

1                   A bill to be entitled  
 2           An act relating to data destruction; providing  
 3           definitions; requiring all public agencies and private  
 4           entities that collect personal information to adhere to  
 5           the procedures provided in the National Institute of  
 6           Standards and Technology's "Guidelines for Media  
 7           Sanitization" when destroying such information; requiring  
 8           such agencies and entities to maintain a copy of the  
 9           guidelines; requiring all state agencies to submit a  
 10          sampling of sanitized media to a third-party vendor for  
 11          verification of data destruction; requiring the Department  
 12          of Management Services to adopt rules; providing an  
 13          effective date.

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 15 Be It Enacted by the Legislature of the State of Florida:

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 17           Section 1. Media sanitization.--

18           (1) As used in this section, the term:

19           (a) "Media" means:

20           1. Hard copy information, which is the physical  
 21 representation of information, including, but not limited to,  
 22 paper printouts, printer and facsimile ribbons, drums, and  
 23 platens; and

24           2. Electronic information, which is the bits and bytes  
 25 contained in hard drives, random-access memory, read-only  
 26 memory, optical disc storage media, memory devices, telephones,  
 27 mobile computing devices, networking equipment, and other types  
 28 of information storage equipment.

29        (b) "Sanitization" means the process of removing data from  
30 media in a manner that prevents the retrieval or reconstruction  
31 of the data.

32        (c) "Sanitized" means having undergone the process of  
33 sanitization described in paragraph (b).

34        (2) All agencies, as defined in s. 119.011, Florida  
35 Statutes, and all private corporations, business trusts,  
36 partnerships, limited liability companies, associations, joint  
37 ventures, estates, trusts, or any other legal or commercial  
38 entities, for profit or not for profit, located in or doing  
39 business in this state, which collect any information that is  
40 deemed secret, private, personal, or confidential in nature;  
41 contains identifying information, including names, personal or  
42 business addresses, social security numbers, credit or debit  
43 card numbers, bank account numbers, telephone numbers, or  
44 photographs that are recorded on media; and is subject to  
45 sanitization or meets the criteria for destruction as set forth  
46 in the "Guidelines for Media Sanitization: Recommendation of the  
47 National Institute of Standards and Technology," NIST Special  
48 Publication 800-88, must use the purge or physical destruction  
49 techniques for media destruction described in that document.

50        (3) All state agencies and private entities subject to  
51 subsection (2) must keep a copy of the Guidelines for Media  
52 Sanitization available for use. An electronic copy of the  
53 document must be kept on the computer desktop of the chief  
54 information officer, security officer, records management  
55 officer, or other person responsible for the sanitization of the  
56 personal or private data at the agency or entity.

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57        (4) All state agencies must submit a sampling of sanitized  
58 electronic media to a third-party vendor that has no stake in  
59 the sanitization process or conflict of interest for  
60 verification of data destruction. The Department of Management  
61 Services shall adopt by rule criteria for the selection of  
62 third-party vendors to be used to verify data destruction and  
63 procedures for the submission and return of samples of sanitized  
64 electronic media.

65            Section 2. This act shall take effect July 1, 2010.