

ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE CHAPTER 2-11 (*RECORDS MANAGEMENT*) TO REVISE THE TITLE, ADD DEFINITIONS, REVISE PROVISIONS RELATED TO INFORMATION MANAGEMENT; AND TO CREATE AN INFORMATION SECURITY OFFICE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. City Code Chapter 2-11 (*Records Management*) is amended to revise the title to read as follows:

CHAPTER 2-11. – [~~RECORDS~~] INFORMATION MANAGEMENT.

PART 2. City Code Section 2-11-1 (*Definitions*) is amended to add the following new definitions, revise definitions, and to renumber the remaining definitions accordingly:

- (3) CUSTODIAN in this chapter means the department that creates or receives a record, information, or data in the course of the department's business function and is responsible for that record, information, or data.
- (6) DIGITAL, when used in reference to [~~a record~~] information, means the [~~record~~] information is maintained in an electronic data format that requires an electronic device to create, store, access, retrieve, or read the [~~record~~] information.
- (8) END USER means any individual, including an elected official, board and commission member, applicant, employee, contractor, vendor, volunteer, or temporary employee who is granted access to City information or systems.
- (9) INFORMATION MANAGEMENT means the administration of information and data, its use and transmission, and the application of theories and techniques of information science to create, modify, or improve information and data handling systems.
- (10) INFORMATION SECURITY means protecting information and information systems from unauthorized access, use, disclosure, disruption, modification, or destruction in order to provide integrity, confidentiality, and availability.
- (11) INFORMATION SECURITY AUDIT means the independent review and examination of a system's records or information and activities to determine the adequacy of system controls, ensure compliance with established security policy and procedures, detect breaches in security services, and recommend any changes that are indicated for countermeasures.

- (16) RECORDS CONTROL SCHEDULE means the document prepared by, or under the authority of, the city clerk listing the records maintained by the City, their retention periods, and records disposition information necessary to administer the information management program.

PART 3. Subsections (B), (D), and (E) of City Code Chapter 2-11-2 (*Purpose; Applicability; Compliance*) are amended to read as follows:

§ 2-11-2 - PURPOSE; APPLICABILITY; COMPLIANCE.

- (B) This chapter, the ~~[records]~~ information management program, and the records control schedule[s] apply to all ~~[records]~~ information in whatever form the ~~[records]~~ information exists ~~[, including all digital records and all physical records]~~.
- (D) Each City official and City employee shall comply with the ~~[records]~~ information management program adopted under this chapter. The ~~[records]~~ information management program is cumulative of this chapter and the Local Government Records Act.
- (E) A person does not comply with the ~~[records]~~ information management program unless the person complies with this chapter and the Local Government Records Act.

PART 4. City Code Section 2-11-3, (*Records Management Officer*) is amended to read as follows:

§ 2-11-3 - RECORDS MANAGEMENT OFFICER.

- (A) The city clerk is the records management officer under Local Government Code[;] [§] Section 203.025 (*Designation of Records Management Officer*) for the City, and shall:
- (1) develop, implement, and administer a City-wide ~~[records]~~ information management program that complies with the Local Government Records Act;
 - (2) coordinate, and to the extent practicable, standardize ~~[records]~~ information management practices among departments;
 - (3) serve on each director-level technology governance or oversight committee established by a City department; ~~[and]~~
 - (4) ~~[prepare, review,]~~ maintain the records control schedule and approve ~~[each new and amended records control schedule for each City department, and]~~

~~make necessary~~] changes to the records control schedule[s] at intervals set by the ~~[records]~~ information management program;

