

## A. PUBLIC RECORDS STATUTES

As noted in the Introduction and Glossary of Terms, your state likely recognizes a distinction between “public records,” which may include correspondence, office records, personnel records, etc., and “government publications,” which may be compiled as a means to disseminate government information of educational or public interest. This section addresses statutes that concern public records and, in particular, those that focus on record keeping requirements and retention. The compilation of statutes for your state may combine record keeping requirements with public access provisions or freedom of information laws. Those statutes are addressed in Sections B & C.

1. Does your state have “public records statutes,” as referred to in the paragraph above?

- Yes  
 No

a. If “Yes,” cite your state’s public records statutes and the administrative regulations that supplement them.

Statutes: ALASKA STAT. § 40.21.010-150

Regulations: ALASKA ADMIN. CODE tit. 3, § 48.187; ALASKA ADMIN. CODE tit. 4, § 59.005-59.070; ALASKA ADMIN. CODE tit. 6, § 96.335; ALASKA ADMIN. CODE tit. 11, § 53.010-53.030

b. If “No,” skip this whole section.

Additional comments:

2. The public records statutes/regulations apply to which of the following branches?

- Executive  
 Legislative  
 Judicial  
 Administrative (applying to all agencies, no matter what branch of government)  
 Other

a. Briefly explain your answer and cite to applicable statutes/regulations.

ALASKA STAT. § 40.21.150. Definitions. In this chapter, unless the context otherwise requires, (1) “agency” or “state agency” means a department, office, agency, state board, commission, public corporation, or other organizational unit of or created under the executive branch of the state government; the term does not include the University of Alaska;

Additional comments:

3. Cite to public records statutes/regulations where “public record” is defined.

ALASKA STAT. § 40.21.150(6); ALASKA STAT. § 40.25.220(3); Alaska Administrative Rule 37.5(b)

Additional comments:

4. Do the public records statutes/regulations address electronic records separately vis-à-vis print records?

Yes

No

a. If "Yes," cite to and briefly discuss statutes/regulations addressing electronic records; how are they treated differently?

Additional comments:

Electronic records are included in the definition of "record" for the purposes of the public records statutes in title 40, chapter 21 of the Alaska Statutes. "Electronic records" are defined in ALASKA STAT. § 40.21.150(4) as "any information that is recorded in machine readable form".

5. Do the public records statutes/regulations address retention of records?

Yes

No

a. If "Yes," cite to and briefly summarize the retention provisions.

ALASKA STAT. § 40.21.060(3) requires the chief executive officer of each state agency to submit to the Department of Education and Early Development, in accordance with the standards established by it, records retention schedules proposing the length of time which records having administrative, legal, or historical value shall be retained

ALASKA STAT. § 40.21.030(a)(3) requires the state archivist to review and approve all agency records retention schedules to identify and to ensure the preservation of those records having permanent value.

ALASKA STAT. § 40.21.030(b)(10) requires the state archivist to establish standards for the preparation of records retention schedules providing for the retention of state records of permanent value and for the prompt and orderly disposition of state records no longer possessing administrative, legal, or historical value to warrant their retention.

ALASKA STAT. § 40.21.030(b)(11) requires the state archivist to receive records retention schedules from the agencies and submit them to the attorney general for review and approval.

ALASKA STAT. § 40.21.060 lists the duties of chief executive officers of state agencies with regard to preservation of public records

Archives and Records Management Services are subject to records retention and preservation regulations in ALASKA ADMIN. CODE tit. 4, § 59.005-060

b. If "Yes," also cite to and discuss any provisions/regulations that address retention of electronic records; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

ALASKA ADMIN. CODE tit. 4, § 59.005 establishes the minimum requirements for the creation, use, maintenance, retention, preservation, and disposition of state records in an electronic format.

Additional comments:

Alaska Rules of Court, Administrative Rule 37, addresses records retention in the judicial branch.

6. Do the public records statutes/regulations or other sources of law supplementing them (particularly a declaration of legislative intent or a relevant attorney general opinion) declare the public policy of the state and address the scope of citizens' access to public records or acknowledge the state's responsibility to permanently maintain public records?

Yes  
 No

a. If "Yes," cite to and provide relevant language.

1990 Alaska Sess. Laws ch. 200, § 1:

LEGISLATIVE FINDINGS AND INTENT. The legislature finds that

(1) public access to government information is a fundamental right that operates to check and balance the actions of elected and appointed officials and to maintain citizen control of government;

(2) computers and electronic data bases have proliferated throughout government raising issues regarding access to electronic information that are not addressed in present law;

(3) to protect the public's right to know, public records must be available at nominal cost;

(4) to protect an individual's right to privacy under the state and federal constitutions, the state shall inform individuals if personal information about them will be subject to public disclosure;

(5) an individual shall have the opportunity to change personal information contained in public records if the information is inaccurate or incomplete;

(6) if public agencies increase electronic access to the state's information systems, particularly for the more isolated communities of the state, the delivery of public services and the availability of information throughout the state would be enhanced;

(7) public access to state and municipal information systems will be enhanced by establishing user fees for electronic services and products that are calculated to recover a reasonable portion of the costs associated with building and maintaining a public information system.

Additional comments:

7. Is a public records administrator, a public records commission or other officer/government entity responsible for administering the public records statutes/regulations?

Yes  
 No

- a. If "Yes," cite to applicable statutes/regulations and identify the responsible officer/government entity.

