

COUNCIL OF THE DISTRICT OF COLUMBIA

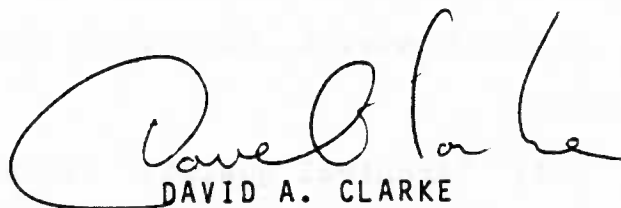
NOTICE

D.C. LAW 6-19

"District of Columbia Public Records Management Act of 1985".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 6-139 on first and second readings, May 14, 1985, and May 28, 1985, respectively. Following the signature of the Mayor on June 10, 1985, this legislation was assigned Act No. 6-34, published in the June 28, 1985, edition of the D.C. Register, (Vol. 32 page 3590) and transmitted to Congress on June 14, 1985 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 6-19, effective September 5, 1985.



DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

June 14,17,18,19,20,21,24,25,26,27

July 8,9,10,11,12,15,16,17,18,19,22,23,24,25,26,29,30,31

August 1

September 4

EFFECTIVE DATE SEP 05 1985

D.C. ACT 6 - 34

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUN 10 1985

To establish a comprehensive program of public records management, archival administration, and library of governmental information for the District of Columbia; and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the "District of Columbia Public Records Management Act of 1985".

Sec. 2. Definitions.

For the purposes of this act the term:

New,
chapter 29
title 1

(1) "Administrator" means the Public Records Administrator of the District of Columbia, established by section 3(b).

New,
D.C. Code,
sec. 1-2901
Note,
D.C. Code,
sec. 1-1604
1-1612, 1-1

(2) "Agency" means any board, commission, department, division, institution, authority, or part thereof, of the District, except the entities listed in section 16(b).

(3) "Archival quality" means a quality of photographic reproduction consistent with standards specified by the American National Standards Institute.

(4) "Archival records" means inactive records of continuing and enduring administrative, legal, fiscal, or historical value useful to the citizens of the District of Columbia and necessary to the administrative functions of

public agencies in the conduct of the services and activities mandated or authorized by law. For the purposes of this definition, the term:

(A) "Administrative value" means those records having utility in the operation of an agency.

(B) "Fiscal value" means those records necessary or useful to document and verify financial authorizations, obligations, and transactions.

(C) "Historical value" means those records containing unique information, regardless of age, which provides understanding of some aspect of the government and promotes the development of an informed and enlightened citizenry.

(D) "Legal value" means those records documenting actions taken in protecting and establishing legal or civil rights and obligations of individuals and agencies.

(5) "Committee" means the Records Disposition Committee established by section 6.

(6) "Custodian" means the public official in charge of an office having public records.

(7) "District" means the District of Columbia government.

(8) "Executive Office" means the Executive Office of the Mayor of the District of Columbia.

(9) "Inactive public record" means a public record which the agency which created or received the record no longer needs to retain in its custody for the transaction

of public business.

(10) "Microreproduction equipment" means photographic equipment designed to produce microimages of documents, excluding computer output microform ("COM") equipment.

(11) "Nonrecord" means any library or other reference materials or records maintained solely for convenience or reference.

(12) "Office" means the District of Columbia Office of Public Records Management, Archival Administration, and Library of Governmental Information established by section 3(a).

(13) "Public record" means any book, paper, map, photograph, card, tape, recording, microform, motion picture, sound recording, computer disk, tape or other machine-readable medium, or other documentary material, regardless of physical form or characteristics, created or received by any agency or unit of the District in pursuance of law or in connection with the transaction of public business.

(14) "Records disposition" means the removal by a District agency or other governmental unit of a record no longer necessary for the conduct of public business in accordance with records control schedules and removal methods and procedures approved by the Office.

(15) "Records retention schedule" means a document listing all records series of a given class, or originating in a particular agency, specifying records to be

retained permanently and authorizing on a continuing basis the destruction of other series of records after a specified time period has elapsed.

