

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 2.
GOVERNMENT ADMINISTRATION.

CHAPTER 17.
PUBLIC RECORDS MANAGEMENT.

2001 Edition

DISTRICT OF COLUMBIA OFFICIAL CODE
CHAPTER 17. PUBLIC RECORDS MANAGEMENT.

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CHAPTER 17. PUBLIC RECORDS MANAGEMENT.

§ 2-1701. DEFINITIONS.

For the purposes of this chapter, the term:

- (1) "Administrator" means the Public Records Administrator of the District of Columbia, established by § 2-1702(b).
- (2) "Agency" means any board, commission, department, division, institution, authority, independent authority, or part thereof, of the District, except the entities listed in § 2-1714(b).
- (3) "Archival quality" means a quality of photographic reproduction consistent with standards specified by the American National Standards Institute.
- (4) "Archival record" means any non-current record of an organization or institution that is preserved permanently because of its continuing and enduring administrative, legal, fiscal, or historical value. For the purposes of this definition, the term:
 - (A) "Administrative value" means the usefulness of a record to the agency in which the record originated or to the succeeding agency for conducting current business.
 - (B) "Fiscal value" means any record necessary or useful to document and verify financial authorizations, obligations, or transactions.
 - (C) "Historical value" means a record that merits long-term preservation because the record contains significant information about the organization and function of government agencies, or unique information about persons, places, and subjects with which public agencies deal.
 - (D) "Legal value" means any record that documents the legal or civil rights of individuals or government agencies.
- (5) "Committee" means the Records Disposition Committee established by § 2- 1705.
- (6) "Custodian" means the public official in charge of an office having public records.
- (6A) "Digital" means in a format that is computer readable.
- (7) "District" means the District of Columbia government.
- (8) "Executive Office" means the Executive Office of the Mayor of the District of Columbia.
- (9) "Inactive public record" means a public record which the agency which created or received the record no longer needs to retain in its custody for the transaction of public business.
- (10) "Microreproduction equipment" means photographic equipment designed to produce microimages of documents.
- (11) "Nonrecord" means any library or other reference materials or records maintained solely for convenience or reference.
- (12) "Office" means the District of Columbia Office of Public Records Management, Archival Administration, and Library of Governmental Information established by § 2-1702(a).
- (13) "Public record" means any document, book, photographic image, electronic data recording, electronic mail, paper, video recording, sound recording, microfilm, computer disk, or other material, regardless of physical form or characteristic, that documents a transaction or activity made, received, or retained pursuant to law or in connection with the transaction of public business by or with any officer or employee of the District. The medium upon which such information is recorded shall have no bearing on the determination of whether the record is a public record.
- (14) "Records disposition" means the removal by a District agency or other governmental unit of a record no longer necessary for the conduct of public business in accordance with records control schedules and removal methods and procedures approved by the Office.
- (14A) "Records management officer" means any person whose responsibilities, according to § 2-

1706, include the development and oversight of an agency's records management program.

(15) "Records retention schedule" means a document listing all records series of a given class, or originating in a particular agency, specifying records to be retained permanently and authorizing on a continuing basis the destruction of other series of records after a specified time period has elapsed.

(16) "Retention period" means the period of time for which a record must be retained.

(17) "Secretary" means the Secretary of the District of Columbia.

(Sept. 5, 1985, D.C. Law 6-19, § 2, 32 DCR 3590; Mar. 8, 1991, D.C. Law 8-235, § 2(a), 38 DCR 302; Oct. 17, 2002, D.C. Law 14-195, § 2(a), 49 DCR 7638; June 13, 2008, D.C. Law 17-175, § 2(a), 55 DCR 5387.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-2901.

Effect of Amendments

D.C. Law 14-195 rewrote par. (2) which had read as follows:

"(2) 'Agency' means any board, commission, department, division, institution, authority, or part thereof, of the District, except the entities listed in § 2-1714(b)."

D.C. Law 17-175 rewrote par. (13), which had read as follows:

"(13) 'Public record' means any document, book, photographic image, electronic data recording, paper, sound recording, or other material, regardless of physical form or characteristic, made or received pursuant to law or in connection with the transaction of public business by any officer or employee of the District."

Legislative History of Laws

Law 6-19, the "District of Columbia Public Records Management Act of 1985," was introduced in Council and assigned Bill No. 6-139, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on May 14, 1985 and May 28, 1985, respectively. Signed by the Mayor on June 10, 1985, it was assigned Act No. 6-34 and transmitted to both Houses of Congress for its review.

