

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.

ALA. CODE §§ 36-12-1 to 36-12-26 (2001), and ALA. CODE §§ 41-13-1 to 41-13-44 (2000).

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.

Alabama’s public records statutes presumptively encompass all branches of state, county, and municipal government. The duty to create, maintain, and preserve records applies to all public officers and servants. ALA. CODE § 36-12-2 (2001). The definition of “public officer or servant” is broad. Besides ordinary public offices, departments, commissions, bureaus and boards of the state, counties, and municipalities, the term includes “all persons whatsoever occupying positions in state institutions.” ALA. CODE § 36-12-1 (2001).

Additional comments:

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

The statute defines “public records” as follows:

As used in this article, the term "public records" shall include all written, typed or printed books, papers, letters, documents and maps made or

received in pursuance of law by the public officers of the state, counties, municipalities and other subdivisions of government in the transactions of public business and shall also include any record authorized to be made by any law of this state belonging or pertaining to any court of record or any other public record authorized by law or any paper, pleading, exhibit or other writing filed with, in or by any such court, office or officer.

ALA. CODE § 41-13-1 (2000).

Additional comments:

Alabama's public records statutes do not specifically mention "publications" or electronic media. Although state depository laws ostensibly address "publications" as a distinct category, those statutes are ineffective because the legislature never funded the program. Nonetheless, the statutory definition of public records (which specifically mentions documents) is presumptively broad enough to include records plus publications, no matter the format. Pertinent administrative procedures and advisory guidelines, discussed at section A (5)(b) below, include electronic media within the duty to preserve records. In practice, agencies routinely apply retention periods to all formats, and often classify publications as permanent records. *See, e.g.,* DEPART. OF AGRICULTURE AND INDUSTRIES, FUNCTIONAL ANALYSIS AND RECORDS DISPOSITION AUTHORITY (July 2002), <http://www.archives.state.al.us/officials/rdas/agriculture.html>. In similar fashion, Alabama's freedom of information law refers to any "public writing" but not "publications" or "records." Yet as discussed at section B (3), the term "public writing" is at least as inclusive as "public records" defined above. Moreover, attorney general opinions, and at least one circuit court decision, recognize the public's right of access to electronic government information. *See*, Additional Comments to section B (4).

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:

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

Yes
 No

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

Public officers and employees have a statutory duty to maintain and preserve records. They must ensure that all records are "carefully protected and safely preserved and guarded from mutilation, loss or destruction." ALA. CODE § 36-12-2 (2001). Paper, ink, and other materials must be of a "permanent and nondestructible character" such that "records may be lasting and permanent." ALA. CODE § 36-12-3 (2001). All public officers and servants must deliver current records to their

successors in office. ALA. CODE § 36-12-4 (2001). Typically, state officers deliver non-current records to the director of the Department of Archives and History. County and municipal officers deliver non-current records to the county probate judge and to the mayor, president of the board of commissioners or other executive municipal officer. ALA. CODE § 36-12-5 (2001). The Department of Archives and History may examine the condition of public records, and advise public officials on the preservation, filing, and accessibility of those records. ALA. CODE § 41-13-4 (2000).

- 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.

In Alabama, an official Records Disposition Authority (RDA) sets forth record retention periods and identifies the permanent records of a particular government entity. The Government Records Division of the Alabama Department of Archives and History works with each government entity to develop an official RDA. The state or local records commission then approves or modifies the RDA. When signed by the chair of the records commission and the agency head, the RDA becomes an agency’s legal authority to dispose of records. Records may be microfilm, paper, data on a mainframe or personal computer, or any other media. ALA. DEPART. OF ARCHIVES AND HISTORY, DEVELOPING AN AGENCY RECORDS DISPOSITION AUTHORITY: PROCEDURES FOR STATE OFFICIALS (January 1998), http://www.archives.state.al.us/OL_pubs/rda.html.

