

Date of Hearing: April 28, 2021

ASSEMBLY COMMITTEE ON ACCOUNTABILITY AND ADMINISTRATIVE REVIEW

Cottie Petrie-Norris, Chair

AB 1429 (Holden) – As Introduced February 19, 2021

SUBJECT: State agency records: management coordinator duties: personnel training

SUMMARY: Increases the required training for state agency personnel who work with public records on behalf of the agency. Specifically, **this bill:**

- 1) Requires Records Management Coordinators (RMC) within state agencies to train all agency personnel who prepare, own, use or retain public records.
- 2) Requires the RMC to ensure agency personnel complete the required training within 60 days of employment and are re-trained annually.

EXISTING LAW:

- 1) Requires the Secretary of State (SOS) to establish and administer a records management program.
 - a) Establishing standards and procedures for record management.
 - b) Obtaining biennial reports.
 - c) Reporting statewide compliance to the Department of Finance every two years.
- 2) Authorizes the SOS to determine if a record shall be transferred to the State Archives.
- 3) Requires the head of a state agency:
 - a) To establish and maintain economical and efficient record management practices.
 - b) To determine what are essential records in the event of a disaster with SOS concurrence.
 - c) To comply with SOS rules, regulations, standards, and procedures.
 - d) To appoint a representative to serve as the RMC and notify the SOS's California Records and Information Management Program of the appointment within 30 days.
- 4) Requires the RMC of each agency to:
 - a) Attend a minimum of 12 hours of records management training offered by the SOS within 12 months of appointment.
 - b) After 12 months, attend a minimum of 4 hours of records management training offered by the SOS biennially.
 - c) Coordinate the agency's records management program.
 - d) Act as the agency liaison with certain state agencies that manage state records.

- 5) Prohibits a state agency from destroying a record unless the SOS determines that it has no further value and is inappropriate for the State Archives.
- 6) Prohibits the SOS from authorizing the destruction of a record subject to a pending audit or certain rulemaking files.

FISCAL EFFECT: Unknown

COMMENTS: This bill requires additional training requirements to all state agency personnel that handle records. It would also add requirements for the RMC to train agency personnel on record management. Although each agency appoints an RMC to be trained on proper record management it is uncertain if all agency personnel consistently understand their record management responsibilities.

According to the author, “transparency is critical to a healthy democracy and to maintain public trust. The Secretary of State is charged with significant responsibilities that protect that public trust including ensuring free and fair elections, disclosure of lobbying activity, and preserving necessary documents in the State Archives. The archives hold documents of fiscal, historical and governing importance. Though the Secretary is charged with storing the records, it is the responsibility of everyone who works in state government to identify documents that are of long term significance. This bill expands training to every employee that could potentially handle documents of importance because training all employees to identify these documents ensures nothing will fall through the cracks. In that way, this bill fills a need and will increase the transparency we are obligated by law and the public trust to maintain.”

Inconsistent management of records within an agency and throughout government agencies can be detrimental to the public’s trust and the public’s ability to access important records. This bill could improve agency personnel’s understanding of record management responsibilities through required training, however personnel training may vary depending on each particular RMC. The committee may want to consider if it would be appropriate to establish a baseline minimum amount of training (i.e. one or two hours) and if standard training material or a syllabus should be developed to train all state personnel consistently.

According to the bill’s sponsor, the SOS, “a review of reports submitted through the State Leadership Accountability Act reveals that only an handful of agencies have addressed records management when evaluating their internal control and monitoring programs. State personnel are currently not receiving communication nor training that would enable them to effectively adhere to statutory and regulatory requirements that apply to public records, such as the California Public Records Act, Information Practices Act, and the State Records Act.”

PREVIOUS LEGISLATION:

AB 469 (Petrie-Norris) of 2019, which was chaptered into law, required each RMC to be trained by the SOS.

REGISTERED SUPPORT / OPPOSITION:

Support

California Secretary of State

Opposition

None on file

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