

RÉSUMÉ DIGEST

ACT 213 (SB 146)

2021 Regular Session

Pope

Prior law, relative to public records, defined "public body" to mean any branch, department, office, agency, board, commission, district, governing authority, political subdivision, or any committee, subcommittee, advisory board, or task force thereof, or any other instrumentality of state, parish, or municipal government, including a public or quasi-public nonprofit corporation designated as an entity to perform a governmental or proprietary function, or an affiliate of a housing authority.

Prior law, relative to state archival, historical, and public records services, defined "agency" to mean any state, parish and municipal office, department, division, board, bureau, commission, authority, or other separate unit of state, parish, or municipal government created or established by the constitution, law, resolution, proclamation, or ordinance.

PUBLIC BODIES

Prior law, relative to all public bodies including agencies, required the preservation of public records for the times specified in approved formal retention schedules or for three years if there is no approved formal retention schedule. Required an original record, if it exists, to be retained. Required one duplicate to be retained if no original exists.

New law retains prior law for agencies, except those subject to records retention schedules developed and approved by the state archivist and director of the division of archives, records management, and history of the Department of State.

New law, applicable only to public bodies that are not agencies, deletes references to a formal retention schedule and instead requires all documents to be retained for three years or as provided by law.

Prior law allowed an appropriate microform, produced in compliance with prior law by a public body including an agency, to be considered an original. Required the microform process to comply with conversion standards established by the division of archives, records management, and history of the Dept. of State. Required disposal of the original and any copies to be in accordance with prior law. Required the process to reproduce an unalterable image of the source document.

New law retains prior law relative to agencies.

New law, applicable to all public bodies, additionally requires that the image produced be accessible.

New law, applicable only to public bodies that are not agencies, allows use of any microphotographic or other electronic document reproduction process that is not otherwise prohibited by law.

AGENCIES ONLY

Prior law required the secretary of state through the state archivist to establish standards for selective retention of records and to monitor agencies' application of these standards.

New law clarifies that the standards established and monitored apply to all agency records retention.

New law provides that certain agencies shall keep all records in accordance to the retention schedule developed and approved by the state archivist and director of the division of archives, records management, and history of the Dept. of State.

Prior law required each agency head to identify records that are not needed for current agency business and do not warrant further retention and to request the state archivist to authorize disposal of the identified records.

New law clarifies that this process of identification and request for disposal authority applies to records that are no longer needed.

Prior law required each agency to have a designated records officer.

New law requires a designation to occur every year.

Effective upon signature of the governor (June 11, 2021).

(Amends R.S. 44:36, 39, 411(A)(intro para) and (A)(2) and (C), and 422)