

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 (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 (10) the Secretary of Transportation or his or her
13 designee.

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

24 (c) By July 1, 2011, the Electronic Records Advisory Board
25 shall produce a report recommending policies, guidelines, and
26 best practices on specific electronic records management

1 issues including, but not limited to, the following:

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

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

5 (3) recordkeeping issues in information system
6 development;

7 (4) log file management;

8 (5) management and preservation of web-based records;
9 and

10 (6) retention periods for electronic records.

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

20 Section 35. Application. This Act is intended to allow
21 government agencies to transfer a record by e-mail, or retain
22 an electronic copy, unless it conflicts with the State Records
23 Act or its administrative rules, notwithstanding any law to the
24 contrary. When adopting these electronic practices, government
25 agencies shall consider the constituent's access to electronic

1 technology. This Act does not change any State law that
2 requires publication of information in newspapers of general
3 circulation.

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

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.