ALASKA STAT. § 40.21.020. Archival and records management program creation and administration

There is established in the Department of Education and Early Development the Alaska State Archives. The department shall establish and administer a state archives and records management program. To implement the program and head the Alaska State Archives, the department shall create the position of state archivist, and shall appoint as state archivist a person qualified by special training or experience in archival or historical work. The state archivist shall be the official custodian of the archival resources of the state.

- b. If "Yes," also cite to and discuss any source of law requiring the responsible officer/government entity to permanently maintain government information; cite attorney general opinions, court decisions, and administrative rules or guidelines.

Additional comments:

- 8. Has any public records legislation/administrative regulation been proposed calling for "permanent public access" to electronic public records?

Yes  
 No

- a. If "Yes," cite to and briefly discuss the legislation/proposed regulation; what was the outcome?
- b. If "Yes," also cite to documents from the legislative or regulatory history.

Additional comments:

- 9. Has litigation under the public records statutes resulted from the state's failure to "permanently" maintain a public record?

Yes  
 No

- a. If "Yes," cite to and briefly discuss each case.

Additional comments:

- 10. Discuss any unique circumstances in your state relevant to "permanent public access" of public records under public records statutes/regulations.

**B. FREEDOM OF INFORMATION ACT**

A state's freedom of information act (or law) generally addresses public access to "public records." As noted under Section A above, the compilation of statutes for your state may combine record keeping requirements and public access provisions.

1. Does your state have a "freedom of information act," as referred to in the paragraph above?

Yes  
 No

a. If "Yes," cite your state's freedom of information act (or law) statutes and the administrative regulations that supplement them.

Statutes: ALASKA STAT. § 40.25.100-220

Regulations: ALASKA ADMIN. CODE tit. 3, § 16.080; ALASKA ADMIN. CODE tit. 3, § 41.090; ALASKA ADMIN. CODE tit. 3, § 48.040; ALASKA ADMIN. CODE tit. 3, § 78.090; ALASKA ADMIN. CODE tit. 3, § 79.090; ALASKA ADMIN. CODE tit. 3, § 80.090; ALASKA ADMIN. CODE tit. 3, § 91.090; ALASKA ADMIN. CODE tit. 3, § 82.090; ALASKA ADMIN. CODE tit. 3, § 83.090; ALASKA ADMIN. CODE tit. 3, § 86.090; ALASKA ADMIN. CODE tit. 3, § 87.090; ALASKA ADMIN. CODE tit. 3, § 170.140; ALASKA ADMIN. CODE tit. 4, § 06.735; ALASKA ADMIN. CODE tit. 5, § 93.070; ALASKA ADMIN. CODE tit. 6, ch. 96; ALASKA ADMIN. CODE tit. 7, § 27.575; ALASKA ADMIN. CODE tit. 7, § 54.050; ALASKA ADMIN. CODE tit. 7, § 54.060; ALASKA ADMIN. CODE tit. 7, § 54.300-320; ALASKA ADMIN. CODE tit. 7, § 71.420; ALASKA ADMIN. CODE tit. 11, § 05.010; ALASKA ADMIN. CODE tit. 11, § 26.080; ALASKA ADMIN. CODE tit. 11, § 39.061; ALASKA ADMIN. CODE tit. 11, § 53.010-050; ALASKA ADMIN. CODE tit. 13, § 08.360; ALASKA ADMIN. CODE tit. 13, § 68.005; ALASKA ADMIN. CODE tit. 13, § 70.260; ALASKA ADMIN. CODE tit. 15, § 05.250; ALASKA ADMIN. CODE tit. 15, § 23.263; ALASKA ADMIN. CODE tit. 15, § 112.770; ALASKA ADMIN. CODE tit. 15, § 118.100; ALASKA ADMIN. CODE tit. 18, § 75.237; ALASKA ADMIN. CODE tit. 18, § 78.529; ALASKA ADMIN. CODE tit. 20, § 05.1930; ALASKA ADMIN. CODE tit. 20, § 17.910.

b. If "No," skip this whole section.

Additional comments:

2. The freedom of information act statutes/regulations apply to which of the following branches?

Executive  
 Legislative  
 Judicial  
 Administrative (applying to all agencies, no matter what branch of government)  
 Other

a. Briefly explain your answer and cite to applicable statutes/regulations.

ALASKA STAT. § 40.25.110 governs public records of all public agencies. "Public agency" means a political subdivision, department, institution, board, commission, division, authority, public corporation, council, committee, or other instrumentality of the state or a municipality;

“public agency” includes the University of Alaska and the Alaska Railroad Corporation.  
ALASKA STAT. § 40.25.220(2).

Additional comments:

Alaska Rules of Court, Administrative Rule 37.5 and Alaska Court System Administrative Bulletin No. 12 regulate public access to Alaska Court System public records.

The Legislative Council adopted a policy (last revised 4/29/02) governing public access to Committee Records, Legislator’s Office Records and Legislative Affairs Agency Records.

3. Cite to freedom of information law statutes/regulations where “public record” is defined.

ALASKA STAT. § 40.25.220(3)

Additional comments:

4. Do the freedom of information act statutes/regulations address electronic records separately vis-à-vis print records?

Yes  
 No

a. If “Yes,” discuss whether the freedom of information act statutes/regulations had been amended at any time to cover electronic records; cite to and provide amending language.

1990 Alaska Sess. Laws ch 200, § 4 amended the existing statute with the following language:

Sec. 40.25.115. ELECTRONIC SERVICES AND PRODUCTS. (a) Notwithstanding ALASKA STAT. § 09.25.110(b) - (d) to the contrary, upon request and payment of a fee established under (b) of this section, a public agency may provide electronic services and products involving public records to members of the public. A public agency is encouraged to make information available in usable electronic formats to the greatest extent feasible. The activities authorized under this section may not take priority over the primary responsibilities of a public agency.

