

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 918 of the Regular Session

1 State of Arkansas As Engrossed: H2/10/05 H2/18/05 H3/1/05 H3/3/05

2 85th General Assembly

A Bill

3 Regular Session, 2005

HOUSE BILL 1514

4

5 By: Representative Mahony

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For An Act To Be Entitled

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AN ACT CONCERNING THE RETENTION OF PUBLIC RECORDS

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BY STATE AGENCIES; AND FOR OTHER PURPOSES.

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Subtitle

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AN ACT CONCERNING THE RETENTION OF

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PUBLIC RECORDS BY STATE AGENCIES.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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SECTION 1. Arkansas Code Title 25, Chapter 18 is amended to add an additional subchapter to read as follows:

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25-18-601. Legislative intent.

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(a) The General Assembly finds that while the Freedom of Information Act of 1967 provides disclosure guarantees for public records, and due to Act 1252 of 2001, there is no general requirement for agencies to preserve public records.

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(b) Therefore, the State of Arkansas is in need of a general records retention law to preserve records that are commonly found in most state agencies for disclosure under the Freedom of Information Act of 1967, for historical purposes, and for the efficient operation of state government.

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25-18-602. Applicability.

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(a) This subchapter shall not apply to city, county, or local governmental entities.

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(b) This subchapter shall apply only to records created by each state agency after the date the state agency shall comply with the rules and



1 guidelines promulgated under this subchapter.

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3 25-18-603. Definitions.

4 As used in this subchapter:

5 (1) "CIO Council" means the same as defined in § 25-33-102;

6 (2) "Executive Chief Information Officer" means the Executive
7 Chief Information Officer of the state appointed under § 25-33-103;

8 (3) "Public records" means the same as defined in § 25-19-
9 103(5)(A); and

10 (4) "State agencies" means all state departments, boards, and
11 commissions, but does not include the elected constitutional officers and
12 their staffs, the General Assembly and its committees and staffs, the Supreme
13 Court, the Court of Appeals, the Administrative Office of the Courts, and
14 public institutions of higher education with respect to academic, research,
15 health care, and existing information and technology applications and
16 underlying support.

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18 25-18-604. Retention requirement.

19 (a)(1) The Executive Chief Information Officer shall direct the
20 development of rules and guidelines for the retention of public records
21 commonly found in most state agencies.

22 (2) The CIO Council shall provide review and advice on the rules
23 and guidelines developed pursuant to subdivision (a)(1) of this section.

24 (b) Before January 1, 2006, the Executive Chief Information Officer
25 shall promulgate pursuant to the Arkansas Administrative Procedure Act, § 25-
26 15-201 et seq., rules and guidelines governing the retention and management
27 of public records commonly found in most state agencies, including, but not
28 limited to, electronic records.

29 (c) Each state agency shall comply with the rules and guidelines
30 promulgated under this subchapter upon the earlier of:

31 (1) July 1, 2007; or

32 (2) The line-item appropriation to the agency in question of
33 funds to comply with this subchapter.

34 (d) The Executive Chief Information Officer shall make periodic
35 updates to the rules governing the retention and management of public records
36 commonly found in most state agencies pursuant to the provisions of the

1 Arkansas Administrative Procedures Act, § 25-15-201 et seq.

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3 25-18-605. Conflict with federal or state laws.

4 (a) If any rule promulgated under this subchapter is found to conflict
5 with current federal or state law for the retention of public records, the
6 federal or state law shall override the rule promulgated under this
7 subchapter.

8 (b) Rules promulgated under this subchapter shall not require the
9 disclosure of public records otherwise exempt from disclosure by federal or
10 state law.

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12 *SECTION 2. Arkansas Code § 25-33-104(a), concerning the duties of the*
13 *Executive Chief Information Officer, is amended to read as follows:*

14 *(a) The Executive Chief Information Officer shall:*

15 *(1) Utilize any personnel and resources of the Department of*
16 *Information Systems as deemed necessary with the consent of the Governor,*
17 *including, but not limited to, the functions currently performed by the*
18 *Office of Information Technology;*

19 *(2)(A) Direct the formulation and promulgation of policies,*
20 *standards, specifications, and guidelines for information technology in the*
21 *state, including, but not limited to, those required to support state and*
22 *local government exchange in a secure environment for the acquisition,*
23 *storage, use, sharing, and distribution of core infrastructure components as*
24 *defined by the State of Arkansas shared technical architecture.*

25 *(B) The areas in which standards, policies, and guidelines*
26 *shall be developed shall include, but are not limited to, retention schedules*
27 *for control, preservation, protection, and disposition of the electronic*
28 *records of agencies;*

29 *(3) Develop a process for how all state agencies shall have*
30 *input into the formation of these policies, standards, specifications, and*
31 *guidelines and present the plan to the Governor and the General Assembly;*

32 *(4) If deemed necessary and appropriate, establish working*
33 *groups to assist in the formulation of policies, standards, specifications,*
34 *and guidelines and assure that all agencies have the opportunity to review*
35 *and comment;*

36 *(5) Oversee the development of legislation and rules and*

1 regulations affecting electronic records management and retention, privacy,
2 security, and related issues;

3 (6) Create a state security office to monitor information
4 resource security issues, coordinate all security measures which could be
5 used to protect resources by more than one (1) governmental entity, and act
6 as an information technology resource to other state agencies;

7 (7) Oversee the development of information technology security
8 policy for state agencies;

9 (8) Direct the development of policies and procedures, in
10 consultation with the CIO Council, which state agencies shall follow in
11 developing information technology plans and technology-related budgets and
12 technology project justification;

13 (9) Establish criteria for enterprise projects and review
14 enterprise project plans and budget requests and recommend priorities to the
15 council;

16 (10)(A) Develop plans and implementation strategies to
17 promulgate state-level missions, goals, and objectives for the use of
18 information technology, with the review and advice of the council.

19 (B) These plans and strategies shall include, but not be
20 limited to:

21 (i) Business case development for information
22 technology applications;

23 (ii) Maximizing state purchasing power;

24 (iii) Increasing collaborative efforts for projects
25 of mutual interest; and

26 (iv) Creating opportunities to develop public and
27 private partnerships;

28 (11) Review procurements to ensure conformity with information
29 policies and standards and state-level plans and implementation strategies;

30 (12) Advise state agencies in acquiring information technology
31 service, as well as advise on information technology contracts and
32 agreements;

33 (13) Make a quarterly report to the Joint Committee on Advanced
34 Communications and Information Technology regarding the status of information
35 technology deployment to meet the goals set forth in this enabling
36 legislation;

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