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HOUSE BILL NO. 2189

Offered January 12, 2011

Prefiled January 12, 2011

A BILL to amend and reenact §§ 2.2-2010 and 59.1-496 of the Code of Virginia, relating to the Virginia Information Technologies Agency; electronic government services.

 Patron—Robinson

 Referred to Committee on Science and Technology

Be it enacted by the General Assembly of Virginia:**1. That §§ 2.2-2010 and 59.1-496 of the Code of Virginia are amended and reenacted as follows:**

§ 2.2-2010. Additional powers of VITA.

VITA shall have the following additional powers which, with the approval of the CIO, may be exercised by a division of VITA with respect to matters assigned to that division:

1. Prescribe regulations necessary or incidental to the performance of duties or execution of powers conferred under this chapter.

2. Plan and forecast future needs for information technology and conduct studies and surveys of organizational structures and best management practices of information technology systems and procedures.

3. Assist state agencies and public institutions of higher education in the development of information management plans and the preparation of budget requests for information technology that are consistent with the policies and procedures developed pursuant to § 2.2-2007.

4. Develop and adopt policies, standards, and guidelines for managing information technology by state agencies and institutions.

5. Develop and adopt policies, standards, and guidelines for the procurement of information technology and telecommunications goods and services of every description for state agencies.

6. Direct the establishment of statewide standards for the efficient exchange of electronic information and technology, including infrastructure, between the public and private sectors in the Commonwealth.

7. Direct the compilation and maintenance of an inventory of information technology, including, but not limited to, personnel, facilities, equipment, goods, and contracts for services.

8. Develop statewide technical and data standards for information technology and related systems to promote efficiency and uniformity.

9. Evaluate the needs of agencies in the Commonwealth with regard to (i) a consistent, reliable, and secure information technology infrastructure, (ii) existing capabilities with regard to building and supporting that infrastructure, and (iii) recommended approaches to ensure the future development, maintenance, and financing of an information technology infrastructure befitting the needs of state agencies and the service level requirements of its citizens.

10. Establish fee schedules that shall be collectible from users when general fund appropriations are not applicable to the services rendered.

11. Establish reasonable fees for remote access to government services including a fee per official certificate accompanying electronic records or information.

12. Coordinate with public bodies of the Commonwealth, pursuant to § 59.1-496, to specify rules and standards as they apply to the acceptance and distribution of electronic records and to the acceptance of electronically filed information with public bodies.

~~11.~~13. Provide for the centralized marketing, provision, leasing, and executing of license agreements for electronic access to public information and government services through the Internet, wireless devices, personal digital assistants, kiosks, or other such related media on terms and conditions as may be determined to be in the best interest of the Commonwealth. VITA may fix and collect fees and charges for (i) public information, media, and other incidental services furnished by it to any private individual or entity, notwithstanding the charges set forth in § 2.2-3704 and (ii) such use and services it provides to any state agency or local government. Nothing in this subdivision authorizing VITA to fix and collect fees for providing information services shall be construed to prevent access to the public records of any public body pursuant to the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). VITA is authorized, subject to approval by the Secretary of Technology, and any other affected Secretariat, to delegate the powers and responsibilities granted in this subdivision to any agency within the executive branch.

§ 59.1-496. Acceptance and distribution of electronic records by public bodies; electronic filing of information permitted.

INTRODUCED

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59 (a) Except as otherwise provided in subsection (f) of § 59.1-490, and upon providing protection to
60 preserve security and confidentiality, public bodies of the Commonwealth may (i) accept the electronic
61 filing of any information required or permitted to be filed with such public body ~~and~~, (ii) prescribe, *in*
62 *coordination with the Virginia Information Technologies Agency (VITA)*, the methods of executing,
63 recording, reproducing, and certifying electronically filed information pursuant to subsection (b)- , *and*
64 *(iii) charge reasonable fees, as established by VITA pursuant to § 2.2-2010, for remote access to*
65 *government services, including a fee per official certificate accompanying or certifying electronic*
66 *records or information.* Unless otherwise provided for in the Code of Virginia, electronic filing in the
67 courts of this Commonwealth shall be governed by the Rules adopted by the Supreme Court of Virginia.
68 (b) To the extent that public bodies of the Commonwealth use electronic records and electronic
69 signatures and accept electronic filings under subsection (a), the following rules apply:
70 (1) Public bodies of the Commonwealth, *in coordination with VITA*, may specify the manner and
71 format in which the electronic records must be created, generated, sent, communicated, received, and
72 stored and the systems established for those purposes;
73 (2) Public bodies of the Commonwealth, *in coordination with VITA*, may specify the type of
74 electronic signature required, the manner and format in which the electronic signature must be affixed to
75 the electronic record, and the identity of, or criteria that must be met by, any third party used by a
76 person filing a document to facilitate the process;
77 (3) Public bodies of the Commonwealth, *in coordination with VITA*, may specify control processes
78 and procedures as appropriate to ensure adequate preservation, disposition, integrity, security,
79 confidentiality, and auditability of electronic records; and
80 (4) Public bodies of the Commonwealth, *in coordination with VITA*, may establish other criteria to
81 ensure the authenticity and validity of electronic signatures.
82 (c) Except as otherwise provided in § 59.1-490 (f), this chapter does not require public bodies of the
83 Commonwealth to use or permit the use of electronic records or signatures.