Law 8-235 was introduced in Council and assigned Bill No. 8-559, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on December 4, 1990, and December 18, 1990, respectively. Signed by the Mayor on December 27, 1990, it was assigned Act No. 8-318 and transmitted to both Houses of Congress for its review.

Law 14-195, the "Government Reports Electronic Publication Requirement Amendment Act of 2002", was introduced in Council and assigned Bill No. 14-28, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on June 18, 2002, and July 2, 2002, respectively. Signed by the Mayor on July 17, 2002, it was assigned Act No. 14-428 and transmitted to both Houses of Congress for its review. D.C. Law 14-195 became effective on October 17, 2002.

Law 17-175, the "Electronic Mail Public Record Clarification Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-490 which was referred to the Committee on Workforce Development and Government Operations. The Bill was adopted on first and second readings on March 4, 2008, and April 1, 2008, respectively. Signed by the Mayor on April 22, 2008, it was assigned Act No. 17-359 and transmitted to both Houses of Congress for its review. D.C. Law 17-175 became effective on June 13, 2008.

Miscellaneous Notes

District of Columbia Records Disposition Committee established: See Mayor's Order 85-173, October 21, 1985.

Section 3 of D.C. Law 14-195 provided that this act shall apply as of October 1, 2002.

§ 2-1702. ESTABLISHMENT OF DISTRICT OF COLUMBIA OFFICE OF PUBLIC RECORDS MANAGEMENT, ARCHIVAL ADMINISTRATION, AND LIBRARY OF GOVERNMENTAL INFORMATION.

(a) There is established the District of Columbia Office of Public Records Management, Archival Administration, and Library of Governmental Information within the Office of the Secretary.

(b) The head of the Office shall be the Public Records Administrator of the District of Columbia who shall be appointed by the Mayor. The Administrator shall be qualified by training and experience in records and archives management. Other staff shall be appointed as necessary.

(c) Subject to the approval of the Mayor, the Administrator is authorized to adopt, alter, and use a seal which shall establish the authenticity or true copy of any public record in the Administrator's custody. A true copy shall then have the same force and effect as the original.

(d) Repealed.

(e) The Mayor shall issue rules and regulations to implement the provisions of this chapter pursuant to subchapter I of Chapter 5 of this title. The Mayor shall submit the proposed rules and regulations to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve the proposed rules and regulations, by resolution, within the 45-day period, the proposed rules and regulations shall be deemed approved.

(Sept. 5, 1985, D.C. Law 6-19, § 3, 32 DCR 3590; Mar. 8, 1991, D.C. Law 8-235, § 2(b), 38 DCR 302; June 13, 2008, D.C. Law 17-175, § 2(b), 55 DCR 5387.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-2902.

Effect of Amendments

D.C. Law 17-175, in subsec. (e), added the second and third sentences.

Legislative History of Laws

For legislative history of D.C. Law 6-19, see Historical and Statutory Notes following § 2-1701.

For legislative history of D.C. Law 8-235, see Historical and Statutory Notes following § 2-1701.

For Law 17-175, see notes following § 2-1701.

Miscellaneous Notes

Office of Public Records Management, Archival Administration, and Library of Government Information established: See Mayor's Order 86-28, February 11, 1986.

§ 2-1703. RESPONSIBILITIES AND DUTIES OF PUBLIC RECORDS ADMINISTRATOR.

(a)(1) The Administrator shall act as the chief records manager for the District and shall, except as otherwise provided by law:

- (A) Organize and administer a records center for the District's semicurrent and inactive records;
- (B) Implement rules for effective and economical records management; and
- (C) Perform other functions to implement this chapter or the rules issued pursuant to this chapter.

(2) The Administrator shall establish the standards for the number, selection, qualifications, basic and advance training, certification, and recertification of agency records management officers.

(3) The Administrator shall, as the historian of the District, establish a program for the identification and preservation of documentation of significance to the history of the District.

(4) The Administrator may:

- (A) Publish or republish any material of historical interest;
- (B) Compile, edit, and print any publication of historical interest;
- (C) Subject to the approval of the Mayor, enter into agreements with publishers to produce books on District history; or
- (D) Sell publications, reproductions, or replicas, postcards, and historical souvenirs at any location administered by the Office of Public Records.