Typically, RDAs address both the preservation and accessibility of electronic records. For instance, the current RDA for the Department of Archives and History establishes retention and disposition instructions for records, no matter the medium. The RDA designates the department’s website as a permanent record. The department agrees to retain a snapshot of its complete website annually, or as often as it makes significant changes. In the final section of the RDA, the department acknowledges its responsibilities and agrees to abide by the following guideline:

The board should maintain full documentation of any computerized record-keeping system it employs. It should develop procedures for: (1) backing up all permanent records held in electronic format; (2) storing a back-up copy off-site; and (3) migrating all permanent records when the system is upgraded or replaced. If the agency chooses to maintain permanent records solely in electronic format, it is committed to funding any system upgrades and migration strategies necessary to ensure the records’ permanent preservation and accessibility.

ALA. DEPART. OF ARCHIVES AND HISTORY, FUNCTIONAL ANALYSIS AND RECORDS DISPOSITION AUTHORITY (April 2002), http://www.archives.state.al.us/officials/rdas/archives.html#_1_11.

Advisory guidelines urge caution in using digital technology for creation and storage of permanent records. Both the Alabama Attorney General and Alabama courts accept digital imaging as a legal storage medium for government records. Nonetheless, the commissioners are dubious about using digital imaging as the only storage format for permanent or long-term records. Paragraph 2.3 of the leaflet states:

The main point to remember is that, legally, permanent records remain permanent regardless of the format in which they are maintained. If public officials choose to keep such records only in digital format, they commit themselves and their successors to funding and implementing any future system upgrades or replacements that become necessary to ensure the records' permanent preservation and accessibility.

STATE AND LOCAL GOVERNMENT RECORDS COMMISSIONS, WHAT PUBLIC OFFICIALS NEED TO KNOW ABOUT RECORDS MAINTAINED ON DIGITAL IMAGING SYSTEMS (April 2001), http://www.archives.state.al.us/ol_pubs/Imageshort01.html.

Additional guidelines specifically state, "Public officials are responsible by law for ensuring that their records are protected and accessible. This responsibility applies regardless of the records storage media." The guidelines offer seventeen specific recommendations for public officials to consider in designing, selecting, and operating responsible digital imaging systems for long-term electronic records. ALA. DEPART. OF ARCHIVES AND HISTORY, GUIDELINES FOR THE USE OF DIGITAL IMAGING TECHNOLOGIES FOR LONG-TERM GOVERNMENT RECORDS IN ALABAMA (April 1997), http://www.archives.state.al.us/ol_pubs/digital.html.

E-mail is subject to the same retention requirements and public access as records in any other format. Guidelines provide:

E-mail messages that are available for public inspection must remain accessible during their *entire* retention period and should be maintained in a manner which permits efficient and timely retrieval. Developing a standardized system of document naming and filing, and planning for indexing and retrieval points, will assist an agency in maintaining the accessibility of all e-mail messages throughout the required retention period. Having e-mail messages that are inaccessible, either through hardware/software obsolescence or because of faulty indexing schemes, can be just as problematic as the improper destruction of records.

STATE AND LOCAL GOVERNMENT RECORDS COMMISSIONS, GUIDELINES FOR MANAGING E-MAIL (April 2001), http://www.archives.state.al.us/ol_pubs/e_mail01.html.

Additional comments:

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.

The laws, official RDAs, and advisory guidelines discussed above acknowledge the state's responsibility to maintain records permanently under the public records statutes.

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.

The composition and responsibilities of the State Records Commission and Local Government Records Commission are set forth at ALA. CODE §§ 41-13-20 to 41-13-25 (2000).

- 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.

State and local records commissions determine which records to preserve permanently. No state, county or municipal official may destroy or dispose of records without prior approval of the appropriate commission. ALA. CODE §§ 41-13-21 and 41-13-23 (2000). The Alabama Supreme Court, in consultation with the State Records Commission, determines retention of court records. ALA. CODE § 41-13-21 (2000); Ala. R. Jud. Admin. 31. Moreover, court rules specify the terms and conditions for distribution of computer-based information maintained by the Alabama Administrative Office of Courts. Ala. R. Jud. Admin. 33.

Both the State Records Commission and the Local Government Records Commission may issue regulations classifying all public records and prescribing the retention period for each class. Retention may be permanent, or a lesser time. In determining the retention period, the commission considers potential use of the records in legal proceedings, statutes of limitation, alternative sources for the same information, and other matters. ALA. CODE § 41-13-24 (2000).

