

# The Essentials of Public Records Management

Washington Association of Sheriffs and Police Chiefs  
2016 Registered Sex Offender Coordinator Conference

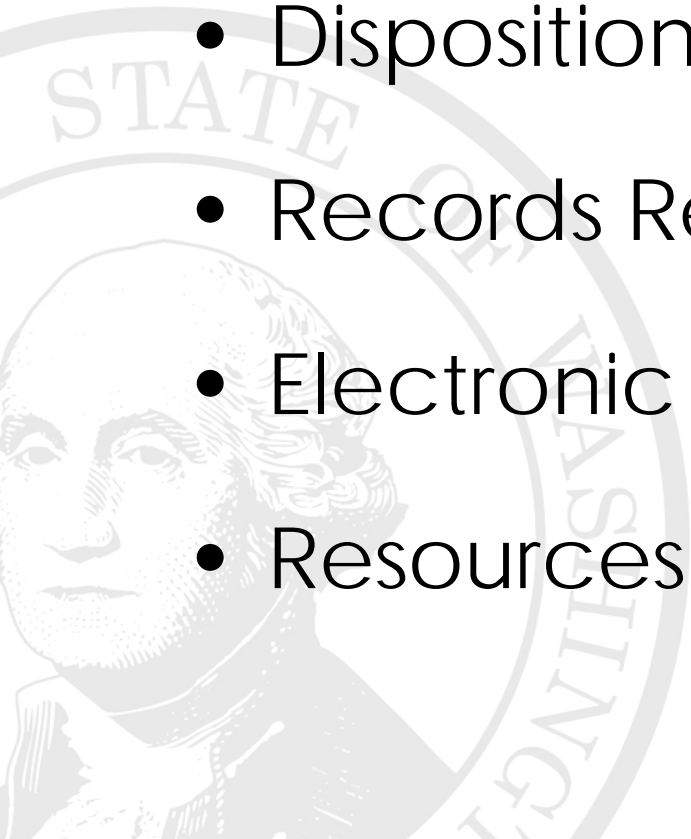
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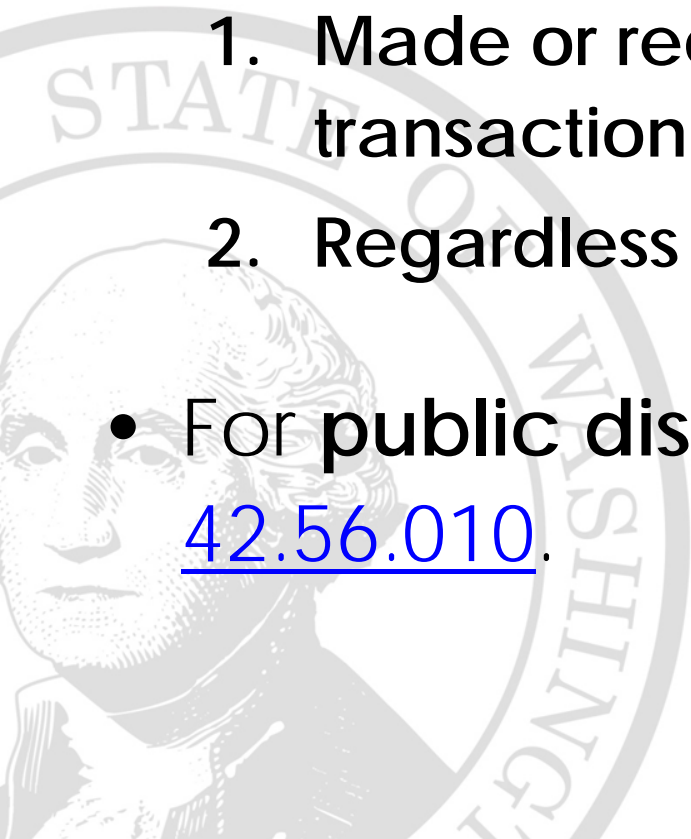
# Overview of Today's Session

- What Is a Public Record?
- Disposition Authority
- Records Retention Schedules
- Electronic Records
- Resources