(b) The fee for electronic services and products must be based on recovery of the actual incremental costs of providing the electronic services and products, and a reasonable portion of the costs associated with building and maintaining the information system of the public agency. The fee may be reduced or waived by the public agency if the electronic services and products are to be used for a public purpose, including public agency program support, nonprofit activities, journalism, and academic research. Fee reductions and waivers shall be uniformly applied among persons who are similarly situated.

(c) Notwithstanding (b) of this section, the fee for duplicating a public record in the electronic form kept by a public agency may not exceed the actual incremental costs of the public agency.

(d) Public agencies shall include in a contract for electronic services and products provisions that (1) protect the security and integrity of the information system of the public agency and of information systems that are shared by public agencies; and

- (2) limit the liability of the public agency providing the services and products.
- (e) Each public agency shall notify the state library distribution and data access center established under ALASKA STAT. § 14.56.090 of the electronic services and products offered by the public agency to the public under this section. The notification must include a summary of the available format options and the fees charged.
- (f) When offering on-line access to an electronic file or data base, a public agency also shall provide without charge on-line access to the electronic file or data base through one or more public terminals.
- (g) Each public agency shall establish the fees for the electronic services and products provided under this section. The Telecommunications Information Council may cancel the fees established by a public agency in the executive branch, except the fees of the University of Alaska and the Alaska Railroad Corporation, if the council determines that the fees are unreasonably high.
- (h) A public agency may not make electronic services and products available to one member of the public and withhold them from other members of the public.
- (i) A public agency other than a municipality or the Alaska Railroad Corporation shall separately account for the fees received by the agency under this section and deposited in the general fund. The annual estimated balance in the account may be used by the legislature to make appropriations to the agency to carry out the activities of the agency.

Additional comments:

- 5. Do any freedom of information act statutes/regulations assure “permanent public access” of electronic public records?

Yes  
 No

- a. If “Yes,” cite to and discuss any provisions/regulations that address “permanent public access”; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

- 6. Do the freedom of information act statutes/regulations or other sources of law supplementing them (particularly a declaration of legislative intent or a relevant attorney general opinion) declare the public policy of the state and address the scope of citizens’ access to public records or acknowledge the state’s responsibility to permanently maintain public records?

Yes  
 No

- a. If “Yes,” cite to and provide relevant language.

ALASKA ADMIN. CODE tit. 6, § 96.200. PUBLIC INFORMATION PRINCIPLES.

(a) It is the policy of the executive branch of government to disclose public records and to provide copies of those records in an expeditious manner. Disclosing public records and making copies of them upon payment of the required fees, if any, is a public agency obligation.

(b) It is the policy of the executive branch of government to limit the collection of personal information only to that data necessary for the efficient administration of a public agency.

(c) To ensure that public information is widely available to the public, public agencies are to comply with ALASKA STAT. § 40.25.115(e) regarding submission of information to the Alaska State Library about

(1) public information that a public agency collects, compiles, or publishes, including information regarding databases used by the agency to maintain public records; and

(2) information about the electronic services and products routinely provided to the public, the public agency shall provide information to the Alaska State Library when electronic services and products are made available to the public and when electronic services or products of that public agency are substantially modified.

The Alaska court has consistently interpreted the public records statute as one that articulates a broad policy of open records. *City of Kenai v. Kenai Peninsula Newspaper*, 642 P.2d 1316 (Alaska 1982). The court recognizes the right of citizen access to public records as a fundamental right. *Gwich 'in Steering Commission v. State*, 10 P.3d 572, 578 (Alaska 2000).

The operative language of Alaska's public records statute was first enacted by Congress for the district of Alaska as section 1039 of the Act of June 6, 1900, 31 Stat. 321. In 1959 Alaska became a state, and the public records statute which had been recodified several times, was repealed and re-enacted to its present form. The report of the Alaska House Judiciary Committee, 1962 House Journal 390-397, makes it clear that non substantive changes in pre-existing law were intended, except in certain enumerated areas not including the inspection and copying of public records.

7. Has any freedom of information legislation/administrative regulation been proposed calling for "permanent public access" of electronic public records?

Yes

No

a. If "Yes," cite to and briefly discuss the legislation/proposed regulation; what was the outcome?

b. If "Yes," also cite to documents from the legislative or regulatory history.

Additional comments:

8. Has litigation under the freedom of information act resulted from the state's failure to "permanently" maintain a public record?

Yes

No

a. If "Yes," cite to and briefly discuss each case.

Additional comments:

9. Discuss any unique circumstances in your state relevant to “permanent public access” of public records under freedom of information act statutes/regulations.

### C. PUBLIC ACCESS LAWS

The term “public access law” is intended to be a catchall for all other statutes that address the permanency and public accessibility of government information. The type of law appropriately falling under this section is most likely to be a statute that governs availability and access of *government publications*. An example of such a statute is the “Free Public Access to the Code of Maryland Regulations Act,” whose title alone explains much about its purpose.

1. Does your state have any “public access laws,” as referred to in the paragraph above?

Yes  
 No

- a. If “Yes,” cite each of your state’s public access law statutes and the administrative regulations that supplement them.
- b. If “No,” skip this whole section.

Additional comments:

2. For each public access law, specify the branches to which it applies.

Executive  
 Legislative  
 Judicial  
 Administrative (applying to all agencies, no matter what branch of government)  
 Other

- a. Briefly explain your answer and cite to applicable statutes/regulations.