Additional comments:

The Government Records Division of the Alabama Department of Archives and History serves as support staff for the records commissions. In classifying records, the Government Records Division broadly structures the official Records Disposition Authority (RDA) to encompass any materials an agency creates or receives. The department publishes approved RDAs on the web at <http://www.archives.state.al.us/officials/RDA.html>. Presently, less than half the state government entities in Alabama have a current RDA. In periodic audits, the Examiners of Public Accounts frequently cite state agencies for failure to obtain and implement an approved RDA. DEPARTMENT OF EXAMINERS OF PUBLIC ACCOUNTS, TRAINING MANUAL FOR ALABAMA REGULATORY BOARDS AND COMMISSIONS 93 (September 2002), <http://www.examiners.state.al.us>.

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.

ALA. CODE §§ 36-12-40 and 36-12-41(2001).

- 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.

Under Alabama law, “Every citizen has a right to inspect and take a copy of any public writing of this state, except as otherwise expressly provided by statute.” ALA. CODE § 36-12-40 (2001). This broad grant of access presumptively covers all branches of government. Court decisions and attorney general opinions have applied the law to various executive, legislative, judicial, and administrative entities. They also hold county and municipal officers, advisory boards, commissions, and quasi-governmental entities subject to the act. Gilbert E. Johnston, Jr. et al., *The Door to Open Government in Alabama, in TAPPING OFFICIALS’ SECRETS* (4th ed. 2001), <http://www.reporterscommittee.org/tapping2001/index.cgi?key=AL>.

Additional comments:

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

Alabama’s freedom of information act refers to a “public writing” rather than a “public record.” ALA. CODE § 36-12-40 (2001). The statute does not define “public writing.” The Supreme Court of Alabama held that a “public writing” under § 36-12-40 “is such a record as is *reasonably necessary* to record the business and activities required to be done or carried on by a public officer so that the status and condition of such business and activities can be known by our citizens.” *Stone v. Consolidated Publishing Company*, 404 So.2d 678, 681 (Ala. 1981). Moreover, the court doubted that the legislature intended to make a distinction between a “public writing” and a “public record.” *Id.* at 680. The statutes, in turn, define “public records” at ALA. CODE § 41-13-1 (2000), set forth at section A (3), *supra*.

Additional comments:

Alabama law exempts some records from public access. The freedom of information statute itself exempts library records. ALA. CODE § 36-12-40 (2001). The code contains many statutory exemptions like banking records under ALA. CODE § 5-3A-11 (1996), or juvenile court records under ALA. CODE § 12-15-101 (Supp. 2001), and tax returns under ALA. CODE § 40-2A-10 (Supp. 2001), among others. Applying the rule of reason, Alabama courts may create judicial exceptions for confidential information, sensitive personnel records, pending criminal investigations, and disclosure detrimental to public interest. *Stone v. Consolidated Publishing Company*, 404 So.2d 678, 681 (Ala. 1981).

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.
- b. If “Yes,” also cite to and briefly discuss statutes/regulations addressing electronic records; how are they treated differently?

Additional comments:

Typically, content rather than format governs the treatment of records in Alabama. For instance, a circuit court judge ruled that computer databases maintained by the Alabama Department of Public Safety are “public writings” under the purview of ALA. CODE § 36-12-40. *Birmingham News Co. v. Peevy*, 21 Media L. Rep. 2125 (BNA) (Ala. Cir. Ct. 1993). Alabama’s Attorney General also recognizes the public’s right of access to electronic government records. *E.g.*, 251 Ala. Op. Att’y Gen. 35 (1998) (directory data compiled by the Alabama Development Office on a diskette is a public writing); 227 Ala. Op. Att’y Gen. 42 (1992) (computerized records of a fire district are public writings or records subject to disclosure unless otherwise confidential).

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.

Although the freedom of information act does not address permanent public access of electronic records per se, perhaps the law fairly implies it. Administrative guidelines interpret existing law as follows:

The main point to remember is that, legally, permanent records remain permanent regardless of the format in which they are maintained. If public officials choose to keep such records only in digital format, they commit themselves and their successors to funding and implementing any future system upgrades or replacements that become necessary to ensure the records' permanent preservation and accessibility.

STATE AND LOCAL GOVERNMENT RECORDS COMMISSIONS, WHAT PUBLIC OFFICIALS NEED TO KNOW ABOUT RECORDS MAINTAINED ON DIGITAL IMAGING SYSTEMS (April 2001), http://www.archives.state.al.us/ol_pubs/Imageshort01.html.

