

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 “Transparent Government Communications Emergency Amendment Act
16 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 2023, effective March 24, 2023
32 (D.C. Act 25-0056; 70 DCR 3809).

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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