

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
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Bill No. 250-31(cor)

Introduced by:

M. Silva Taijeron 

**AN ACT RELATIVE TO THE INTERNAL HARD DRIVE
MEMORY ON COMPUTERS AND DIGITAL COPIER
MACHINES USED BY GOVERNMENT OF GUAM
DEPARTMENTS AND AGENCIES.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that
3 now, more than ever, the use of computers and digital copier machines are more
4 prevalent within government of Guam offices. Computers and digital copier
5 machines are slowly evolving into “do-all” pieces of equipment and many current
6 models offer a variety of services to fulfill everyday office needs. These services
7 include, but are not limited to, printing, copying, scanning, sending electronic mail
8 and sending facsimiles. Computers and digital copiers have become a valuable piece
9 of office equipment that has helped make office work more efficient and effective.

10 However, *I Liheslaturan Guåhan* further finds that there are serious dangers
11 posed by the use of computers and digital copier machines, many of which are
12 unknown by the general public. Many of the current computers and copier machines
13 include a hard drive which keeps track of all the activity that takes place on that
14 particular machine. When using a computer or digital copier, images of documents
15 which are printed, copied, scanned, e-mailed or faxed, are stored in the machine’s

1 memory. This is particularly alarming because the government of Guam deals with
2 sensitive documents on a daily basis especially within agencies and departments that
3 address the areas of public health and safety.

4 *I Liheslaturan Guåhan* further finds that the digital storage of certain images
5 may possibly compromise the general well-being of the public because these
6 documents may include classified information such as medical history, and the public
7 disclosure of an individual's medical history violates federal privacy laws, whether
8 intentional or unintentional. This risk is further compounded by the practice of many
9 local governments to resell computers are copier machines to non-government
10 entities, after using them and opting to either discard or replace them. This allows the
11 new owner or owners of these machines access to any information stored in the
12 machine's memory.

13 While the knowledge of hard drives in computers is fairly common, a survey
14 conducted by a leading copier machine manufacturer in the United States revealed
15 that sixty percent (60%) of Americans were unaware that digital copiers stored
16 images on an internal hard drive. Even fewer members of the public did not know
17 that a simple way to remove stored information is to erase the memory using
18 additional equipment and software, which costs as little as five hundred dollars
19 (\$500.00) per machine. The cost incurred goes a long way toward ensuring that the
20 privacy of our people, along with the provision of government services and the
21 information needed to effectively provide these services, is protected and preserved.

22 It is the intent of *I Liheslaturan Guåhan* to have no stored images remaining
23 on computers or digital copier machines used by government of Guam departments
24 and agencies by requiring the Department of Administration (DOA), the General
25 Service Agency (GSA) and the Bureau of Information Technology (BIT) to conduct a

1 review of all computers digital copier machines and ensure that all images are
2 removed before the machines are resold, replaced or discarded. Furthermore, it is the
3 intent to require all government of Guam procurement of digital copier machines
4 include equipment or software designed with the specific purpose of erasing internal
5 hard drive memory.

6 **Section 2.** The Director of the Department of Administration (DOA), the Chief
7 Procurement Officer of the General Service Agency (GSA), and the Chief Information
8 Officer of the Bureau of Information Technology (BIT), shall be jointly responsible
9 for conducting a review of all current computers, digital copier machines or digital
10 copier machine services utilized by the government of Guam. They shall be
11 responsible for ensuring that all stored images or memory be removed before said
12 machines are replaced or refurbished and resold to non-governmental entities, or
13 discarded.

14 The Director of DOA, the Chief Procurement Officer of GSA, and Chief
15 Information Officer of BIT shall be observers throughout the procurement of
16 computers, digital copier machines or digital copier machine services; shall receive
17 copies of all documents involved; and shall be invited to and participate in any
18 meetings relating to the procurement of said machines and services.

19 **Section 3.** The Director of DOA, the Chief Procurement Officer of GSA, and
20 the Chief Information Officer of BIT shall conduct a cost assessment on procuring
21 digital copier machine equipment or software, which erases internal hard drive
22 memory, for all government of Guam instrumentalities. Any government
23 procurement for digital copier machines or digital copier machine services after
24 January 1, 2012, shall include equipment or software which erases internal hard drive
25 memory.

1 **Section 4. Enactment.** The provisions of this Act shall become effective upon
2 enactment.

3 **Section 5. Severability.** *If* any provision of this Law or its application to any
4 person or circumstance is found to be invalid or contrary to law, such invalidity shall
5 *not* affect other provisions or applications of this Law which can be given effect
6 without the invalid provisions or application, and to this end the provisions of this
7 Law are severable.