# What is a Public Record?

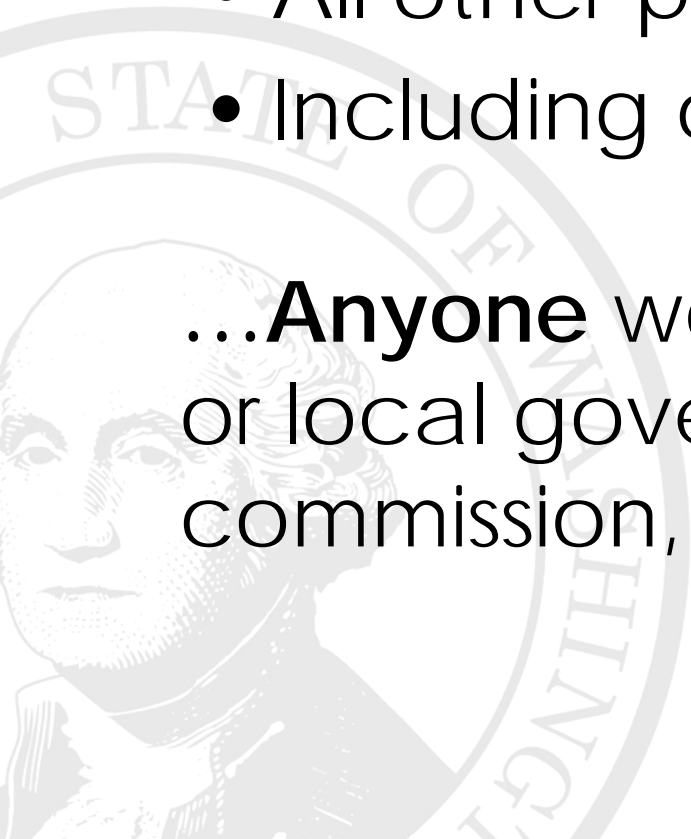
- For the purposes of **retention and destruction**, two criteria ([RCW 40.14.010](#)):
  1. Made or received in connection with the transaction of public business
  2. Regardless of format
- For **public disclosure**, refer to [RCW 42.56.010](#).



# 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.**

# How do I know what to keep?

Agencies are granted *ongoing legal authority* to disposition (get rid of) records by a legal document called a **records retention schedule.**

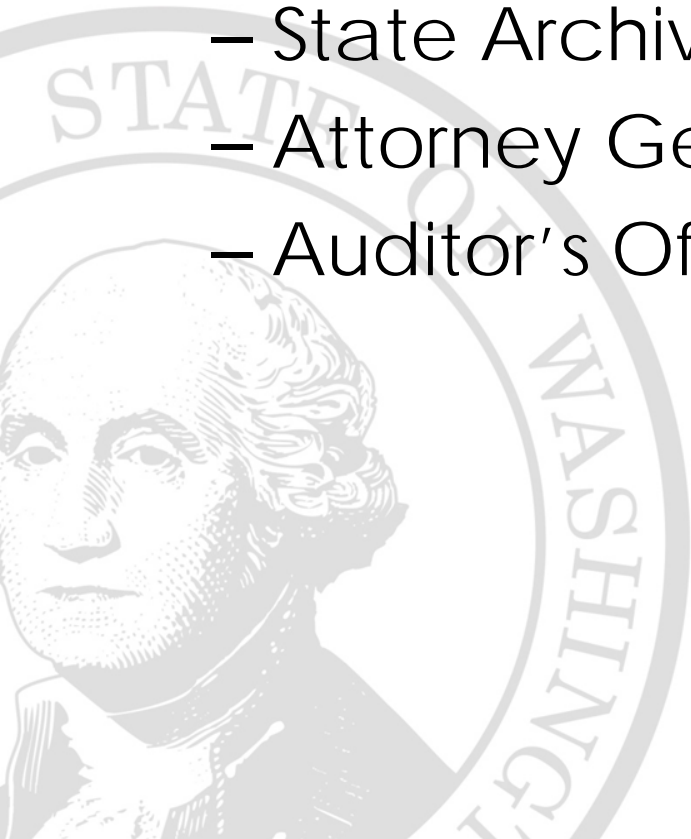
Records retention schedules for local government are approved by the **Local Records Committee.**

([RCW 40.14.070](#); [chapter 434-630 WAC](#))

# Who is the Local Records Committee?

The Local Records Committee is comprised of:

- State Archivist
- Attorney General's Office representative
- Auditor's Office representative



# What do the schedules tell you?

- Minimum period that the agency is required to keep the record
- What to do once retention requirements have been met