Additional comments:

3. For each public access law, cite to and discuss provisions/regulations addressing the particular form of government information addressed by the law.

Additional comments:

4. For each public access law, do the applicable statutes/regulations address electronic information separately vis-à-vis print information?

Yes  
 No

- a. If “Yes,” cite to and briefly discuss statutes/regulations addressing electronic information; how is it treated differently?

Additional comments:

5. For each public access law, do the applicable statutes/regulations specifically address permanency of the information?

Yes  
 No

a. If "Yes," for each public access law, cite to and briefly discuss the permanency provisions.

Additional comments:

6. For each public access law, do the applicable statutes/regulations specifically address accessibility of information?

Yes  
 No

a. If "Yes," cite to and briefly discuss the accessibility provisions.

Additional comments:

7. For each public access law, do the applicable statutes/regulations or any other source of law supplementing them (particularly a declaration of legislative intent or a relevant attorney general opinion) declare the public policy of the state and address the scope of citizens' access to government publications or acknowledge the state's responsibility to permanently maintain government publications?

Yes  
 No

a. If "Yes," cite to and provide relevant language.

Additional comments:

8. Has any public access legislation/administrative regulation been proposed calling for "permanent public access" of electronic publications?

Yes  
 No

a. If "Yes," cite to and briefly discuss the legislation/proposed regulation; what was the outcome?

b. If "Yes," also cite to documents from the legislative or regulatory history.

Additional comments:

9. Has litigation under any public access law resulted from the state's failure to "permanently" maintain a government publication?

Yes  
 No

- a. If “Yes,” cite to and briefly discuss each case.

Additional comments:

10. Discuss any unique circumstances in your state relevant to “permanent public access” of government publications under public access laws.

#### **D. OFFICE FOR TECHNOLOGY AND CHIEF INFORMATION OFFICER**

1. Does your state have an office for technology (or department of information technology, department of information service, or equivalent) and/or a chief information officer (or equivalent)?

Yes  
 No

- a. If “Yes,” provide the complete official name for the office and/or officer; cite to the statute giving that information.

Telecommunications Information Council (TIC), ALASKA STAT. § 44.19.502

- b. If “No,” skip this whole section.

Additional comments:

2. Cite the “enabling” statute that created and defines the powers/responsibilities of the office/officer; when was the statute first enacted?

ALASKA STAT. § 44.19.502 is the enabling statute, enacted in 1987 (1987 Alaska Sess. Laws ch. 53, § 2).

The powers and duties of the council are set forth in ALASKA STAT. § 44.19.504.

Additional comments:

3. Does the office/officer have power to promulgate administrative regulations?

Yes  
 No

- a. If “Yes,” cite the body of administrative regulations promulgated by the office/officer.

Alaska Administrative Code, Title 6, Chapter 96

Additional comments:

4. The office/officer has jurisdiction over which branches?

Executive  
 Legislative

- Judicial
- Administrative (applying to all agencies, no matter what branch of government)
- Other

a. Briefly explain your answer and cite to applicable statutes/regulations.

ALASKA STAT. § 44.19.504 authorizes the council to establish guidelines and direct state agencies to prepare agency information systems plans; under ALASKA STAT. § 44.19.519(2) “state agencies” means all departments, divisions, and offices in the executive and legislative branches of state government and the University of Alaska; it does not mean the Alaska Railroad corporation or an agency of the judicial branch of government.

Additional comments:

ALASKA STAT. § 44.19.506 Directs the administrative director of courts to establish information systems guidelines and to prepare a short-range and long-range information systems plan for the court system consistent with the telecommunications information guidelines and plan adopted by the council (TIC) under ALASKA STAT. § 44.19.502-519.

5. Are the powers/responsibilities of the office/officer defined differently for electronic government information vis-à-vis print government information?

- Yes
- No

a. If “Yes,” cite to and briefly discuss applicable statutes/regulations addressing electronic government information; how is it treated differently?

Additional comments:

6. Do applicable statutes/regulations for the office/officer set forth powers/responsibilities relating to “permanent public access” of government information?

- Yes
- No

a. If “Yes,” cite to and discuss any provisions/regulations that address those powers/responsibilities; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

7. Does any relevant source of law acknowledge in any way the state’s responsibility to permanently maintain government information?

- Yes
- No

a. If “Yes,” briefly discuss that recognition; cite to and provide relevant language.

1987 Alaska Sess. Laws, ch. 53, § 1 states that the purpose of the act creating the Telecommunications Information Council is to establish a council to develop and implement a cost-effective policy for managing the state's information and information technology resources in a comprehensive and coordinated manner so that state government may better serve the people of the state.

Additional comments:

8. Whether or not a supporting source of law can be identified, does the office/officer acknowledge responsibility to permanently maintain government information?

Yes

No

- a. If "Yes," briefly discuss when and how that responsibility was acknowledged; cite to any supporting source of law.

Additional comments:

9. Has the office/officer undertaken any special initiatives or projects involving "permanent public access" of government information?

Yes

No

- a. If "Yes," briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

Additional comments:

10. Has any litigation involving the office/officer resulted from the state's failure to "permanently" maintain government information?

Yes

No

- a. If "Yes," cite to and briefly discuss each case.

Additional comments:

11. Discuss any unique circumstances in your state relevant to the office for technology and/or chief information officer.