(5) The Administrator, with a goal of economy through disposal of original paper records, shall establish standards for the storage of records by a photographic, microphotographic, or non-erasable optical process. A certified or authenticated reproduction of a photograph, microphotographic non-erasable optical disk, or enlargement of a record made in compliance with this chapter shall be considered equal to the original when admitted as evidence.

(b) The Administrator shall establish and maintain the official archives of the District of Columbia, implement regulations for the preservation and use of archival records, and perform other functions to implement this chapter or the regulations issued pursuant to this chapter.

(c) The Administrator shall establish and maintain a Library of Governmental Information of the District of Columbia which shall serve as an effective source reference and research information with respect to the business of the District; develop programs and establish standards for the management of services provided under this section; and perform the other functions to implement this chapter or the regulations issued pursuant to this chapter.

(d)(1) The Administrator shall collect, compile, and maintain data and information pertaining to the operation of the District as well as other municipalities, governmental bodies, and public authorities, and arrange for the exchange, sale, purchase, and loan of informational materials from and with legislative and research services, libraries, and institutions in other municipalities, governmental bodies, and public authorities.

(2) The Administrator shall accept, compile, and maintain every public record or document requested to be preserved by:

(A) The Council of the District of Columbia;

(B) The Board of Education; and

(C) The District of Columbia Court of Appeals and the Superior Court of the District of Columbia.

(Sept. 5, 1985, D.C. Law 6-19, § 4, 32 DCR 3590; Mar. 8, 1991, D.C. Law 8-235, § 2(c), 38 DCR 302.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-2903.

Legislative History of Laws

For legislative history of D.C. Law 6-19, see Historical and Statutory Notes following § 2-1701.

For legislative history of D.C. Law 8-235, see Historical and Statutory Notes following § 2-1701.

§ 2-1704. REPORTING REQUIREMENTS.

(a) Except as provided in subsection (c) of this section, each agency shall transmit to the Library of Governmental Information at least 2 copies of each report, study, or publication prepared by the agency or independent contractor immediately after they have been issued. At least one copy of each report, study, or publication shall be made available to the public at the Library of Governmental Information.

(b) The Mayor shall make available to the public an electronic version of the list, by category, of the documents transmitted under subsection (a) of this section through the Internet, no later than 30 days from the date of the transmission from the agency.

(c) The provisions of subsection (a) and (b) of this section shall not apply to drafts or unofficial copies of accounting, auditing, or financial reports, studies, or publications.

(Sept. 5, 1985, D.C. Law 6-19, § 5, 32 DCR 3590; Mar. 8, 1991, D.C. Law 8-235, § 2(d), 38 DCR 302; Oct. 17, 2002, D.C. Law 14-195, § 2(b), 49 DCR 7638.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-2904.

Effect of Amendments

D.C. Law 14-195 rewrote the section which had read as follows:

"(a) Except as provided in subsection (b) of this section, the head of each agency shall transmit to the Library of Governmental Information at least 2 copies of each report, study, or publication of the agency and those prepared by independent contractors, immediately after they have been issued. At least 1 copy of each report, study, or publication of the District or agency shall be available at the Library of Governmental Information at all times.

"(b) The provisions of subsection (a) of this section shall not apply to drafts or unofficial copies of accounting, auditing, or financial reports, studies, or publications."

Legislative History of Laws

For legislative history of D.C. Law 6-19, see Historical and Statutory Notes following § 2-1701.

For legislative history of D.C. Law 8-235, see Historical and Statutory Notes following § 2-1701.

For Law 14-195, see notes following § 2-1701.

Miscellaneous Notes

Section 3 of D.C. Law 14-195 provided that this act shall apply as of October 1, 2002.

§ 2-1705. RECORDS DISPOSITION COMMITTEE.

