



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB0362

by Rep. Emanuel Chris Welch

#### SYNOPSIS AS INTRODUCED:

5 ILCS 160/2	from Ch. 116, par. 43.5
50 ILCS 205/3	from Ch. 116, par. 43.103
50 ILCS 205/7	from Ch. 116, par. 43.107
50 ILCS 205/12	from Ch. 116, par. 43.112
50 ILCS 210/Act rep.	
50 ILCS 215/Act rep.	

Amends the State Records Act. Adds "born-digital electronic material" and "electronic material with a combination of digitized and born-digital material" to the definition of "record" or "records". Defines "born-digital electronic material" and "digitized electric material". Amends the Local Records Act. Adds "born-digital electronic material" and "electronic material with a combination of digitized and born-digital material" to the definition of "public record". Defines "born-digital electronic material" and "digitized electric material". Provides that the Illinois Commerce Commission shall also issue regulations regarding procedures for the management and preservation of electronically generated and maintained records. Repeals the Filmed Records Certification Act. Repeals the Filmed Records Destruction Act.

LRB099 02727 AWJ 22735 b

1 AN ACT concerning local government.

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

4 Section 5. The State Records Act is amended by changing  
5 Section 2 as follows:

6 (5 ILCS 160/2) (from Ch. 116, par. 43.5)

7 Sec. 2. For the purposes of this Act:

8 "Secretary" means Secretary of State.

9 "Record" or "records" means all books, papers,  
10 born-digital electronic material, digitized electronic  
11 material, electronic material with a combination of digitized  
12 and born-digital material, maps, photographs, databases, or  
13 other official documentary materials, regardless of physical  
14 form or characteristics, made, produced, executed or received  
15 by any agency in the State in pursuance of state law or in  
16 connection with the transaction of public business and  
17 preserved or appropriate for preservation by that agency or its  
18 successor as evidence of the organization, function, policies,  
19 decisions, procedures, operations, or other activities of the  
20 State or of the State Government, or because of the  
21 informational data contained therein. Library and museum  
22 material made or acquired and preserved solely for reference or  
23 exhibition purposes, extra copies of documents preserved only

1 for convenience of reference, and stocks of publications and of  
2 blank forms are not included within the definition of records  
3 as used in this Act. Reports of impaired physicians under  
4 Section 16.04 of the Medical Practice Act or Section 23 of the  
5 Medical Practice Act of 1987 are not included within the  
6 definition of records as used in this Act.

7 "Born-digital electronic material" means electronic  
8 material created in digital form rather than converted from  
9 print or analog form to digital form.

10 "Digitized electronic material" means electronic material  
11 converted from print or analog form to digital form.

12 "Agency" means all parts, boards, and commissions of the  
13 executive branch of the State government including but not  
14 limited to State colleges and universities and their governing  
15 boards and all departments established by the "Civil  
16 Administrative Code of Illinois," as heretofore or hereafter  
17 amended.

18 "Public Officer" or "public officers" means all officers of  
19 the executive branch of the State government, all officers  
20 created by the "Civil Administrative Code of Illinois," as  
21 heretofore or hereafter amended, and all other officers and  
22 heads, presidents, or chairmen of boards, commissions, and  
23 agencies of the State government.

24 "Commission" means the State Records Commission.

25 "Archivist" means the Secretary of State.

26 (Source: P.A. 92-866, eff. 1-3-03.)

1           Section 10. The Local Records Act is amended by changing  
2 Sections 3, 7, and 12 as follows:

3           (50 ILCS 205/3) (from Ch. 116, par. 43.103)

4           Sec. 3. Except where the context indicates otherwise, the  
5 terms used in this Act are defined as follows:

6           "Agency" means any court, and all parts, boards,  
7 departments, bureaus and commissions of any county, municipal  
8 corporation or political subdivision.

9           "Archivist" means the Secretary of State.

10           "Born-digital electronic material" means electronic  
11 material created in digital form rather than converted from  
12 print or analog form to digital form.

13           "Commission" means a Local Records Commission.

14           "Court" means a court, other than the Supreme Court.

15           "Digitized electronic material" means electronic material  
16 converted from print or analog form to digital form.

17           "Officer" means any elected or appointed official of a  
18 court, county, municipal corporation or political subdivision.

