

**HOUSE BILL NO. 1528**

Introduced by

Representatives Mock, Bosch, Ista, Kempenich, Louser, Roers Jones, Toman, Weisz

Senators Davison, Paulson, K. Roers, Wanzek

1 A BILL for an Act to amend and reenact section 54-46-08 of the North Dakota Century Code,  
2 relating to the final disposition of records.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 54-46-08 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **54-46-08. Determination necessary for final disposition of records - Review of state**  
7 **data.**

8 1. Prior to the final disposition of any type or class of record, the administrator, after  
9 consultation with the official or department head ~~concerned~~downing the record, the  
10 attorney general, the state auditor, and the state archivist, shall determine that the type  
11 or class of record has no further administrative, legal, or fiscal value and is subject to  
12 final disposition under section 54-46-08.1 or section 54-46-09.

13 2. Each agency shall develop policies related to the review of state data and notify the  
14 administrator of any policy changes made by July first of each year. Each agency shall  
15 retain state data received or created by each individual employed by the agency for a  
16 period of at least ninety days after the initial deletion of the state data to allow for the  
17 review of any administrative, legal, or fiscal information contained in the state data  
18 before permanent deletion. Any administrative, legal, or fiscal information contained in  
19 an employee's state data is considered a record and must be maintained pursuant to  
20 section 54-46-07 or evaluated and disposed of pursuant to this section or section  
21 54-46-08.1.

22 a. For purposes of this subsection, "state data" includes any state employee  
23 account, file, electronic mail, or other document containing state government  
24 information that may have administrative, legal, or fiscal value.

- 1            b. For purposes of this subsection, "electronic mail" includes all information  
2            contained in an electronic mail communication, including attachments.
- 3        3. If a statute requiring retention of a record does not ~~either~~ provide a specific retention  
4        period or specifically provide that the record be permanently retained, the  
5        administrator, after completing the consultation required by this section, shall establish  
6        a specific retention period for the record. The administrator shall annually survey the  
7        state agencies and shall order final disposition under section 54-46-08.1 or section  
8        54-46-09 of any records which have been determined to have no further  
9        administrative, legal, or fiscal value pursuant to this section.