

SECOND REGULAR SESSION

HOUSE BILL NO. 1263

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES CORNEJO (Sponsor), PARKINSON, HICKS, CONWAY (104),
SOMMER AND ZERR (Co-sponsors).

5039L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 109.210, RSMo, and to enact in lieu thereof one new section relating to public and business records.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 109.210, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 109.210, to read as follows:

109.210. As used in sections 109.200 to 109.310 the following words and terms have the meanings indicated, unless the context clearly requires otherwise:

(1) "Agency", any department, office, commission, board or other unit of state government or any political or administrative subdivisions created for any purpose under the authorities of or by the state of Missouri;

(2) "Boards", the local records board;

(3) "Commission", the state records commission;

(4) **"Data", a representation of information, knowledge, facts, concepts, or instructions that has been prepared or is being prepared in a formalized manner and that has been processed, or is intended to be processed, in a computer or through other electronic means. Data may be stored in any form, including but not limited to a printout, magnetic storage media, disk, a compact disc, punched card, or as memory of a computer;**

(5) **"Electronic record", a record created, generated, sent, communicated, received, or stored by electronic means, but not as a means of backing up or duplicating information. Metadata, either standing alone or associated with a record, is not an electronic record;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **(6) (a) "E-message", a message transmitted between two or more**
18 **telecommunications devices, computers, computer networks, regardless of whether the**
19 **network is a local, regional, or global network, or other electronic devices capable of**
20 **receiving electronic messages, regardless of whether the message is converted to hard copy**
21 **format after receipt, viewed upon transmission, or stored for later retrieval. An E-message**
22 **may contain any combination of text, internet uniform resource locator (URL) links, and**
23 **attached files. E-messages include text messages sent over a cell phone or personal digital**
24 **assistant (PDA) and messages posted or exchanged through social media;**

25 **(b) E-messages that are electronic records include but are not limited to the**
26 **following:**

27 **a. Policies and directives;**

28 **b. Correspondence or memoranda that contain final directives, determinations,**
29 **instruction, or guidance regarding official business;**

30 **c. Minutes of governing boards, advisory groups, ad-hoc committees, or**
31 **workgroups developing programs;**

32 **d. Messages that authorize, establish, or complete a business transaction; or**

33 **e. Final reports or recommendations of legislative committees or produced by**
34 **official task forces or study groups;**

35 **(c) E-messages that are not electronic records include but are not limited to the**
36 **following:**

37 **a. Duplicate copies of messages sent to multiple receivers;**

38 **b. Personal messages and announcements not related to official business;**

39 **c. Preliminary drafts of letters, reports, and memoranda;**

40 **d. Forwarded messages that do not add substantive information to the message**
41 **being forwarded;**

42 **e. Copies of documents distributed for convenience or reference;**

43 **f. Announcements of social events; and**

44 **g. Unsolicited or commercial messages commonly known as spam or junk mail;**

45 **(7) "Local record", any record not a state record;**

46 **[(5)] (8) "Metadata", secondary data that organize, manage, and facilitate the use**
47 **and understanding of primary data. Metadata describes how, when, and by whom**
48 **particular content was collected, how the content is formatted, and the nature of the**
49 **content;**

50 **(9) "Record", document, book, paper, photograph, map, sound recording or other**
51 **material, regardless of physical form or characteristics, including electronic records and E-**
52 **messages, made or received pursuant to law or in connection with the transaction of official**

53 business. Library and museum material made or acquired and preserved solely for reference or
54 exhibition purposes, extra copies of documents preserved only for convenience of reference,
55 **metadata**, and stocks of publications and of processed documents are not included within the
56 definition of records as used in sections 109.200 to 109.310, and are hereinafter designated as
57 "nonrecord" materials;

58 [(6)] **(10)** "Secretary", the secretary of state;

59 [(7)] **(11)** "**Social media**", **forms of electronic communication through which users**
60 **create online communities to share information, ideas, messages, and other content;**

61 **(12)** "State record", any record designated or treated as a state record under state law.

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