[https://www.sos.wa.gov/archives/RecordsManagement/records\\_local.aspx](https://www.sos.wa.gov/archives/RecordsManagement/records_local.aspx)





# Retention Schedules

Law enforcement agencies use **two** or **three** records retention schedules:

- 1) *Local Government **Common Records Retention Schedule (CORE)***
- 2) *Law Enforcement Records Retention Schedule*
- 3) *Emergency Communications (911) Records Retention Schedule (if the agency also performs this function)*

# Local Government RM Homepage

## Records Management - Local Government

### Advice Sheets & Other Publications

### Basics of Records Management

### Disaster Preparedness and Response

### Education and Training

### Electronic Records Management

### Information Governance

### Records Retention Schedules

- [Records Retention Schedules](#)
- [Local Records Committee](#)

### Scanning & Tossing

### Transfers to the Archives

### Local Records Grant Program

- [2011-13 Grant Program](#)

### Your Agency's Records

- [Destruction of Public Records](#)
- [Records Inventory Worksheet](#)

### Other Helpful Resources

- [Digital Archives](#)
- [Imaging Services](#)

### Trending Now...

- [Enterprise Content Management \(ECM\)](#)
- [Information Governance](#)
- [Open Government Training](#)
- [Paper Records Reduction Workgroup](#)

### Local Government Updates

[Subscribe](#) to automatically receive updates on records retention schedules, training opportunities, and records management advice.

# Local Government Records Retention Schedules - By Type of Agency

## Records Retention Schedules Search



[Search the Database »](#)  
(Updated 8/11/16)

### COUNTIES

Assessors - Auditors - Clerks - Coroners - Prosecuting Attorneys - Sheriffs - Treasurers

### CITIES AND TOWNS

(includes Police and Fire Departments)

- Air Pollution Control Authorities
- Airport Districts
- Cemetery Districts
- Conservation Districts
- 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 Districts
- Flood Control Districts
- Health 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
- 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
- Transit Authorities
- Water / Sewer Districts
- Weed Districts

# Law Enforcement Agencies

## Records Retention Schedules for Law Enforcement Agencies

### Records Retention Schedules Search



[Search the Database »](#)  
(Updated 8/11/16)

### Local Government Common Records Retention Schedule (CORE)

Covers management of the agency and its assets, finances, human resources, and information resources

### Emergency Communications (911) Records Retention Schedule - Version 1.0 (November 2012) - PDF | Word

### Law Enforcement Records Retention Schedule - Version 7.1 (August 2016) - PDF | Word

[Summary of Changes from Version 7.0 to 7.1 \(August 2016\)](#)

[Summary of Changes from Version 6.1 to 7.0 \(December 2015\)](#)

### Applying the *Law Enforcement Records Retention Schedule* to Specific Types of Records

- [How Long Do Police Body Cam Recordings Need to Be Kept?](#)
- [How Long Do Police Dash Cam Recordings Need to Be Kept?](#)
- [Internal Review/Investigation of Significant Incidents](#)
- [Notorious/Historically Significant Case Files/Inmate Records](#)
- [Washington Association of Sheriffs and Police Chiefs - Sex Offense Document Imaging Program](#) (external link)

# What Do Agencies Do With Non-Archival Records?

1. **Retain** for the minimum retention; *THEN*
2. **Destroy.**

- Records relevant to current public disclosure requests or litigation (current or reasonably anticipated) must not be destroyed until the request/litigation has been resolved.
- The Archives strongly recommends documenting records destruction.