## **E. STATE TECHNOLOGY PLANS**

1. Does your state have a current official information technology plan (or equivalent)?

- Yes  
 No

a. If "Yes," describe what government entity was responsible for creating the plan; cite to the source of its authority.

ALASKA STAT. § 44.19.502 Telecommunications Information Council (TIC)

b. If "Yes," also provide complete bibliographic information about the plan; when was it published?

<http://www.gov.state.ak.us/lsgov/tic/planfinl.html>; published December 18, 1996

c. If "No," skip this whole section.

Additional comments:

2. The technology plan covers which branches?

- Executive  
 Legislative  
 Judicial  
 Administrative (applying to all agencies, no matter what branch of government)  
 Other

a. Briefly explain your answer and cite to applicable statutes/regulations.

The plan applies to the Executive Branch. The Plan was conducted in cooperation with the Legislative Affairs Agency, but they are not bound by the plan and in some cases operate separate systems.

Additional comments:

3. Does the current plan include a section on permanency and public accessibility of electronic government information?

- Yes  
 No

a. If "Yes," cite to and provide relevant language of the plan.

Additional comments:

4. Discuss any unique circumstances in your state relevant to technology planning or the current information technology plan.

The existing plan is being updated and the new plan is scheduled for release July 29, 2002.

## F. STATE PRINTING OFFICE AND STATE PRINTER

1. Does your state have an official printing office (or equivalent) and/or an official printer (or equivalent)?

Yes

No

- a. If "Yes," provide the complete official name for the printing office and/or official printer; cite to the statute giving that information.
- b. If "No," skip this whole section.

Additional comments:

2. Cite the "enabling" statute that created and defines the powers/responsibilities of the printing office/official printer.

Additional comments:

3. Does the printing office/official printer have power to promulgate administrative regulations?

Yes

No

- a. If "Yes," cite the body of administrative regulations promulgated by the printing office/official printer.

Additional comments:

4. The printing office/official printer has jurisdiction over which branches?

Executive

Legislative

Judicial

Administrative (applying to all agencies, no matter what branch of government)

Other

- a. Briefly explain your answer and cite to applicable statutes/regulations.

Additional comments:

5. Briefly discuss the functions of the printing office/official printer. Then:

- a. Describe your state's use of in-house agency publishing and/or commercial publishing of government information.
- b. What percentage of official state government documents are printed by the printing office/official printer?
- c. To what extent is the printing office/official printer involved in the electronic dissemination of government information?

Additional comments:

6. Are the powers/responsibilities of the printing office/official printer defined differently for electronic government information vis-à-vis print government information?

Yes  
 No

- a. If "Yes," cite to and briefly discuss applicable statutes/regulations addressing electronic government information; how is it treated differently?

Additional comments:

7. Do applicable statutes/regulations for the printing office/official printer set forth powers/responsibilities relating to "permanent public access" of government information?

Yes  
 No

- a. If "Yes," cite to and discuss any provisions/regulations that address those powers/responsibilities; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

8. Does any relevant source of law acknowledge in any way the state's responsibility to permanently maintain government information?

Yes  
 No

- a. If "Yes," briefly discuss that recognition; cite to and provide relevant language.

Additional comments:

9. Whether or not a supporting source of law can be identified, does the printing office/official printer acknowledge responsibility to permanently maintain government information?

Yes  
 No

- a. If "Yes," briefly discuss when and how that responsibility was acknowledged; cite to any supporting source of law.

Additional comments:

10. Has the printing office/official printer undertaken any special initiatives or projects involving "permanent public access" of government information?

Yes  
 No

- a. If "Yes," briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

Additional comments:

11. Has any litigation involving the printing office/official printer resulted from the state's failure to "permanently" maintain government information?

Yes  
 No

a. If "Yes," cite to and briefly discuss each case.

Additional comments:

12. Discuss any unique circumstances in your state relevant to the official printing office and/or official printer.

## G. STATE ARCHIVES AND STATE ARCHIVIST

This section addresses your state's official archives and state archivist. If these responsibilities are by law under the auspices of your state library and state librarian, please move on to Section H.

1. Does your state have an official archives (or equivalent) and/or an official archivist (or equivalent)?

Yes  
 No

a. If "Yes," provide the complete official name for the archives and/or archivist; cite the statute giving that information.

Alaska State Archives and State Archivist: ALASKA STAT. § 40.21.020

b. If "No," skip this whole section.

Additional comments:

2. Cite the "enabling" statute that created and defines the powers/responsibilities of the archives/archivist.

ALASKA STAT. § 40.21.020 and ALASKA STAT. § 40.21.030

Additional comments:

3. Does the archive/archivist have power to promulgate administrative regulations?

Yes  
 No

a. If "Yes," cite the body of administrative regulations promulgated by the archive/archivist.

Additional comments:

4. The archive/archivist has defined responsibilities for which branches?

- Executive
- Legislative
- Judicial
- Administrative (applying to all agencies, no matter what branch of government)
- Other

a. Briefly explain your answer and cite to applicable statutes/regulations.

ALASKA STAT. § 40.21.020 "The state archivist shall be the official custodian of the archival resources of the state."

Additional comments:

5. Briefly discuss the functions of the archive/archivist.

This is not a brief issue. ALASKA STAT. § 40.21.030 details the 23 responsibilities of the state archivist.

Additional comments:

6. Are the powers/responsibilities of the archive/archivist defined differently for electronic government information vis-à-vis print government information?

- Yes
- No

a. If "Yes," cite to and briefly discuss applicable statutes/regulations addressing electronic government information; how is it treated differently?

