Records Retention 101 for Local Government Agencies

YVCOG-hosted Training – Union Gap, 9/21/2017

Washington State Archives
Scott Sackett, Electronic Records Management Consultant
scott.sackett@sos.wa.gov  509-413-3296

Overview

➢ What is a public record?
➢ Disposition authority
➢ Records retention schedules
➢ Non-Archival/Archival records
➢ Tools for managing agency records
➢ Electronic records considerations
➢ Resources
What is a public record?

- For the purposes of retention and destruction, two criteria (RCW 40.14.010):
  1. Made or received in connection with the transaction of public business
  2. Regardless of format

- For public disclosure purposes, refer to RCW 42.56.010.

Who creates/receives public records?

- Elected officials...
- All other public employees...
- Including contractors and volunteers...

...Anyone working on behalf of a state or local government agency, commission, board or committee.
RCW 40.14.020

- All public records shall be and remain the property of the state of Washington.

- They shall be delivered by outgoing officials and employees to their successors and shall be preserved, stored, transferred, destroyed or disposed of, and otherwise managed, only in accordance with the provisions of this chapter.
Choose your agency/department type

Select the Type of Local Government Entity

- Air Pollution Control Authorities
- Airport Districts
- Behavioral Health Organizations
- Cemetery Districts
- Cities
- Conservation Districts
- Councils of Governments
- Counties...
  - Assessors
  - Auditors
  - Clerks
  - Commissioners
  - Coroners
  - Prosecuting Attorneys
  - Sheriffs
  - Treasurers
- Diking / Drainage Districts
- District Courts
- Educational Service Districts
- Emergency Service (911) Communication Districts
- EMS and Trauma Care Regional Councils
- Ferry Districts
- Fire / Emergency Medical Service Departments / Districts
- Flood Control Districts
- Health Departments / Districts
- Hospital Districts
- Housing Authorities
- Irrigation and Reclamation Districts
- Library Districts
- Metropolitan Park Districts
- Metropolitan Planning Organizations (MPOs)
- Mosquito Control Districts
- Municipal Courts
- Park and Recreation Districts and Service Areas
- Police Departments
- Port Districts
- Public Development Authorities
- Public Facility Districts
- Public Stadium Authorities
- Public Transportation Benefit Areas
- Public Utility Districts (PUDs)
- Rail Districts
- Regional Transportation Planning Organizations
- Roads and Bridges Service Districts
- School Districts
- Solid Waste Collection / Disposal Districts
- Superior Courts
- Television Reception Improvement Districts
- Towns
- Transit Authorities
- Water / Sewer Districts
- Weed Districts

One page to rule them all...

Managing City Records

Records Retention...
- Common Records (CORE) v.4.0 (May 2017)
- Animal Services v.2.0 (Oct 2013)
- Cemeteries v.1.0 (Nov 2012)
- District & Municipal Courts v.6.0 (Mar 2000)
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- Law Enforcement v.7.2 (Jan 2017)
- Licensing, Permitting & Tax v.1.0 (Nov 2012)
- Parks, Rec & Culture v.1.0 (Nov 2012)
- Prosecuting Attorney v.2.0 (Aug 2013)
- Social Services v.1.5 (Jun 2014)
- Utility Services v.1.3 (May 2017)
- More Help with Records Retention...

How to...
- Go Paperless ("Scan & Store")
- Destroy Non-Archival Records
- Transfer Archival Records

Need Help With...
- Where Do I Start?
  - Getting Training
  - Disaster Preparedness and Response
  - Security Microfilm
- Get Records Scanned by Imaging Services
- Organizing & Inventorying Records

Need Help Managing...
- Council/Committee Meeting Records

Electronic Records...
- Audio/Visual Records
- Database Records
- Digital/Electronic Signatures
- Email
- Imaging/Scanning
- Portable Media (CDs, DVDs, Flash Drives, etc.)
- Social Media
- Text Messages
- Websites
- Enterprise Content Management (ECM) Systems

Trending Now...
- Local Records Grant Program
- Updated CORE v.4.0
- Updated utility services records retention schedule
- Open government training
- Information Governance / ECM

Looking for...
- View all records retention schedules
- Training Calendar
- Online Training
- Forms & Templates
- Local Records Committee
- Find Records at the Archives...
  - Digital Records
  - Paper Records

Stay informed...
- Subscribe to Local Govt. Updates to automatically receive updates on records retention schedules, training opportunities, and records management advice

Questions?
- recordmanagement@sos.wa.gov
  (360) 786-8601

www.sos.wa.gov/archives/recordsmanagement
How do I know what to keep?

