WEST VIRGINIA CODE: §5A-6-4

§5A-6-4. Powers and duties of the Chief Information Officer generally.

(a) With respect to all state spending units the Chief Information Officer may:

(1) Establish information technology governance to align technology management with departmental and agency business goals, including, but not limited to:

(A) Standards necessary to support a unified approach to information technology across the totality of state government, thereby assuring that the citizens and businesses of the state receive the greatest possible security, value, and user experience from investments made in technology;

(B) Standards relating to the exchange, acquisition, storage, use, sharing, and distribution of data; and

(C) Standards for the connectivity, interoperability, and continuity of technology for government operations in times of disaster or emergency;

(2) Evaluate all information technology requisitions for compatibility with established information technology governance, including evaluation of the economic justification, system design, and suitability;

(3) Develop a mechanism for identifying those instances where information systems should be linked and information shared, while providing for appropriate limitations on access and the security of data;

(4) Broker contracts for or deliver directly information technology and technology services in support of state spending units: *Provided*, That other public bodies may utilize information technology and technology services offered by the Chief Information Officer with approval;

(5) Create new technologies to be used in government, convene conferences, and develop incentive packages to encourage the utilization of technology;

(6) Charge a fee to the state spending units and other public bodies for services provided under the provisions of this article §5A-6B-1 *et seq*. and §5A-6C-1 *et seq*. of this code;

(7) Periodically evaluate the feasibility of subcontracting information technology resources and services, and to subcontract only those resources that are feasible and beneficial to the state;

(8) Develop job descriptions and qualifications necessary to perform duties related to information technology as outlined in this article;

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(9) Provide information technology related training to facilitate efficient use of state technology resources;

(10) Submit resource and support requests to the federal government to support technology or cyber security initiatives or programs;

(11) Engage in any other activities as directed by the Governor; and

(12) Promulgate legislative rules, in accordance with the provisions of §29A-3-1 *et seq*. as may be necessary to standardize and make effective the administration of the provisions of this article.

(b) With respect to executive agencies, the Chief Information Officer may:

(1) Develop a unified and integrated structure for information systems for all executive agencies;

(2) Establish, based on need and opportunity, priorities and timelines for addressing the information technology requirements of executive agencies;

(3) Draw upon staff of other executive agencies for advice and assistance in the formulation and implementation of administrative and operational plans and policies;

(4) Recommend to the Governor transfers of equipment and human resources from any executive agency for the most effective and efficient uses of the fiscal resources of executive agencies to modernize information technology investments;

(5) Provide guidance and services where feasible to support proper cleansing of electronic data;

(6) Develop an information technology recycling program to redistribute or reuse properly cleansed technology equipment. Transfers and disposal of information technology equipment are specifically exempt from the surplus property requirements enumerated in §5A-3-43, §5A-3-44, §5A-3-45, and §5A-3-46 of this code; and

(7)(A) Provide guidance and services to support data retention and electronic discovery of executive agency data in compliance with agency data retention policies and directives: *Provided*, That executive agencies communicate such requirements.

(B) In furtherance of this goal, the Chief Information Officer, in conjunction with the appropriate authority of each executive agency, shall coordinate an effort to ensure that every executive branch agency establishes a written digital document retention and destruction policy to be posted on the agency's website accessible by the public and conducts an annual review of the components of such policy.

(c) The Chief Information Officer may employ the personnel necessary to carry out the work

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of the Office of Technology and may approve reimbursement of costs incurred by employees to obtain education and training.

(d) The Chief Information Officer may oversee telecommunications services used by state spending units for the purpose of maximizing efficiency to the fullest possible extent including auditing telecommunications services and usage and negotiation of telecommunications contracts.

(e) The Chief Information Officer shall provide central mail services during regular business hours for state spending units. All state spending units having their offices in the capitol, except the legislative branch of government, shall dispatch all mail through the central mailing office: *Provided*, That mail prepared after gathering time and mail for special handling may be posted without utilizing the central mailing office upon approval of the Chief Information Officer. The Chief Information Officer is authorized to make such expenditures as necessary to process and presort all outgoing mail or to enter contracts to supply the service.

(f) The Chief Information Officer may convene and chair an advisory committee made up of a representative from each of the departments as identified in §5F-1-2 of this code, and any other members deemed necessary by the Chief Information Officer to provide advice and recommendations on technology issues for state agencies.

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