(16) "Retention period" means the period of time for which a record must be retained.

(17) "Secretary" means the Secretary of the District of Columbia.

Sec. 3. Establishment of the District of Columbia Office of Public Records Management, Archival Administration, and Library of Governmental Information.

New,
D.C. Code,
sec. 1-2902
(1986 supp.)

(a) There is established the District of Columbia Office of Public Records Management, Archival Administration, and Library of Governmental Information within the Office of the Secretary.

(b) The head of the Office shall be the Public Records Administrator of the District of Columbia who shall be appointed by the Mayor. The Administrator shall be qualified by training and experience in records and archives management. Other staff shall be appointed as necessary.

(c) Subject to the approval of the Mayor, the Administrator is authorized to adopt, alter, and use a seal which shall establish the authenticity or true copy of any public record. A true copy shall then have the same force and effect as the original.

(d) The Administrator shall approve methods of producing microcopies of records of archival quality. The copies shall have the same effect as the originals and shall be treated as originals for the purpose of their

admissibility in evidence. Certified or authenticated reproductions of the photographs or microphotographs shall be admitted in evidence equally with the original photographs or microphotographs.

(e) The Mayor shall issue rules and regulations to implement the provisions of this act pursuant to title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1203; D.C. Code, sec. 1-1501 et seq.).

Sec. 4. Responsibilities and duties of the Public Records Administrator.

New,
D.C. Code,
sec. 1-2903
(1986 supp.)

(a)(1) The Administrator shall act as the chief records manager for the District of Columbia; except as otherwise provided by law, organize and administer a records center for the District of Columbia's semi-current and inactive records; implement regulations for effective and economical records management; and perform other functions to implement this act or the regulations issued pursuant to this act.

(2) The Administrator shall establish a program for the identification and preservation of documentation of significance to the history of the District of Columbia.

(3) The Administrator shall approve proposals for the use of governmental forms and for the purchase or rental of all microreproduction or filing equipment by each agency pursuant to section 7(b)(2).

(b) The Administrator shall establish and maintain the official archives of the District of Columbia, implement

regulations for the preservation and use of archival records, and perform other functions to implement this act or the regulations issued pursuant to this act.

(c) The Administrator shall establish and maintain a Library of Governmental Information of the District of Columbia which shall serve as an effective source of reference and research information with respect to the business of the District; develop programs and establish standards for the management of services provided under this section; and perform the other functions to implement this act or the regulations issued pursuant to this act.

(d)(1) The Administrator shall collect, compile, and maintain data and information pertaining to the operation of the District as well as other municipalities, governmental bodies, and public authorities, and arrange for the exchange, sale, purchase, and loan of informational materials from and with legislative and research services, libraries, and institutions in other municipalities, governmental bodies, and public authorities.

(2) The Administrator shall accept, compile, and maintain every public record or document requested to be preserved by:

- (A) The Council of the District of Columbia;
- (B) The Board of Education; and
- (C) The District of Columbia Court of

Appeals and the Superior Court of the District of Columbia.

Sec. 5. Reporting requirements.

(a) Except as provided in subsection (b), the head of

New,
D.C. Code,
sec. 1-2904
(1986 supp.)

each agency shall transmit to the Library of Governmental Information at least 4 copies of each report, study, or publication of the agency and those prepared by independent contractors, immediately after they have been issued. At least 1 copy of each report, study, or publication of the District or agency shall be available at the Library of Governmental Information at all times.

(b) The provisions of subsection (a) shall not apply to drafts or unofficial copies of accounting, auditing, or financial reports, studies, or publications.

Sec. 6. Records Disposition Committee.

New,
D.C. Code,
sec. 1-290
(1986 supp.

