

Department of Planning and Budget

2006 Fiscal Impact Statement

1. **Bill Number** HB209

House of Origin	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Enrolled

2. **Patron** Cox

3. **Committee** Passed Both Houses

4. **Title** Public Records Act; electronic records.

5. **Summary/Purpose:** This bill is a recommendation of the Joint Subcommittee's Study of the Virginia Public Records Act (HJR 6, 2004). The bill updates the Public Records Act to include provisions relating to the management and archiving of electronic records. It creates new definitions for various terms, and amends the powers and duties of the Library Board. The bill requires the custodians of records to convert and migrate electronic data as necessary to maintain access to these records. Finally, the bill allows the Library to conduct audits of the record keeping practices of agencies subject to the act, and to file the audit reports with the Governor and the General Assembly. The bill also includes numerous technical amendments.

6. **No Fiscal Impact** (See Item 8.)

7. **Budget amendment necessary:** None.

8. **Fiscal implications:** There would be no additional impact on agencies that actively follow the Library of Virginia's existing records management program's recommendation for record disposition. Costs may be incurred by agencies that have not followed recommendations for record disposition, but records management theory holds that timely disposal of non-current records results in cost savings that are less than the costs of retaining records that have served their purpose. New cost would be associated with destruction of some records by burning, shredding or pulping, reformatting records to electronic or microfilm format, or long-term storage of records on location or at the State Records Center. Actual costs are dependent on media, format, and storage location. Avoided costs would include the cost of storing these records instead of disposing of them.

9. **Specific agency or political subdivisions affected:** All state and local government agencies in Virginia.

10. **Technical amendment necessary:** None.

11. **Other comments:** None.

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cc: Secretary of Education