

**Government of the District of Columbia
Office of the Chief Financial Officer**

Natwar M. Gandhi
Chief Financial Officer



MEMORANDUM

TO: The Honorable Vincent C. Gray
Chairman, Council of the District of Columbia

FROM: Natwar M. Gandhi
Chief Financial Officer 

DATE: MAR 28 2008

SUBJECT: Fiscal Impact Statement: "Email Public Record Clarification
Amendment Act of 2008"

REFERENCE: Bill Number 17-490, Committee Print dated 2/28/08

Conclusion

As the proposed legislation does not provide for an expenditure commitment, funds are sufficient in the FY 2008 through FY 2011 budget and financial plan to *enact* the proposed legislation; however, at this time the Office of the Chief Financial Officer (OCFO) cannot determine if funds are sufficient to *implement* the proposed legislation. The potential cost or savings associated with implementing the proposed legislation would depend entirely on the electronic records (including email) retention policies that would be submitted to Council for review. At this time, such draft policies have not been completed.

Background

The proposed legislation would clarify that "public records" subject to retention requirements include all records regardless of medium and including electronic mail (email); would require the Mayor to develop electronic records retention regulations for Council review that conform with the District of Columbia's General Records Schedules; would provide that a record authorized to be disposed of by the Records Disposition Committee shall not be effective until 45 days after publication in the District of Columbia Register; and would require the Mayor to determine whether and to what extent agencies must create electronic records.

Currently, the Office of the Chief Technology Officer (OCTO) is under direction to retain emails indefinitely until the administration crafts a new retention policy, which, under the proposed legislation, would be subject to Council review.

Financial Plan Impact

As the proposed legislation does not provide for an expenditure commitment, funds are sufficient in the FY 2008 through FY 2011 budget and financial plan to *enact* the proposed legislation; however, at this time the OCFO cannot determine if funds are sufficient to *implement* the proposed legislation.

The potential cost or savings associated with implementing the proposed legislation would depend entirely on the electronic records (including email) retention policies that would be submitted to Council for review. At this time, such draft policies have not been completed.

General costs or savings of any proposed policy would be related to the cost of hardware and software, training, manuals, and potentially, the cost of additional staff and/or infrastructure improvements.