

Enterprise Technology Services

Director's Office

Chapter 5: Electronic Records Electronic Transactions

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CHAPTER 5

ELECTRONIC TRANSACTIONS

ELECTRONIC RECORDS

Section 1. **General Information.**

State agencies shall assess the impact of agency operations prior to initiating electronic procedures and records. The assessment includes but is not limited to examining electronic procedures for receipt, storage or transmission of agency information.

Section 2. **Assessment of Impact of Acceptance of Electronic Records.**

State agencies shall perform an assessment of the benefits, level of effort, and risks that are associated with various categories of records that may be accepted in electronic form. In addition, a State agency shall review and consider any applicable guidelines and recommendations that have been adopted by the ETS in determining whether and to what extent the State agency shall accept electronic records.

Section 3. **Integrity of Electronic Records.**

(a) An agency shall adopt procedures where necessary to provide safeguards to protect the reliability, authenticity, integrity, and usability of those records.

(b) To accept, create, and store an electronic record, a State agency must ensure the integrity of the information from the time it is first received and accepted, throughout the entire life cycle of the record. The criteria for assessing integrity shall be whether the information has remained complete and unaltered, apart from the addition of any endorsement or other information that arises in the normal course of communication, storage and display. The standard of reliability required to ensure that information has remained complete and unaltered should be consistent with the risks and consequences associated with the compromise of the information or transaction.

Section 4. **Retention of Electronic Records**

State agencies shall comply with all statutes and rules relating to public records.

(a) For public records created and/or stored exclusively in electronic format, a State agency shall:

(i) Maintain those records so they are accessible, accurate, authentic, reliable, legible, and readable throughout the record life cycle.

(ii) Document policies, assign responsibilities, and develop appropriate formal mechanisms for creating and maintaining those records throughout the record life cycle, including documentation of hardware and software technologies.

(iii) Prescribe a procedure for converting information transmitted electronically to paper and certifying the paper copy for persons requiring paper copies.

(iv) Maintain confidentiality or restricted access of those records, including limiting access only to those persons authorized by law, administrative rule or established agency policy.

(v) Use information systems that accurately reproduce those records.

(vi) Document authorization for the creation and modification of those records and, where required, ensure that only authorized persons create or modify those records.

(b) For electronic records that are relied on to preserve legal rights, a State agency shall:

(i) Ensure that sufficient information on the content, context, structure, and presentation of those records is retained to preserve the validity of the document including, where necessary, verifiable procedures for migrating records to newer hardware and software systems to maintain access.

(ii) Maintain either:

(A) Adequate documentation of the record's validity, gathered at or near the time of record signing, including the processes in place at the time the record was electronically-signed, along with the electronically-signed record itself; or

(B) The capability to re-validate electronic signatures, along with the electronically-signed record itself, and related information used to validate the signature, for the entire lifecycle of the record.

(c) Where a rule or statute requires that certain documents, records or information be retained, that requirement is met by retaining electronic records of such information in a trustworthy manner, provided that the following conditions are satisfied:

(i) The electronic record and the information contained therein are accessible so as to be usable for subsequent reference at all times throughout the life cycle of the record;

(ii) The information is retained in the format in which it was originally generated, sent, or received or in a format that can be demonstrated to represent accurately the information originally generated, sent or received; and

(iii) Data that verifies the authenticity and integrity of the information, and the date and time when it was sent or received is retained for the entire lifecycle of the record.

(d) For permanent records requiring signatures, State agencies must ensure that the printed name of the electronic signer, as well as the date when the signature was executed, be included as part of any eye readable form (such as electronic display or printout) of the electronic record.

(e) If necessary, conversion to other media will be in accordance with guidelines and procedures as published by Wyoming State Archives.

(f) **Limitation.** Nothing in this chapter shall preclude a State agency from specifying additional requirements for the retention of records that are subject to the jurisdiction of such agency.