Additional comments:

7. Do applicable statutes/regulations for the archive/archivist set forth powers/responsibilities relating to "permanent public access" of government information?

- Yes
- No

a. If "Yes," cite to and discuss any provisions /regulations that address those powers/responsibilities; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

ALASKA STAT. § 40.21.030(a)(4) "...the state archivist shall...(4) make permanent records under the supervision of the archivist, other than those required by ALASKA STAT. § 40.25.120 to be kept confidential, available for public use at reasonable times:"

Relevant regulations are in the ALASKA ADMIN. CODE tit. 4, ch. 59.

Additional comments:

8. Does any relevant source of law acknowledge in any way the state's responsibility to permanently maintain government information?

Yes  
 No

If "Yes," briefly discuss that recognition; cite to and provide relevant language.

ALASKA STAT. § 40.21.030(a)(3) "...the state archivist shall...(3) review and approve all agency records retention schedules to identify and to ensure the preservation of those records having permanent value;"

Additional comments:

9. Whether or not a supporting source of law can be identified, does the archive/archivist acknowledge responsibility to permanently maintain government information?

Yes  
 No

- a. If "Yes," briefly discuss when and how that responsibility was acknowledged; cite to any supporting source of law.

See above.

Additional comments:

10. Has the archive/archivist undertaken any special initiatives or projects involving "permanent public access" of government information?

Yes  
 No

- a. If "Yes," briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

Additional comments:

11. Has any litigation involving the archive/archivist resulted from the state's failure to "permanently" maintain government information?

Yes  
 No

- a. If "Yes," briefly discuss the circumstances of each case and its outcome, and provide citations to any court decisions.

Additional comments:

12. Discuss any unique circumstances in your state relevant to the official archive and/or official archivist.

#### H. STATE LIBRARY AND STATE LIBRARIAN

This section addresses your state's official library and state librarian. There is no separate section that addresses the official law library and state law librarian, if any. If your state has an official library *and* an official law library (and/or official librarian *and* official law librarian), it may be appropriate to address those government entities and/or persons separately.

1. Does your state have an official library (or equivalent) and/or an official librarian (or equivalent)?

Yes  
 No

a. If "Yes," provide the complete official name for the library and/or librarian; cite to the statute giving that information.

Alaska State Library and State Librarian  
ALASKA STAT. § 14.56.010

Additional comments:

2. Cite the "enabling" statute that created and defines the powers/responsibilities of the library/librarian.

ALASKA STAT. § 14.56.030

Additional comments:

3. Does the library/librarian have power to promulgate administrative regulations?

Yes  
 No

Additional Comments:

Regulations relevant to the operation of the state library are promulgated by the Department of Education and Early Development pursuant to ALASKA STAT. § 14.56.020  
These include ALASKA ADMIN. CODE tit. 4, §§ 57.010-910.

4. The library/librarian has defined responsibilities for which branches?

Executive  
 Legislative  
 Judicial  
 Administrative (applying to all agencies, no matter what branch of government)  
 Other

a. Briefly explain your answer and cite to applicable statutes/regulations.

ALASKA STAT. § 14.56.030 The department shall undertake state library functions that will benefit the state and its citizens, including...(2) providing reference library service to state and other public officials;

Additional comments:

In reality, the State Library provides library services to all branches of the state government, except the court system since it has its own library system.

5. Briefly discuss the functions of the library/librarian.

Provides the following services and programs:

- 1) Reference, research, circulation, ILL, and specialized services to government personnel;
- 2) Consulting, training, ILL, and reference services to public and school libraries;
- 3) Management of state and federal grant programs for libraries
- 4) Provision of library services to people without libraries.

Additional comments:

6. Are the powers/responsibilities of the library/librarian defined differently for electronic government information vis-à-vis print government information?

Yes

No

- a. If "Yes," cite to and briefly discuss applicable statutes/regulations addressing electronic government information; how is it treated differently?

Additional comments:

7. Do applicable statutes/regulations for the library/librarian set forth powers/responsibilities relating to "permanent public access" of government information?

Yes

No

- a. If "Yes," cite to and discuss any provisions/regulations that address those powers/responsibilities ; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guideline

The State Library is responsible for the collection, cataloging, and distribution of Alaska state documents. It is implicit that the intent is to guarantee permanent access to government information.

Additional comments:

8. Does any relevant source of law acknowledge in any way the state's responsibility to permanently maintain government information?

Yes

No

- a. If “Yes,” briefly discuss that recognition; cite to and provide relevant language.

See Item H.7 above. This is under ALASKA STAT. §§ 14.56.090 - .180.

Additional comments:

9. Whether or not a supporting source of law can be identified, does the library/librarian acknowledge responsibility to permanently maintain government information?

Yes  
 No

- a. If “Yes,” briefly discuss when and how that responsibility was acknowledged; cite to any supporting source of law.

See Item H.8. A separate response here is unnecessary.

Additional comments:

10. Has the library/librarian undertaken any special initiatives or projects involving “permanent public access” of government information?

Yes  
 No

- a. If “Yes,” briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

Additional comments:

11. Has any litigation involving the library/librarian resulted from the state’s failure to “permanently” maintain government information?

Yes  
 No

- a. If “Yes,” cite to and briefly discuss each case.

Additional comments:

12. Discuss any unique circumstances in your state relevant to the state library and/or state librarian.

## I. STATE DEPOSITORY LIBRARY LAWS

States often have a depository library program patterned after the federal model for disseminating federal government publications.

