

1 AN ACT  
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5 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
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10 To amend, on an emergency basis, the District of Columbia Public Records Management Act of  
11 1985 to clarify that communications created or received electronically in the course of  
12 official business are subject to existing record-retention obligations.  
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14 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
15 act may be cited as the “Fidelity in Access to Government Communications Clarification  
16 Emergency Amendment Act of 2023”.

17 Sec. 2. The District of Columbia Public Records Management Act of 1985, effective  
18 September 5, 1985 (D.C. Law 6-19; D.C. Official Code § 2-1701 *et seq.*), is amended as follows:

19 (a) Section 2(13) (D.C. Official Code § 2-1701(13)) is amended by striking the phrase  
20 “electronic mail” and inserting the phrase “electronic mail or other communications transmitted  
21 electronically, including through any electronic messaging service or mobile messaging  
22 application” in its place.

23 (b) Section 7(a)(1) (D.C. Official Code § 2-1706(a)(1)) is amended as follows:

24 (1) Strike the phrase “official business” and insert the phrase “official business,  
25 including records created or received electronically,” in its place.

26 (2) Strike the phrase “in any manner” and insert the phrase “in any manner,

27 including through the enabling of settings on electronic devices that allow for the non-retention  
28 or automatic deletion of records” in its place.

29           Sec. 3. Applicability.

30           This act shall apply as of the effective date of the Fidelity in Access to Government  
31 Communications Clarification Emergency Amendment Act of 2022, effective March 28, 2022  
32 (D.C. Act 24-355; 69 DCR 2633).

33           Sec. 4. Fiscal impact statement.

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

37           Sec. 5. Effective date.

38           This act shall take effect following approval by the Mayor (or in the event of veto by the  
39 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than  
40 90 days, as provided for emergency acts of the Council of the District of Columbia in section  
41 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;  
42 D.C. Official Code § 1-204.12(a)).

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