- (a) There is established a Records Disposition Committee ("Committee") consisting of the following:
- (1) A chairperson, the State Historic Records Coordinator, appointed by the Mayor;
 - (2) The following ex officio members or their designees:
 - (A) The City Administrator/Deputy Mayor for Operations;
 - (B) The Secretary of the District of Columbia;
 - (C) The Secretary to the Council;
 - (D) The Director of Public Libraries;
 - (E) The Deputy Mayor for Finance;
 - (F) The Corporation Counsel;
 - (G) The Inspector General;
 - (H) The District of Columbia Auditor;
 - (I) The Superintendent of Schools; and
 - (J) The Chief Judge of the District of Columbia Court of Appeals; and
 - (3) The Public Records Administrator shall serve as the secretary of the Committee.
- (b) The Committee shall convene when called by the chairperson or by any 3 members to:
- (1) Review and act upon a records retention schedule submitted for consideration by the Administrator;
 - (2) Review and act upon requests for exceptions from the records retention schedule for disposal authority;
 - (3) Accept for the archives nonpublic records of historic significance on the recommendation of the Administrator; and
 - (4) Consider and resolve policy and other matters affecting the District records disposition program.
- (c) The concurrence of the Administrator shall be necessary for the destruction of any public record.
- (Sept. 5, 1985, D.C. Law 6-19, § 6, 32 DCR 3590; Mar. 8, 1991, D.C. Law 8-235, § 2(e), 38 DCR 302.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-2905.

Legislative History of Laws

For legislative history of D.C. Law 6-19, see Historical and Statutory Notes following § 2-1701.

For legislative history of D.C. Law 8-235, see Historical and Statutory Notes following § 2-1701.

§ 2-1706. MAINTENANCE OF PUBLIC RECORDS.

(a)(1) Any record created or received by the District in the course of official business is the property of the District and, except as provided in paragraph (2) of this subsection, shall not be destroyed, sold, transferred, or disposed of in any manner.

(2)(A) A record may be destroyed, sold, transferred, or disposed of as prescribed by law, by records retention schedules, or by other authorization approved by the Committee; provided, that an authorization approved by the Committee shall not be effective until 45 days after its publication in the District of Columbia Register.

(B) Any records retention schedule or procedure which is in effect on September 5, 1985, shall remain in effect until it is amended or repealed pursuant to this chapter.

(a-1) No electronic mail shall be deleted or destroyed until new rules and regulations for the retention of electronic mail are submitted to and approved by the Council pursuant to § 2-1702(e). Such rules and regulations shall be submitted within 60 days of June 13, 2008.

(b) It shall be the responsibility of each agency to develop:

(1) Records containing adequate documentation of its organization, functions, policies, decisions, procedures, and essential transactions; and

(2) A continuing program for the economical and efficient management of its records in compliance with the instructions and directives issued by the Administrator with respect to the organization, retention, disposal, storage, photographing, and microphotographing of its records.

(c) An employee at each agency shall be designated as the records management officer of the agency, who shall develop and carry out the records management program of the agency and provide liaison with the Administrator.

(d) Any inactive public record of the District which is deemed to have continuing historical or other significance shall be transferred to the District of Columbia Archives to be properly preserved, arranged, described, and made available for reference purposes.

(Sept. 5, 1985, D.C. Law 6-19, § 7, 32 DCR 3590; Apr. 12, 2000, D.C. Law 13-91, § 131, 47 DCR 520; June 13, 2008, D.C. Law 17-175, § 2(c), 55 DCR 5387.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-2906.

Effect of Amendments

D.C. Law 13-91, in par. (2) of subsec. (b), deleted "pursuant to § 1-2902(d) [1981 Ed]," preceding "with respect to".

D.C. Law 17-175, in subsec. (a)(2)(A), inserted "; provided, that an authorization approved by the Committee shall not be effective until 45 days after its publication in the District of Columbia Register"; and added subsec. (a-1).

Legislative History of Laws

For legislative history of D.C. Law 6-19, see Historical and Statutory Notes following § 2-1701.

Law 13-91, the "Technical Amendments Act of 1999," was introduced in Council and assigned Bill No. 13-435, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 2, 1999, and December 7, 1999, respectively. Signed by the Mayor on December 29, 1999, it was assigned Act No. 13-234 and transmitted to both Houses of Congress for its review. D.C. Law 13-91 became effective on April 12, 2000.

For Law 17-175, see notes following § 2-1701.

§ 2-1707. CONFIDENTIALITY SAFEGUARDED.

(a) Any public record made confidential by law shall be so treated.

(b) No provision of this chapter shall be construed to authorize or require the opening of any records ordered to be sealed by a court.

(Sept. 5, 1985, D.C. Law 6-19, § 8, 32 DCR 3590.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-2907.

Legislative History of Laws

For legislative history of D.C. Law 6-19, see Historical and Statutory Notes following § 2-1701.

§ 2-1708. COPIES, PRINTOUTS, AND PHOTOGRAPHS OF PUBLIC RECORDS.

Whenever a person has the right to inspect any public record subject to the requirements of this chapter, the person shall be furnished a copy, printout, or photograph of the record for a reasonable fee.

