

HB 697 -- Public and Business Records

Sponsor: Cornejo

This bill defines "data," as it applies to The State and Local Records Law, as a representation of information, knowledge, facts, concepts, or instructions that has been prepared or is being prepared in a formalized manner and that has been processed or is intended to be processed in a computer or through other electronic means. Data may be stored in any form including, but not limited to, a printout, magnetic storage media, disk, a compact disc, punched card, or as memory of a computer.

An "electronic record" is defined as a record created, generated, sent, communicated, received, or stored by electronic means but not as a means of backing up or duplicating information. The bill specifies that metadata, either standing alone or associated with a record, is not an electronic record.

An "E-message" is defined as a message transmitted between two or more telecommunications devices; computers; computer networks, regardless of whether the network is a local, regional, or global network; or other electronic devices capable of receiving electronic messages, regardless of whether the message is converted to hard copy format after receipt, viewed upon transmission, or stored for later retrieval. An E-message may contain any combination of text, Internet uniform resource locator (URL) links, and attached files. E-messages include text messages sent over a cell phone or personal digital assistant (PDA) and messages posted or exchanged through social media.

The bill specifies that E-messages that are electronic records include, but are not limited to, the following:

- (1) Policies and directives;
- (2) Correspondence or memoranda that contain final directives, determinations, instruction, or guidance regarding official business;
- (3) Minutes of governing boards, advisory groups, ad-hoc committees, or workgroups developing programs;
- (4) Messages that authorize, establish, or complete a business transaction; or
- (5) Final reports or recommendations of legislative committees or produced by official task forces or study groups.

The bill specifies that E-messages that are not electronic records include, but are not limited to, the following:

- (1) Duplicate copies of messages sent to multiple receivers;
- (2) Personal messages and announcements not related to official business;
- (3) Preliminary drafts of letters, reports, and memoranda;
- (4) Forwarded messages that do not add substantive information to the message being forwarded;
- (5) Copies of documents distributed for convenience or reference;
- (6) Announcements of social events; and
- (7) Unsolicited or commercial messages commonly known as spam or junk mail.

The bill defines "metadata" as secondary data that organize, manage, and facilitate the use and understanding of primary data. Metadata describes how, when, and by whom particular content was collected, how the content is formatted, and the nature of the content.

Electronic records and E-messages are considered records; metadata are not considered records.

The bill defines "social media" as forms of electronic communication through which users create online communities to share information, ideas, messages, and other content.