# CORE – Non-Archival Example #1

## 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.*

| DISPOSITION AUTHORITY NUMBER (DAN) | DESCRIPTION OF RECORDS   | RETENTION AND DISPOSITION ACTION  | DESIGNATION  |
|------------------------------------|--|---|--|
| GS2011-184<br>Rev. 2               | <p><b>Financial Transactions – General</b></p> <p>Records documenting all resources received and expended by the agency <i>provided that receipts and expenditures are not for bond, grant or levy projects.</i></p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>• Purchase and sales (purchase/field orders, bills of sale, receipts, cash books, remittance advices, vouchers, fiscal purchasing/receiving documents, etc.);</li> <li>• Billing statements; billing summaries (registers/ledgers); adjustments to accounts (error corrections, overpayment refunds, conservation rebates, etc.); delinquent accounts lists;</li> <li>• Financial statements and reports (cash receipts transmittals, daily cash report/summary, expenditure transactions, treasurer/finance officer, etc.);</li> <li>• Registers and journals (general and subsidiary) for all funds and functions;</li> <li>• Check/warrant registers;</li> <li>• Petty cash.</li> </ul> <p>Excludes:</p> <ul style="list-style-type: none"> <li>• Sensitive Authentication Data covered by GS2014-030;</li> <li>• Levy-, grant-, and bond-funded transactions covered by GS2011-183;</li> <li>• Utility meter readings covered in the <i>Utility Services Records Retention Schedule</i>;</li> <li>• General and subsidiary ledgers covered by GS50-03A-15;</li> <li>• Contracts and agreements;</li> <li>• Annual financial reports covered by GS50-03D-02.</li> </ul> | <p><b>Retain</b> for 6 years after end of fiscal year<br/><i>then</i><br/><b>Destroy.</b></p> | <p><b>NON-ARCHIVAL</b><br/>NON-ESSENTIAL<br/>OPR</p> |

# CORE – Non-Archival Example #2

## 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.

| DISPOSITION AUTHORITY NUMBER (DAN) | DESCRIPTION OF RECORDS   | RETENTION AND DISPOSITION ACTION  | DESIGNATION  |
|------------------------------------|--|---|--|
| GS2011-183<br>Rev. 2               | <p><b>Financial Transactions – Bond, Grant and Levy Projects</b></p> <p>Records documenting all resources received and expended by the agency for bond-, levy-, and/or grant-funded projects. Also includes authorized debt financing.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>Cancelled (and voided) checks, credit card slips, project cost record, etc., <b>for capital assets constructed by the local government agency;</b></li> <li>Contracts and agreements (for non-capital assets only); includes negotiations, compliance monitoring, etc.;</li> <li>Documents supporting purchase/acquisition/construction and disposition/sales prices;</li> <li>Financial statements and reports (cash receipts transmittals, daily cash report/summary, expenditure transactions, treasurer/finance officer reports, etc.);</li> <li>Grant/scholarship announcements, applications, evaluation summaries, award notifications, etc., for funds <u>awarded or received</u> by the local government agency;</li> <li>Project cost/expenditure tracking record (staff time, etc.);</li> <li>Registers and journals for all funds and functions (including numerical listing of checks/warrants/vouchers, etc.);</li> <li>Revenue bonds and coupons, registers, etc.;</li> <li>Trust indenture, loan agreement, etc.</li> </ul> <p>Excludes:</p> <ul style="list-style-type: none"> <li>Sensitive Authentication Data covered by GS2014-030;</li> <li>Contracts and agreements involving <u>the agency's</u> capital assets which are covered by GS55-05A-06 and GS2011-169;</li> <li>General and subsidiary ledgers covered by GS50-03A-15;</li> <li>Unsuccessful grant/scholarship applications covered by GS50-03C-07.</li> </ul> | <p><b>Retain</b> for 6 years after final bond payment<br/>or<br/>6 years after completion of levy/grant project<br/>or<br/>terms of grant agreement, <i>whichever is later then</i><br/><b>Destroy.</b></p> | <p><b>NON-ARCHIVAL</b><br/>NON-ESSENTIAL<br/>OPR</p> |

