

SIXTH GUAM LEGISLATURE
1962 (SECOND) Regular Session

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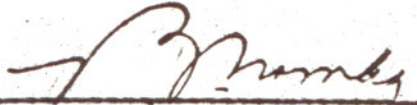
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 210, "An Act to enact a new Chapter 8 to Title VII of the Government Code of Guam to be known as the 'Records Management Act' relating to the establishment of continuing programs for the efficient and economical management of government records", was on the 3rd day of February, 1962, duly and regularly passed.



A. B. WON PAT
Speaker

ATTESTED:



V. B. BAMBA
Legislative Secretary

This Act was received by the Governor this 6th day
of February, 1962 at 1:55 o'clock P. M.

/s/ Manuel F.L. Guerrero

MANUEL F. LEON GUERRERO
Secretary of Guam

APPROVED:

/s/ BILL DANIEL

BILL DANIEL
Governor of Guam

DATED: February 26, 1962

1:30 P.M.

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SIXTH GUAM LEGISLATURE
1962 (SECOND) Regular Session

Bill No. 210

Introduced by _____
Committee on Rules, by
request

AN ACT TO ENACT A NEW CHAPTER 8 TO TITLE VII
OF THE GOVERNMENT CODE OF GUAM TO BE KNOWN AS
THE "RECORDS MANAGEMENT ACT" RELATING TO THE
ESTABLISHMENT OF CONTINUING PROGRAMS FOR THE
EFFICIENT AND ECONOMICAL MANAGEMENT OF GOVERN-
MENT RECORDS.

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

2 Section 1. A new Chapter 8 is hereby added to Title VII of the
3 Government Code of Guam to read as follows:

4 "CHAPTER 8

5 Records Management Act

6 Section 6700. Title. This Chapter shall be known as
7 the Records Management Act.

8 Section 6701. Definitions. Unless the context other-
9 wise requires, the definitions set forth in this section
10 govern the construction of this Chapter:

11 (a) 'Record' means document, book, paper,
12 photograph, sound recording or other material,
13 regardless of physical form or characteristics,
14 made or received pursuant to law or in connection
15 with the transaction of official business. Library
16 and museum material made or acquired and preserved
17 solely for reference or exhibition purposes, extra
18 copies of documents preserved only for convenience
19 or reference, forms, and stocks of publications are
20 not included within the definition of records and are
21 referred to herein as non-record materials.

22 (b) 'Agency' means any department, office, com-
23 mission, board or other unit, however designated, of
24 the Executive Branch of the Government of Guam.

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Section 6702. Director of Finance. The Director of Finance, hereinafter referred to as the 'Director', shall establish and administer in the Executive Branch a records management program, which will apply efficient and economical management methods to the creation, utilization, maintenance, retention, preservation and disposal of records.

Section 6703. Duties of Director. The Director shall, with due regard for the functions of the agencies concerned:

(a) Establish standards, procedures, and techniques for effective management of records;

(b) Make continuing surveys of paper work operations and recommend improvements in current records management practices including the use of space, equipment and supplies employed in creating, maintaining, storing and servicing records;

(c) Establish standards for the preparation of schedules providing for the retention of government records of continuing value and for the prompt and orderly disposal of government records no longer possessing sufficient administrative, legal or fiscal value to warrant their further keeping;

(d) Establish standards for the reproduction of records by photography or microphotographic processes with a view to the disposal of the original records;

(e) Obtain reports from agencies as are required for the administration of the program.

Section 6704. Duties of Agency Heads. The head of each agency shall:

(a) Establish and maintain an active, continuing program for the economical and efficient management of the records of the agency;

(b) Make and maintain records containing adequate and proper documentation of the organization, functions,

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policies, decisions, procedures and essential transactions of the agency designed to furnish information to protect the legal and financial rights of the government and of persons directly affected by the agency's activities;

(c) Submit to the Director, in accordance with the standards established by him, schedules proposing the length of time each government record warrants retention for administrative, legal or fiscal purposes after it has been received by the agency. The head of each agency also shall submit lists of government records in his custody that are not needed in the transaction of current business and that do not have sufficient administrative, legal or fiscal value to warrant their further keeping for disposal in conformity with the requirements of Section 6707;

(d) Cooperate with the Director in the conduct of surveys made by him pursuant to the provisions of this Chapter.

Section 6705. Legislative and Judicial Branches. Upon request, the Director shall advise in the establishment of records management programs in the legislative and judicial branches of government.

Section 6706. Records Not to be Damaged or Destroyed. All records made or received by or under the authority of or coming into the custody, control or possession of public officials of this government in the course of their public duties are the property of the government and shall not be mutilated, destroyed, transferred, removed or otherwise damaged or disposed of, in whole or in part, except as provided by law.

Section 6707. Disposal of Records. Records may be destroyed or disposed of in accordance with the provisions of this Chapter

1 if it is determined by the Director, the Attorney General
2 and the agency head concerned that such records have no
3 further legal, administrative, fiscal, research or his-
4 torical value.

5 Section 6708. Reproduction of Records on Films;
6 Disposition of Original. (a) The head of any agency
7 having the care and custody of any record may cause the
8 same to be photographed, microphotographed or otherwise
9 reproduced on film.

10 (b) When such records are photographed, micro-
11 photographed or otherwise reproduced on film if it is
12 determined by the Director, the Attorney General and the
13 agency head concerned that the original record has no
14 further legal, administrative, fiscal, research or his-
15 torical value the same may be destroyed or disposed of in
16 accordance with the provisions of this Chapter and thereafter
17 the photograph, microphotograph or reproduction on film shall
18 be deemed to be an original record for all purposes, including
19 introduction in evidence in all courts or administrative
20 agencies. A transcript, exemplification, facsimile or cer-
21 tified copy thereof shall, for all purposes recited herein,
22 be deemed to be a transcript, exemplification, facsimile or
23 certified copy of the original record.

24 (c) Where certain records are required to be kept a
25 specified length of time or permanently, or to be destroyed
26 by specific methods or under specific supervision, and where
27 such records are photographed, microphotographed or reproduced
28 on film said film may be substituted for the original records
29 and the original records may be destroyed in the manner and
30 under the conditions prescribed in Subsection (b) above.

31 Section 6709. Destruction of Non-Record Materials.
32 Non-record materials, if not otherwise prohibited by law,

1 may be destroyed at any time by the agency in possession
2 of such materials without the prior approval of the Director.
3 The Director may formulate procedures and interpretations to
4 guide in the disposition of such materials.

5 Section 6710. Rules and Regulations. The Director
6 shall, subject to the approval of the Governor and pro-
7 mulgation by Executive Order, make such rules and regu-
8 lations as are necessary or proper to effectuate the
9 purposes of this Chapter."

10 Section 2. This Act is an urgency measure.