19           "Public record" means any book, paper, map, photograph,  
20 born-digital electronic material, digitized electronic  
21 material, electronic material with a combination of digitized  
22 and born-digital material, or other official documentary  
23 material, regardless of physical form or characteristics,  
24 made, produced, executed or received by any agency or officer

1 pursuant to law or in connection with the transaction of public  
2 business and preserved or appropriate for preservation by such  
3 agency or officer, or any successor thereof, as evidence of the  
4 organization, function, policies, decisions, procedures, or  
5 other activities thereof, or because of the informational data  
6 contained therein. Library and museum material made or acquired  
7 and preserved solely for reference or exhibition purposes,  
8 extra copies of documents preserved only for convenience of  
9 reference, and stocks of publications and of processed  
10 documents are not included within the definition of public  
11 record. Paper copies of registration records, as defined in  
12 Section 1 of the Library Records Confidentiality Act (75 ILCS  
13 70/1), shall not be considered public records once the  
14 information contained in the paper registration records is  
15 transferred into a secure electronic format and checked for  
16 accuracy.

17 (Source: P.A. 97-100, eff. 7-14-11.)

18 (50 ILCS 205/7) (from Ch. 116, par. 43.107)

19 Sec. 7. Disposition rules. Except as otherwise provided by  
20 law, no public record shall be disposed of by any officer or  
21 agency unless the written approval of the appropriate Local  
22 Records Commission is first obtained.

23 The Commission shall issue regulations which shall be  
24 binding on all such officers. Such regulations shall establish  
25 procedures for compiling and submitting to the Commission lists

1 and schedules of public records proposed for disposal;  
2 procedures for the physical destruction or other disposition of  
3 such public records; procedures for the management and  
4 preservation of electronically generated and maintained  
5 records; and standards for the reproduction of such public  
6 records by photography, microphotographic processes, or  
7 digitized electronic format. Such standards shall relate to the  
8 quality of the film to be used, preparation of the public  
9 records for filming or electronic conversion, proper  
10 identification matter on such records so that an individual  
11 document or series of documents can be located on the film or  
12 digitized electronic form with reasonable facility, and that  
13 the copies contain all significant record detail, to the end  
14 that the copies will be adequate. Any public record may be  
15 reproduced in a microfilm or digitized electronic format. The  
16 agency may dispose of the original of any reproduced record  
17 providing: (i) the reproduction process forms a durable medium  
18 that accurately and legibly reproduces the original record in  
19 all details, that does not permit additions, deletions, or  
20 changes to the original document images, and, if electronic,  
21 that are retained in a trustworthy manner so that the records,  
22 and the information contained in the records, are accessible  
23 and usable for subsequent reference at all times while the  
24 information must be retained, (ii) the reproduction is retained  
25 for the prescribed retention period, and (iii) the Commission  
26 is notified when the original record is disposed of and also

1 when the reproduced record is disposed of.

2 Such regulations shall also provide that the State  
3 archivist may retain any records which the Commission has  
4 authorized to be destroyed, where they have a historical value,  
5 and that the State archivist may deposit them in the State  
6 Archives, State Historical Library, or a university library, or  
7 with a historical society, museum, or library.

8 (Source: P.A. 90-701, eff. 1-1-99; 91-886, eff. 1-1-01.)

9 (50 ILCS 205/12) (from Ch. 116, par. 43.112)

10 Sec. 12. Both Commissions shall with the assistance of the  
11 Secretary of State and State Archivist determine what records  
12 are essential for emergency government operation through  
13 consultation with all branches of government, state agencies,  
14 and with the Illinois Emergency Management Agency ~~State~~  
15 ~~Civilian Defense~~ agency, to determine what records are  
16 essential for post-emergency government operation and provide  
17 for their protection and preservation and provide for the  
18 security storage or relocation of essential local records in  
19 the event of an emergency arising from enemy attack or natural  
20 disaster.

21 (Source: Laws 1961, p. 3503.)

22 (50 ILCS 210/Act rep.)

23 Section 15. The Filmed Records Certification Act is  
24 repealed.

1 (50 ILCS 215/Act rep.)

2 Section 20. The Filmed Records Destruction Act is repealed.