

1 AN ACT concerning electronic records.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Government Electronic Records Act.

6 Section 5. Policy. It is the policy of the State of
7 Illinois to support efforts to reduce government's use of our
8 natural resources and to look for ways to implement
9 efficiencies. Government agencies should look for ways to
10 employ practices that allow for either or both of the
11 following: (1) electronic storage of documents and (2)
12 electronic transfer of documents. These environmentally
13 friendly practices will reduce the State's reliance on paper
14 and may ultimately save the State money.

15 Section 10. Definitions.

16 "Board" means the Electronic Records Advisory Board.

17 "Electronic transfer" means transfer of documents or
18 reports by electronic means. Appropriate electronic transfer
19 includes, but is not limited to, transfer by electronic mail,
20 facsimile transmission, or posting downloadable versions on an
21 Internet website, with electronic notice of the posting.

22 "Government agency" means all parts, boards, and

1 commissions of the executive branch of the State government
2 including, but not limited to, State colleges and universities
3 and their governing boards and all departments established by
4 the Civil Administrative Code of Illinois.

5 "Record" has the meaning ascribed to it in the Illinois
6 State Records Act (5 ILCS 160/).

7 Section 15. Electronic records.

8 (a) A record created in an electronic format is considered
9 the same as and has the same force and effect as those records
10 not produced by electronic means.

11 (b) Nothing in this Act requires any government agency or
12 person to use an electronic record or an electronic signature
13 if doing so could jeopardize the efficient operation of State
14 government.

15 (c) Notwithstanding the requirements of this Act,
16 government agencies that obtain, store, or use electronic
17 records shall not refuse to accept hard copy, non-electronic
18 forms and reports, and other paper documents for submission or
19 filing, except as otherwise provided by law or administrative
20 rule.

21 (d) Any government agency that uses electronic records
22 shall allow any person or entity to have access to copies of
23 those records as permitted by the Illinois Freedom of
24 Information Act (5 ILCS 140/) or other applicable law, in paper
25 form in accordance with the fees prescribed by statute.

1 Section 20. Electronic transfer of records.
2 Notwithstanding any law to the contrary, all government
3 agencies are encouraged to employ electronic means of
4 transferring records when appropriate. Government agencies may
5 send by electronic transmission any document, report, or record
6 that State law would otherwise require to be placed in the U.S.
7 mail. Those electronic records shall be protected as required
8 by the Electronic Commerce Security Act (5 ILCS 175/).

9 Section 25. Electronic retention of documents. All
10 government agencies are encouraged to employ electronic means
11 of creating and retaining State records. Electronic retention
12 of records shall be in accordance with the State Records Act (5
13 ILCS 160/) and with administrative rules.

14 Section 30. Electronic Records Advisory Board.

15 (a) To assist government agencies in developing and
16 implementing electronic means of creating and retaining
17 electronic records, the Electronic Records Advisory Board is
18 created. The Board's purpose is to make a formal recommendation
19 related to the use and retention of electronic records. The
20 Board shall consist of 9 members as follows:

- 21 (1) the Treasurer or his or her designee.
22 (2) the Secretary of State or his or her designee.
23 (3) the Governor or his or her designee.

1 (4) the Attorney General or his or her designee.

2 (5) the Comptroller or his or her designee.

3 (6) the Director of Central Management Services or his
4 or her designee.

5 (7) the University of Illinois President or his or her
6 designee.

7 (8) the Department of Central Management Services'
8 Director of the Bureau of Communication and Computer
9 Services or his or her designee.

10 (9) the Director of the Illinois State Archives or his
11 or her designee.

12 (b) Once convened, the Board shall select a chairperson
13 from its membership. Board members who are not State employees
14 shall receive no compensation for their services. A quorum of
15 the Board shall meet no less than 4 times, and the first
16 meeting shall take place no less than 60 days after the
17 effective date of this Act. The meetings are subject to the
18 requirements of the Open Meetings Act (5 ILCS 120/). The
19 Treasurer's office shall provide administrative support for
20 the creation, dissemination, retention, and disposition of
21 Board meeting agendas, minutes, and supporting materials.

22 (c) By July 1, 2011, the Electronic Records Advisory Board
23 shall produce a report recommending policies, guidelines, and
24 best practices on specific electronic records management
25 issues including, but not limited to, the following:

26 (1) long-term maintenance of electronic records;

1 (2) management of electronic files in a networked
2 environment;

3 (3) recordkeeping issues in information system
4 development;

5 (4) log file management;

6 (5) management and preservation of web-based records;
7 and

8 (6) retention periods for electronic records.

9 The Board shall submit its policies, guidelines, and best
10 practices recommendations to the Secretary of State and the
11 State Records Commission. Within 45 days after the date of this
12 report, the Secretary of State shall post the Board's
13 recommendations on the Secretary's Internet website and
14 distribute those recommendations to all government agencies.
15 Upon the posting of the Board's recommendations, the Board's
16 purpose is considered fulfilled, and the Board is thereupon
17 dissolved.

18 Section 35. Application. This Act is intended to allow
19 government agencies to transfer a record by e-mail, or retain
20 an electronic copy, unless it conflicts with the State Records
21 Act or its administrative rules, notwithstanding any law to the
22 contrary. When adopting these electronic practices, government
23 agencies shall consider the constituent's access to electronic
24 technology. This Act does not change any State law that
25 requires publication of information in newspapers of general

1 circulation.

2 Section 40. Implementation. Within 6 months after the
3 Secretary of State's posting of the Board's policies,
4 guidelines, and best practices recommendations, as provided
5 for in Section 30 of this Act, all State agencies shall review
6 those recommendations and take all possible steps consistent
7 with those recommendations to enhance the use of electronic
8 means of creating, transmitting, and retaining State records.
9 Each government agency is required by this Act to post a link
10 to this Act on its Internet website.

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.