

R



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

June 18, 2012

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

31-12-1023

Office of the Speaker
Judith T. Won Pat, Ed. D.

Date 6/19/12
Time 4:37 PM
Received by [Signature]

Dear Madame Speaker:

Transmitted herewith is Bill No. 250-31 (COR) " AN ACT TO ADD A NEW CHAPTER 14 TO DIVISION 1 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO MEMORY STORAGE DEVICES ON MACHINES USED BY GOVERNMENT OF GUAM DEPARTMENTS AND AGENCIES", which I signed into law on June 15, 2012 as **Public Law 31-223**.

Senseramente,

RAY TENORIO
I Maga'láhen Guåhan para pa'go
Acting Governor of Guam

2012 JUN 19 PM 5:04
[Signature]

Attachment: copy of Bill

1623

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

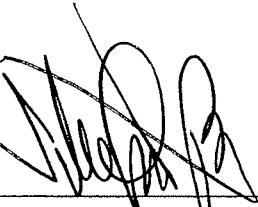
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that substitute Bill No. 250-31 (COR), "AN ACT TO ADD A NEW CHAPTER 14 TO DIVISION 1 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO MEMORY STORAGE DEVICES ON MACHINES USED BY GOVERNMENT OF GUAM DEPARTMENTS AND AGENCIES", was on the 4th day of June, 2012, duly and regularly passed.



Judith T. Won Pat, Ed.D.
Speaker

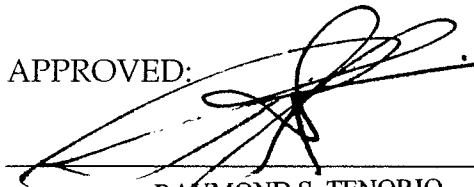
Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this _____ day of _____, 2012, at _____ o'clock _____.M.

APPROVED:

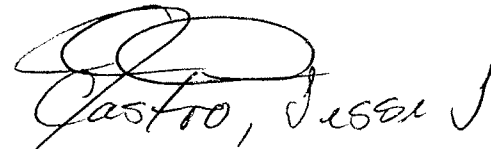


RAYMOND S. TENORIO
Acting Governor of Guam

Date: JUN 15 2012

Public Law No. 31-223

Assistant Staff Officer
Maga'lahaen's Office



6/5/12
6:35 pm

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 250-31 (COR)

As substituted by the Committee on Youth, Cultural Affairs,
Procurement, General Government Operations, and Public Broadcasting.

Introduced by:

M. Silva Taijeron
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Chris M. Dueñas
Judith P. Guthertz, DPA
Sam Mabini, Ph.D.
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
V. C. Pangelinan
Dennis G. Rodriguez, Jr.
R. J. Respicio
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT TO *ADD* A NEW CHAPTER 14 TO DIVISION 1
OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE
TO MEMORY STORAGE DEVICES ON 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
3 that now, more than ever, the use of computers and digital copier machines are
4 more prevalent within government of Guam offices. Computers and digital copier
5 machines are slowly evolving into “do-all” pieces of equipment, and many current

1 models offer a variety of services to fulfill everyday office needs. These services
2 include, but are *not* limited to, printing, copying, scanning, sending electronic mail
3 and sending facsimiles. Computers and digital copiers have become valuable
4 pieces of office equipment that have helped to make office work more efficient
5 and effective.

6 However, *I Liheslaturan Guåhan* further finds that there are serious dangers
7 posed by the use of computers and digital copier machines, many of which are
8 unknown by the general public. Many of the current computers and digital copier
9 machines include a storage device which keeps track of all the activity that takes
10 place on that particular machine. When using a computer or digital copier, images
11 of documents which are printed, copied, scanned, e-mailed or faxed, are stored in
12 the machine's storage device. This is particularly alarming because the
13 government of Guam deals with sensitive documents on a daily basis, especially
14 within agencies and departments that address the areas of public health and safety.

15 *I Liheslaturan Guåhan* further finds that the digital storage of certain
16 images may possibly compromise the general well-being of the public because
17 these documents may include classified information such as medical history, and
18 the public disclosure of an individual's medical history violates federal privacy
19 laws, whether intentional or unintentional. This risk is further compounded by the
20 practice of many local governments to resell computers or copier machines to non-
21 government entities after using them, and opting to either discard or replace them.
22 This allows the new owner or owners of these machines access to any information
23 stored in the machine's storage device.

24 While the knowledge of hard drives in computers is fairly common, a
25 survey conducted by a leading copier machine manufacturer in the United States
26 revealed that sixty percent (60%) of Americans were unaware that digital copiers

1 stored images on an internal storage device. Even fewer members of the public did
2 not know that a simple way to remove stored information is to erase the memory,
3 using additional equipment and software. The costs incurred in purchasing this
4 equipment and software goes a long way toward ensuring that the privacy of our
5 people, along with the provision of government services and the information
6 needed to effectively provide these services, is protected and preserved.

7 It is the intent of *I Liheslaturan Guåhan* to have no stored images remaining
8 on computers or digital copier machines used by the government of Guam
9 departments and agencies by requiring the respective entity, the Department of
10 Administration (DOA), the General Services Agency (GSA) and the Bureau of
11 Information Technology (BIT) to conduct a review of all computers and digital
12 copier machines, and ensure that all images are removed from the storage device
13 before the machines are resold, replaced or discarded. *I Liheslaturan Guåhan* also
14 intends to give DOA, GSA and BIT the authority to establish government-wide
15 procedures necessary to accomplish the proposed mandates herein. Additionally, it
16 is the intent to require that the government of Guam procurement of digital copier
17 machines include equipment or software designed with the specific purpose of
18 erasing storage device memory.

19 **Section 2.** A new Chapter 14 is hereby *added* to Division 1 of Title 5,
20 Guam Code Annotated, to read:

21 **“CHAPTER 14**

22 **ELECTRONIC DATA PROTECTION ACT OF 2012**

23 § 14101. Definitions.

24 § 14102. Review.

25 § 14103. Establishment of Rules.

26 § 14104. Cost Assessment and Reporting of Data.

1 § 14105. Procurement Process.

2 **§ 14101. Definitions.** As used in this Chapter:

3 (a) *Sanitization* is the general process of removing data from
4 storage media, such that there is reasonable assurance that the data
5 may not be easily retrieved or reconstructed.

6 (b) *Storage media* refers to electronic media including, but
7 *not* limited to, hard drives, random access memory (RAM), read-only
8 memory (ROM), disks, memory devices, phones, mobile computing
9 devices and networking equipment.