- (5) report annually to the council and the city manager on the implementation of the ~~[records]~~ information management program in each City department;
 - (6) report to the city manager noncompliance with the ~~[records]~~ information management program by a department director, City employee, or City contractor;
 - (7) report to the council noncompliance with the ~~[records]~~ information management program by a City official;
 - (8) appoint a city records ~~[manager]~~ and information management officer to implement this chapter, subject to the direction of the city clerk;
 - (9) provide storage, retrieval, and destruction services of physical records no longer required to be kept in active office space and transferred to the records center;
 - (10) provide support for City-wide document and imaging management systems and services designed to manage digital ~~[records]~~ information;
 - (11) ~~[establish a micrographics program for the preservation of permanent records not transferred to the Austin History Center]~~ develop a preservation program for the preservation and access to long-term and permanent information in cooperation with the Austin History Center;
 - (12) provide consulting services and training to departments and employees on the ~~[implementation of the records]~~ information management program, ~~[records and]~~ information technology requirements, and other subjects ~~[related to records and information management]~~ supporting information management;
 - (13) assist department ~~[records]~~ information administrators to identify essential ~~[records]~~ information and establish a disaster recovery plan for ~~[records]~~ information.
- (B) Subject to the direction of the city clerk, the city records ~~[manager]~~ and information management officer may perform a duty assigned by this chapter to the city clerk.

PART 5. The title to City Code Section 2-11-4 (*Records Management*) and Subsections (A), (B), (D) and (E) of Section 2-11-4 are amended, and a new Subsection (C) is added to read as follows, and reletter the subsections accordingly:

§ 2-11-4 – [~~RECORDS MANAGEMENT~~] INFORMATION GOVERNANCE COMMITTEE.

- (A) The members of the [~~records management~~] information governance committee are:
- (1) the city clerk;
 - (2) the city manager;
 - (3) the city records [~~manager~~] and information management officer;
 - (4) the city archivist;
 - (5) [~~the city auditor~~] the city chief information security officer;
 - (6) the city attorney;
 - (7) the director of the Human Resources Department;
 - (8) the director of the Communications and Technology Management Department;
 - (9) the [~~comptroller~~] controller;
 - (10) the purchasing officer;
 - (11) a departmental [~~records~~] information administrator, appointed by the city manager, from an enterprise-fund department; and
 - (12) a departmental [~~records~~] information administrator, appointed by the city manager, from a general-fund department.
- (B) The city clerk is the chair of the [~~records management~~] information governance committee. [~~The city records manager is the secretary of the records management committee.~~]
- (C) The city records and information management officer is a non-voting member and the secretary for the information governance committee.
- (~~[C]~~D) The [~~records management~~] information governance committee shall:
- (1) assist the city clerk and the chief information security officer in the development, implementation, and management of [~~the records management program~~] information governance policies, procedures, and best practices;
 - (2) to the extent practicable promote standard [~~records management~~] information governance practices among departments;
 - ~~[(3) annually review the performance of the program;]~~
 - (43) annually review City policies related to compliance with applicable law regarding the creation, storage, retention, destruction, disposition, information security, [~~or~~] and accessibility of City [~~records~~] information;

- (54) adopt necessary changes and improvements to City policies [~~and to the records management program~~] related to information governance that are not inconsistent with this chapter;
- (65) review each change to the records control schedule submitted by the city clerk;
- (76) recommend to the council amendments to this chapter as required; and
- (87) support and promote [~~the records management program~~] information governance within the City.

((D)E) The city clerk shall convene the committee at least twice each fiscal year. [~~Six members of the committee are a quorum.~~] An action of the committee requires a majority vote of the committee members present.

((E)F) The [~~records management~~] information governance committee is neither a governing body nor a City board, and is not subject to Chapter 2-1 (*City Boards*).

PART 6. City Code Section 2-11-5 (*Records Management Program*), including its title, is amended to read as follows:

§ 2-11-5 – [~~RECORDS~~] INFORMATION MANAGEMENT PROGRAM.