Other guidelines state, “Public officials are responsible by law for ensuring that their records are protected and accessible. This responsibility applies regardless of the records storage media.” ALA. DEPART. OF ARCHIVES AND HISTORY, GUIDELINES FOR THE USE OF DIGITAL IMAGING TECHNOLOGIES FOR LONG-TERM GOVERNMENT RECORDS IN ALABAMA (April 1997), http://www.archives.state.al.us/ol_pubs/digital.html.

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.

In interpreting Alabama’s freedom of information act, the Supreme Court of Alabama stated, “It is clear from the wording of § 36-12-40 that the legislature intended that the statute be liberally construed.” *Chambers v. Birmingham News Co.*, 552 So. 2d 854, 856 (Ala. 1989). The Court found a presumption in favor of public disclosure of public writings and records. Exceptions must be narrow, “for it is the general rule, and has been the policy of this state for a number of years, to advocate open government.” *Id.* at 857.

Additional comments:

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.

Alabama’s version of the Uniform Electronic Transactions Act (UETA) specifically addresses the retention and accessibility of government electronic records within the scope of the act. ALA. CODE §§ 8-1A-1 to 8-1A-20 (Supp. 2001).

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

Additional comments:

Under UETA, electronic records have the same legal effect or enforceability as equivalent records in print. ALA. CODE § 8-1A-7 (Supp. 2001). The act specifically permits governmental entities with rulemaking authority to create and retain electronic records, and convert written records to electronic format. ALA. CODE § 8-1A-17 (Supp. 2001).

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.

UETA defines “governmental agency” to include executive, legislative, and judicial entities of a state, county, municipality, or other political subdivision. ALA. CODE § 8-1A-1(10) (Supp. 2001).

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.

UETA applies to electronic records relating to a transaction. ALA. CODE § 8-1A-3(a) (Supp. 2001). An electronic record is a record created, generated, sent, communicated, received, or stored by electrical, digital, magnetic, wireless, optical, electromagnetic, telephonic, or similar means. ALA. CODE § 8-1A-2(6) and (8) (Supp. 2001). A transaction involves the conduct of business, commercial, or governmental affairs between two or more persons. ALA. CODE § 8-1A-2(17) (Supp. 2001).

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?

As discussed above, UETA focuses on electronic records.

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.

In Alabama, electronic government records created under UETA are expressly subject to retention requirements established by state and local records commissions. Further, the commissioners are empowered to specify additional retention requirements and standards as needed. ALA. CODE §§ 8-1A-3(f) and 8-1A-12(g) (Supp. 2001).

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.

Under UETA, electronic records must remain "accessible for later reference." ALA. CODE § 8-1A-12 (a)(2) (Supp. 2001). According to Alabama comments to this section, the accessibility clause satisfies record maintenance requirements, and includes a duty to provide public access under applicable laws.

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.

In Alabama, statutes touching upon public access to government information are numerous and scattered throughout the code. Although a full listing is beyond the scope of this survey, the following summary offers a representative sample of such laws. Only UETA, discussed above, focuses directly on electronic records.

Many government records are open to the public by specific law. Citizens may inspect records of circuit court registers under ALA. CODE § 12-17-119 (1995), county probate judges under ALA. CODE §§12-13-50(1995) and 35-4-60 (1991), sheriffs under ALA. CODE § 36-22-13(2001), and the Department of Transportation under ALA. CODE § 23-1-34(1994), to name just a few.

Alabama’s Secretary of State is the custodian of a broad range of public records. ALA. CODE §§ 36-14-1 to 36-14-16 (2001). Generally, citizens may inspect public records at the Secretary of State’s office any business day. The Secretary of State distributes the *Code of Alabama*. ALA. CODE §§ 41-21-1 to 41-21-8 (2000). Many entities receive the code, including the state law library, the libraries of Alabama public universities and colleges, and county law libraries. ALA. CODE §§ 41-21-1 (2000) and 11-25-10 (1989).