Agencies are granted ongoing legal authority to disposition (get rid of records) through legal documents called records retention schedules.

Records retention schedules for local government are approved by the Local Records Committee (RCW 40.14.070; chapter 434-630 WAC)

What do the schedules tell you?

- Types of records by function/activity, with description and common examples
- Minimum period that the agency is required to keep the record
- What to do once retention requirements have been met
Which retention schedules to use

Most local government agencies use **two to three** records retention schedules:

1) Local Government **Common Records** Retention Schedule (**CORE**)
2) One or more **sector-specific** schedules

Finding your records in the retention schedules

- Table of Contents
- Indexes – Subject, Archival/Permanent, Essential, Disposition Authority Number
- Keyword search (Ctrl+F)
- Database search tool available
- Glossary
- Revision History
Where to find more information

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- Paper Records

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What do agencies do with records designated as **Non-Archival**?

1. **Retain** for the minimum required retention period; THEN

2. **Destroy**.

- Records subject to current public disclosure requests or litigation (current or reasonably anticipated) must not be destroyed.
- The Archives strongly recommends documenting records destruction.
### Non-Archival CORE Example – Financial Transactions - General

#### 3.1 ACCOUNTING

The activity relating to the creation of financial records of agency business transactions and the preparation of statements concerning the assets, liabilities, and performance of the local government agency.

<table>
<thead>
<tr>
<th>DISPOSITION AUTHORITY NUMBER (DA)</th>
<th>DESCRIPTION OF RECORDS</th>
<th>RETENTION AND DISPOSITION ACTION</th>
<th>DESIGNATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>GS2011-184 Rev. 2</td>
<td><strong>Financial Transactions</strong> - General</td>
<td>Records documenting all resources received and expended by the agency provided that receipts and expenditures are not for Bond, Grant or Levy projects.</td>
<td>Retain for 6 years after end of fiscal year if used; otherwise Destroy.</td>
</tr>
<tr>
<td></td>
<td>Includes, but is not limited to:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Purchase and sales (purchase/field orders, bills of sale, receipts, cash books, remittance advices, vouchers, fiscal purchases/merchandising documents, etc.);</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Billing statements; billing summaries (registers/ledgers); adjustments to accounts (error corrections, overpayment refunds, conservation rebates, etc.); delinquent accounts lists;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Financial statements and reports (cash receipts-transmittals, daily cash report/summary, expenditure transactions, treasurer/finance officer, etc.);</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Registers and journals (general and subsidiary) for all funds and functions;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Check/warrant registers;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Petty cash.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Excludes:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Sensitive Authentication Data covered by GS2011-030;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Levy, grant, and bond-funded transactions covered by GS2011-188;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Utility meter readings covered in the Utility Services Records retention Schedule;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• General and subsidiary ledgers covered by GS550-03A-15;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Contracts and agreements;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Annual financial reports covered by GS50-03D-02.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Non-Archival CORE Example – Financial Transactions - Bond, Grant and Levy Projects

