

SENATE No. 2108

The Commonwealth of Massachusetts

PRESENTED BY:

Rebecca L. Rausch

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act regarding information governance.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	
<i>Kate Lipper-Garabedian</i>	<i>32nd Middlesex</i>	
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/1/2021</i>

SENATE No. 2108

By Ms. Rausch, a petition (accompanied by bill, Senate, No. 2108) of Rebecca L. Rausch, Kate Lipper-Garabedian and James B. Eldridge for legislation to regard information governance. State Administration and Regulatory Oversight.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1900 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act regarding information governance.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 7 of chapter 4 of the General Laws is hereby amended in clause
2 twenty-sixth by inserting the following subclause:-

3 (k) protected by the attorney-client privilege, the work product doctrine, or other
4 doctrinal protection from disclosure;

5 SECTION 2. Chapter 66 of the General Laws is hereby amended by adding the
6 following section:-

7 Section 2. (a) For purposes of this section, the term “information governance
8 plan” or “IG plan” shall mean a comprehensive set of protocols for the efficient retention and
9 routine disposal of documents and data existing in any format or medium, whether or not said

10 documents and data are deemed public records as defined in clause twenty-sixth of section 7 of
11 chapter 4.

12 (b) Each agency and municipality subject to the requirements of this chapter with
13 regard to public records shall create, implement, maintain, and enforce a comprehensive
14 information governance plan, including, at minimum, protocols for: storage, naming, privacy,
15 security, routine disposal and methods for halting that disposal when necessary, and appropriate
16 sharing of documents and data existing in any format or medium.

17 (c) The IG plan shall comply with the state records retention schedule published
18 and maintained by the secretary of the commonwealth.

19 (d) The IG plan shall itself be a public record, provided that any portions thereof
20 protected from disclosure by one of the exemptions set forth in clause twenty-sixth of section 7
21 of chapter 4 may be redacted prior to production.

22 (e) The Attorney General shall enforce the provisions of this section.