The Supreme Court library, the University of Alabama law library, and the Department of Archives and History, among others, receive legislative acts in pamphlet form. Local entities (each probate judge, circuit court, district court, county commission, municipal clerk, and sheriff) also receive pamphlet acts, which must be open to public inspection and preserved until published in permanent form. ALA. CODE § 41-4-156 (2000).

The Alabama Administrative Procedure Act provides that each agency, and the Legislative Reference Service, must keep a permanent copy of agency regulations open to public inspection. ALA. CODE §§ 41-22-6 and 41-22-7 (2000). According to official commentary, these sections insure “permanent access” and “full public access” to agency rules. State agencies must make

available for public inspection and copying, all rules, written policies or interpretations, final orders, decisions, and opinions except those expressly made confidential or privileged. ALA. CODE § 41-22-4 (2000). “To increase public access to governmental information” is one factor in the stated legislative intent and purpose of the Alabama Administrative Procedure Act. ALA. CODE § 41-22-2(b)(4) (2000).

D. STATE 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.

Two offices in Alabama are responsible for information technology statewide. The Office of Information Technology (OIT) is a department of the executive branch headed by the executive director. ALA. CODE §§ 16-61D-1 and 16-61D-3 (2001). In 1997, the Information Services Division (ISD), headed by the chief information officer, was formed by consolidating two divisions within the Department of Finance: the Data Systems Management Division (ALA. CODE §§ 41-4-220 to 41-4-224 (2001)), and the Telecommunications Division (ALA. CODE §§ 41-4-280 to 41-4-293 (2001)).

OIT and ISD collaborate on technology issues. Typically, OIT formulates strategic plans, policies, and standards to guide technology throughout state government. ISD handles operational duties like running the mainframe, developing programming applications, and designing and hosting websites.

- 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?

In 1973, the legislature created a division within the Department of Finance for data systems management. ALA. CODE §§ 41-4-220 to 41-4-224 (2001). In 1990, they added responsibilities for telecommunications. ALA. CODE §§ 41-4-280 to 41-4-293 (2001). A decade later in 2000, the legislature established OIT. ALA. CODE §§ 16-61D-1 to 16-61D-6 (2001).

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.

Regulations of the Department of Finance appear in chapter 355 of the *Alabama Administrative Code*.

Additional comments:

OIT has the power to promulgate rules and regulations under ALA. CODE § 16-61D-4(7)(2001), but the office has issued none to date. ISD may adopt rules and regulations under ALA. CODE §§ 41-4-221(10) and 41-4-282 (2000).

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.

Jurisdiction varies by office and function. OIT's statutory duties extend to state agencies and any of its political subdivisions. ALA. CODE § 16-61D-4 (2001). The statute defines "state agencies and political subdivisions" as "all departments and agencies of state government, but shall not include counties or municipalities." ALA. CODE § 16-61D-2 (2001). This definition presumptively includes all branches of state government.

ISD has jurisdiction to serve all components of the executive branch, but has no jurisdiction over the legislative and judicial branches. ALA. CODE § 41-4-293 (2000). Nonetheless, ISD provides certain services like telephone networking to government entities statewide.

Additional comments:

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.

Alabama's version of the Uniform Electronic Transactions Act (UETA) recognizes the legal validity of electronic records within its scope, and requires that such records remain "accessible for later reference." ALA. CODE § 8-1A-12 (a) (Supp. 2001).

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:

No formal or published acknowledgments were found. All state officers, however, are under a general duty to preserve records within the scope of Alabama's public records statutes. ALA. CODE § 36-12-1 to 36-12-5 (2001).

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.

Alabama's E-Government initiative offers electronic service to citizens, businesses, state employees, and other governments. Citizens may apply for licenses or permits, file documents, and handle other transactions with the state electronically. The project increases the ease and accessibility of obtaining government information and services. The E-Government portal is on the web at <http://www.alabama.gov>. As enabling legislation for the initiative, UETA specifically

recognizes that electronic transactions within its scope are subject to state records retention requirements. ALA. CODE § 8-1A-3(f) (Supp. 2001).

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.

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

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

Additional comments:

Alabama has a strategic technology plan in development but not finalized or published as of June 30, 2002.

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.

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.