(a) There is established a Records Disposition Committee ("Committee") consisting of the following:

(1) A chairperson, the State Historic Records Coordinator, appointed by the Mayor;

(2) The following ex officio members or their designees:

(A) The City Administrator/Deputy Mayor for Operations;

(B) The Secretary of the District of Columbia;

(C) The Secretary to the Council;

(D) The Director of Public Libraries;

(E) The Deputy Mayor for Finance;

(F) The Corporation Counsel;

(G) The Inspector General;

(H) The District of Columbia Auditor;

(I) The Executive Director of the Museum of

the City of Washington; and

(J) The Director of the Columbia Historical Society; and*

(3) The Public Records Administrator shall serve as the secretary of the Committee.

(b) The Committee shall convene when called by the chairperson or by any 3 members to:

(1) Review and act upon a records retention schedule submitted for consideration by the Administrator;

(2) Review and act upon requests for exceptions from the records retention schedule for disposal authority;

(3) Accept for the archives nonpublic records of historic significance on the recommendation of the Administrator; and

(4) Consider and resolve policy and other matters affecting the District records disposition program.

(c) The concurrence of the Administrator shall be necessary for the destruction of any public record.

Sec. 7. Maintenance of public records.

New,
D.C. Code,
sec. 1-2906
(1986 supp.)

(a)(1) Any record created or received by the District in the course of official business is the property of the District and, except as provided in paragraph (2), shall not be destroyed, sold, transferred, or disposed of in any manner.

(2)(A) A record may be destroyed, sold, transferred, or disposed of as prescribed by law, by records retention schedules, or by other authorization approved by the Committee.

(B) Any records retention schedule or procedure which is in effect on the effective date of this act shall remain in effect until it is amended or repealed pursuant to this act.

(b) It shall be the responsibility of each agency to develop:

(1) Records containing adequate documentation of its organization, functions, policies, decisions, procedures, and essential transactions; and

(2) A continuing program for the economical and efficient management of its records in compliance with the instructions and directives issued by the Administrator pursuant to section 3(d), with respect to the organization, retention, disposal, storage, photographing, and microphotographing of its records.

(c) An employee at each agency shall be designated as the records management officer of the agency, who shall develop and carry out the records management program of the agency and provide liaison with the Administrator.

(d) Any inactive public record of the District which is deemed to have continuing historical or other significance shall be transferred to the District of Columbia Archives to be properly preserved, arranged, described, and made available for reference purposes.

Sec. 8. Confidentiality safeguarded.

(a) Any public record made confidential by law shall be so treated.

(b) No provision of this act shall be construed to

New,
D.C. Code,
sec. 1-2907
(1986 supp.)

authorize or require the opening of any records ordered to be sealed by a court.

Sec. 9. Copies, printouts, and photographs of public records.

New,
D.C. Code,
sec. 1-2908
(1986 supp.)

Whenever a person has the right to inspect any public record subject to the requirements of this act, the person shall be furnished a copy, printout, or photograph of the record for a reasonable fee.

Sec. 10. Disposition of public records at end of official's term.

New,
D.C. Code,
sec. 1-2909
(1986 supp.)

(a) On or before the expiration of the term of office of an elected or appointed official, all public records, books, writings, and letters in the custody of the official shall be promptly transmitted or relinquished to the official's successor or, if there is none, to the Administrator.

(b) Any official who maliciously destroys, defaces, or removes any public record, as defined by this act, shall be subject to the penalties established in section 14.

Sec. 11. Right of examination of public records.

New,
D.C. Code,
sec. 1-2910
(1986 supp.)

(a) The Administrator shall from time to time review the condition of public records, and shall give advice and assistance to officials in the solution of problems of preserving, cataloging, filing, and making readily available for governmental and public use the records in their custody.

(b) Upon request by the Administrator, each custodian shall prepare an inclusive inventory of all public records

in his or her custody.

Sec. 12. Annual report.

(a) The Office shall submit an annual report covering the preceding fiscal year to the Mayor by January 1st.

(b) A copy of the annual report shall be sent to each member of the Council and placed in each branch of the public library.

Sec. 13. Funding.

All projected expenditures required for the administration of this act shall be included as a part of the annual budget submitted for the operation of the Office of the Secretary.

Sec. 14. Penalties.