10 **§ 14102. Review.**

11 The Director of the Department of Administration (DOA), the Chief
12 Procurement Officer of the General Services Agency (GSA), and the Chief
13 Information Officer of the Bureau of Information Technology (BIT), or their
14 designees, *shall* be jointly responsible for conducting a review of all current
15 computers, digital copier machines or digital copier machine services
16 utilized by the government of Guam. Additionally, they *shall* be responsible
17 for ensuring that sanitization occur on all storage media before said
18 machines are either replaced or refurbished and resold to non-governmental
19 entities, or discarded. The head of the respective government of Guam entity
20 *shall* work in concert with DOA, GSA and BIT when the review is being
21 conducted at his entity.

22 **§ 14103. Establishment of Rules.**

23 The Director of DOA, the Chief Procurement Officer of GSA, and the
24 Chief Information Officer of BIT, or their designees, *shall* be responsible
25 for developing a single process to be used and rules to be followed in
26 ensuring the proper sanitization of storage media for all government of

1 Guam entities, which *shall* be subject to consideration and approval in
2 accordance with Chapter 9, Title 5 of the Guam Code Annotated.

3 **§ 14104. Cost Assessment and Reporting of Data.**

4 It *shall* be the responsibility of the Director of DOA, the Chief
5 Procurement Officer of GSA, and the Chief Information Officer of BIT to
6 conduct a joint cost assessment on the procurement of equipment or
7 software which sanitizes storage media for all computers and digital copier
8 machines utilized by government of Guam entities. The initial cost
9 assessment *shall* be completed *no later than* one hundred twenty (120) days
10 subsequent to the passage of this Act, and the Director of DOA *shall* submit
11 a written report to the Speaker of *I Liheslaturan Guåhan*.

12 A cost assessment *shall* be conducted and completed *no later than*
13 September 30 of the subsequent year following the passage of this Act, and
14 every year thereafter. The data resulting from such assessment *shall* be
15 transmitted in writing by the Director of DOA to the Speaker of *I*
16 *Liheslaturan Guåhan*.

17 **§ 14105. Procurement Process.**

18 Any digital copier machines or digital copier machine services
19 procured after September 31, 2012, *shall* include equipment or software
20 which erases storage media.

21 The Director of DOA, the Chief Procurement Officer of GSA, and the
22 Chief Information Officer of BIT, or their designees, *shall* be observers
23 throughout the procurement of computers, digital copier machines or digital
24 copier machine services; *shall* receive copies of all documents involved;
25 and *shall* be invited to and participate in any meetings relating to the
26 procurement of said machines and services.”

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

6

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN 2012 (SECOND) Regular Session

Date: 6/4/12

VOTING SHEET

SBill No. 250-31(COR)

Resolution No. _____

Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
BLAS, Frank F., Jr.	✓				
CRUZ, Benjamin J. F.	✓				
DUENAS, Christopher M.	✓				
GUTHERTZ, Judith Paulette	✓				
MABINI, Sam	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				EA
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAIJERON, Mana	✓				
WON PAT, Judith T.	✓				
YAMASHITA, Aline A.	✓				

TOTAL

14 0 0 0 1

CERTIFIED TRUE AND CORRECT:



Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

SENATOR BENJAMIN J.F. CRUZ, VICE SPEAKER
Chairman, Committee on Youth, Cultural Affairs, Procurement,
General Government Operations and Public Broadcasting.
Web Address: www.senatorbjcruz.com



I MINA' TRENTAI UNU NA LIHESLATURAN GUAHAN
The 31st Guam Legislature • senator@senatorbjcruz.com
155 Hesler Place, Hagatna, Guam 96910
Telephone: (671) 477-2520/1 • Fax: (671) 477-2522

April 19, 2012

The Honorable Judith T. Won Pat
Speaker
I Mina' Trentai Unu Na Liheslatuaran Guahan
31st Guam Legislature
155 Hesler Place
Hagatna, Guam 96910

VIA: The Honorable Rory J Respicio
Chairperson, Committee on Rules

2012 MAY 25 PM 4:13

A handwritten signature in black ink, appearing to be "RJR", located to the right of the vertical date stamp.

RE: Committee Report on Bill No. 250-31 (COR) As Substituted

Dear Speaker Won Pat:

Transmitted herewith is the Report by the Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting on Bill No. 250-31 (COR) "An act relative to the internal hard drive memory on computers and digital copier machines used by Government of Guam departments and agencies." sponsored by Senator Mana Silva and substituted by the Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting.

Committee votes are as follows:

<u>1</u>	TO DO PASS
_____	TO NOT PASS
<u>6</u>	TO REPORT OUT ONLY
_____	TO ABSTAIN
_____	TO PLACE IN INACTIVE FILE

Sincerely,

A handwritten signature in black ink, appearing to be "Benjamin J.F. Cruz", located below the word "Sincerely,".

BENJAMIN J.F. CRUZ
Chairperson



COMMITTEE REPORT

ON

Substitute Bill No. 250-31 (COR)

“An act relative to the internal hard drive memory on computers and digital copier machines used by Government of Guam departments and agencies.”



April 18, 2012

MEMORANDUM

TO: All Members
Committee on Youth, Cultural Affairs, Procurement, General
Government Operations and Public Broadcasting

FROM: Vice Speaker Benjamin J.F. Cruz

SUBJECT: Committee Report on Bill No. 250-31(COR) As Substituted

Transmitted herewith for your consideration is the Committee Report on Bill No. 250-31 (COR) "An act relative to the internal hard drive memory on computers and digital copier machines used by Government of Guam departments and agencies."-As Substituted. This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Bill No. 250-31(COR)
- Substitute Bill No. 250-31(COR) Substituted
- Public Hearing Sign-in Sheet
- Public Written Testimony
- COR Referral of Bill No. 250-31(COR)
- Fiscal Note Requirement
- Notices of Public Hearing
- Public Hearing Agenda

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,


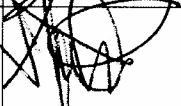
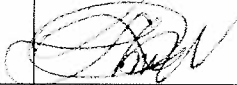
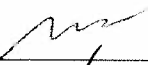




A handwritten signature in black ink, appearing to read "Benjamin J.F. Cruz".

BENJAMIN J.F. CRUZ
Chairperson



COMMITTEE VOTING SHEET

Substitute Bill No. 250-31 (COR) “An act relative to the internal hard drive memory on computers and digital copier machines used by Government of Guam departments and agencies.”

