

ILLINOIS GAMING BOARD



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POLICY INTERPRETATION And ACTION TRANSMITTAL*	86 Illinois Administrative Code Part 3000	
	Index No. 02.02	Issuance Date: May 23, 2002
	Origin of Request: Staff Review of Files and Owner Licensee Inquiries	
	Key Words: Records Retention	
	Adopted Rule Citation(s): 3000.1000, 3000.1010, 3000.1020, 3000.1030	

INTERPRETATION

Applicable To: Owner Licensees

Policy Citations: Section 3000.1000 Ownership Records
See full text of Rule at 86 Ill. Admin. Code 3000.1000

Section 3000.1010 Accounting Records
See full text of Rule at 86 Ill. Admin. Code 3000.1000

Section 3000.1020 Standard Financial and Statistical Records
See full text of Rule at 86 Ill. Admin. Code 3000.1000

Section 3000.1030 Annual and Special Audits and Other Reporting
Requirements
See full text of Rule at 86 Ill. Admin. Code 3000.1000

Section 1-105 Purposes and Construction,
Electronic Commerce Security Act (ECSA)
See full text at 175 ILCS 5/1-105

Section 5-105 Definitions, ECSA
See full text at 175 ILCS 5/5-105

Section 5-135 Retention of Electronic Records, ECSA

See full text at 175 ILCS 5/1-135

Section 25-101 State Agency Use of Electronic Records

See full text at 175 ILCS 5/25-101

Question/Issue: May owner licensees maintain records covered by the Board's Records Retention Policy 1.0 in an electronic medium? If so, what standards should be employed for retaining such electronic records?

Discussion: The Illinois Legislature passed the Electronic Commerce Security Act in 1999 in order to facilitate communication between state agencies and with the public that is served by state agencies. The Act must be construed consistently with what is commercially reasonable under the circumstances and in furtherance of the Act's purposes. The Act provides for definitions of electronic records, digital and electronic signatures, information, record, security procedures, etc. The Act permits the retention of electronic records when such records can be maintained in a trustworthy manner and the conditions cited in Section 5-135 are met. To the extent that a State agency agrees to accept electronic records, it must adopt an appropriate rule.

The Board has not yet adopted a formal rule on its acceptance or use of electronic records or on the use and acceptance of electronic records by its licensees, in addition to hard copies of such records. Nonetheless, owner licensees do currently maintain electronic records.

To the extent that an Owner Licensee maintains information listed in the Records Retention Schedule in an electronic manner, an Owner Licensee must ensure that its electronic storage system includes:

1. reasonable controls to ensure the integrity, accuracy and reliability;
2. reasonable controls to prevent and detect the unauthorized creation of, addition to, alteration of, deletion of, or deterioration of electronically stored books and records;
3. an inspection and quality assurance program evidenced by regular evaluations of the electronic storage system including period checks of electronically stored books and records;
4. a retrieval system that includes an indexing system;
5. the ability to provide legible and readable hard copies of electronically stored books and records;
6. support for books and records , including books and records in an automated data processing system to permit an audit trail between the general ledger and the documents; and
7. the ability to allow retrieval and production, including production of hard copies.

Response:

Owner licensees may maintain records electronically, unless the original document is required for official state purposes. The Department of Central Management Services authorizes State agencies to receive and use electronically maintained and delivered information in the conduct of state business. The Board has not adopted a rule addressing the issue, but, as Owner Licensees maintain certain records in an electronic medium, compliance with the above guidelines should ensure the integrity and trustworthiness of those records.

* Policy Interpretations will be posted on the Board's website at www.igb.state.il.us. All licensees are directed to take the appropriate measures to ensure compliance with all Policy Interpretations. Questions or inquiries about the Policy Interpretation should be directed to:

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