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:

Alabama has no official printing office or printer. Two divisions within the Alabama Department of Finance handle aspects of government printing. The Division of Purchasing manages the procurement of printing and binding for state entities, and administers contracts for printing. ALA. CODE § 41-4-110(5) (2000). Statutes governing public printing apply to a broad range of documents including legislative acts and journals, court records, reports, handbooks, pamphlets, bulletins, notices, and other publications. ALA. CODE §§ 41-4-130 to 41-4-161 (2000). The Division of Printing and Publications coordinates requests for printing, prints selected documents in-house, and works to centralize and consolidate printing facilities and equipment statewide. ALA. CODE §§ 41-4-240 to 41-4-243 (2000). The power to promulgate rules and regulations lies with the director of Finance, and the manager of Printing and Publications. ALA. CODE §§ 41-4-35 and 41-4-241(8) (2000).

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.

The Department of Archives and History is under the immediate management and control of the director. ALA. CODE §§ 41-6-1 and 41-6-5 (2000).

- 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.

ALA. CODE §§ 41-6-1 to 41-6-77 (2000).

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:

Under enabling legislation for the Department of Archives and History, the director has no power to issue regulations. The director, however, chairs the state and local records commissions. Those commissions, in turn, have the power to make orders, rules, and regulations to carry out provisions of the public records statutes. ALA. CODE §§ 41-13-5 and 41-13-24 (2000).

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.

The statute is silent as to jurisdiction, but presumptively covers all branches of state and local government, with one exception. The judicial branch, in consultation with the state records

commission, determines retention of court records. ALA. CODE § 41-13-21 (2000); Ala. R. Jud. Admin. 31.

Additional comments:

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

Among other duties, the director administers the state archives, preserves historic government records, and dispenses knowledge of Alabama history. ALA. CODE §§ 41-6-8 and 41-6-2 (2000). The Department of Archives and History may examine public records, and advise and help any public official in the preservation and accessibility of those records. ALA. CODE § 41-13-4 (2000). Moreover, the director chairs the State Records Commission and the Local Government Records Commission. ALA. CODE §§ 41-13-20 and 41-13-22 (2000).

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.

The purpose of the Department of Archives and History is the "care and custody of official archives." ALA. CODE § 41-6-1(a)(1) (2000). All permanent items at the archives are available for public access. Furthermore, preservation and accessibility are at the heart of the director's statutory duties to advise officials on records management, and chair the records commissions.

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.

All state officers are under a duty to preserve records within the scope of Alabama's public records laws. *See* section A, *supra*.

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.

The director has a statutory duty to administer the official archives and preserve historic records. ALA. CODE § 41-6-8 (2000). In the final section of its official RDA, the department acknowledges its responsibility for the proper management of its own records as well. ALA. DEPART. OF ARCHIVES AND HISTORY, FUNCTIONAL ANALYSIS AND RECORDS DISPOSITION AUTHORITY (April 2002), http://www.archives.state.al.us/officials/rdas/archives.html#_1_11.

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.

In a joint project with the Alabama legislature, the Alabama Department of Archives and History is working to provide web access to historic legislative documents. The department is scanning the proceedings of Alabama's constitutional conventions (1819-1901), and legislative acts and journals (1818-1899). In the future, the department plans to digitize other heavily requested collections in fragile condition, starting with the 1867-1868 voter registration records. *ADAH Digital Imaging Project Continues to Progress*, STATE & LOCAL RECORDS NEWS, Dec. 2000, at 1, http://www.archives.state.al.us/ol_pubs/nwsltr3.htm.

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.

In two unreported proceedings, the Department of Archives and History sought recovery of records missing from county files. The records were for sale at auction or flea markets. The department recovered the records in one instance, but not the other due to problems of proving state ownership.

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.

The state law library is under the supervision of the state law librarian. ALA. CODE §§ 12-4A-1 and 12-4A-2 (1995).

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

Additional comments:

In some respects, the Alabama Public Library Service (APLS) functions in the capacity of a state library. For instance, the APLS offers circulation privileges and other patron services to state employees. ALA. ADMIN. Code r. 520-3-1-.02 (Supp. 2000). The state law library, however, is Alabama’s only official state library.

2. Cite the “enabling” statute that created and defines the powers/responsibilities of the library/librarian.
ALA. CODE §§ 12-4A-1 and 12-4A-2 (1995). *See also* ALA. CODE §§12-2-157 to 12-2-160 (1995).