COMMITTEE MEMBERS	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
CRUZ, BENJAMIN J.F. Chairperson				✓ 4/18/12		
MUÑA BARNES, TINA ROSE Vice-Chairperson				✓ 4/18/12		
WON PAT, JUDITH T. Speaker and Ex-Officio Member				✓ 4/18/12		
ADA, THOMAS C. Member						
GUTHERTZ, JUDITH P. Member						
RESPICIO, RORY J. Member		4/18/12 ✓ 				
RODRIGUEZ, DENNIS G. JR. Member				✓ 4/18/12		
ADA, V. ANTHONY Member				✓ 4-18-12		
DUENAS, CHRISTOPHER Member						
MABINI, SAM Member						
YAMASHITA, ALINE Member				4/19/12		



Committee Report Digest

I. OVERVIEW

The Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting convened a public hearing on Friday, July 15th, 2011 at 10:00 a.m. in the Public Hearing Room of *I Liheslatura*. Among the items on the agenda was the consideration of Bill No. 250-31 (COR) "An act relative to the internal hard drive memory on computers and digital copier machines used by Government of Guam departments and agencies."

Public Notice Requirements

All legal requirements for public notices were met, with requests for publication sent to all media and all senators on July 8th and 13th via email. Copies of the hearing notices are appended to the report.

Senators Present

Vice Speaker Benjamin J.F. Cruz, Chairperson
Senator V. Anthony Ada, Committee Member
Senator Aline A. Yamashita, Ph.D., Committee Member
Senator Adolpho Palacios, Committee Member
Senator Chris Duenas, Committee Member
Senator Thomas Ada, Committee Member
Senator Mana Silva, Committee Member
Senator Rory J. Respicio, Committee Member
Senator Sam Mabini Ph.D., Committee Member

The public hearing was called to order at 9:05 a.m.

II. SUMMARY OF TESTIMONY AND DISCUSSION

Vice Speaker Benjamin J.F. Cruz called the public hearing to order at 9:05 a.m. and announced the morning's agenda and public hearing notices.

Vice-Speaker Benjamin Cruz: We'll move on to Bill 250, introduced by Senator Mana Silva Tajeron, An Act Relative to the Internal Hard Drive Memory on Computers and Digital Copier Machines Used by Government of Guam Departments and Agencies.



Senator Mana Silva Tajeron: Thank you Mr. Chair. This bill was introduced as a means to require the government of Guam to ensure that all data stored on digital copier machines and computer hard drives is removed before sent to GSA and discarded by the government of Guam – either resold into the public or simply discarded by the GovGuam. The dangers that we've discovered, and this is an effort that's being taken throughout the nation to ensure that all of this sensitive information is removed, we've discovered that thousands and thousands of documents are stored on these digital hard drives to include medical records, x-ray exams, military data, personal financial information, and details of business transactions with regard to such agencies like GPD, we would expect that criminal information is also stored on these hard drives, employee information, and sensitive information related to investigations. Over at the hospital, public health, you would be concerned that information related to people's personal medical records are stored on these hard-drives as well. And so we would like to see that the government of Guam do their part, specifically, the General Services Agency, the Bureau of Information Technology, and the Department of Administration do their part to ensure that all of this information is removed before sent to GSA and taken off of the government rosters as equipment. We're hoping that this is passed into law. Our concern is that this sensitive information, if it gets into the wrong hands, could be subject to identification theft and other criminal activities. So we hope that my colleagues support this measure.

(Senator Tom Ada assumes chair)

Senator Tom Ada: Thank you Senator. For the record, please identify yourself.

Ed Cruz: Good morning Senators, my name is Ed Cruz, chief information officer for the Bureau of Information Technology. I'd like to thank you this morning for allowing me to submit written and oral testimony on Senator Tajeron's bill, Bill 250-31.

For the record I am in full support of this bill and fully understand the implications of not properly sanitizing or disposing of hard-drives in copiers, or computers, prior to repurposing or disposal. I would also like to offer some recommendations that will enhance this bill in its current form. So I've essentially put a few recommendations and maybe I could just summarize a few. Just to clarify some of the terminology or language that is used, and I believe the intention is for all storage devices, as opposed to just hard-drives, and also for copy machines internal storage.

I believe in your bill, you noted estimated amount to roughly \$500, that's kind of high, but not sure what the proprietary copy machine's may have or what software may be required, so I have a few questions that maybe we could research. But, who would sanitize them? Are there contract issues with the government touching them? And would this \$500 cost include services to sanitize them, or can the government simply take them and sanitize them themselves?



I also recommend that the National Institute of Standards and Technology, or NIST, be guided or referenced in this bill and their publications 800-88 and particularly their media sanitization procedures. The recommended application from NIST is the active kill disc software which is in compliance with 17 different security standards to include the DOD standard, which is their sanitizing standard. It currently costs a one-time fee of \$2,999 for an enterprise license, and so that is a question as far as the funding for that to enable the government to sanitize repurposed computers or computers that are slated for disposal.

Also, a question was who would sanitize them or be responsible for the sanitization for these systems? It's my recommendation that the role be given to the directors or whomever they designate. The Bureau of IT is two-man strong. We oversee the government and I know that GSA as well, they may be overtaxed with their core competencies as well as the DOA. So I believe that this role will be given to the directors or whoever they designate. And of course the Bureau of Information Technology will be there every step of the way to guide and to assist. I'm happy to assist with policy and to make all these standards available on our website to pursue with these various sanitization efforts or documentation I believe is needed. Thank you again for allowing me to submit my testimony and once again I am in full support of this bill.

Senator Tom Ada: Mr. Ashe?

Tom Ashe: I don't have any direct testimony other than what we've already submitted. I'm here to answer any technical questions that might arise.

Senator Tom Ada: Do you have any questions?

Senator Mana Silva Taijeron: Thank you for offering your support. In working with the directors on this, would it pose any difficulty for you to oversee the process in ensuring, it seems like you would just be duplicating the process by having the directors ensure that the hard drives are sanitized, as you call it, and then you do the same thing.

Ed Cruz: Well, I believe that we could offer assistance on our website. We could do a video, we could do procedural, step by step, but I believe that documentation of accomplishing each of the steps and signatures would suffice and of course would be the documentation needed I guess to prove that the systems were sanitized. That would serve as a historical trail or documentation for that. I'm trying to find a way to save money as well, and to be as efficient as possible, and so I think that, just for example, the public health just bought 60 new computers. I don't expect to 60 computers to show up at my desk tomorrow and I have to sanitize them. I know that we can offer assistance, we can offer guidance and we can offer whatever technical matters are needed, but, I think that the directors and their internal IT staff, or their technical staff could accomplish these sanitizing efforts with our assistance.



Senator Mana Silva Taijeron: And at the same time there are devices that are already in these digital copier machines, it's just a matter of reformatting the hard drive. It's already contained in the equipment, so it's not a tedious process to erase this information.