1. Does your state have a “depository library program,” as referred to in the paragraph above?

Yes  
 No

a. If “Yes,” cite your state’s depository library law statutes and the administrative regulations that supplement them.

Statutes: ALASKA STAT. §§ 14.56.090- .180, 40.25.115 (e)

Regulations: ALASKA ADMIN. CODE tit. 6, § 96.200 (c)

b. If “No,” skip this whole section.

Additional comments:

2. Do the depository library statutes/regulations address electronic government information separately vis-à-vis print government information?

Yes  
 No

a. If “Yes,” cite to and briefly discuss statutes/regulations addressing electronic government information; how is it treated differently?

ALASKA STAT. § 14.56.120 (b) states that all data published by a state agency or compiled by it or for it, including automated data bases, be made “accessible” through the State Library Distribution and Data Access Center. This is different from printed materials, for which ALASKA STAT. § 14.56.120 (a) mandates the deposit of physical copies. ALASKA STAT. § 40.25.115(e), part of the public records statutes, mandates that “Each public agency shall notify the State Library Distribution and Data Access Center established under ALASKA STAT. § 14.56.090 of the electronic services and products offered by the public agency to the public under this section. The notification must include a summary of the available format options and fees charged.” Although this is a statutory requirement, it is not currently done by state agencies. Agencies are not compiling annual lists of publications or available databases.

b. If “No,” explain whether or not the statutes/regulations have been construed to cover electronic government information?

Additional comments:

While the phrase “provide for its accessibility through the center” in ALASKA STAT. § 14.56.120 (b) is open to interpretation, agencies are to deposit “document-like” web publications with the State Library.

3. Do any depository library statutes/regulations assure “permanent public access” of electronic government information?

Yes  
 No

- a. If “Yes,” cite to and discuss any provisions/regulations that address “permanent public access”; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

- 4. Do the depository library statutes/regulations or any other source of law supplementing them (particularly a declaration of legislative intent or a relevant attorney general opinion) declare the public policy of the state and address the scope of citizens’ access to government information or acknowledge the state’s responsibility to permanently maintain public records?

Yes  
 No

- a. If “Yes,” cite to and provide relevant language.

#### ALASKA ADMIN. CODE tit. 6, § 96.200. Public Information Principles

(a) It is the policy of the executive branch of government to disclose public records and to provide copies of those records in an expeditious manner. Disclosing public records and making copies of them upon payment of the required fees, if any, is a public agency obligation.

(b) It is the policy of the executive branch of government to limit the collection of personal information only to that data necessary for the efficient administration of a public agency.

(c) To ensure that public information is widely available to the public, public agencies are to comply with ALASKA STAT. § 40.25.115 (e) regarding submission of information to the Alaska State Library about

(1) public information that a public agency collects, compiles, or publishes, including information regarding databases used by the agency to maintain public records; and

(2) information about the electronic services and products routinely provided to the public, the public agency shall provide information to the Alaska State Library when electronic services and products are made available to the public and when electronic services or products of that public agency are substantially modified.

Additional comments:

The only statute specifically concerning permanent, public access to any part of state government information in electronic format concerns the Alaska Online Public Notice System, the all-electronic successor to the Alaska Administrative Journal. ALASKA STAT. § 44.62.175 (d) states “The lieutenant governor shall provide for a permanent, electronic archive system of notices posted on the Alaska Online Public Notice System under this section. Access to the electronic archive system shall be made available to the public.”

- 5. Have depository libraries as a whole undertaken any special initiatives or projects involving “permanent public access” of government information?

Yes  
 No

- a. If "Yes," briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

Additional comments:

While the libraries "as a whole" have not undertaken any special initiatives or projects on permanent, public access to electronic government information, the Alaska State Library has undertaken two important measures:

- 1) Since January 1998, the State Library has been manually printing "publication-like" items from agency web sites as they are discovered. These items are cataloged in paper with a note of their Web availability.
- 2) Since April 2002, the State Library has run a program that locates and retrieves electronic publications in specified formats from state agency web sites. Currently, these items are captured to a local library hard drive and printed and cataloged as above. With the actual capture of electronic files, the Alaska State Library is studying electronic preservation options.

6. Please determine the absolute number or percentage of titles:

Formerly distributed in print, now distributed exclusively in electronic format.  
 Never before distributed, now distributed in electronic format.

Additional comments:

The State Library does not have a way to track these statistics. They can, however, produce a list of total titles being disseminated electronically without a breakdown as to whether they were formerly distributed in print.

7. Discuss the depository library program's effectiveness and actual accomplishments in disseminating, preserving and providing access of electronic government information?

The State Library has concentrated more on disseminating and providing access to electronic government information than preserving it. While their belief is that most electronic "publications" are captured by the depository system, at least in paper, there are at least three areas of concern:

- 1) Preserving electronic items in paper can reduce a document's functionality (color pubs, interactive worksheets, etc)
- 2) The State of Alaska has a number of interactive databases. Aside from the Public Notice System described above, no agencies have statutory obligations to preserve these services and currently it is not viable to deposit them with the State Library.
- 3) Non-textual media – Many departments have begun releasing streaming audio and video presentations (news conferences, meeting proceedings, wildlife videos, etc.)

Access and dissemination to electronic government information is accomplished through locating and cataloging electronic publications and selected databases. This cataloging information is entered into OCLC, a global database, and shared with depository libraries to be included in their

catalogs if they so choose. In addition, timely reports of statewide interest are announced through a statewide library electronic discussion list.

