hereby amended by
2 adding the following section:—

3 Section 3A. The word “electronic government record” in this
4 chapter shall consist of any information, created, generated, sent,
5 communicated, received, or stored by electronic means, detailing
6 the transaction of government business. The term “record” shall
7 include but is not limited to all books, maps, papers, photographs,
8 machine-readable materials and any other electronic documentary
9 materials which are made or received by an employee, officer or
10 agent of the Commonwealth of Massachusetts.