Ed Cruz: True. These procedures aren't too technical and don't require too much time but it's just the documenting of each of the steps and of course the familiarity with doing it and we can guidance to that respect.

Senator Mana Silva Taijeron: As far as some of the free software that's available to sanitize, how difficult would that be for the government to use those free programs? Do you have to pay \$3,000?

Ed Cruz: And that's a great question. Tom had many discussions on it but if we're going to reference the National Institute for Standards and Technology, I think we should also abide by the recommendations. And the only reason why the open source for free applications wouldn't be recommended was because they don't include the DOD standard, that's an extra feature that, of course, comes with cost. And so the enterprise license would be roughly \$3,000. The free versions sanitize to a certain extent, and I think that if we're going to reference the NIST standards, I think we should also abide by the recommendations.

Senator Mana Silva Taijeron: Okay. Thank you.

Senator Tom Ada: Senator Duenas?

Senator Chris Duenas: Thank you Mr. Chair and if you would allow me, the second question's a little bit moving away, but is in relation the prior testimony from Labor. What is the status currently with BIT's reorganizing of all the technology staff throughout the agencies within the executive branch, IT staff?

Ed Cruz: Our current progress with the centralization?

Senator Chris Duenas: Yes.

Ed Cruz: Well, at the end of Governor Camacho's term I know that there was few staff within the government of Guam that was "centralized" to the Department of Administration under their data processing group. I'm aware the intent of that, in order to protect and support the core of the government, which is the data center, and that was to enable immediate response by the certain individuals who were specialized or certified, but were scattered around the government of Guam. So by centralizing them on paper they did report to the DOA. But in daily activity, daily work, you'd report back to your agency. That was the true intent. Now, not everything pans out the way we hope. Sometimes it does, and sometimes it doesn't. So we are still wrestling with that and trying to fine-tune it as we move forward. We're certainly open to any and all



recommendations. I don't have a magic recipe or a secret sauce, but we're certainly trying to figure it out and trying to work it through.

Senator Chris Duenas: And I'm glad to hear that and the reason why is obviously, as it was testified earlier from Labor, there is an extensive, which is only right, usage of IT staff throughout the government to assist other agencies, and it makes sense to me. It just doesn't make sense for every agency to have that kind of expertise that would be expensive and redundant. But along those lines this could be a task as well, that that grouping could lend their expertise. I know there's going to be a lot of director's who are, even though it seems relatively not technical, that if they have to sign off on something, having scrubbed drives and information that is highly personal in nature and very protected, they might be a little resistant unless they have that support. So that's why I ask that question.

Just to follow-up, and like I said I'm glad you're moving in that direction, it was a concern of mine at Land Management, in exactly what you're discussing. The fact that, and what was testified earlier too from labor, that the primary duty has to be to their agency because they are also protecting a great deal of information and following through on grants that require their technical expertise to service their agency primarily and first and foremost. And like was testified too in Jamie Rodriguez's case, you know any mandates that come down from this legislature for positing and the like should be handled first other than outside assistance throughout the government. So, I just wanted to bring that up and like I said, I'm glad that you're aware of those issues and those technical staff have that primary responsibility to their agencies.

Ed Cruz: Absolutely Senator. And I feel the same way so thank you.

Senator Chris Duenas: Thanks Ed. That's glad to hear because that was a huge concern, so I'm glad you've seen through to actually ensure that that integrity stays in place while also accomplishing the mission of centralization with DOA and efficiency. Thanks.

Senator Tom Ada: Mr. Cruz, do you see this as almost an overwhelming undertaking to equip, I guess to install the software on all government computers so that you have the capability to erase when they're ready to? Do you see that as overwhelming? I support to the intent of it so I'm just kind of wanting...

Ed Cruz: Potentially, it could be overwhelming but I think we can educate these agencies on how to proceed, but at the same time, overwhelming as it may seem, I think it is a requirement that we should enforce. It's a policy. We are entrusted with financial data, health data and criminal data. I don't think that there's any excuse that we can come up with that will allow us to by-pass this issue so I think it may be overwhelming or has the potential of becoming overwhelming, but I think that we should do our best to meet that.



Senator Tom Ada: Sure. Clearly, and for example, computers and copiers that are used up at Rev and Tax which has tax related information and hardware that is used up at the hospital which has sensitive patient information, clearly those focus should be given to those operations and that's where the efforts and resources should be put to make sure that that data, those sensitive data is protected. So I guess we need to go in and take a look at really where to we want to focus on, and kind of narrow it down, and once we got that ball rolling then we can go to Parks and Rec, which maintains hardware that keeps an inventory of the parks that we have on Guam. Not to diminish the importance of that information, but it does not carry the same level of importance as the data up at the hospital and up at Public Health. So maybe we need to really kind of focus on that, get control of that, and then we can kind of make it more universal as we go on. So that would be the suggestion that I would make so far as how we proceed with this.

And then secondly, I'm just not, I guess in matter of form, I'm not sure where in GCA we would add this new section and requirements so thank you.

Ed Cruz: If I could respond, I'm sorry. Senator Ada, I understand how you want to direct this requirement to those agencies or departments who have specific, critical or confidential data, but when we repurpose machines, when we give old versions to Chamorro Land Trust or Ancestral or even Parks and Rec, they may have critical data, or may have gotten critical data somehow. So I think that it should involve, or be comprehensive for the government of Guam just so we don't lose or anything slips out through the cracks. That would be my only comment to your suggestion. Thank you Senator.

Senator Tony Ada: I have a question. Does all computers go through a bid if they're taken out of government service? Do they go through a bid before they go down to GSA or not necessarily?

Ed Cruz: No sir. I believe they go to GSA for surveying. The actual procedures within GSA are not known by myself.

Senator Tony Ada: So you were mentioning about Public Health having 60 new computers coming in and the 60 computers that are gonna go out, would it just be easier just to remove the hard drives and have them destroyed rather than going through the process of each computer?

Ed Cruz: That's if they weren't of any value, but what if they were?

Senator Tony Ada: Which? The hard drive or the computer?

Ed Cruz: The computer. The hard drive. So if you wanted to give them to the library, or to the community centers, or to the mayors...



Senator Tony Ada: The information on the hard drive is more valuable than the computer itself. I think the intent of the legislation here is to protect the data and if removing the hard drive and destroying the hard drive, especially, when it comes to agency of importance with GMH, Rev and Tax, Public Health, things of that nature. Shouldn't it just be a policy to remove the hard drives and have them destroyed rather than erasing them? Not really sure if the user of that computer actually erased that information.

Ed Cruz: Certainly. I think that that could be an option. Of course destroying or disposing of that hard drive and that was one of the recommendations with the copy machine. But with some of the standards that I recommended, I think we can do a lot more without physically destroying the computer and have it keep its value without the critical information but certainly that can be an option for sure.