<table>
<thead>
<tr>
<th>DISPOSITION AUTHORITY NUMBER (DA)</th>
<th>DESCRIPTION OF RECORDS</th>
<th>RETENTION AND DISPOSITION ACTION</th>
<th>DESIGNATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>GS2011-183 Rev. 2</td>
<td><strong>Financial Transactions</strong> - Bond, Grant and Levy Projects</td>
<td>Records documenting all resources received and expended by the agency for bond-, levy-, and/or grant-funded projects. Also includes authorized debt financing.</td>
<td>Retain for 6 years after final bond payment or 6 years after completion of levy/grant project or terms of grant agreement, whichever is later; otherwise Destroy.</td>
</tr>
<tr>
<td></td>
<td>Includes, but is not limited to:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Cancelled (and voided) checks; credit card slips, project cost record, etc., for capital assets constructed by the local government agency;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Contracts and agreements (for non-capital assets only); includes negotiations, compliance monitoring, etc.;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Documents supporting purchase/acquisition/construction and disposition/sales prices;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Financial statements and reports (cash receipts-transmittals, daily cash report/summary, expenditure transactions, treasurer/finance officer reports, etc.);</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Grant/scholarship announcements, applications, evaluation summaries, award notifications, etc., for funds awarded or received by the local government agency;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Project cost/expenditure tracking record (staff time, etc.);</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Registers and journals for all funds and functions (including numerical listing of checks/warrants/vouchers, etc.);</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Revenue bonds and coupons, registers, etc.;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Trust indenture, loan agreement, etc.;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Excludes:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Sensitive Cardholder Data covered by GS2011-030;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Contracts and agreements involving the agency’s capital assets which are covered by GS50-03A-08 and GS2011-188;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• General and subsidiary ledgers covered by GS550-03A-15;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Unsusccessful grant/scholarship applications covered by GS550-03C-07.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Sample Local Government Public Records Destruction Log

The purpose of this form is to document compliance and reasonable accountability by verifying that specific public records have met current, approved minimum retention periods before being destroyed pursuant to RCW 42.16.070, WAC 424-682-070, and WAC 424-682-010, 020, and 030. Please fill out this form when destroying all public records whose minimum retention is other than “Retain until no longer needed for agency business then destroy” (such as records covered in the “Records with Minimal Retention Value” section of the Local Government Common Records Retention Schedule (CORE)).

Legal Disposition Authority (Takes from Records Retention Schedule)

<table>
<thead>
<tr>
<th>Records Series Title</th>
<th>Records Series #</th>
<th>Records Retention Schedule</th>
<th>Description (Ex: date, number, volume, etc.)</th>
<th>Agency Records</th>
<th>Date Covered</th>
<th>Minimum Retention</th>
<th>Method(s) of Destruction (Ex: paper, LCD, electronic, other)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Files</td>
<td>GS50-040-00</td>
<td>CORE 3.0</td>
<td>Return for 6 years after termination of employment, then Destroy.</td>
<td>Employees who left the agency in 2001.</td>
<td>1/2/2011</td>
<td>Outside contractor</td>
<td>Shred, secure recycling</td>
</tr>
<tr>
<td>Citizen Complaints/</td>
<td>GS50-01-05</td>
<td>CORE 3.0</td>
<td>Return for 5 years after matter closed, then Destroy.</td>
<td>211 complaints resolved in 2006.</td>
<td>1/1/2013</td>
<td>In-house electronic</td>
<td>Destruction</td>
</tr>
<tr>
<td>Security Monitoring</td>
<td>GS50-039-18</td>
<td>CORE 3.0</td>
<td>Return for 30 days after last recording or until determined that no security incident has occurred, then destroy.</td>
<td>15 DVDS (8018)</td>
<td>1/3/2013 – 5/1/2013</td>
<td>In-house (data erased and DVDs broken into pieces)</td>
<td></td>
</tr>
</tbody>
</table>

*Examples of methods of destruction: electronic deletion, in-house or outside contractor shredding, secure recycling, other (describe)

**Statement:** The public records listed above have met their minimum retention period(s), are not subject to ongoing or reasonably anticipated litigation or public records requests, are not needed for audit or other agency business, and shall be destroyed.

The individual responsible for inventorying the listed records must sign below prior to the Records Manager’s approval:

Employee Signature: ________________________________ Printed Name: ________________________________ Division: ________________________________

The Records Manager must sign the approval of this request prior to the destruction of the listed records:

Records Manager Signature: ________________________________ Printed Name: ________________________________ Date Approved: ________________________________

The person/people responsible for the destruction of records must sign upon destruction of the listed records:

Employee Signature: ________________________________ Printed Name: ________________________________ Date Records Destroyed: ________________________________

Vendor Business Name (If Used): ________________________________ Phone: ________________________________

Vendor Signature: ________________________________ Printed Name: ________________________________ Date Records Destroyed: ________________________________

The retention and disposition action for this Public Records Destruction Log is “Retain for a specified period” pursuant to CORE series GS50-09-06.

