

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

Form #4

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OFFICE WEST VIRGINIA  
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**NOTICE OF RULE MODIFICATION OF A PROPOSED RULE**

AGENCY: Department of Administration, Office of Technology TITLE NUMBER: 163

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

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

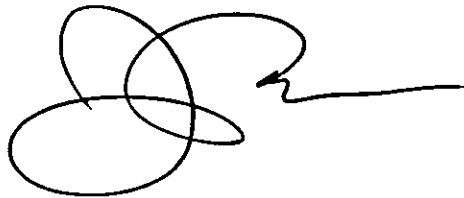
TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 1

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

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.

  
\_\_\_\_\_  
Authorized Signature



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TITLE 163  
LEGISLATIVE RULE  
WEST VIRGINIA OFFICE OF TECHNOLOGY EQUIPMENT

2014 OCT -3 P 4: 06

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

SERIES 1  
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.

1.2 Authority. - 5A-6-4(a)(14)

1.3 Filing Date. - July 30, 2014

1.4 Effective Date. -

§ 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~~ an individual approved by the Office of Technology to refurbish information technology equipment.

- 3.3. “Cleansing” means the removal, destruction, and ~~cleansing~~ elimination 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, cathode raytube (CRT) monitors, liquid crystal display (LCD) monitors, network switches, network routers, facsimile (FAX) machines, scanners, microfiche, cameras, data cards, servers, magnetic tape devices, diskette readers/writers, compact disk 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. “Internal Reuse or Recycling” means technology equipment that has been cleansed and will be used by another state entity.
- 3.67. “NIST” means the National Institute of Standards and Technology.
- 3.78. “Recycle” means the process of disposing of raw materials or unusable equipment.
- 3.89. “Refurbish” means the cleansing and repair of equipment for further use when the equipment has a working life remaining.
- 3.910. “Reuse” means the removal of parts from one commodity for use in the creation or repair of another commodity.
- 3.1011. “State Authorized Recycler” means recycler authorized by the WVOT to recycle Information Technology Equipment.
- 3.1112. “Statewide Management System” means the computer system maintained by the State of West Virginia to identify all assets owned by the State.
- 3.1213. “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 where the device will be used.

- 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~~ must submit a request to retire Information Technology Equipment to the West Virginia Office of Surplus Property, hereafter "Surplus".
- ~~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:~~
- 6.2. Once the retirement is approved by Surplus, the spending unit will complete the appropriate WVOT-provided form with all required information and return the form

to the WVOT to arrange for collection of the retired equipment. This form will be maintained on the WVOT website.

~~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.~~

6.3. Upon receipt of a fully and accurately completed form for collection of equipment, the WVOT will work with the agency to make arrangements to collect the retired information technology equipment at an agreed-upon date and time. Best efforts will be made to collect the equipment within sixty (60) days of receipt of the fully and accurately completed form.

6.4. After evaluation of the equipment, the WVOT ~~shall~~ will determine the final disposition of the information technology equipment.

#### **§ 161-3-7 Final Disposition**

7.1. The WVOT ~~shall~~ will maintain an inventory of information technology equipment and its disposition. The inventory ~~shall~~ will be available to spending units wishing to acquire information technology equipment. The inventory will be provided upon request to the WVOT.

~~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.~~

7.2. Once the information technology equipment is retired, the WVOT may:  
a.) distribute or transfer the information technology equipment for reuse by another state spending unit;  
b.) send the information technology equipment to a state authorized recycler;  
c.) send the information technology equipment to a certified information technology refurbisher; or  
d.) 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.