Tom Ashe: And if I may, there are other media forms that are more prone for destruction, CDs DVDs, back up tapes. So those types of things should be destroyed because there is no way to sanitize them. But with the value of the hard drives, we just recently received a donation from DoD, over a hundred computers; they went through the sanitization process. So it was great to have been able to receive this donation with hard drives that were in tact and usable but they had been put through a sanitization process.

Senator Tony Ada: Does our government have that policy to sanitize before we transfer or get rid of our computers?

Ed Cruz: We do not currently. I know that with this bill it certainly allows us to put in our two-cents and make some recommendations to enforce or to allow our government to have such policy. I think this is a good thing.

Senator Tony Ada: Thank you.

Senator Sam Mabini: Thank you Ed. I'm just wondering, in our government, do we operate or are any agencies using what they call, I guess, cloud computing where then perhaps this might not be too much of an issue because it is managed by one server? Is that a correct assumption?

Ed Cruz: Yes, we do have some forms of cloud computing, both on our local cloud, our government cloud, as well as our public cloud. And we are moving toward the VDI, or virtual desktop infrastructure, which will then alleviate some concern because the users will be operating off of a no-client or a dummy terminal, which means that all their data will reside in one central location so that physical machine can be repurposed or disposed of without having any data on it.



Senator Sam Mabini: Would you mind sharing maybe what agencies or which organizations? In this case maybe we won't have too much of a concern of individual computers operating as silos, all data would be managed within that one server, so that's how we'd be protected. Correct?

Ed Cruz: Certainly. And a few of the agencies that are currently utilizing VDI would be Public Health and Department of Rev & Tax. So, yes critical and very important information, sensitive material at these agencies.

Vice-Speaker Benjamin Cruz: [inaudible]... if not, Bill 250 is now heard and we thank Mr. Cruz and Mr. Ashe for their testimonies.

Ed Cruz: Thank you senators. Have a good day.

III. FINDINGS AND RECOMMENDATIONS

The Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting finds there is a need for amendments to the bill the changes are as follows:

The short title was changed to incorporate the creation of Chapter 25 of Title 5 of Guam Code Annotated or the "Electronic Data Protection Act of 2012".

Original bill included no changes to the existing Guam Code Annotated. The substitute version creates a new Chapter 25 to Title 5.

The language in the bill was seen to be too technologically advanced so definitions were provided in §25101 as follows;

§ 25101. Definitions.

As used in this Chapter:

- a) Sanitization is the general process of removing data from storage media, such that there is reasonable assurance that the data may not be easily retrieved or reconstructed.
- b) Storage media refers to electronic media including, but not limited to, hard drives, random access memory (RAM), read-only memory (ROM), disks, memory devices, phones, mobile computing devices and networking equipment.



The first half of Section 2 in the original bill became §25102 and reads as follows;

§ 25102. Review.

The Director of the Department of Administration (DOA), the Chief Procurement Office of the General Services Agency (GSA), and the Chief Information Officer of the Bureau of Information Technology (BIT), or their designees, shall be jointly responsible for conducting a review of all current computers, digital copier machines or digital copier machine services utilized by the government of Guam. Additionally, they shall be responsible for ensuring that sanitization occur on all storage media before said machines are either replaced or refurbished and resold to non-governmental entities, or discarded. The head of the respective government of Guam entity shall work in concert with DOA, GSA and BIT when the review is being conducted at his entity.

The second half of Section 2 became §25105 and read as follows;

§ 25105. Procurement Process.

Any digital copier machines or digital copier machine services procured after September 31, 2012, shall include equipment or software which erases storage media.

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

Section 3 of the original bill became §25103 and became §25104 and read as follows;

§ 25103. Establishment of Rules.



The Director of DOA, the Chief Procurement Officer of GSA, and the Chief Information Officer of BIT, or their designees, shall be responsible for developing a single process to be used and rules to be followed in ensuring the proper sanitization of storage media for all government of Guam entities, which shall be subject to consideration and approval in accordance with Chapter 9, Title 5 of the Guam Code Annotated.

§ 25104. Cost Assessment and Reporting of Data.

It shall be the responsibility of the Director of DOA, the Chief Procurement Officer of GSA, and the Chief Information Officer of BIT to conduct a joint cost assessment on the procurement of equipment or software which sanitize storage media for all computers and digital copier machines utilized by government of Guam entities. The initial cost assessment shall be completed no later than one hundred twenty (120) days subsequent to the passage of this Act, and shall reported in writing by the Director of DOA to the Speaker of *I Liheslaturan Guåhan*.

A cost assessment shall be conducted and completed no later than September 30 of the subsequent year following passage of this Act, and every year thereafter. The data resulting from such assessment shall be transmitted in writing by the Director of DOA to the Speaker of *I Liheslaturan Guåhan*.

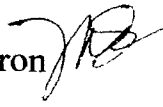
The Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting to which was referred Substitute Bill No. 250-31 (COR), hereby submits these findings to *I Mina' Trentai Unu na Liheslaturan Guahan* and reports out Substitute Bill No. 250-31(COR) with the recommendation TO REPORT OUT ONLY.

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

2011 JUN 27
11:10:41

Bill No. 2-50-31(cov)

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 and 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 Office 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.

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 250-31 (COR)

**As Substituted by the Committee on Youth,
Cultural Affairs, Procurement, General Government
Operations and Public Broadcasting.

Introduced by:

M. Silva Tajjeron

**AN ACT ADD A NEW CHAPTER 25 TO TITLE 5 OF THE
GUAM CODE ANNOTATED RELATIVE TO MEMORY
STORAGE DEVICES ON MACHINES USED BY
GOVERNMENT OF GUAM DEPARTMENTS AND
AGENCIES.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

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

1 place on that particular machine. When using a computer or digital copier, images
2 of documents which are printed, copied, scanned, e-mailed or faxed, are stored in
3 the machine's storage device. This is particularly alarming because the
4 government of Guam deals with sensitive documents on a daily basis especially
5 within agencies and departments that address the areas of public health and safety.

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

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

24 It is the intent of *I Liheslaturan Guåhan* to have no stored images remaining
25 on computers or digital copier machines used by the government of Guam
26 departments and agencies by requiring the respective entity, the Department of

1 Administration (DOA), the General Service Agency (GSA) and the Bureau of
2 Information Technology (BIT) to conduct a review of all computers digital copier
3 machines and ensure that all images are removed from the storage device before
4 the machines are resold, replaced or discarded. *I Liheslaturan Guåhan* also intends
5 to give DOA, GSA and BIT the authority to establish government-wide
6 procedures necessary to accomplish the proposed mandates herein. Additionally, it
7 is the intent to require that the government of Guam procurement of digital copier
8 machines include equipment or software designed with the specific purpose of
9 erasing storage device memory.

