

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #2

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2014 JUN 24 A 11:22

SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

Information Services and Communications Division

AGENCY: Department of Administration, Office of Technology

TITLE NUMBER: 161

RULE TYPE: Legislative

CITE AUTHORITY: 5A-6-4(a)(14)

AMENDMENT TO AN EXISTING RULE: YES NO ^x

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 3

TITLE OF RULE BEING PROPOSED: Procedures for Sanitization, Retirement, and Disposition of Information
Technology Equipment

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON July 24, 2014 AT 9:00 am ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Donna Lipscomb Spano

West Virginia Department of Administration
1900 Kanawha Boulevard, East

Building 1, Room E-119
Charleston, WV 25305

304-558-3392
donna.m.lipscombspano@wv.gov

THE ISSUES TO BE HEARD SHALL BE
LIMITED TO THIS PROPOSED RULE.

Sch. Bini
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

Ross Taylor

Agency: Department of Administration	Title Number: 161
Rule Type: Legislative	Cite Authority: 5A-6-4(a)(14)

STATEMENT OF CIRCUMSTANCE AND BRIEF SUMMARY

The proposed rules are a result of the passage of Senate Bill 563 that passed the legislature during the 2012 session. They deal with the procedures for sanitization, retirement, and disposition of information technology equipment. Specifically, they require certified technology refurbisher to clean equipment in accordance with NIST standards; they require the West Virginia Office of Technology to document and approve any internal reuse of equipment; assure the technician is qualified to remove and reinstall the parts; shall determine method of disposal of the residual components of equipment; sets forth the method and procedure to retire technology equipment; requires an inventory be maintained for technology equipment; and allows distribution of technology equipment that has been retired by an agency when in the best interest of the state.

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TITLE 161
LEGISLATIVE RULE
WEST VIRGINIA OFFICE OF TECHNOLOGY EQUIPMENT
OFFICE OF THE ATTORNEY GENERAL
SECRETARY OF STATE

SERIES 3
PROCEDURES FOR SANITIZATION, RETIREMENT, AND DISPOSITION OF
INFORMATION TECHNOLOGY RELATED EQUIPMENT

§ 161-3-1 General.

- 1.1. Scope. - This legislative rule promulgated pursuant to W.Va. Code §5A-6-4 (a)(14), establishes and clarifies the procedures for the West Virginia Department of Administration, Office of Technology, for the cleansing of devices and the retirement, transfer, disposition, decommissioning, disposal, reuse, recycling, refurbishing, and/or redistribution of information technology equipment.

§ 161-3-2 Applicability.

- 2.1. This legislative rule applies to all spending units of the executive branch of state government except those exempt in W.Va. Code §5A-6-8 and any other entity specifically exempt by statute.

§ 161-3-3 Definitions.

- 3.1. "Authorized Methods of Disposal" means methods to dispose of information technology equipment authorized by the WVOT.
- 3.2. "Certified Information Technology Refurbisher" means a qualified entity certified to refurbish information technology equipment.
- 3.3. "Cleansing" means the removal, destruction, and cleansing of any confidential or sensitive data.
- 3.4. "Information Technology Equipment" includes, but is not limited to: Computers, desktops, laptops, tablets, cell phones, smart phones, printers, photocopiers, CRT monitors, LCD monitors, network switches, network routers, FAX machines, scanners, microfiche, cameras, data cards, servers, magnetic tape devices, diskette

readers/writers, CD readers/writers/players, Telecom and analog phones, keyboards, mice and other peripherals, medical equipment with memory or storage, and mailing equipment with memory.

- 3.5. "NIST" means the National Institute of Standards and Technology.
- 3.6. "Recycle" means the process of disposing of raw materials or unusable equipment.
- 3.7. "Refurbish" means the cleansing and repair of equipment for further use when the equipment has a working life remaining.
- 3.8. "Reuse" means the removal of parts from one commodity for use in the creation or repair of another commodity.
- 3.9. "State Authorized Recycler" means recycler authorized by the WVOT to recycle Information Technology Equipment.
- 3.10. "Statewide Management System" means the computer system maintained by the State of West Virginia to identify all assets owned by the State.
- 3.11. "WVOT" means the West Virginia Office of Technology within the Department of Administration.