Additional comments:

Rule 39 of the Alabama Rules of Judicial Administration sets forth specific duties of the state law librarian.

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

Yes
 No

- a. If "Yes," cite the body of administrative regulations promulgated by the library/librarian.

Additional comments:

The justices of the Alabama Supreme Court have the power to make rules for the preservation and protection of the library. ALA. CODE §12-2-160 (1995).

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.

The state law librarian is primarily responsible to the judicial branch. Nonetheless, the library is also open to the legislature, the governor's office, state agencies, federal agencies, district attorneys, students and faculty of educational institutions, and the public. Ala. R. Jud. Admin. 39(D). Other than making library resources generally available, the librarian's specific duties do not extend beyond the judicial branch.

Additional comments:

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

The law librarian manages and directs the state law library. He appoints librarians, research attorneys, and support personnel as necessary. He furnishes legal materials needed by the Alabama appellate courts. The librarian prepares an annual budget and administers the library fund. He works with trial judges, bar associations, and county officials to establish and maintain county law libraries throughout the state, and handles other duties as required. Ala. R. Jud. Admin. 39.

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:

Rule 39 of the Alabama Rules of Judicial Administration offers a broad description of the law librarian's duties with no distinction between print and electronic information. In practice, the librarian manages a wide range of electronic resources including CD-ROMs, commercial databases, an online catalog, and Alalinc, the library's electronic information network.

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 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.

Alabama's depository library laws declare that state publications should be preserved and available to the public. ALA. CODE § 41-8-40 (2000). The legislature, however, has never funded the program.

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.

Additional comments:

Although all public officers have a general duty to preserve records, the state law librarian has no record-keeping obligation for the courts. Typically, clerks of the various courts handle retention of judicial records. The librarian retains Alabama primary legal resources pursuant to library practice and procedure rather than mandate of law.

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.

The state law library administers Alalinc. This fee-based system offers full-text decisions of Alabama's appellate courts, a database of periodical articles, Internet access, selected web links, and e-mail. Alalinc efficiently provides appellate court decisions the day of release. Coverage of Alabama appellate cases begins October 1994. Presently, user fees are \$200 per year. The project successfully provides legal information services to all areas of the state.

In 2002, the state law library began archiving all superseded state agency regulations found in the *Alabama Administrative Code*. This project is successful in providing an efficient, centralized source for superceded state regulations.

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

Additional comments:

Since 1993, legislation has been in place for an Alabama clearinghouse for state publications. ALA. CODE §§ 41-8-40 to 41-8-48 (2000). In the enabling act, the legislature expressed its intent

to make state publications available and ensure their preservation. ALA. CODE § 41-8-40 (2000). Nonetheless, the legislature has never funded the depository program.

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

Additional comments:

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.

Additional comments:

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:

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:

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

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.

The Alabama Department of Archives and History conducts a program to microfilm loose records of various Alabama counties. Participants in the project include the Genealogical Society of Utah, county officials, and volunteers from local historical and genealogical societies. The largely volunteer project incurs minimal government expenses. Through 2001, the program produced 798 rolls of microfilm, containing more than 1.3 million images of historical records from nine Alabama counties. *Loose Records Program Update*, STATE & LOCAL RECORDS NEWS, Dec. 2001, at 3, http://www.archives.state.al.us/ol_pubs/nwsltr7.htm.

The Department of Archives and History helps counties and municipalities in pursuing grants for records preservation. In 2001, the Lowndes County Probate Office and the Montgomery County Historical Society obtained records preservation grants from the National Endowment for the Humanities. *Two Alabama Counties Receive Records Grants from NEH*, STATE & LOCAL RECORDS NEWS, Aug. 2001, at 1, http://www.archives.state.al.us/ol_pubs/nwsltr6.html.

The Network of Alabama Academic Libraries has a grant from the Institute of Museum and Library Services to add digital collections to the Alabama Virtual Library. Called the Cornerstone Project, the statewide initiative will digitize historically significant materials from the Alabama Department of Archives and History among other institutions. The project will include documents, images, recordings, maps, and multimedia chronicling U.S. and Alabama history.

Statewide Digitizing Project Looking for Participants, STATE & LOCAL RECORDS NEWS, May 2002, at 3, http://www.archives.state.al.us/ol_pubs/nwsltr9.html.