[(A)] ~~The city clerk shall submit the records management program to the city manager for approval. The records management program approved by the city manager is the City's records management program.~~

[(B)] The [~~records~~] information management program must:

- (1) comply with the Local Government Records Act;
- (2) to the extent practicable, standardize records management practices among City departments;
- (3) in cooperation with the [~~commission~~] information governance committee, establish guidelines for the implementation of the records control schedule[s];
- (4) establish training requirements for department [~~records~~] information administrators and department [~~records~~] information management team members;
- (5) establish guidelines for City information technology systems and services to ensure that the systems and services create, store, manage, protect, preserve, dispose of, and provide access to records and information in compliance with the [~~records~~] information management program;
- (6) establish guidelines for the transfer of records and information when a function is transferred from one department to another department;

- (7) establish guidelines for the destruction of records and information, including the information that must be maintained in a destruction log;
- (8) establish procedures for the suspension of [~~records~~] destruction of records or information as allowed by Section 2-11-10 (*Destruction or Disposition of Records or Information*);
- (9) improve the efficiency of [~~record-keeping~~] information management;
- (10) enable the city clerk to perform the duties prescribed by this chapter;
- (11) establish guidelines and eligibility criteria for transferring records to microfilm, or to an electronic or digital format, including guidelines for the disposition of records that have been transferred;
- (12) [~~provide~~] establish guidelines to ensure adequate protection of the essential records and information of the City, including a disaster recovery plan for records and information;
- (13) regulate the operations and use of the records center serving as the depository of inactive physical records with continuing value to the City, except records that have been transferred to the Austin History Center for preservation as historical records; and
- (14) establish guidelines to ensure the preservation of long-term or permanent physical and digital records of the [e] City in cooperation with the Austin History Center.

PART 7. City Code Section 2-11-6 (*Duties of a Council Office*), including its title, is amended to read as follows:

§ 2-11-6 - DUTIES OF A COUNCIL OFFICE – INFORMATION MANAGEMENT.

- (A) A council member shall maintain [~~a record~~] information created or received by the council office in compliance with the [~~records~~] information management program.
- (B) A council member may designate the city clerk as [~~records~~] information administrator for the council member's office.
- (C) Unless the city clerk is the [~~records~~] information administrator for a council office, the council member must perform the duties of the [~~records~~] information administrator as if the council office were a department, or appoint an employee of the council office to assume those duties.

PART 8. City Code Section 2-11-7 (*Duties of Department Directors*), including its title, is amended to read as follows:

§ 2-11-7 - DUTIES OF DEPARTMENT DIRECTORS - INFORMATION MANAGEMENT.

- (A) Each department director shall cooperate with the city clerk to implement this chapter. A department director may not refuse to comply with the requirements of this chapter [~~based on a City ordinance or policy relating to a duty, recordkeeping requirement, or other responsibility of the departmental director~~].
- (B) Each department director shall:
 - (1) document the services, programs, and duties that are the responsibilities of the director's department;
 - (2) maintain the department's records and information in accordance with the [~~records~~] information management program;
 - (3) include [~~records and~~] information management requirements in department policies and procedures; and
 - (4) ensure that the department's information administrator and information management team have sufficient time and resources to implement the [~~records~~] information management program.
- (C) Each department director shall appoint a senior level manager as the department's [~~records~~] information administrator to oversee the implementation of the [~~records~~] information management program in the department, and shall allocate resources to implement the program in the department. A department director may serve as the department's [~~records~~] information administrator. Each department director shall notify the city clerk in writing of the appointment of the department's [~~records~~] information administrator.
- (D) Each department director whose department has more than one division or more than one physical location shall ensure that each division and location has an employee responsible for the implementation of the [~~records~~] information management program in that division or location. The department director shall notify the city clerk in writing of the appointment of each responsible employee under this subsection.
- (E) Each department director is responsible for compliance with this chapter for [~~records~~] information created by a City board, commission, task force, or similar entity for which the department provides support.
- (F) A department director, official, or the official or employee in charge of an inter-departmental working group or committee, must consult the city clerk or the city

records [~~manager~~] and information management officer before recommending or implementing a change to [~~records~~] information management or information technology that is reasonably likely to affect:

- (1) compliance with the [~~records~~] information management program; or
- (2) the City's processes or capabilities relating to the creation, storage, retention, destruction, disposition, security, or accessibility of [~~records~~] information.