§ 161-3-4 Cleansing.

- 4.1. The WVOT may use certified technology refurbishers to aid in media cleansing when needed.
- 4.2. The WVOT or certified technology refurbisher must ensure that information technology equipment is cleansed before transported to the use location.
- 4.3. Cleansing must be done in accordance with NIST standards.
- 4.4. Information technology equipment that must be cleansed includes any equipment that contains or may contain any confidential, privileged or sensitive data of any kind.
- 4.5. If the information technology equipment is malfunctioning or technicians are unable to cleanse the device, then the WVOT or certified technology refurbisher must remove the data-containing drive or equipment and physically destroy it by shredding, melting, drilling, or any other method that would render the information technology equipment permanently inoperable and the data inaccessible.

§ 161-3-5 Internal Reuse / Recycling

- 5.1. All internal reuse of information technology equipment must be done by the WVOT or certified information technology refurbisher. All internal reuse must be documented and the document must include the spending unit name, tag number of device, brand, model, serial number, and date of purchase.
- 5.2. Any WVOT authorized internal reuse or recycling must provide a benefit to the State of West Virginia.
- 5.3. The WVOT, or certified information technology refurbisher must identify the technician who will reuse the technology device and assure that person is qualified to remove and reinstall the parts.
- 5.4. If the WVOT, certified information technology refurbisher, or state authorized recycler must dispose of the residual components of the device, they shall use authorized methods of disposal.

§ 161-3-6 Retirement to the WVOT.

- 6.1. All spending units shall submit a request to retire Information Technology Equipment to the West Virginia Office of Surplus Property.
- 6.2. Once approved by the West Virginia Office of Surplus Property, the WVOT shall require the spending unit to provide the designated WVOT pickup form completed with the appropriate document numbers from the statewide management system. If the equipment is not in the statewide management system, the spending unit shall take appropriate actions to have it included in the system.
- 6.3. The spending unit retiring the information technology equipment shall make appropriate and WVOT approved arrangements for the transfer of all retired information technology equipment at a mutually arranged date and time, no later than sixty (60) days following the retirement request from the spending unit.
- 6.4. After evaluation, the WVOT shall determine the final disposition of the information technology equipment.

§ 161-3-7 Final Disposition

- 7.1. The WVOT shall maintain an inventory of information technology equipment and its disposition. The inventory shall be available to spending units wishing to acquire information technology equipment.

- 7.2. Once the information technology equipment is retired, the WVOT may distribute or transfer the information technology equipment for reuse by another state spending unit, send the information technology equipment to a state authorized recycler, send the information technology equipment to a certified information technology refurbisher or dispose of the information technology equipment in accordance with NIST standards.
- 7.3. Information technology equipment will be distributed within the State of West Virginia when it is deemed to be in the best interest of the state. Information technology equipment may only be put back into service if it meets current minimum standards set by the WVOT.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Procedures for Sanitization, Retirement, and Disposition of Information Technology Equipment

Type of Rule: X Legislative Interpretive Procedural

Agency: Department of Administration, Office of Technology

Address: 1900 Kanawha Boulevard, East

Building 1, Room E-119

Charleston, WV 25305

1. Effect of Proposed Rule:

	ANNUAL FISCAL YEAR				
	Increase	Decrease	Current	Next	Thereafter
ESTIMATED TOTAL COST	0	0	0	0	0
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERATIONS					
EQUIPMENT					
OTHER					

2. Explanation of Above Estimates:

There will be minimal fiscal impact as a result of the passage of this rule. The rules are being established as a result of the passage of Senate Bill 563 which passed during the 2012 legislative session. The rules outline the procedures for sanitization, retirement, and disposition of technology-related equipment.

3. Objectives of These Rules:

Rule Title: Procedures for Sanitization, Retirement, and Disposition of Information Technology Equipment

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

None

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens:

None

C. Economic Impact on Citizens/Public at Large.

None

Date: 6/24/14

Signature of Agency Head or Authorized Representative:

