

CHAPTER 67
HB 302 - FINAL VERSION

2021 SESSION

21-0547
05/10

HOUSE BILL **302**

AN ACT relative to the creation and use of electronic records by government agencies.

SPONSORS: Rep. L. Ober, Hills. 37

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill clarifies the authority of the department of information technology, in cooperation with the secretary of state and the department of administrative services, to set standards for the creation, retention, and acceptance of electronic records by government agencies.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough.]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 67
HB 302 - FINAL VERSION

21-0547
05/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to the creation and use of electronic records by government agencies.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 67:1 Creation, Retention, Acceptance and Distribution of Electronic Records by Government
2 Agencies. Amend RSA 294-E:17 and RSA 294-E:18 to read as follows:

3 294-E:17 Creation and Retention of Electronic Records and Conversion of Written Records by
4 Governmental Agencies. The secretary of state in cooperation with the department of information
5 technology and the department of administrative services~~[- shall determine whether, and the extent~~
6 ~~to which,]~~ **may create standards by which** a governmental agency ~~[will]~~ **may** create and retain
7 electronic records and convert written records to electronic records.

8 294-E:18 Acceptance and Distribution of Electronic Records by Governmental Agencies.

9 I. Except as otherwise provided in RSA 294-E:12, VI, the department of information
10 technology, in cooperation with the secretary of state and the department of administrative services~~[-~~
11 ~~shall determine whether, and the extent to which,]~~ **may develop standards by which** a
12 governmental agency ~~[will]~~ **may** send and accept electronic records and electronic signatures to and
13 from other persons and otherwise create, generate, communicate, store, process, use, and rely upon
14 electronic records and electronic signatures. ***Nothing in this chapter shall be construed to***
15 ***prevent municipalities from using electronic records or signatures.***

16 II. To the extent that a governmental agency uses electronic records and electronic
17 signatures under paragraph I, the department of information technology, in cooperation with the
18 secretary of state and the department of administrative services, giving due consideration to
19 security, may **create standards to** specify:

20 (a) The manner and format in which the electronic records ~~[must]~~ **may** be created,
21 generated, sent, communicated, received, and stored and the systems established for those purposes;

22 (b) If electronic records must be signed by electronic means, the type of electronic
23 signature ~~[required]~~, the manner and format in which the electronic signature ~~[must]~~ **should** be
24 affixed to the electronic record, and the identity of, or criteria that ~~[must]~~ **should** be met by, any
25 third party used by a person filing a document to facilitate the process;

26 (c) Control processes and procedures as appropriate to ensure adequate preservation,
27 disposition, integrity, security, confidentiality, and auditability of electronic records; and

28 (d) Any other required attributes for electronic records which are specified for
29 corresponding nonelectronic records or reasonably necessary under the circumstances.

CHAPTER 67
HB 302 - FINAL VERSION
- Page 2 -

1 III. Except as otherwise provided in RSA 294-E:12, VI, this chapter does not require a
2 governmental agency of this state to use or permit the use of electronic records or electronic
3 signatures.

67:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: June 10, 2021

Effective Date: August 09, 2021