(Sept. 5, 1985, D.C. Law 6-19, § 9, 32 DCR 3590.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-2908.

Legislative History of Laws

For legislative history of D.C. Law 6-19, see Historical and Statutory Notes following § 2-1701.

§ 2-1709. DISPOSITION OF PUBLIC RECORDS AT END OF OFFICIAL'S

TERM.

(a) On or before the expiration of the term of office of an elected or appointed official, all public records, books, writings, and letters in the custody of the official shall be promptly transmitted or relinquished to the official's successor or, if there is none, to the Administrator.

(b) Any official who maliciously destroys, defaces, or removes any public record, as defined by this chapter, shall be subject to the penalties established in section 14.

(Sept. 5, 1985, D.C. Law 6-19, § 10, 32 DCR 3590.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-2909.

Legislative History of Laws

For legislative history of D.C. Law 6-19, see Historical and Statutory Notes following § 2-1701.

References in Text

"Section 14", referred to at the end of subsection (b), is § 14 of D.C. Law 6- 19.

§ 2-1710. RIGHT OF EXAMINATION OF PUBLIC RECORDS.

(a) The Administrator shall from time to time review the condition of public records, and shall give advice and assistance to officials in the solution of problems of preserving, cataloging, filing, and making readily available for governmental and public use the records in their custody.

(b) Upon request by the Administrator, each custodian shall prepare an inclusive inventory of all public records in his or her custody.

(Sept. 5, 1985, D.C. Law 6-19, § 11, 32 DCR 3590.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-2910.

Legislative History of Laws

For legislative history of D.C. Law 6-19, see Historical and Statutory Notes following § 2-1701.

§ 2-1711. ANNUAL REPORT.

(a) The Office shall submit an annual report covering the preceding fiscal year to the Mayor by January 1st.

(b) A copy of the annual report shall be sent to each member of the Council and placed in each branch of the public library.

(Sept. 5, 1985, D.C. Law 6-19, § 12, 32 DCR 3590.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-2911.

Legislative History of Laws

For legislative history of D.C. Law 6-19, see Historical and Statutory Notes following § 2-1701.

§ 2-1712. FUNDING.

All projected expenditures required for the administration of this chapter shall be included as a part of the annual budget submitted for the operation of the Office of the Secretary.

(Sept. 5, 1985, D.C. Law 6-19, § 13, 32 DCR 3590.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-2912.

For legislative history of D.C. Law 6-19, see Historical and Statutory Notes following § 2-1701.

§ 2-1713. CIVIL ENFORCEMENT.

The Corporation Counsel is authorized to initiate a civil action in the Superior Court of the District of Columbia or any court of competent jurisdiction to protect the interests of the District of Columbia in any public record.

(Sept. 5, 1985, D.C. Law 6-19, § 15, 32 DCR 3590.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-2913.

Legislative History of Laws

For legislative history of D.C. Law 6-19, see Historical and Statutory Notes following § 2-1701.

§ 2-1714. APPLICABILITY.

(a) The requirements and provisions of this chapter shall apply to and be binding upon the executive branch, the operating departments and agencies, including independent agencies of the District, Advisory Neighborhood Commissions, the Board of Elections and Ethics, the Zoning Commission, the Armory Board, the Public Service Commission, and the boards, commissions, and task forces whose memberships are appointed by the Mayor.

(b) The requirements and provisions of this chapter shall not be binding upon:

- (1) The Council of the District of Columbia;
- (2) The Board of Education;
- (3) The District of Columbia Court of Appeals and the Superior Court of the District of Columbia; and
- (4) The regional and national bodies in which the District participates as a member.

(Sept. 5, 1985, D.C. Law 6-19, § 16, 32 DCR 3590.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-2914.

Temporary Amendments of Section

Section 4 of D.C. Law 17-16, in subsec. (a), substituted "Public Service Commission, the National Capital Revitalization Corporation, the Anacostia Waterfront Corporation," for "Public Service Commission,".

Section 6(b) of D.C. Law 17-16 provides that the act shall expire after 225 days of its having taken effect.

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 4 of National Capital Revitalization Corporation and Anacostia Waterfront Corporation Freedom of Information Emergency Amendment Act of 2007 (D.C. Act 17-29, April 19, 2007, 54 DCR 4077).

Legislative History of Laws

For legislative history of D.C. Law 6-19, see Historical and Statutory Notes following § 2-1701.