PART 9. City Code Section 2-11-8 (*Duties of a Department Records Administrator*), including its title, is amended to read as follows:

§ 2-11-8 DUTIES OF A DEPARTMENT [~~RECORDS~~] INFORMATION ADMINISTRATOR.

(A) Each department [~~records~~] information administrator shall:

- (1) cooperate with the city clerk to implement the [~~records~~] information management program in the department;
- (2) distribute information about the [~~records~~] information management program to department employees;
- (3) ensure that the creation, storage, retention, destruction, disposition, security, and accessibility of the department's [~~records~~] information are in compliance with the department's [~~records~~] information management program;
- (4) implement the [~~department~~] records control schedule to ensure that records or information are retained [~~for the approved retention period~~] and disposed of in accordance with the records control schedule;
- (5) transfer a physical record that is no longer required for the conduct of department business to the records center;
- (6) identify essential [~~records~~] information of the department and establish, implement, and maintain a [~~records~~] disaster recovery plan;
- (7) review the [~~department~~] records control schedule at intervals set by the city clerk to determine if the schedule reflects current department practices and complies with the [~~records~~] information management program;
- (8) review each new information technology system or system enhancement to ensure that the new system or system enhancement addresses and complies with the [~~records~~] information management program;
- (9) assist the city clerk in producing an annual report to the city manager on the implementation of the [~~records~~] information management program in the department;

- (10) notify the city clerk within 24 hours of the discovery of any loss, theft, or damage to a department record or information.

PART 10. City Code Section 2-11-9 (*The Department Records Management Team*), including its title, is amended to read as follows:

§ 2-11-9 - THE DEPARTMENT [~~RECORDS~~] INFORMATION MANAGEMENT TEAM.

- (A) Each department shall have [~~a-records~~] an information management team consisting of:
- (1) the department's [~~records~~] information administrator, who is the chair of the team;
 - (2) the city clerk's staff assigned to work with the department; and
 - (3) for a department that has more than one division or physical location:
 - (a) at least one employee, designated by the director, who is responsible for [~~records~~] information management in a division in the department; and
 - (b) at least one employee, designated by the director, who is responsible for [~~records~~] information management in a location of the department.
- (B) The [~~records~~] information management team shall:
- (1) meet at intervals set by the [~~records~~] information management program;
 - (2) invite to each meeting the city clerk's staff assigned to work with the department;
 - (3) review the [~~department~~] records control schedule[s] and [~~records~~] department information management practices at intervals set by the city clerk to determine if the schedule[s] and practices comply with the [~~records~~] information management program, and implement corrective action for program compliance;
 - (4) complete reports required by the city clerk; and
 - (5) complete training required by the [~~records~~] information management program.

PART 11. City Code Section 2-11-10 (*Records Control Schedules*), including its title, is amended to read as follows:

§ 2-11-10 - RECORDS CONTROL SCHEDULE[S].

- (A) The city clerk, in cooperation with each department director, shall prepare a records control schedule for each department that lists each record created or received by the department, the retention period for each type of record, and any other information needed to implement the ~~[records]~~ information management program.
- (B) The length of a retention period, or a change in the length of a retention period, shall be determined by the city clerk after consultation with the ~~[records management]~~ information governance committee. After considering any comments made by the ~~[records management]~~ information governance committee the city clerk shall adopt each control schedule and each change to a control schedule.
- (C) The city clerk shall submit a records control schedule ~~[that requires commission review]~~ to the commission as required by the commission. ~~[If the commission does not accept a schedule for filing, the city clerk shall amend the schedule to make it acceptable for filing.]~~
- (D) ~~[The city clerk shall maintain an official set of control schedules for the City.]~~ The record control schedule[s] maintained by the city clerk are the City's official control schedule[s], with which every department must comply.

PART 12. Subsections (A) through (D) City Code Section 2-11-11 (*Destruction or Disposition of Records*), including its title, is amended to read as follows:

§ 2-11-11 - DESTRUCTION OR DISPOSITION OF RECORDS OR INFORMATION.

- (A) When the retention period for a record or information has expired, the ~~[records]~~ information administrator shall approve the destruction of the record or information unless:
 - (1) a request for the record or information under Chapter 552 (*Public Information Act*) of the Government Code is pending;
 - (2) the city attorney determines that the subject matter of the record or information is related to pending or anticipated litigation, or to an ongoing legal matter;
 - (3) the subject matter of the record[s] or information is related to an ongoing audit, or an ongoing review by a governmental regulatory agency;

- (4) a department director or ~~[records]~~ information administrator requests the city clerk in writing, and states the reason, that the record or information be permitted to be retained for an additional period, and the request is approved in writing by the city clerk;
- (5) the city archivist determines that the record or information is of historical value.
- (B) The ~~[records]~~ information administrator of each department shall record the destruction of records or information carried out under this chapter or another law and maintain a destruction log.
- (C) The city clerk may destroy a record or information that is obsolete or that is not identified on [a] the record[s] control schedule if:
 - (1) the destruction of the record or information has been approved by the records management committee; and
 - (2) the commission has approved a request for authorization to destroy the record or information.
- (D) A record or information approved for destruction under this chapter and state law may be destroyed by:
 - (1) the ~~[records]~~ information administrator of the department that has custody of the record; or
 - (2) the city clerk.

PART 13. Subsections (A) and (B) of City Code Section 2-11-12 (*Records Center*) is amended to read as follows:

§ 2-11-12 - RECORDS CENTER.

- (A) The city clerk shall maintain a records center that provides:
 - (1) storage of physical records no longer required to be kept in active office space;
 - (2) an information retrieval service for the benefit of City offices; and
 - (3) a method for destruction of a physical record in storage whose retention period has expired.
- (B) If a ~~[department]~~ physical record is no longer required in the conduct of current business the departmental ~~[records]~~ information administrator shall promptly transfer the record to the records center, or if the retention period has expired, destroy the record as provided by this chapter.

PART 14. City Code Section 2-11-13 (*Management of Digital Records*) is amended to read as follows:

§ 2-11-13 - MANAGEMENT OF DIGITAL RECORDS.

- (A) The creation, maintenance, preservation, and storage of a digital record, including the conversion of a physical record to a digital record, must comply with the ~~[records]~~ information management program.
- (B) The city clerk shall review a department or inter-departmental plan to acquire or implement an information technology system or service that creates, stores, manages, protects, preserves, destroys, or provides access to digital records. If the system or service is inconsistent with the ~~[records]~~ information management program the city clerk shall report the inconsistency to the appropriate director and the city manager.

PART 15. City Code Section 2-11-14 (*Records with Historical Value*), including its title, is amended to read as follows:

§ 2-11-14 - RECORDS OR INFORMATION WITH HISTORICAL VALUE.

- (A) ~~[A-records]~~ An information administrator, the city archivist, and the city clerk may agree to transfer custody of a record or information that has historical value to the Austin History Center. If a City record or information is transferred to the custody of the Austin History Center, ownership of the record or information remains with the City.
- (B) The Austin History Center is the custodian of a record or information belonging to a discontinued department that does not have a named successor.
- (C) The director of the Library Department shall establish guidelines for the preservation of records or information that are of historic value.

PART 16. City Code Section 2-11-15 (*Ownership of City Records*), including its title, is amended to read as follows:

§ 2-11-15 - OWNERSHIP OF CITY ~~[RECORDS]~~ INFORMATION.

