

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2505 Session of 2020

INTRODUCED BY ECKER AND RIGBY, MAY 12, 2020

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MAY 18, 2020

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; providing for judicial administration; and
18 prescribing the manner in which the number and compensation
19 of the deputies and all other assistants and employes of
20 certain departments, boards and commissions shall be
21 determined," providing for COVID-19 record retention.

22 The General Assembly of the Commonwealth of Pennsylvania
23 hereby enacts as follows:

24 Section 1. The act of April 9, 1929 (P.L.177, No.175), known
25 as The Administrative Code of 1929, is amended by adding an
26 article to read:

27 ARTICLE XXI-C

1 COVID-19 RECORD RETENTION

2 Section 2101-C. Definitions.

3 The following words and phrases when used in this article  
4 shall have the meanings given to them in this section unless the  
5 context clearly indicates otherwise:

6 "Contractor." A person that has entered into a contract with  
7 an executive agency. The term include an officer, shareholder,  
8 owner and employee of the person.

9 "COVID-19." The coronavirus disease 2019, being an  
10 infectious disease caused by severe acute respiratory syndrome  
11 coronavirus 2 that was first identified during December 2019 in  
12 Wuhan, China.

13 "Executive agency." An office, department, authority, board,  
14 multistate agency or commission of the executive branch of the  
15 Commonwealth which is subject to the policy supervision and  
16 control of the Governor.

17 "Order." Any of the following:

18 (1) the declaration of disaster emergency issued by the  
19 Governor on March 6, 2020, published at 50 Pa.B. 1644 (March  
20 21, 2020); or

21 (2) a declaration of disaster emergency relating to  
22 COVID-19 which is issued after March 6, 2020.

23 "Record." Information, regardless of physical form or  
24 characteristics, that documents a transaction or activity of an  
25 executive agency and that is created, received or retained  
26 pursuant to law or in connection with a transaction, business or  
27 activity of the executive agency. The term includes a document,  
28 paper, letter, map, book, tape, photograph, film or sound  
29 recording, information stored or maintained electronically and a  
30 data-processed or image-processed document.

1 Section 2102-C. Retention of records related to COVID-19.

2 (a) General rule.--An executive agency, a member of an  
3 executive agency, an employee of an executive agency, an officer  
4 of an executive agency, a contractor, an employee of a  
5 contractor, an officer of a contractor or an owner of a  
6 contractor shall preserve all records in possession of the  
7 agency, member, employee, officer or contractor relating to any  
8 of the following for a period of ~~14~~ 10 years after the order is <--  
9 terminated by executive order, proclamation or operation of law:

10 (1) A record created as part of the predecisional  
11 deliberations about an action of the executive agency or  
12 contractor which is in support of or undertaken under the  
13 authority of the order.

14 (2) A record created in connection with an action of the  
15 executive agency or contractor which is in support of or  
16 undertaken under the authority of the order.

17 (3) A record created as part of the predecisional  
18 deliberations about an action of the executive agency or  
19 contractor which is in support of or undertaken as part of  
20 the executive agency or contractor's response to COVID-19.

21 (4) A record created in connection with an action of the  
22 executive agency or contractor which is in support of or  
23 undertaken as part of the executive agency or contractor's  
24 response to COVID-19.

25 (b) Method of preservation.--The preservation of records  
26 under subsection (a) shall conform with the preservation of  
27 records undertaken by an executive agency or contractor in  
28 preparation for litigation.

29 (c) Revision of management directives.--The Office of  
30 Administration shall promptly revise its management directives

1 relating to record management policies to conform with the  
2 requirements of this section~~,~~ AND SHALL PROVIDE PUBLIC NOTICE <--  
3 OF THE REQUIREMENTS OF THIS ARTICLE BY PUBLISHING THE  
4 REQUIREMENTS ON ITS PUBLICLY ACCESSIBLE INTERNET WEBSITE AND  
5 SHALL SUBMIT THE REQUIREMENTS TO THE LEGISLATIVE REFERENCE  
6 BUREAU FOR PUBLICATION IN THE PENNSYLVANIA BULLETIN.

7 Section 2. This act shall take effect immediately.