

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

Form #3

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FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

Information Services and Communications Division

AGENCY: Department of Administration, Office of Technology TITLE NUMBER: 161

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

AMENDMENT TO AN EXISTING RULE: YES _____ NO x

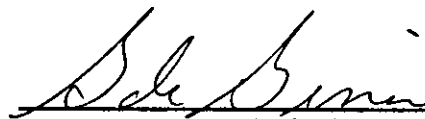
IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

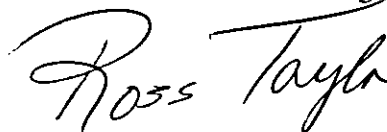
TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 3

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

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.


Authorized Signature



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.

**TITLE 161
LEGISLATIVE RULE
WEST VIRGINIA OFFICE OF TECHNOLOGY EQUIPMENT**

**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.

Agency: Department of Administration Rule Type: Legislative	Title Number: 161 Cite Authority: 5A-6-4(a)(14)
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BRIEF SUMMARY OF COMMENTS RECEIVED; AGENCY RESPONSE; AND AMENDMENTS

The Department of Administration received no comments to the proposed legislative rules for the procedures for sanitization, retirement, and disposition of information technology equipment.

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:

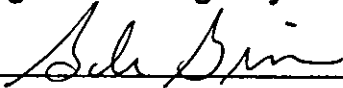
None

C. Economic Impact on Citizens/Public at Large.

None

Date: 7/28/14

Signature of Agency Head or Authorized Representative:


Ross Taylor

QUESTIONNAIRE

DATE: July 30, 2014

TO: Legislative Rule-Making Review Committee

FROM: Donna Lipscomb Spano, Executive Coordinator
Department of Administration
1900 Kanawha Boulevard, East
Room E-119
Charleston, WV 25305
304-558-3392

LEGISLATIVE RULE TITLE: 161, Series 3, Procedures for Sanitization, Retirement, and Disposition of Information Technology Related Equipment

1. Authorizing statute(s) citation 5A-6-4(a)(14)

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:

June 24, 2014

b. What other notice, including advertising, did you give of the hearing?

Provided to all technology coordinators

c. Date of Public Hearing(s) or Public Comment Period Ended:

July 24, 2014

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached _____ No comments received X

e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

July 30, 2014

- f. Name, title, address and phone/fax/e-mail numbers of agency person(s) to receive all written correspondence regarding this rule: (please type)

Donna Lipscomb Spano, Executive Coordinator
Department of Administration
1900 Kanawha Boulevard, East
State Capitol, Room E-119
Charleston, WV 25305
304-558-3392 Donna.m.lipscombspano@wv.gov

- g. IF DIFFERENT FROM ITEM "f", please give Name, title, address and phone number(s) of agency person(s) who wrote and/or has responsibility for the contents of this rule: (please type)

Gale Given, Director of the Office of Technology
1900 Kanawha Boulevard, East
Charleston, WV 25305
304-558-8101

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

N/A

- b. Date of hearing or comment period:

June 24, 2014 through July 24, 2014

- c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

N/A

- d. Attach findings and determinations and reasons:

Attached N/A