(a) Section 1601(d)(14) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-617.1(d)(14)) is amended to read as follows:

"(14) misuse, mutilation or destruction of District property, public records, or funds;"

(b) Section 849 of An Act to establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1327; D.C. Code, sec. 22-3106), is amended as follows:

(1) By inserting after the phrase "Property of the United States", the second place it appears, the phrase "or of the District of Columbia"; and

(2) By inserting after the word "manuscript", the second place it appears, the phrase "public record".

Sec. 15. Civil enforcement.

New,
D.C. Code,
sec. 1-291
(1986 supp)

New,
D.C. Code,
sec. 1-291
(1986 supp)

New,
D.C. Code,
sec. 1-617
(1986 supp)

New,
D.C. Code,
sec. 1-291
(1986 supp)

The Corporation Counsel is authorized to initiate a civil action in the Superior Court of the District of Columbia or any court of competent jurisdiction to protect the interests of the District of Columbia in any public record.

Sec. 16. Applicability.

New,
D.C. Code,
sec. 1-2914
(1986 supp.)

(a) The requirements and provisions of this act shall apply to and be binding upon the executive branch, the operating departments and agencies, including independent agencies of the District, Advisory Neighborhood Commissions, the Board of Elections and Ethics, the Zoning Commission, the Armory Board, the Public Service Commission, and the boards, commissions, and task forces whose memberships are appointed by the Mayor.

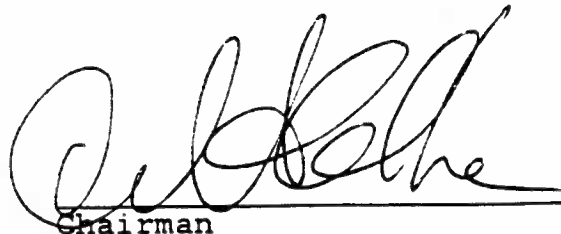
(b) The requirements and provisions of this act shall not be binding upon:

- (1) The Council of the District of Columbia;
- (2) The Board of Education;
- (3) The District of Columbia Court of Appeals and the Superior Court of the District of Columbia; and
- (4) The regional and national bodies in which the District participates as a member.

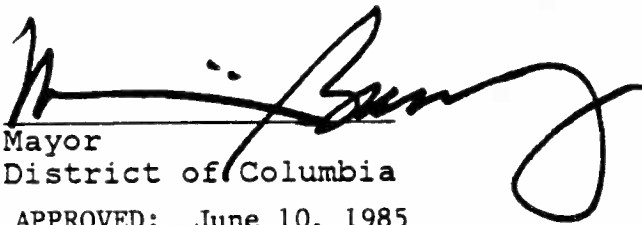
Sec. 17. Effective date.

This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia

Self-Government and Governmental Reorganization Act,
approved December 24, 1973 (87 Stat. 813; D.C. Code, sec.
1-233(c)(1)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: June 10, 1985



COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Six — First Session

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B 6-139

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 5-14-85

VOICE VOTE: Unanimous

Recorded vote on request

Absent: all present

ROLL CALL VOTE: — RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					RAY					SPAULDING				
CRAWFORD					ROLARK					WILSON				
JARVIS					SCHWARTZ					WINTER				
KANE					SHACKLETON									
MASON					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

Rosen
Secretary to the Council

CERTIFICATION RECORD

5/31/85
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 5-28-85

VOICE VOTE: Unanimous

Recorded vote on request

Absent: all present

ROLL CALL VOTE: — RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					RAY					SPAULDING				
CRAWFORD					ROLARK					WILSON				
JARVIS					SCHWARTZ					WINTER				
KANE					SHACKLETON									
MASON					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

Rosen
Secretary to the Council

CERTIFICATION RECORD

5/31/85
Date

Item on Consent Calendar

ACTION & DATE: _____

VOICE VOTE: _____

Recorded vote on request

Absent: _____

ROLL CALL VOTE: — RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					RAY					SPAULDING				
CRAWFORD					ROLARK					WILSON				
JARVIS					SCHWARTZ					WINTER				
KANE					SHACKLETON									
MASON					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD