

STATE OF ALABAMA        )  
CITY OF WINFIELD        )

ORDINANCE NO. 984

**AN ORDINANCE AUTHORIZING CITY DEPARTMENTS  
AND OFFICES TO CREATE AND RETAIN ELECTRONIC  
RECORDS AND CONVERT WRITTEN RECORDS TO ELECTRONIC  
RECORDS; AUTHORIZING THE USE OF ELECTRONIC SIGNATURES;  
AND ADOPTING AN ELECTRONIC RECORDS MANAGEMENT POLICY**

**WHEREAS**, the Alabama Uniform Electronic Transaction Act ("UETA"), codified at Ala. Code 1975 §8-1A-1 et seq, authorizes the City Council to determine whether, and the extent to which City departments and offices will create and retain electronic records and convert written records to electronic records; and,

**WHEREAS**, UETA grants authority to the City Council to determine whether and to what extent City departments and offices may use electronic signatures in the conduct of official business; and,

**WHEREAS**, UETA specifically empowers the City Council to adopt rules and policies for the creation, protection, maintenance, preservation and storage of electronic records; and,

**WHEREAS**, a proposed Electronic Records Management and Imaging Policy has been prepared by City staff and presented to the City Council for approval.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council (the "Council") of the City of Winfield, Alabama (the "City") as follows:

**Section 1. Authority.** To the fullest extent permitted by UETA and subject to the limitations of the rules and policies adopted in Section 4 below, the City Council hereby authorizes City departments and offices to create and retain electronic records and to convert written records to electronic records and to send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use and rely upon electronic records and electronic signatures.

**Section 2. Scope.** To the fullest extent permitted by UETA and subject to the limitations of the rules and policies adopted in Section 4 below, this Ordinance is intended to authorize the use of

electronic records and electronic signatures in the conduct of official business of the City by City departments and offices and the conduct of official business with City departments and offices by any person. Such use shall be in accordance with and subject to the provisions of UETA and the rules and policies adopted in Section 4 below. This Ordinance does not require a record or signature to be created, generated, sent, communicated, received, stored or otherwise processed or used by electronic means or in electronic form.

**Section 3. Limitations.** Notwithstanding anything to the contrary contained in this Ordinance or the UETA:

(a) In no event shall any legal or binding recognition or effect be given to a record purported to be executed by a City signatory using an electronic signature, if the execution is not duly authorized in accordance with applicable law; and

(b) In the event that any electronic signature is found by a City department, office or agency to have been used or applied to a City record in violation of this Ordinance, the UETA, or any other law, the electronic signature shall be null and void and the City record signed electronically using the unlawful, fraudulent, unauthorized or otherwise improper electronic signature shall also be null and void, discontinued and unenforceable against the City.

**Section 4. Adoption of electronic record management and imaging policy.** The Electronic Records Management and Imaging Policy, attached hereto as Exhibit "A" and incorporated herein by reference, is hereby adopted and approved.

**Section 5. Conflict and Severability.** In the event any provision of this Ordinance conflicts with any other ordinance of the City of Winfield on the subject matter of this Ordinance, the more strict provision shall apply and supersede. If any provision of this Ordinance is held to be invalid, unconstitutional or unenforceable for any reason by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portion of this Ordinance, which shall be deemed separate, distinct and independent provisions enforceable to the fullest extent possible.

**Section 6. Effective date.** This Ordinance shall become effective upon its adoption, approval and publication as required by law.

**Section 7. Publication.** This Ordinance shall be published in a newspaper of general circulation in the City of Winfield, Marion County, Alabama.

## **EXHIBIT "A"**

### **ELECTRONIC RECORDS MANAGEMENT AND IMAGING POLICY**

1. Purpose. The purpose of this policy is to increase the reliability and accuracy of records stored in information technology systems and to ensure they remain accessible over time. This policy also serves to protect those records digitized by the City's imaging systems, which reduces required storage space for original documents.

2. Legal basis. The Alabama Uniform Electronic Transactions Act ("UETA") codified at Code of Ala. 1975 §8-1A-1 et seq., is intended to facilitate the use of electronic documents in business, commercial and governmental transactions. UETA permits but does not require the use and creation of electronic documents. Section 8-1A-18(a) provides that "each government agency of this state with rule-making authority...may determine by rule whether and the extent to which, it will send and accept electronic records to and from other persons and otherwise create, generate, communicate, store, process, use and rely upon electronic records". Section 8-1A-12(a) provides that an electronic record meets other state law requirements for record retention if the electronic record both accurately reflects the original document and is accessible for later reference.

3. Creation and retention of electronic records. In accordance with Code of Ala. §8-1A-17 and to the fullest extent permitted by UETA and except as otherwise provided in this policy, City departments and offices are hereby authorized to create and retain electronic records and convert written records to electronic records. Any such electronic records will be retained in compliance with the Local Government Records Commission ("LGRC") requirements, including the records retention schedules. City departments and offices may create a retrievable electronic record or copy, by optical scan or otherwise, of paper original documents or make other images of paper copies which accurately reproduce the originals and may destroy original paper documents so copied as specified by the LGRC. Electronic copies of original documents, when certified by an authorized City records custodian, shall be admissible in administrative and court proceedings as authorized by UETA as though they were the original document. The electronic document retains the confidential or public document characteristics of the original document.

4. Scope. This policy applies to all departments of the City of Winfield (the "City"), except the Municipal Court and the Public Library.

5. Records covered. All public records are covered by this policy. This includes permanent and non-permanent records, including both confidential and non-confidential records.

For the purposes of this policy, the word "record" shall have the following meaning:

"Record" means any material on which written, drawn, printed, visual or electromagnetic information or electronically generated or stored data is recorded or preserved. "Record" also includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes, optical discs and any other medium on which electronically generated or stored data is recorded or preserved. Emails for the purposes of this policy are considered records.

"Records" do not include:

(a) Drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working;

(b) Materials that are purely the personal property of the custodian and have no relation to his or her office;

(c) Materials to which access is limited by copyright, patent or request;

(d) Published materials in the possession of an authority other than a public library that are available for sale, or that are available for inspection at a public library; or

(e) Identical copies of the same record.

6. Generative Artificial Intelligence (AI).

(a) Information entered into Generative AI systems may be subject to a Public Records Request, may be viewable and usable by the City and may be leaked unencrypted in a data breach. Employees shall not submit any information to a Generative AI platform that is not available to the general public (such as confidential or personally identifiable information).

(b) Usage of AI technologies by City departments and offices shall ensure that confidential City information is not compromised, that generated content is always validated by a person before publishing, and that responsible City staff know and are comfortable with the extent to which data provided to an AI tool may be shared with non-City audiences.

(c) City employees shall obtain IT Department approval before accessing or acquiring an AI product.

(d) City employees must fact-check and review all content generated by AI, especially if it will be used in public communication or decision-making. While generative AI can rapidly produce clear prose, the information and content might be inaccurate, outdated, offensive or simply made up. It is essential to validate that the output of generative AI systems is accurate, properly attributed, free of someone else's intellectual property and free of unintended or undesirable instances of bias and potentially offensive or harmful material. It is the responsibility of City employees to verify that the information is accurate and appropriate by independently researching claims made by the generative AI tool.

(e) City employees must not share sensitive or private information in the inputs or queries ("prompts") that a user or a program gives to a generative AI tool. City employees must be very careful about the information they provide in prompts. Any information that includes personal identifying information about City employees and/or community members could inadvertently be shared with others.

(f) The IT Department will oversee all AI initiatives, in concert with Department Heads. Each City department involved in AI projects will consult with the IT Department to coordinate and ensure compliance with the policy. The IT Department will establish an ongoing evaluation and monitoring process to assess the effectiveness, fairness and safety of AI systems.

(g) Executive Regulation ("ER") No. 15.11 provides additional guidelines for the use of generative AI systems.

## 7. Responsible parties.

(a) Department Head responsibilities include:

- (1) ensuring training of records creators.
- (2) periodically auditing imaged records for accuracy, readability and reproduction capabilities before the original documents are destroyed.
- (3) assuring that public records are kept in secure but accessible places.

(b) IT Department responsibilities include:

- (1) installing and maintaining equipment and software.

(2) configuring the system according to department needs, including creating and testing applications and indexes.

(3) controlling authentication and authorization rights to the system.

(4) maintaining documentation of system hardware and software.

(5) establishing audit trails that document actions taken on records stored by information technology system.

(6) providing backups for system records and recovering deleted imaged records when necessary. (See ER 15.8).

(7) establishing and providing training on equipment and software.

#### 8. General rules and procedures.

(a) Department Heads are responsible for ensuring the continued accessibility of information created or maintained by their departments for the length of time prescribed in the records retention and disposition schedules and seeking approval from the Alabama Department of Archives each time records are to be destroyed.

(b) Records must be retained in either paper format, microfilm format or electronic format under conditions set forth in this policy and related guidelines issued by LGRC.

(c) All records, whether created or maintained on electronic system, must be maintained in a fixed format and must be findable, retrievable and readable for the entire length of the retention period designated on records retention and disposition schedules approved by LGRC.

(d) Electronic record keeping system or procedures external to the system must provide for the secure, confidential, irreversible destruction of copies of electronic records (including those on backup media) at the end of the retention period as specified by LGRC.

(e) The implementation and use of an electronic record keeping system may not limit or hinder access to records. Departments should ensure that records maintained in such systems remain accessible and can be correlated (if applicable) with related records on paper, microfilm or other media.

(f) All documents and reports and/or electronic files created

by Al may be considered records and must therefore be stored as a public record.

9. Security. The IT Department and Department Heads shall implement and maintain an effective security program to protect security files from unauthorized access or alteration.

10. Use of electronic signatures and electronic records. In accordance with Code of Ala. 1975 §§8-1A-7 and 8-1A-18(a), the City hereby establishes that to the fullest extent permitted by UETA and except as otherwise provided in this policy, the City will send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures. In accordance with §8-1A-18(b), the City use of electronic records and electronic signatures will comply with the following requirements:

(a) Provide an identical copy of the original signed and executed document to the signer.

(b) Ensure non-repudiation; that the signer cannot deny the fact that he or she electronically signed the document.

(c) Capture information about the process used to capture signatures (i.e. create an audit trail), including but not limited to:

(1) IP address

(2) Date and time stamp of all events

(3) All web pages, documents, disclosures, and other information presented

(4) What each party acknowledged, agreed to, and signed

(d) Encrypt, end-to-end, all communication within the signature process. Encryption technologies shall comply with federal and state encryption standards, including the requirements that cryptographic modules be validated to the current Federal Information Processing Standards (FIPS).

(e) General Rules and Procedures for Electronic Signatures:

(1) The signer must perform an action to signify agreement or approval, such as clicking a checkbox, typing their name, producing a graphical signature (e.g. via a pen pad) or importing a graphic representation of a handwritten signature.

(2) Check boxes alone may not be sufficient when it is necessary to verify the electronic signature or executed transaction.

(3) The Signer's First and Last name must be visible and legible below or alongside the electronic signature.

(4) The time and date of the electronic signature must be captured, stored and available for retrieval along with the electronic record.

(5) Should the State of Alabama establish minimum security requirements for the use of electronic records beyond those required by this document, those requirements must be followed for the use of electronic signatures at the City.

(6) Electronic signatures requiring non-repudiated and encrypted signatures will use a digital signature software application and digital certificates that have yet to be purchased or implemented by the city. Until this is available, any signatures that require this level of legal assurance or which pose a high risk to the City will continue to use handwritten signatures.

The information contained in this subsection constitutes the minimum that is required for a valid electronic signature. Any authorized person within the City may require additional reasonable information from a signer in order to establish the identity and signature authority of the signer.

11. CJIS Compliance. CJIS provides criminal justice agencies, such as the Winifield Police Department, access to criminal justice information (CJI). CJI includes, for example, fingerprint records and criminal histories. Law enforcement agencies must ensure that their use of cloud services for the transmission, storage or processing of CJI complies with the CJIS Security Policy, which establishes minimum security requirements and controls to safeguard CJI.

The CJIS Security Policy integrates presidential and FBI directives, federal laws and the criminal justice community's Advisory Policy Board decisions, along with guidance from the National Institute of Standards and Technology (KIST). The use of the CJIS system is for criminal justice purposes only. The CJIS has also established requirements for the use of data encryption when storing and using sensitive data, as well as including CJI in communications.

The Police Department must comply with the security and technical standards found in CFR Title 28, the FBI CJIS Security Policy and Section 805 of the Winifield Police Department Policy



Manual.

Members of the Winfield Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination, destruction and release of CJIS. The Police Chief shall be responsible for ensuring compliance with CJIS requirements. If any provisions of this policy are inconsistent with the CJIS Security Policy or with any state or federal law or regulation, the CJIS Security Policy or the applicable state or federal law or regulation shall control.

12. Executive Regulations and Orders. The Mayor shall have the power to issue and place into effect executive or administrative orders, rules, regulations and procedures regarding the management and use of electronic records, not inconsistent with UETA, this policy or with federal or state law.

ADOPTED and ORDAINED this the 22<sup>nd</sup> day of October, 2024.

Timothy P. [Signature]  
Mayor

Attest:

Angie Oliver  
City Clerk

I, Angie Oliver, City Clerk of the City of Winfield, certify that the foregoing Ordinance No. 984 is a true and correct copy of that certain Ordinance adopted by the City of Winfield, on this the 22<sup>nd</sup> day of October, 2024.

WITNESS, my hand this 22<sup>nd</sup> day of October, 2024.

(SEAL)

Angie Oliver  
(CITY CLERK)