Additional comments:

## J. COOPERATIVE ARRANGEMENTS

One can imagine any number of cooperative arrangements to assure “permanent public access.” A well-known example is the partnership between the Texas Electronic Depository program (involving the Texas State Library and Archives Commission) and the University of North Texas Libraries (see description for program C304 at Computers in Libraries 2002 on the Information Today website). A hypothetical example of a less formalized cooperative arrangement is where a state’s highest court relies on the state bar association to publish the court’s decisions.

1. To secure PPA, has any state agency or other government entity (judicial, legislative or executive) partnered with any not for profit, educational, or for profit organization outside of government?

Yes

No

- a. If “Yes,” describe each partnership, noting whether it is funded by a grant or through a government appropriation; give a brief history and summary of accomplishments.

Additional comments:

2. Does the state rely on any cooperative activities that are not actually formalized?

Yes

No

- a. If “Yes,” describe each relationship and cooperative activity; give a brief history and a summary of accomplishments.

Additional comments:

3. Does any state agency or other government entity secure “permanent public access” through any other type of cooperative arrangement?

Yes

No

- a. Describe each cooperative arrangement; give a brief history and a summary of accomplishments.

Additional comments:

## K. FACTORS TO BE CONSIDERED IN FUTURE ADVOCACY OR REFORM EFFORTS

1. If “permanent public access” is neglected in your state, carefully examine existing public records statutes, freedom of information statutes, public access laws, etc., and respond to the following:

- a. If possible, cite to and discuss one or two specific places in statutes or other sources of law where the state legislature or a responsible agency might naturally insert basic reform language.
- b. If specific places to insert reform language are not obvious, very briefly discuss what state agency or other government entity might naturally be made responsible for “permanent public access.”

Additional comments:

At the present time there has been no attempt to enact additional language to ensure that the public has permanent public access to state government generated electronic records. While not mandated to, the State Library, as part of its function as a government records depository, has facilitated access to government electronic publications. However these efforts are only designed to disseminate primarily published government electronic records, not to preserve them or their unpublished counterparts. Without a clear statutory mandate to preserve these records, their preservation will erratic and incomplete.

2. Discuss known failed efforts in your state to achieve “permanent public access”; how might new efforts succeed?

Additional comments:

## L. DIRECTORY

This section asks you to collect directory-type information for important state officials involved in the dissemination of government information.

Provide official contact information for:

1. State Chief Information Office  
None.
2. State Printer  
None
3. State Archivist

Ken Nail  
Archivist  
Archives & Records Management Services  
141 Willoughby Ave  
Juneau, AK 99801-1720  
Telephone: (907) 465-2275  
Fax: (907) 465-2465  
Email: ken\_nail@eed.state.ak.us

4. State Librarian and/or State Law Librarian

State Librarian

George Smith  
Acting Director  
Alaska State Library  
P.O. Box 110571  
Juneau, AK 99811-0571  
Telephone: (907) 465-2912  
Fax: (907) 465-2151  
Email: [george\\_smith@eed.state.ak.us](mailto:george_smith@eed.state.ak.us)

State Law Librarian  
Cynthia Fellows, State Law Librarian  
Alaska State Court Law Library  
303 K Street  
Anchorage, AK 99501  
Telephone: (907) 264-0583  
Fax: (907) 264-0733  
Email: [cfellows@courts.state.ak.us](mailto:cfellows@courts.state.ak.us)

5. State Attorney General (on freedom of information act issues, etc.)

Gregg D. Renkes  
Attorney General  
P.O. Box 110300  
Juneau, Alaska 99811-0300  
Telephone: (907) 465-2133  
Fax: (907) 465-2075  
Email: [Attorney\\_General@law.ak.us](mailto:Attorney_General@law.ak.us)

M. IMPORTANT STATE RESOURCES

Provide URLs or other finding information for:

1. Official state home page  
<[www.state.ak.us](http://www.state.ak.us)>
2. State agency portal  
n/a
3. Legislative website  
<[www.legis.state.ak.us](http://www.legis.state.ak.us)>
  - a. Does the website cover the current year only?  
No.
  - b. Are services free or fee-based?  
Free.
4. Judicial websites

<[www.state.ak.us/courts](http://www.state.ak.us/courts)>  
<[www.appellate.courts.state.ak.us](http://www.appellate.courts.state.ak.us)>

5. Regulatory agency websites

Community & Economic Development <<http://www.dced.state.ak.us/>>  
Corrections <<http://www.correct.state.ak.us/>>  
Education and Early Development <<http://www.eed.state.ak.us/>>  
Environmental Conservation <<http://www.state.ak.us/dec/home.htm>>  
Fish and Game <<http://www.state.ak.us/adfg/adfghome.htm>>  
Health and Social Services <<http://www.hss.state.ak.us/>>  
Labor and Workforce Development <<http://www.labor.state.ak.us/home.htm>>  
Law <<http://www.law.state.ak.us/>>  
Military & Veterans Affairs <<http://www.ak-prepared.com/dmva/>>  
Natural Resources <<http://www.dnr.state.ak.us/>>  
Public Safety <<http://www.dps.state.ak.us/>>  
Revenue <<http://www.revenue.state.ak.us/>>  
Transportation and Public Facilities <<http://www.dot.state.ak.us/>>

6. Freedom of Information Service Hotline

- a. Does the state have an ombudsman for freedom of information act issues?

The state has an ombudsman's office for complaints against state government.

- b. Is the state attorney general's office the public's contact for freedom of information act issues?  
No. FOIA requests are made directly to the public officers of public agencies. ALASKA STAT. § 40.25.110. complaints against the agency are directed to the ombudsman.