10 **Section 2.** A new Chapter 25 is hereby *added* to Title 5 of the Guam Code
11 Annotated to read:

12 **“CHAPTER 25**

13 **Electronic Data Protection Act of 2012**

14 § 25101. Definitions.

15 § 25102. Review.

16 § 25103. Establishment of Rules.

17 § 25104. Cost Assessment and Reporting of Data.

18 § 25105. Procurement Process.

19 **§ 25101. Definitions.**

20 As used in this Chapter:

- 21 a) *Sanitization* is the general process of removing data from
22 storage media, such that there is reasonable assurance
23 that the data may not be easily retrieved or reconstructed.
24 b) *Storage media* refers to electronic media including, but
25 not limited to, hard drives, random access memory
26 (RAM), read-only memory (ROM), disks, memory

1 devices, phones, mobile computing devices and
2 networking equipment.

3 **§ 25102. Review.**

4 The Director of the Department of Administration
5 (DOA), the Chief Procurement Office of the General Services
6 Agency (GSA), and the Chief Information Officer of the
7 Bureau of Information Technology (BIT), or their designees,
8 shall be jointly responsible for conducting a review of all
9 current computers, digital copier machines or digital copier
10 machine services utilized by the government of Guam.
11 Additionally, they shall be responsible for ensuring that
12 sanitization occur on all storage media before said machines
13 are either replaced or refurbished and resold to non-
14 governmental entities, or discarded. The head of the respective
15 government of Guam entity shall work in concert with DOA,
16 GSA and BIT when the review is being conducted at his entity.

17 **§ 25103. Establishment of Rules.**

18 The Director of DOA, the Chief Procurement Officer of
19 GSA, and the Chief Information Officer of BIT, or their
20 designees, shall be responsible for developing a single process
21 to be used and rules to be followed in ensuring the proper
22 sanitization of storage media for all government of Guam
23 entities, which shall be subject to consideration and approval in
24 accordance with Chapter 9, Title 5 of the Guam Code
25 Annotated.

26 **§ 25104. Cost Assessment and Reporting of Data.**

1 It shall be the responsibility of the Director of DOA, the
2 Chief Procurement Officer of GSA, and the Chief Information
3 Officer of BIT to conduct a joint cost assessment on the
4 procurement of equipment or software which sanitize storage
5 media for all computers and digital copier machines utilized by
6 government of Guam entities. The initial cost assessment shall
7 be completed no later than one hundred twenty (120) days
8 subsequent to the passage of this Act, and shall reported in
9 writing by the Director of DOA to the Speaker of I
10 *Liheslaturan Guåhan.*

11 A cost assessment shall be conducted and completed no
12 later than September 30 of the subsequent year following
13 passage of this Act, and every year thereafter. The data
14 resulting from such assessment shall be transmitted in writing
15 by the Director of DOA to the Speaker of I *Liheslaturan*
16 *Guåhan.*

17 **§ 25105. Procurement Process.**

18 Any digital copier machines or digital copier machine
19 services procured after September 31, 2012, shall include
20 equipment or software which erases storage media.

21 The Director of DOA, the Chief Procurement Officer of
22 GSA, and the Chief Information Officer of BIT, or their
23 designees, shall be observers throughout the procurement of
24 computers, digital copier machines or digital copier machine
25 services; shall receive copies of all documents involved; and

1 shall be invited to and participate in any meetings relating to
2 the procurement of said machines and services.”

3 **Section 3. Enactment.** The provisions of this Act shall become effective
4 upon enactment.

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

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

June 29, 2011

Honorable Mana S. Taijeron
31st Guam Legislature
324 West Soledad Avenue, Suite 100
Hagatna, Guam 96910

RE: BILL NO B250-31 (COR) COMMENTS

Thank you Honorable Mana S. Taijeron for the opportunity to comment on Bill 250-31.

I am in full support of the bill and fully understand the implications of not properly sanitizing or disposing of hard drives in copiers or computers prior to repurposing or disposal. I would like to offer some recommendations that I believe will be comprehensive to enhance this Bill in its current form.

Clarity of terminology/language. I believe the intention of this bill is for all "storage devices", including but not limited to, internal and external Drives, whether hard disk, solid state, or other technology, flash/"thumb" drives, and any other devices or products used to store digital media (such as CDs, DVDs, cloud based storage accounts, etc...) should be: 1) secured appropriately while in operational use, 2) stored appropriately when not in operational use, 3) disposed of or sanitized appropriately when removed from use or repurposed.

Copy machines internal storage. The \$500 estimated amount would seem high for software that would sanitize the machine. Who would sanitize? Would this cost include service to sanitize? Can the Government simply remove the storage device(s) to then sanitize?

National Institute of Standards and Technology (NIST). NIST is a measurement standards laboratory under the United States Department of Commerce. This bill should be guided by or reference the NIST Special Publication 800-88 and NIST's Media Sanitization Procedures.

NIST recommended application. Active KillDisk software is in compliance with 17 different security standards to include the DoD 5220.22 M – the US Department of Defense sanitizing standard.

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

Funding for application. Active KillDisk Enterprise License will cost a 1-time fee of **\$2,999.00**. This enables the government to have 20 licenses for bootable CD/DVD's.

Who will sanitize? I recommend this role be undertaken by the agency Directors or whomever they designate. Proper documentation will require signatures and other information such as dates, times, person who performed the function and where the devices destination will be, eg, donation, trash, etc. BIT will work with the legislature to compile a comprehensive form that when complete will be available on its website.

This bill is a necessary one with my full support. I thank you again for this opportunity to comment on this bill and if you should have any question please feel free to contact me at 475-1229/1203.

Sincerely,

A handwritten signature in black ink, appearing to read "Ed Camacho Cruz".

Ed Camacho Cruz
Chief Information Officer
Bureau of Information Technology
Office of the Governor of Guam



COMMITTEE ON RULES

I Mina'trentai Unu na Libeslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

MAJORITY MEMBERS:

Speaker
Judith T. Won Pat

Vice Speaker
Benjamin J. F. Cruz

Senator
Tina Rose Muña Barnes
LEGISLATIVE SECRETARY
MAJORITY WHIP

Senator
Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

Senator
Thomas C. Ada

Senator
Adolpho B. Palacios, Sr.