This sample form was prepared by Washington State Archives as a courtesy to local government agencies in January, 2014. It may be modified to meet individual agency needs.

Identify the Agency’s Primary/Record Copy

➢ Ask yourself:
  ➢ At what point does the transaction of business take place?
  ➢ At what point does the transaction become official?
  ➢ Signature? Once sent? Once received?
  ➢ Does that take place with a paper or electronic record?
Why not just keep everything?

- Informational assets can easily become legal and logistical liabilities
- If it’s retained, it’s fair game for records requests and lawsuits
- If it’s retained, it must remain accessible
- Ongoing storage, data migration costs – “care and feeding” of the records

Can we retain records for longer than the minimum requirement?

**Yes, but:**

- Retention beyond the minimum requirement should be based on an identified administrative need for those records (not “keep it just in case” or “keep it – we still have room”)
- Good idea to document when these decisions are made – rationale, how much longer to retain, who approved it, and when
What do agencies do with records designated as **Archival**?

- Archival records **must not be destroyed**.

- Agencies must either:
  1. Retain the records themselves indefinitely; OR
  2. Arrange with Washington State Archives for appraisal/transfer (at no cost) after the records have met their retention.
What is “archival transfer”?

- Permanent physical and legal transfer of historically important records to the State Archives
- NOT temporary storage
- Archives assumes responsibility for preservation and access (as long as agency retention requirements have been met)

Two Archival designations

- Permanent Retention – No appraisal needed. Contact the Archives to make arrangements for transfer.
- Appraisal Required – Contact the Archives to arrange appraisal for historical value. Records appraised and not selected for transfer may be destroyed by your agency as Non-Archival records.
- Retain documentation of appraisals!
Are agencies **required** to transfer?

**No.** They may choose to continue retaining their Archival-designated records indefinitely.

**However,** if/when an agency later decides that it no longer wants to retain them, the Archives is the **only** other authorized custodian.

(Libraries, historical societies, individuals, etc., are **not** authorized custodians of Archival public records.)

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### Archival CORE Example—Meetings - Governing/Executive

**1.10 MEETINGS AND HEARINGS**

The activity of the agency assembling groups of people for the purpose of information-sharing, discussion, planning and/or decision-making. Includes all meetings organized by or on behalf of the agency including open public meetings, executive sessions, public and/or appeals hearings, community meetings, and internal agency meetings. May involve governing and advisory bodies, executive management, general staff, volunteers, general public.

<table>
<thead>
<tr>
<th>REFERENCE \ AUTHORitative NAME</th>
<th>DESCRIPTION OF RECORDS</th>
<th>RETENTION AND DISPOSITION ACTION</th>
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</thead>
</table>
| G5SO-OSA-11 Rev. 2              | Meetings – Governing/Executive (Council) records documenting all meetings of the local government agency’s governing bodies and executive management. Includes: + Meetings regulated by the Open Public Meetings Act (chapter 42.30 RCW), such as regular and special meetings, public hearings, etc.; + All other meetings (including executive sessions regulated by RCW 42.30.110) includes, but is not limited to: + Agendas, meeting/agenda packets (briefs, reference materials, etc.); + Speakers sign-up, written testimony; + Audio/Visual recordings and transcripts of proceedings; + Minutes. + Includes indexes and other finding aids. + Excludes records covered by GS2011-173, GS2011-174, GS2011-175, and GS2011-176. | Retain for 6 years after end of calendar year then transfer to Washington State Archives for permanent retention. | A R C H I V A L Permanent PRECEDENT E S S E N T I A L O P R
Regional Branch Archives – Contact Information

Call or email your Branch Archivist to arrange appraisal and/or transfer.

