

**WEST VIRGINIA CODE  
FULL TEXT  
5A-8-1 THROUGH 5A-8-22  
(synopsis)**

5A-8-1 Short Title; Article is to be known as “Records Management & Preservation of Essential Records Act”

5A-8-2 Declaration of Policy- The legislature declares that programs for the efficient and economical management of state and local records will promote economy and efficiency of state and local records will promote economy and efficiency in the day-to-day record-keeping activities of state and local government.

5A-8-3 Definitions

5A-3-3a Repealed

5A-8-4 Essential Records which shall be preserved pursuant to this article:

- a. records containing information necessary to the operation of government in the emergency created by a disaster.
- b. Records not within category A but containing information necessary to protect the rights and interest of persons or to establish and affirm the powers and duties of governments in the resumption of operations after a disaster.

5A-8-5 The Secretary of the Department of Administration is designated the State Records Administrator, hereinafter called the Administrator.

5A-8-6 Records management & preservation advisory committee is continued within the department of administration and shall consist of the Governor, auditor, attorney general, president of the senate, speaker of the house of delegates, the chief justice of the supreme court of appeals, a judge of the circuit court to be appointed by the Governor, the director of the office of emergency services, and the director of the section of archives and history of the division of culture and history, or their designees. To convene whenever called by its chairman or the administrator, and the committee shall designate a chairman, and it shall adopt rules for the conduct of business.

5A-8-7 Duties of the administrator:

- a. Establish standards
- b. Make continuing surveys of paperwork operations and make recommendations on improvements
- c. Establish standards for the preparation of schedules providing for the retention of state records of continuing value and for the prompt and orderly disposal of state records no longer possessing sufficient administrative, legal, or fiscal value to warrant their further keeping.
- d. Select the state records which are essential and determine their category pursuant to this article. In accordance to the CSR records are to be inventoried, a report is to be submitted to the administrator, containing information as the administrator directs, and containing periodically

review his inventory and his report and if the need arises to revise the report so that it is current accurate and complete.

5A-8-8 The administrator has the authority do make rules regarding to records management.

5A-8-9 States that each agency head is to “shall”

- a. Establish and maintain an active continuing program for the economical and efficient mngt. Of records for that agency.
- b. Talks about adequate and proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of agency designed to furnish information to protect the legal and financial rights etc. of that agency.
- c. To submit schedules to the Administrator as established by him shall submit lists of state records in custody that are not needed for disposal in conformity with the requirements of section ten of this article.
- d. Cooperate in the conduct of surveys
- e. Comply with the rules, regulations etc.
- f. First obtain the administrators written approval before purchasing or acquiring any equipment or supplies to preserve records.

5A-8-10 Deals with the microfilming, digital copying, etc of state records

- b. Must have the same impact that an original would have.

5A-8-11 Safe-keeping

- a. Administrator shall prescribe the place and manner of safe-keeping. Originals and duplicates. The administrator may with the approval of the Legislature establish storage facilities even out of the state.
- b. When the administrator believes that the state records are in danger by either natural disaster or by an enemy of the US
  1. shall store a preservation duplicate at another location
  2. store such record at a location other than it’s legally designated or customary location and deposit at the legally designated or customary location a preservation duplicate and that the state record stored is not frequently used. Such determination shall be made by the administrator and the regularly designated custodian of such state, record but if they disagree
  3. When deemed impracticable to provide for preservation duplicate and the state record is not frequently used, and the administrator shall be the one to determine this.
- c. The requirements of this section shall not prohibit the administrator from removing an essential state record or preservation duplicate from the legally designated or customary location of the state record if a disaster caused by an enemy of the US has occurred.

5A-8-12 Maintenance, inspection and use

- a. State records and preservation duplicates stored by the administrator shall be properly maintained
- b. A state record or duplicate maintained by the administrator can be recalled by the regularly designated custodian of the state record shall provide for its inspection, or for the making or certification of copies thereof, and such copies when certified by the administrator shall have the same force and effect as if certified by the regularly designated custodian.

#### 5A-8-13 Confidential Records

The administrator shall protect a record deemed to be confidential then the administrator shall protect its confidential nature.

#### 5A-8-14 Review of Program

The administrator shall periodically but at least once a year review the program for the selection and preservation of essential state records, including the classification of records and the provisions for preservation duplicates, and for safekeeping of essential state records or preservation duplicates to ensure that the purposes of this article are met.

5A-8-15 Records Management and preservation of county records, alternate storage of county records; records management and preservation board created; qualifications and appointment of members; reimbursement of expenses; staffing; rule making authority; study of records management needs of state agencies; grants to counties

#### 5A-8-16 Assistance to legislative and Judicial branches

The administrator shall assist and advise in the establishment of records management programs in the legislative and judicial branches of state government.

#### 5A-8-17 Disposal of Records

NO records shall be disposed of unless it is determined by the administrator and the director of the section of archives and history of the Division of Culture & History that there is no need to maintain documents. First written approval will be granted by the administrator and the administrator shall give notice to the director.

#### 5A-8-18 Destruction of non-record materials

Materials not fitting within the definition of a record within this article may be destroyed without approval. However, the administrator may formulate procedures to guide in the disposal of non-records.

#### 5A-8-19 Alternate storage of state records

- (a) Finding and purpose
- (b) Approved format
- (c) Executive agency records
- (d) Judicial records
- (e) Legislative records

5A-8-21 Limitation on release of certain personal information maintained by State agencies and entities regarding state employees.

Can not release home address, social security numbers, drivers license numbers, marital status or maiden names.

5A-8-22 Personal information maintained by state entities.

Personal information maintained by the State executive branch that is exempt ss#, credit or debit card #.