Senator
vicente c. pangelinan

MINORITY MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

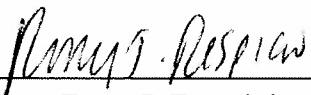
Senator
Christopher M. Duenas

Certification of Waiver of Fiscal Note Requirement

This is to certify that the Committee on Rules submitted to the Bureau of Budget and Management Research (BBMR) a request for a fiscal note, or applicable waiver, on **Bill No. 250-31 (COR) – “AN ACT RELATIVE TO THE INTERNAL HARD DRIVE MEMORY ON COMPUTERS AND DIGITAL COPIER MACHINES USED BY GOVERNMENT OF GUAM DEPARTMENTS AND AGENCIES.”** – on March 30, 2011. COR hereby certifies that BBMR confirmed receipt of this request on March 30, 2011.

COR further certifies that a response to this request was not received by 5:00 P.M. on April 19, 2011, the fourteenth day after the request was received by BBMR. **Therefore, pursuant to 2 GCA §9105, the requirement for a fiscal note, or waiver thereof, on Bill 250 to be included in the committee report on said bill, is hereby waived.**

Certified by:



Senator Rory J. Respicio

5-25-12

Date



COMMITTEE ON RULES

I Mina'trentai Unu na Liheslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

2011 JUN 30 PM 2:58

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

MAJORITY
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Senator
vicente c. pangelinan

MINORITY
MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Duenas

June 30, 2011

VIA FACSIMILE
(671) 472-2825

Ms. Benita Manglona
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Note -
Bill Nos. 250-31 (COR) through 254-31 (COR)

Hafa Adai Ms. Manglona:

Transmitted herewith is a listing of *I Mina'trentai Unu na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,


Senator Judith P. Guthertz, DPA
Acting Chairperson, Committee on Rules

Attachments

Cc: Clerk of the Legislature

I Mina'Trentai Unu Na Liheslaturan Guåhan
Bill Log Sheet
June 27, 2011
 Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	120 Day Deadline	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date) Passed? Failed? Vetoed? Overridden? Public Law?
250-31 (COR)	M. Silva Tajjeron	AN ACT RELATIVE TO THE INTERNAL HARD DRIVE MEMORY ON COMPUTERS AND DIGITAL COPIER MACHINES USED BY GOVERNMENT OF GUAM DPARTMENTS AND AGENCIES.	06/27/11 10:43 a.m.	2/27/11		Committee on Youth, Cultural Affairs, Procurement, General Governmen t Operations and Public Broadcastin g.			



COMMITTEE ON RULES

I Mina'trentai Unu na Liheslaturan Guåhan • The 31st Guam Legislature
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E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

MAJORITY MEMBERS:

Speaker
Judith T. Won Pat

Vice Speaker
Benjamin J. F. Cruz

Senator
Tina Rose Muña Barnes
LEGISLATIVE SECRETARY
MAJORITY WHIP

Senator
Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

Senator
Thomas C. Ada

Senator
Adolpho B. Palacios, Sr.

Senator
vicente c. pangelinan

MINORITY MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Duenas

June 27, 2011

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Judith P. Guthertz, DPA
Acting Chairperson, Committee on Rules

Subject: Referral of Bill No. 250-31 (COR)

As the Acting Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 250-31 (COR).

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Unu na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

(1) Attachment

2011 JUN 28 AM 09:17
FMM

I Mina'Trentai Unu Na Liheslaturan Guåhan

Bill Log Sheet

June 27, 2011

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	120 Day Deadline	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date) Passed? Failed? Vetoed? Overridden? Public Law?
250-31 (COR)	M. Silva Tajeron	AN ACT RELATIVE TO THE INTERNAL HARD DRIVE MEMORY ON COMPUTERS AND DIGITAL COPIER MACHINES USED BY GOVERNMENT OF GUAM DPARTMENTS AND AGENCIES.	06/27/11 10:43 a.m.	2/27/11		Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcastin g.			



July 8, 2011

MEMORANDUM

TO: All Members/All Senators

FROM: Vice Speaker Benjamin J.F. Cruz

RE: First Notice of Public Hearing – July 15th, 2011

Hafa Adai! Please be advised that the Committee on Youth, Cultural Affairs, Procurement, General Government Operations, and Public Broadcasting will conduct a Public Hearing on Friday July 15th, 2011 at 9:00 A.M. in *I Liheslaturan*'s Public Hearing Room with the following agenda:

- Bill No. 186-31 (LS)- J.T. Won Pat, Ed.D. / T.R. Muna-Barnes- "An act to add a new §43119 to Chapter 43 of Title 5 Guam Code Annotated, relative to protecting the rights of persons to petition a public board, public commission, or public corporation of the government of Guam for redress of grievances by establish a grievance policy, rules, and procedures."
- Bill No. 256-31 (COR)- B.J.F. Cruz / M.S. Taijeron- "An act add a *new* § 10313 to Article 3 of Chapter 10 of Title 5 of the Guam Code; relative to the public disclosure of temporary labor certifications."
- Bill No. 250-31(COR)- M.S. Taijeron- "An act relative to the internal hard drive memory on computers and digital copier machines used by Government of Guam departments and agencies."
- Bill No. 247-31 (COR) - T.R. Muna-Barnes- "An act to amend Sections 21 and 22 of Chapter XII "Miscellaneous Provisions" of Public Law 20-196 relative to wireless communication restrictions."
- Bill No. 240-31 (COR) - A.A. Yamashita, Ph.D.- "An act to amend §850, §852 & §853 all of Chapter 8, Article 2 of Title 1, Guam Code Annotated, relative to arts in buildings and facilities."
- Bill No. 238-31 (COR)- V.A. Ada / B.J.F. Cruz-" An act to amend §4502(d) and to add a new §§4504.1 and 4508 to Chapter 4 of 4GCA relative to expanding Whistle-Blower Protection to all employees of the government of Guam."

Please provide written testimonies at least one day prior to the hearing to the Office of the Vice Speaker Benjamin J.F Cruz, 155 Hesler Place, Hagatna Guam 96910. They may be sent via facsimile to 477-2522, or via email to chris.carillo@senatorbjcruz.com.

We comply with Title II of the Americans with Disabilities Act (ADA). Should you require assistance or special accommodations, please contact Garrett Duenas at the Office of the Vice Speaker Benjamin J.F Cruz at 477-2521 or via email at garrett.duenas@senatorbjcruz.com.