**Central Region**: Brigid Clift, brigid.clift@sos.wa.gov
509-963-2136

**Eastern Region**: Lee Pierce, lee.pierce@sos.wa.gov
509-235-7500, x102

Information needed for appraisal/transfer

- What Archival-designated records series *(brief description and DANs)* do you need to have appraised? (e.g., *Case Files - Homicides (Solved)*, DAN LE2010-062 Rev. 1)
- What is the volume of records? (e.g., 3 bound volumes, 1 cubic foot, 2 3-drawer file cabinets...)
- What is the date range of the records?
- Anything disclosure-exempt per statute? (Which records? What statutory authority?)
Where to find more information

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- Law Enforcement v.7.2 (Jan 2017)
- Licensing, Permitting & Tax v.1.0 (Nov 2012)
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Tools for managing agency records

➢ There is currently no “one-size-fits-all” solution – electronic or otherwise
➢ By using and applying records management policies, proper procedures, and best practices, you can manage information building on what you already have
➢ Useful tools include records inventory, functional analysis

www.sos.wa.gov/archives/recordsmanagement
Records Series Inventory Information

- Location
- Description, including Media Type(s)
- Inclusive Dates
- Volume
- Records Series Title
- Approved Retention Period
- Disposition Authority Number
- Archival Designation?
- Essential Record?

Functional Analysis

**Key questions when developing an agency filing structure:**

- What **functions** does the position/department perform? (Include program and support functions)
- What records are **created** and **received** in the process of carrying out those functions?
- Where do those records fall in the **retention schedules**?

Normally, most of an individual position or department’s records will be concentrated in a relatively small number of records series.
Organize, using what you have

- Agencies that have established files for their paper records should consider applying what has already been developed to electronic filing systems
- Retention schedules already exist
- Also serves as excellent preparation prior to implementing any automated processes, e.g., enterprise content management (ECM)

Example from CORE
Same file structure in multiple locations

These can be individual folders located within individual email accounts, electronic “file cabinets,” etc.

For folders that must be accessible to multiple users, they can be on shared drives or network locations.

Records with long-term retention periods should be moved from active use locations to inactive use locations.

Agency goal:
Defensible disposition

- Bring consistency to the records management and disposition process for all records
- Be able to demonstrate that records are lawfully and systematically destroyed/transferred
  - Paper
  - Born-digital
  - Scanned records
Key to success: Development of RM policies/procedures

- Clarity for employees – RM roles and responsibilities
- Basis for training, compliance checks
- Evidence that agency is aware of and following retention requirements
- Requires executive buy-in, input from legal
- Planning sessions – strategy and structure, desk guides/cheat sheets

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- Organizing & Inventorying Records

Need Help Managing...
- Council/Committee Meeting Records
- Electronic Records...
  - Audio/Visual Records
  - Database Records
  - Digitized/Electronic Signatures
  - Email
  - Imaging/Scanning
  - Portable Media (CDs, DVDs, Flash Drives, etc.)
  - Social Media
  - Text Messages
  - Websites

Trending Now...
- Local Records Grant Program
- Updated CORE v.4.0
- Updated Utility Services Records Retention Schedule v.1.3
- Open Government Training
- Information Governance / ECM

Looking for...
- 2018 General Records Retention Schedules
- Training Calendar
- Online Training
- Advice Sheets & Other Publications
- Forms & Templates
- Local Records Committee

Find Records at the Archives...
- Digital Records
- Paper Records

Stay Informed...
- Subscribe to Local GOL Updates to automatically receive updates on records retention schedules, training opportunities, and records management advice

Questions?
- recordmanagement@sos.wa.gov
- (360) 786-4901

www.sos.wa.gov/archives/recordsmanagement
Requirements, Guidelines and Considerations for Electronic Records

Paper or electronic: Which is the primary copy?

Regardless of how it was created:

- If the transaction of public business occurs in paper, then the paper record needs to be retained for the appropriate retention period.*

- If the transaction of public business occurs electronically, then the electronic record needs to be retained for the appropriate retention period.

*(Unless agency obtains authorization to “scan and toss” – we’ll address that later)
Identify the agency’s primary/record copy

- Ask yourself:
  - At what point does the transaction of business take place?
  - At what point does the transaction become official?
  - Signature? Once sent? Once received?
  - Does that transaction take place with a paper or electronic record?