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:

Factors to consider for future advocacy are: (1) increased funding for all state entities involved in the distribution, preservation, and accessibility of government information, particularly the inactive depository program; (2) appointment of an ombudsman for state freedom of information issues; and (3) creation of an enforcement mechanism requiring agencies to develop a current Records Disposition Authority and comply with it.

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 Officer (or equivalent)

James D. Bryce, Interim Chief Information Officer
Department of Finance
Information Services Division
64 North Union Street, Suite 200
Montgomery, Alabama 36130
Phone: (334) 242-3800
Fax: (334) 242-7002
cio@isd.state.al.us

Kay Argo, Director
Office of Information Technology
Governor's Office
State Capitol, Room EB-02
Montgomery, Alabama 36130
Phone: 334-353-1130
Fax: 334-353-1190
kargo@governor.state.al.us

James P. Nolen, Assistant Director
Office of Information Technology
Governor's Office
State Capitol, Room EB-06
Montgomery, Alabama 36130
Phone: 334-353-5303
Fax: 334-353-1190
jnolen@governor.state.al.us

2. State Printer

Ran T. Garver, Acting Purchasing Director
Department of Finance, Division of Purchasing
State Capitol Building
600 Dexter Avenue, Suite N203
Montgomery, Alabama 36130
Phone: 334-242-7160
rgarver@finance.state.al.us

Gerald W. Wilson, Division Director
Printing and Publications Division
Department of Finance

660 Chisholm Street
Montgomery, Alabama 36130
Phone: 334-242-2808
jwilson@dsm.dsm.dstate.al.us

3. State Archivist

Edwin C. Bridges, Director
Alabama Department of Archives and History
624 Washington Avenue
P.O. Box 300100
Montgomery, Alabama 36130-0100
Phone: 334-242-4441, ext. 248
Fax: 334-240-3125
ebridges@archives.state.al.us

Tracey Berezansky, Assistant Director
Alabama Department of Archives and History
Government Records Division
624 Washington Avenue
P.O. Box 300100
Montgomery, Alabama 36130-0100
Phone: 334-242-4452, ext. 243
Fax: 334-240-3125
tberezan@archives.state.al.us

4. State Librarian and/or State Law Librarian

Timothy Lewis, Director and State Law Librarian
State Law Library
300 Dexter Avenue
Montgomery, Alabama 36104
Phone: 334-242-4347
Fax: 334-242-4484
director@alalinc.net

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

William H. Pryor, Attorney General
Alabama State House
11 South Union Street, Third Floor
Montgomery, Alabama 36130
Phone: 334-242-7401
Fax: 334-242-7458

M. IMPORTANT STATE RESOURCES

Provide URLs or other finding information for:

1. Official state home page

<http://www.alabama.gov>

2. State agency portal

<http://www.alabama.gov>

- a. Does the portal have a searching capability similar to FirstGov?

Yes.

3. Legislative website

<http://www.legislature.state.al.us>

- a. Does the website cover the current year only?

The site includes bills introduced in the current session, plus historical acts and journals.

- b. Are services free or fee-based?

Services are free.

4. Judicial websites

ALALINC, Alabama's Legal Information Center

<http://www.alalinc.net>

State Law Library

<http://www.alalinc.net/library>

Alabama Administrative Office of Courts

<http://www.alacourt.org>

State of Alabama Judicial System

<http://www.judicial.state.al.us>

5. Regulatory agency websites

The directory at Alabama.gov links to all Alabama regulatory agency websites. For a wealth of information on records preservation and accessibility, see the following agency website:

Alabama Department of Archives and History

Government Records Division

<http://www.archives.state.al.us/officials/index2.html>

6. Freedom of Information Service Hotline

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

Alabama has no official freedom of information act officer.

- b. Is the state attorney general's office the public's contact for freedom of information act issues?

The Attorney General serves as legal counsel to state entities but does not render legal advice to private citizens. At least one private organization, Alabama Center for Open Government or Alacog, seeks to serve as the public's advocate for access to government records. One aspect of Alacog's stated mission is to offer "assistance to citizens seeking timely access to the meetings and information to which they are entitled." Alacog is on the Web at <http://www.alacog.org>.