

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, section 7 of the District of Columbia Public Records Management Act of 1985 to require preservation of communications created or received on electronic applications, and to prohibit the use of electronic applications that do not allow communications to be appropriately preserved.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Fidelity in Access to Government Communications Emergency Amendment Act of 2022”.

Sec. 2(a) Section 7 of the District of Columbia Public Records Management Act of 1985 is amended as follows:

(1) New subsections (a-2) and (a-3) are added to read as follows:

“(a-2) Communications created or received through any electronic messenger service shall not be deleted or destroyed through any automatic mechanism, or by the District official or employee creating or receiving the communication.

“(a-3) A District official or employee shall not use an electronic messenger service that does not allow for appropriate preservation of records for the conduct of any public business.”

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

34 This act shall take effect following approval by the Mayor (or in the event of veto by the
35 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
36 90 days, as provided for emergency acts of the Council of the District of Columbia in section
37 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
38 D.C. Official Code § 1-204.12(a)).

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