Digitization vs. Born Digital

- “Digitization” (or “imaging”) refers to converting a paper-based record to a digital format through the process of scanning and indexing.

- “Born digital” means the records are both created/received and used in an electronic environment.
If I scan paper, can I toss it?

Scanning and indexing of source documents does not automatically authorize the destruction of the source documents for which images have been created.

(WAC 434-663-600)

“Scan and toss” requirements

Agencies wishing to scan non-archival paper records and then destroy the originals before their required retention has been met (“scanning and tossing”) must meet or exceed State Archives requirements as set forth in the document Requirements for the Destruction of Non-Archival Paper Records After Imaging.
How do I use this document to scan and toss?

- The agency **self-evaluates** its compliance with the requirements.
- If an agency determines that its procedures for scanning and managing the records **meet or exceed** the requirements, that agency may destroy **Non-Archival** source records once they have been scanned and verified.
- Archival records can be “scanned and **appraised/transferred early**” – **NOT tossed**

“Scanning and tossing”: primary concerns

- Are the records designated **Non-Archival**?
- Are the records being scanned in a way that ensures a **complete, accurate, and durable copy**?
- Will the images be **accessible and protected** from unauthorized deletion/alteration for the entire required retention period?
Where to find more information

Managing City Records

Records Retention:
- Common Records (CORE) v.4.0 (May 2017)
- Animal Services v.2.0 (Oct 2013)
- Cemeteries v.1.0 (Nov 2012)
- District & Municipal Courts v.6.0 (Mar 2009)
- Economic Dev & Transport v.1.0 (Nov 2012)
- Emergency Comm (911) v.1.0 (Nov 2012)
- Fire & Emergency Medical v.1.0 (Nov 2012)
- Health Dept. v.4.1 (Aug 2015)
- Land Use Planning & Permits v.1.0 (Nov 2012)
- Law Enforcement v.7.2 (Jan 2017)
- Licensing, Permitting & Tax v.1.0 (Nov 2012)
- Parks, Rec & Culture v.1.0 (Nov 2012)
- Prosecuting Attorney v.3.0 (Aug 2013)
- Social Services v.1.1 (Jun 2014)
- Utility Services v.1.3 (May 2017)
- More Help with Records Retention...

How to:
- Go Paperless (Scan & Store)
- Destroy Non-Archival Records
- Transfer Archival Records

Need Help With:
- Where Do I Start?
  - Getting Training
  - Disaster Preparedness and Response
  - Security Microfilm
  - Get Records Scanned by Imaging Services
    - Organizing & Inventorying Records
  - Council/Committee Meeting Records

Electronic Records:
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- Social Media
- Text Messages
- Websites
- Enterprise Content Management (ECM) Systems

Trending Now...
- Local Records Grant Program
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- Updated Utility Services Records Retention Schedule v.1.3
- Open Government Training
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Looking for...
- List of All Records Retention Schedules
- Training Calendar
- Online Training
- Advice Sheets & Other Publications
- Forms & Templates
- Local Records Committee

Find Records at the Archives...
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“Born Digital” records

➤ **Electronic records must be retained in electronic format**...for the length of the designated retention period.

➤ **Printing and retaining a hard copy is not a substitute** for the electronic version.

(WAC 434-662-040)
Why printing doesn’t work for “Born Digital” records

- **Metadata** associated with “born digital” records establishes the authenticity of the record, providing evidence of the transaction taking place.
- Printing electronic records (e.g. emails) preserves the informational content but not the authenticity of the record.
- “Rogue copies” – disclosure/discovery complications from printing and retaining a copy for individual access.

Why isn’t there a series for email?

As with paper records, the applicable DAN number will be determined by the **content** and **function** of the record...

NOT the **format**.

You will not find retention requirements determined by format.
Email messages: Identifying the agency record copy

Generally speaking, for records originating within the agency, the person who creates and sends the message holds the agency record copy.

For records received from outside the agency, the primary recipient or the agency recipient taking action holds the agency record copy.

