

SENATE FILE NO. SF0004

Public records-electronic mail.

Sponsored by: Management Council

A BILL

for

1 AN ACT relating to public records; providing for the  
2 disposition of specified transitory electronic mail;  
3 providing a definition; and providing for an effective  
4 date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 9-2-401(a) by creating a new  
9 paragraph (vi) and 9-2-412 are amended to read:

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11 **9-2-401. Definitions.**

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13 (a) As used in W.S. 9-2-401 through 9-2-415:

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15 (vi) "Transitory electronic mail" means an  
16 electronic or "e-mail" message sent or received by an  
17 official or employee of a public office that constitutes a

1 public record, but is an informal communication of  
2 temporary administrative information that has no enduring  
3 value and does not set office policies, establish  
4 guidelines or procedures, certify the transaction of public  
5 business or constitute a receipt. Examples of transitory  
6 electronic mail include preliminary communications relating  
7 to the scheduling of meetings, routine office announcements  
8 and notices, telephone call-back messages and informal  
9 messages.

10  
11 **9-2-412. Destruction or disposition of public records;**  
12 **procedure.**

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14 (a) Except as provided in subsection (b) of this  
15 section, public records of the state and political  
16 subdivisions shall be disposed of in accordance with W.S.  
17 9-2-411. The records committee may approve a departmental  
18 written request upon proper and satisfactory showing that  
19 the retention of certain records for a minimum period of  
20 ten (10) years is unnecessary and uneconomical.  
21 Recommendations for the destruction or disposition of  
22 office files and memoranda shall be submitted to the  
23 records committee upon approved forms, prepared by the  
24 records officer of the agency concerned and the director.

1 The committee shall determine the period of time that any  
2 office file or memorandum shall be preserved and may  
3 authorize the division of archives, records management and  
4 centralized microfilm to arrange for its destruction or  
5 disposition.

6  
7 (b) Under supervision of the official custodian of  
8 public records defined by W.S. 16-4-201(a)(ii), an official  
9 or employee of a public office who is the sender or  
10 recipient of transitory electronic mail may delete or  
11 otherwise destroy on-site all records of the transitory  
12 electronic mail as soon as its purpose has been served.

13  
14 **Section 2.** This act is effective immediately upon  
15 completion of all acts necessary for a bill to become law  
16 as provided by Article 4, Section 8 of the Wyoming  
17 Constitution.

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(END)