Chris Carillo <chris.carillo@senatorbjcruz.com>

1st Notice of Public Hearing- July 15th, 2011

1 message

Chris Carillo <chris.carillo@senatorbjcruz.com>**Fri, Jul 8, 2011 at 8:30 AM**

To: speaker@judiwonpat.com, Senator Tom Ada <tom@senatorada.org>, senatortonyada@guamlegislature.org, senator@tinamunabarnes.com, "Senator Frank F. Blas, Jr." <frank.blasjr@gmail.com>, senator@senatorbjcruz.com, duenasenator@gmail.com, judiguthertz@gmail.com, senatorsam@senatormabini.com, "Senator Ben C. Pangelinan" <senbenp@guam.net>, cor@guamlegislature.org, senatordrodriguez@gmail.com, senatormana@gmail.com, Aline Yamashita <Aline4families@gmail.com>, phnotice@guamlegislature.org, dmgeorge@guampdn.com, hottips@kuam.com, Sabrina Salas <sabrina@kuam.com>, mindy@kuam.com, dcrisostomo@guampdn.com, Janela <janela@mvguam.com>, thebigshow@k57.com, therese.hart.writer@gmail.com, Therese Hart <therese@mvguam.com>, Ray Gibson <rgibson@k57.com>, bmkelman@guampdn.com, William Gibson <breakfastshowk57@gmail.com>, krystal@kuam.com

Cc: clerks@guamlegislature.org, Pat Santos <psantos@guamlegislature.org>, Rennae Perez <rennae@guamlegislature.org>, "Atty. Therese Terlaje" <tterlaje@guam.net>, yong@guamlegislature.org, mis@guamlegislature.org, sgtarms@guamlegislature.org, "Steven A. Dierking" <steve@believeinguam.com>, cyrus@senatorada.org, louise_atalig@yahoo.com, chelsea@tinamunabarnes.com, Mary Fejeran <maryfejeran@gmail.com>, garrett.duenas@senatorbjcruz.com, joshua.tenorio@senatorbjcruz.com, leonguerrero.angela@gmail.com, leslie.g@senatormabini.com, cipo@guamlegislature.org, Stephanie Mendiola <sem@guamlegislature.org>, cherbert.senatordrodriguez@gmail.com, chechsantos@gmail.com, alerta.jermaine@gmail.com, evelyn4families@gmail.com, phnotice@guamlegislature.org

Hafa Adai All,

Please see the attached...

July 8, 2011

MEMORANDUM**TO:** All Members/All Senators**FROM:** Vice Speaker Benjamin J.F. Cruz**RE:** First Notice of Public Hearing – July 15th, 2011



July 13, 2011

MEMORANDUM

TO: All Members/All Senators

FROM: Vice Speaker Benjamin J.F. Cruz

RE: Second Notice of Public Hearing – July 15th, 2011

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- **Bill No. 186-31 (LS)**- J.T. Won Pat, Ed.D. / T.R. Muna-Barnes- "An act to add a new §43119 to Chapter 43 of Title 5 Guam Code Annotated, relative to protecting the rights of persons to petition a public board, public commission, or public corporation of the government of Guam for redress of grievances by establish a grievance policy, rules, and procedures."
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Chris Carillo <chris.carillo@senatorbjcruz.com>

2nd Notice of Public Hearing- July 15th 2011

6 messages

Chris Carillo <chris.carillo@senatorbjcruz.com>**Wed, Jul 13, 2011 at 9:27 AM**

To: speaker@judiwonpat.com, Senator Tom Ada <tom@senatorada.org>, senatortonyada@guamlegislature.org, senator@tinamunabarnes.com, "Senator Frank F. Blas, Jr." <frank.blasjr@gmail.com>, senator@senatorbjcruz.com, duenasenator@gmail.com, judiguthertz@gmail.com, senatorsam@senatormabini.com, "Senator Ben C. Pangelinan" <senbenp@guam.net>, cor@guamlegislature.org, senatordrodriguez@gmail.com, senatormana@gmail.com, Aline Yamashita <Aline4families@gmail.com>, phnotice@guamlegislature.org, dmgeorge@guampdn.com, hottips@kuam.com, Sabrina Salas <sabrina@kuam.com>, mindy@kuam.com, dcrisostomo@guampdn.com, Janela <janela@mvguam.com>, thebigshow@k57.com, therese.hart.writer@gmail.com, Therese Hart <therese@mvguam.com>, Ray Gibson <rgibson@k57.com>, bmkelman@guampdn.com, William Gibson <breakfastshowk57@gmail.com>, krystal@kuam.com

Cc: Mary Fejeran <maryfejeran@gmail.com>, garrett.duenas@senatorbjcruz.com, joshua.tenorio@senatorbjcruz.com, leonguerrero.angela@gmail.com, leslie.g@senatormabini.com, cipo@guamlegislature.org, Stephanie Mendiola <sem@guamlegislature.org>, cherbert.senatordrodriguez@gmail.com, chechsantos@gmail.com, alerta.jermaine@gmail.com, evelyn4families@gmail.com, phnotice@guamlegislature.org, clerks@guamlegislature.org, Pat Santos <psantos@guamlegislature.org>, Rennae Perez <rennae@guamlegislature.org>, "Atty. Therese Terlaje" <tterlaje@guam.net>, yong@guamlegislature.org, mis@guamlegislature.org, sgtarms@guamlegislature.org, "Steven A. Dierking" <steve@believeinguam.com>, cyrus@senatorada.org, louise_atalig@yahoo.com, chelsa@tinamunabarnes.com, mike.lidia@senatorbjcruz.com

Hafa Adai all,

July 13, 2011

MEMORANDUM**TO:** All Members/All Senators**FROM:** Vice Speaker Benjamin J.F. Cruz**RE:** Second Notice of Public Hearing – July 15th, 2011

Hafa Adai! Please be advised that the Committee on Youth, Cultural Affairs, Procurement, General Government Operations, and Public Broadcasting will conduct a Public Hearing on Friday July 15th, 2011 at 9:00 A.M. in / *Liheslaturan's* Public Hearing Room with the following agenda:



Public Hearing

July 15, 2011

Notices Disseminated via email to all Senators and Media on July 8th and July 13th 2012.

- **Bill No. 186-31 (LS)**- J.T. Won Pat, Ed.D. / T.R. Muna-Barnes- "An act to add a new §43119 to Chapter 43 of Title 5 Guam Code Annotated, relative to protecting the rights of persons to petition a public board, public commission, or public corporation of the government of Guam for redress of grievances by establish a grievance policy, rules, and procedures."
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- **Bill No. 238-31 (COR)**- V.A. Ada / B.J.F. Cruz- "An act to amend §4502(d) and to add a new §§4504.1 and 4508 to Chapter 4 of 4GCA relative to expanding Whistle-Blower Protection to all employees of the government of Guam."

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

2011 JUN 27 PM 10:41
[Handwritten Signature]

Bill No. 2-50-31(cor)

Introduced by:

M. Silva Taijeron *[Handwritten Signature]*

**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.