



information it contains, justifying its permanent preservation. (Government Code §12271)

- 5) Requires the head of a state agency, when requested by the SOS, to provide a written justification for storage or extension of scheduled retention of a record in the State Records Center for a period of 50 years or more and requires the SOS to review and approve a scheduled retention of a record in the State Records Center for a period of 50 years or more.
- 6) Prohibits a record from being destroyed or otherwise disposed of by a state agency, unless it is determined by the SOS that the record has no further administrative, legal, or fiscal value and the SOS has determined that the record is inappropriate for preservation in the Archives.
- 7) Requires the SOS to enforce all statutory requirements regarding the confidentiality of records transferred to the State Archives and to make the records available to authorized individuals or the public, as determined by applicable law.

The bill clarifies that the head of a state agency shall transfer a record deemed by the SOS to have archival value to the Archives once it has reached the end of its administrative, legal, fiscal, or evidential value to the agency.

## **Background**

*Author Statement.* According to the author's office, "this bill simply clarifies and strengthens language in the Act to improve guidance on how state agencies transfer records to the Archives. As the custodian of California's public archives, the Archives preserve all records from state agencies that the Secretary of State deems to be of historical value. SB 1236 would grant the SOS with clear authority to establish the standards and methods of transferring historical records and would require state agencies to transfer such records once they reach the end of their retention period."

*State Management Act.* The State Records Management Act is a set of laws that govern how state agencies establish and maintain and dispose of official records, with the goal of ensuring government records are organized and preserved for accountability, historical purposes, and public access. The Act requires state agencies to maintain records in an organized and retrievable way to support their functions and operations, while also following retention schedules approved by the SOS.

Once government records are no longer needed for administrative purposes, they are either destroyed if they lack historical or legal significance or transferred to the Archives for long-term preservation if they have “archival value.” A record is considered to possess archival value if it contains information of sufficient administrative, legal, fiscal, evidential, or historical significance. Oversight is provided by the SOS, who monitors compliance, approves retention schedules, and ensures agencies regularly review their records.

According to the SOS, “the Archives has observed fluctuations in the volume of record transfers over the past five years, likely due to agencies transitioning to electronic records and a limited awareness of record retention schedules. According to the Archives, ‘the volume of records taken in the Archives in any given year falls short of what we should be receiving. In 2024, the Archives received 646 cubic feet of records, just over half of the 1,155 cubic feet received in 2018.’ Furthermore, the current Government Code allows agencies to retain records indefinitely, which prevents the Archives from acquiring historically significant materials and may diminish future understanding of today’s government decisions. Additionally, the shift to electronic records has made it more difficult for agencies to track retention schedules, as electronic files don’t provide the same physical reminders as paper records that accumulate and take up space.”

The changes made by this bill will provide the SOS with clearer authority to establish regulations and standards for record transfers to the Archives by clarifying that a state agency shall transfer a record deemed by the SOS to have archival value to the Archives once it has reached the end of its administrative, legal, fiscal, or evidential value to the agency.

### **Prior/Related Legislation**

AB 469 (Petrie-Norris, Chapter 302 Statutes of 2019) requires the head of each state agency to appoint a representative from that agency to serve as the Records Management Coordinator, as specified; and requires the SOS to obtain statutorily required reports from agencies at least every two years, as specified.

SB 598 (Moorlach, 2019) would have established the Open Financial Statement Commission, within the State Treasurer’s Office, and required the commission to report to the Legislature regarding how and whether to transition state and local agencies’ financial reporting to a machine-readable format, as specified. (Vetoed by Governor Newsom)

AB 2225 (Limon, Chapter 535, Statutes of 2018) required the SOS, in consultation with the California Department of Technology, to approve and adopt appropriate uniform statewide standards for the purpose of storing and recording public records in electronic media or in a cloud computing storage service, as specified.

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: Yes Local: No

**SUPPORT:**

Shirley W. Weber, PHD, California Secretary of State (Source)

**ARGUMENTS IN SUPPORT:** According to the SOS, “despite our statutory mandate to preserve the historical records of state government, with increasing digitization we are witnessing a decline in record transfers from state agencies. Over the past decade, the number of historical records reaching the State Archives has steadily decreased, threatening to create permanent gaps in California’s record of government action. SB 1236 addresses this problem with a straightforward solution. The agency records transfer language within SB 1236 will provide that ‘a record deemed by the SOS to have archival value shall be transferred to the State Archives once it has reached the end of its administrative, legal, or fiscal value to the agency,’ thereby providing agencies with more detailed guidance as to the timing of records transfers.”