Email threads – A cautionary note

Considering keeping only the last email in a thread? Be aware:

- The preceding emails (and their metadata) are captured only as text in the body of the email
- Authenticity – how easy is it to change that text?
- Was the discussion a thread, or more of a tapestry?
Using social media: Considerations

- Records with retention value need to be captured and managed by agency
- Generally entails 3rd-party capture tools, e.g., ArchiveSocial, Smarsh, SocialSafe, PageFreezer, etc.
- Keep in mind that records capture alone ≠ records management
- Even if use not authorized, agency may be held accountable for officials/employees acting in official capacity on social media
- Agency should have policy delineating terms of use, any training required

Social Media Resource Page

Managing Social Media
- Blogs, Wikis, Facebook, Twitter & Managing Public Records
- Keep Electronic Records in Electronic Format

Agency Policies
- Information about creating agency policies on social media (including examples) is available from the Municipal Research and Services Center (MRSC):
  - MRSC - Establishing Effective Social Media Policies for your Agency (February 2015) [External Link]

Capture/Retention Tools and Services
- Reviews of some of the different social media retention tools are available from the Municipal Research and Services Center (MRSC):
  - MRSC - Four Tools for Retaining Records of Your Social Media Content (November 2014) [External Link]

Training...
- Self-Service
  - Lions and Tigers and Twitter Oh My! - Records Management for Blogs, Texts, Social Media, Cloud Computing and more! (Recorded Webinar - July 2015 - 33mins)

In-Person / Live Webinars
- Check the Training Calendar for availability and online registration for any of the following sessions:
  - Lions and Tigers and Twitter Oh My!
  - Electronic Records Management 1.0

Records Retention Schedules
- State Government Agencies
- Local Government Entities

Laws and Rules
- Presentation and Destruction of Public Records (chapter 40.14 RCW)
- Annual Reports (chapter 40.28 RCW)
- Preservation of Electronic Records (WAC 434-65-02)

Questions?
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- Phone: (360) 586-4901
My device = my records?

It may be your personal device or account, but if it’s being used for agency business, keep in mind that you are accessing (and sometimes creating) public records.

Scenario: Using a personal email account for agency business

- Should be avoided – this should be reflected in agency policies
- If you must send from a non-agency account, copy to agency email address at same time
- If you receive a business-related email on a personal account, forward to agency email address and retain that as primary copy
- If business needs to be conducted remotely, agency should have email that permits remote access and is accessible by agency
The challenge of text messages

- Utilized for business purposes at many agencies
- Used with agency-owned devices...
- ...And often on personal devices too.
- Retention based on function/content
- Some need to be captured/retained
- How? Manual forwarding, screenshots, agency enterprise server, 3rd-party service?
- Does the agency have policies and procedures addressing this?

Public record texts in the news

- “Tacoma, like many cities, struggles with public disclosure of text messages” (The News Tribune, 9/21/2014)
- “Yes, That Text Message is a Public Record” (Government Executive, 1/5/2015)
- Nissen v. Pierce County – State Supreme Court ruling, 8/27/2015
From the State Supreme Court ruling

“...Text messages sent and received by a public employee in the employee’s official capacity are public records of the employer, **even if the employee uses a private cell phone.**”

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Text Message Resource Page

**Managing Text Messages**

**Advice Sheets**
- Text Messages and Public Records - The Basics
- Are Text Messages Public Records?
- How Long Do Text Messages Need to Be Kept?
- Capture and Retention of Text Messages
- Managing Public Records Created or Received as Text Messages

**Agency Policies**
- Information about creating agency policies on text messaging (including examples) is available from the Municipal Research and Services Center (MRSC):
  - MRSC Text Messaging Policies (External Link)

**Training**
- Managing text messages is covered as part of the [Electronic Records Management 1.0](https://www.sos.wa.gov/archives/recmanagement) training sessions that Washington State Archives provides at no charge to state and local government agencies.
- Check the Training Calendar for availability and online registration
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Records Management Consultations

Searching the schedules for an appropriate record series?
Staring down decades’/gigabytes’ worth of paper/e-records and not sure where to start?

Contact us! We can provide advice and consultation by email, by phone, or (if appropriate) in person.

recordsmanagement@sos.wa.gov
Washington State Archives: Partners in preservation and access.

www.sos.wa.gov/archives