

HOUSE BILL No. 5948

October 19, 2016, Introduced by Reps. Chirkun, Robinson, Liberati, Lucido, Lane, LaVoy, Wittenberg, Gay-Dagnogo, Faris, Dianda and Talabi and referred to the Committee on Government Operations.

A bill to amend 1984 PA 431, entitled
"The management and budget act,"
by amending section 287 (MCL 18.1287), as amended by 2001 PA 71.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 287. (1) The department shall maintain a records
2 management program to provide for the development, implementation,
3 and coordination of standards, procedures, and techniques for forms
4 management, and for the creation, retention, maintenance,
5 preservation, and disposition of the records of this state. All
6 records of this state are and shall remain the property of this
7 state and shall be preserved, stored, transferred, destroyed,
8 disposed of, and otherwise managed pursuant to this act and other
9 applicable provisions of law.

1 (2) In managing the records of this state, the department
2 shall do all of the following:

3 (a) Establish, implement, and maintain standards, procedures,
4 and techniques of records management throughout state agencies.

5 (b) Provide education, training, and information programs to
6 state agencies regarding each phase of records management.

7 (c) Promote the establishment of a vital records program in
8 each state agency by assisting in identifying and preserving
9 records considered to be critically essential to the continued
10 operation of state government or necessary to the protection of the
11 rights and privileges of its citizens, or both. Preservation of
12 designated vital records shall be accomplished by storing duplicate
13 copies of the original records in a secure remote records center to
14 assure retention of those records in the event of disaster and loss
15 of original records.

16 (d) Operate a records center or centers for the purpose of
17 providing maintenance, security, and preservation of state records.

18 (e) Provide centralized microfilming service and, after the
19 effective date of rules promulgated under the records ~~media~~
20 **REPRODUCTION** act, 1992 PA 116, MCL 24.401 to ~~24.403~~, **24.406**, to
21 govern optical storage, service for off-site storage of optical
22 discs as an integral part of the records management program.

23 (f) Provide safeguards against unauthorized or unlawful
24 disposal, removal, or loss of state records.

25 (g) Initiate action to recover a state record that may have
26 been removed unlawfully or without authorization.

27 (h) Establish retention and disposal schedules for the

1 official records of each state agency with consideration to their
2 administrative, fiscal, legal, and archival value.

3 (3) The department shall issue directives that provide for all
4 of the following:

5 (a) The security of records maintained by state agencies.

6 (b) The establishment of retention and disposal schedules for
7 all records in view of their administrative, fiscal, legal, and
8 archival value.

9 (c) The submission of proposed retention and disposal
10 schedules to the department of history, arts, and libraries, the
11 auditor general, the attorney general, and the board for review and
12 approval.

13 (d) The transfer of records from a custodian state agency to a
14 state records center or to the custody of the department of
15 history, arts, and libraries.

16 (e) The disposal of records pursuant to retention and disposal
17 schedules, or the transfer of records to the custody of the
18 department of history, arts, and libraries.

19 (f) The establishment of a records management liaison officer
20 in each department to assist in maintaining a records management
21 program.

22 (g) The cooperation of other state departments in complying
23 with this act.

24 (h) The storage of records in orderly filing systems designed
25 to make records conveniently accessible for use.

26 **(4) THE DIRECTOR OF THE DEPARTMENT SHALL ISSUE DIRECTIVES TO**
27 **ALL STATE AGENCIES TO HAVE A DATABASE SECURITY BREACH POLICY IN**

1 EFFECT NOT LATER THAN OCTOBER 1, 2016. AS PART OF THE DATABASE
2 SECURITY BREACH POLICY, THE DEPARTMENT SHALL ENSURE ALL THE
3 FOLLOWING IF THE DEPARTMENT DETERMINES THAT A DATABASE SECURITY
4 BREACH HAS OCCURRED IN A DATABASE OPERATED OR MAINTAINED BY A STATE
5 AGENCY:

6 (A) ASSIST STATE RESIDENTS IN OBTAINING AND PREPARING THE
7 APPROPRIATE DOCUMENTATION TO RESTORE THEIR CREDIT DUE TO THAT
8 DATABASE SECURITY BREACH.

9 (B) SUBJECT TO AVAILABLE FUNDS, PAY ALL NECESSARY EXPENSES IN
10 RESTORING THE CREDIT OF A STATE RESIDENT DUE TO THAT DATABASE
11 SECURITY BREACH.

12 (C) WITHIN 72 HOURS OF A STATE AGENCY DISCOVERING A DATA
13 SECURITY BREACH, PROVIDE NOTICE TO EACH HOUSE OF REPRESENTATIVES
14 MEMBER AND EACH SENATE MEMBER, WHO REPRESENTS THE PERSON WHO
15 SUFFERED THE DATA SECURITY BREACH.