

AN ACT concerning electronic records.

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

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

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

Section 10. Definitions.

"Board" means the Electronic Records Advisory Board.

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

"Government agency" means all parts, boards, and

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

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

Section 15. Electronic records.

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

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

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

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

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

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

Section 30. Electronic Records Advisory Board.

(a) To assist government agencies in developing and implementing electronic means of creating and retaining electronic records, the Electronic Records Advisory Board is created. The Board's purpose is to make a formal recommendation related to the use and retention of electronic records. The Board shall consist of 10 members as follows:

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

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

(5) the Comptroller or his or her designee.

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

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

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

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

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

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

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

issues including, but not limited to, the following:

- (1) long-term maintenance of electronic records;
 - (2) management of electronic files in a networked environment;
 - (3) recordkeeping issues in information system development;
 - (4) log file management;
 - (5) management and preservation of web-based records;
- and
- (6) retention periods for electronic records.

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

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

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

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

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