- (A) ~~[A-record]~~ Information is the sole property of the City. An official or employee has no personal property right to ~~[a-record]~~ information.
- (B) An official or employee may not:
 - (1) destroy, remove, or use ~~[a-record]~~ information except in the course of the official's or the employee's official duties; or,
 - (2) sell, loan, give away, destroy, or otherwise alienate ~~[a-record]~~ information from the City's custody except in compliance with this chapter or state or federal law.
- (C) The City may demand and receive from a person [a] City ~~[record]~~ information in the person's possession, if the removal of the ~~[record]~~ information was not authorized by law.
- (D) A City official or employee shall, at the expiration of the official's or employee's term, appointment, or employment, deliver to the City all ~~[records]~~ information in the official's or employee's possession.
- (E) ~~[A-record]~~ Information received or created by a City contractor in fulfillment of the contract, except ~~[a-record]~~ information specifically relating only to the contractor's internal administration, is the property of the City. The contractor may not dispose of or destroy ~~[a-record]~~ information that is City property, and shall:
 - (1) maintain the ~~[record]~~ information within compliance with this chapter; and
 - (2) deliver the ~~[record]~~ information, in all requested formats and media, along with all finding aids and metadata, to the City at no cost:
 - (a) when requested by a director or an authorized City employee; and
 - (b) when the contract is completed or terminated.

PART 17. City Code Chapter 2-11 (*Information Management*) is amended to add a new Section 2-11-16 to read as follows:

§ 2-11-16– INFORMATION SECURITY OFFICE.

- (A) The information security office is created as an administrative office and shall report to the deputy or assistant city manager as assigned.

- (B) The chief information security officer leads the office and manages the citywide information security program.
- (C) Each official and employee shall comply with the information security requirements defined in and subsequent to this chapter.
- (D) The information security office shall:
 - (1) perform information security duties;
 - (2) establish and maintain a citywide information security program and information security architecture;
 - (3) provide leadership, strategic direction, and coordination for the citywide information security program, including the adoption, development, and management of relevant, policies, programs, and associated requirements;
 - (4) include the following elements:
 - (a) a citywide information security risk management program;
 - (b) a citywide information security assessment and authorization program;
 - (c) a citywide internal information security audit program; and
 - (d) a citywide information security operations function, including information security incident response.
 - (5) establish and maintain an information security governance committee;
 - (6) provide confidential reports and confidential briefings to city council at least annually as authorized by law; and
 - (7) advise the city manager on information security.
- (E) The chief information security officer shall:
 - (1) possess professional qualifications, including training and experience, required to administer the functions described under this section; and
 - (2) maintain an industry-recognized, product-neutral certification with an ethical behavior clause, in information security, information privacy, or information risk for the entirety of employment in the position.
- (F) Employees in the information security office shall have direct access as permitted by law, and other regulations as appropriate, to employees, information, and systems necessary to carry out the responsibilities defined in this section.

PART 18. City Code Chapter 2-11 (*Information Management*) is amended to add Section 2-11-17 to read as follows:

§ 2-11-17 – DUTIES OF DEPARTMENT DIRECTORS – INFORMATION SECURITY.

(A) Each department director must:

- (1) require the implementation of the information security program and all subsequent information security requirements within their department; and
- (2) include an information security resource expenditure allocation for each information resource, system, and IT related agreement, purchase, and project prior to acquiring the item.

PART 19. City Code Chapter 2-11 (*Information Management*) is amended to add a new Section 2-11-18 to read as follows:

§ 2-11-18 – DUTIES OF END USERS – INFORMATION SECURITY

Each end user shall comply with the information security program and all subsequent information security requirements.

PART 20. This ordinance takes effect on _____, 2019.

PASSED AND APPROVED

_____, 2019 § _____
 §
 §
 § _____
 Steve Adler
 Mayor

APPROVED: _____
 Anne L. Morgan
 City Attorney

ATTEST: _____
 Jannette S. Goodall
 City Clerk