# Law Enforcement – Non-Archival Examples

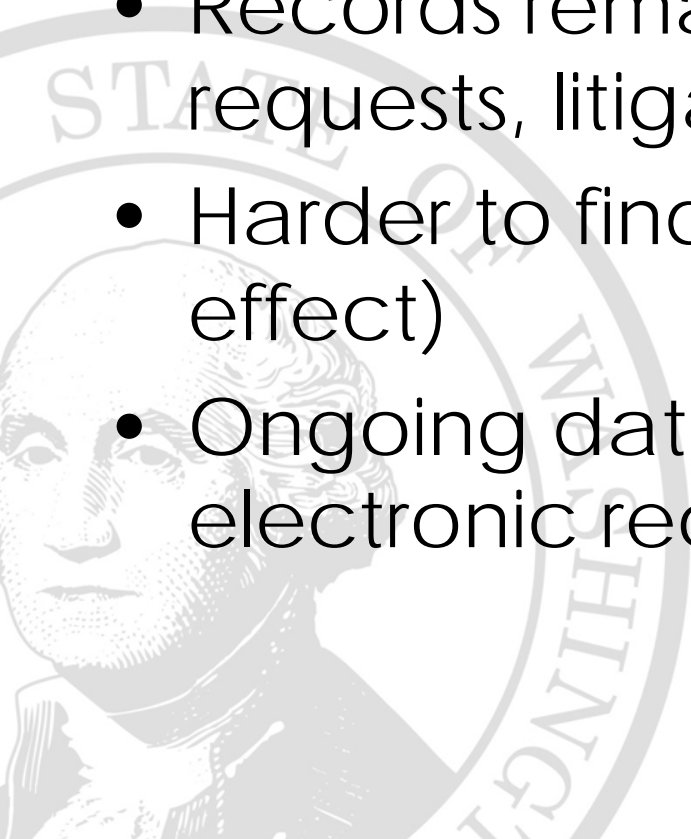
| DISPOSITION AUTHORITY NUMBER (DAN) | DESCRIPTION OF RECORDS   | RETENTION AND DISPOSITION ACTION   | DESIGNATION  |
|------------------------------------|--|--|--|
| LE2010-036<br>Rev. 0               | <p><i>Sex/Kidnapping Offender</i> <u>Registration Acknowledgements</u></p> <p>Records documenting <u>acknowledgement of notification of offender registration requirements</u> (in accordance with <a href="#">RCW 70.48.470(1)</a>) by inmates convicted of sex or kidnapping offenses.</p>   | <p>Retain for <u>6 years after date of signature</u><br/> <i>then</i><br/>           Destroy.</p>  | <p><u>NON-ARCHIVAL</u><br/>           NON-ESSENTIAL<br/>           OPR</p> |
| LE20-01-03<br>Rev. 2               | <p><i>Sex/Kidnapping Offender</i> <u>Registration, Monitoring and Contacts</u></p> <p>Records documenting the <u>registration and/or monitoring of sex and kidnapping offenders in the agency's jurisdiction, and/or any associated contacts with offenders.</u></p> <p>Includes, but is not limited to, <u>records relating to sex/kidnapping offender community notifications.</u></p> | <p>Retain for <u>6 years after offender leaves the agency's jurisdiction</u><br/> <i>or</i><br/> <u>for 6 years after termination of offender's registration requirement, whichever is sooner</u><br/> <i>then</i><br/>           Destroy.</p> | <p><u>NON-ARCHIVAL</u><br/>           NON-ESSENTIAL<br/>           OFM</p> |



# Why Not Keep Everything?

Storage may *seem* cheap and easy, but:

- Records remain subject to public records requests, litigation, discovery
- Harder to find what you need (the Google effect)
- Ongoing data migration costs for electronic records



## 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 40.14.070](#), [WAC 434-610-070](#), and [WAC 434-640-010, -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 (taken from Records Retention Schedule) |                    |  |  | Agency Records                               |  |                            |  |
|---|--------------------|--|--|--|--|----------------------------|--|
| Records Series Title  | Records Series DAN | Records Retention Schedule                             | Minimum Retention Period   | Description (Box/item numbers, volume, etc.) | Dates Covered                          | Date Minimum Retention Met | Method(s) of Destruction (See examples, below*)    |
| <i>Personnel Files</i>  | GS50-04B-06        | <i>Local Government Common Records (CORE) Ver. 3.0</i> | Retain for 6 years after termination of employment then Destroy.   | HR101-103 (3 cubic feet of paper files)      | Employees who left the agency in 2004. | 1/1/2011                   | Outside contractor secure recycling                |
| <i>Citizen Complaints/ Requests</i>                                 | GS50-01-09         | <i>CORE 3.0</i>  | Retain for 3 years after matter closed then Destroy.   | 212 emails (37MB)                            | All complaints resolved in 2009.       | 1/1/2013                   | In-house electronic deletion                       |
| <i>Security Monitoring – Oversight/ Surveillance Recordings</i>     | GS50-06B-18        | <i>CORE 3.0</i>  | Retain for 30 days after last recording or until determined that no security incident has occurred, whichever is sooner, then Destroy. | 15 DVDs (45GB)                               | 1/1/2013 – 5/1/2013                    | 6/1/2013                   | In-house (data erased and DVDs broken into pieces) |

*\*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 the life of the agency" 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.*

# What Do Agencies Do With Archival Records?

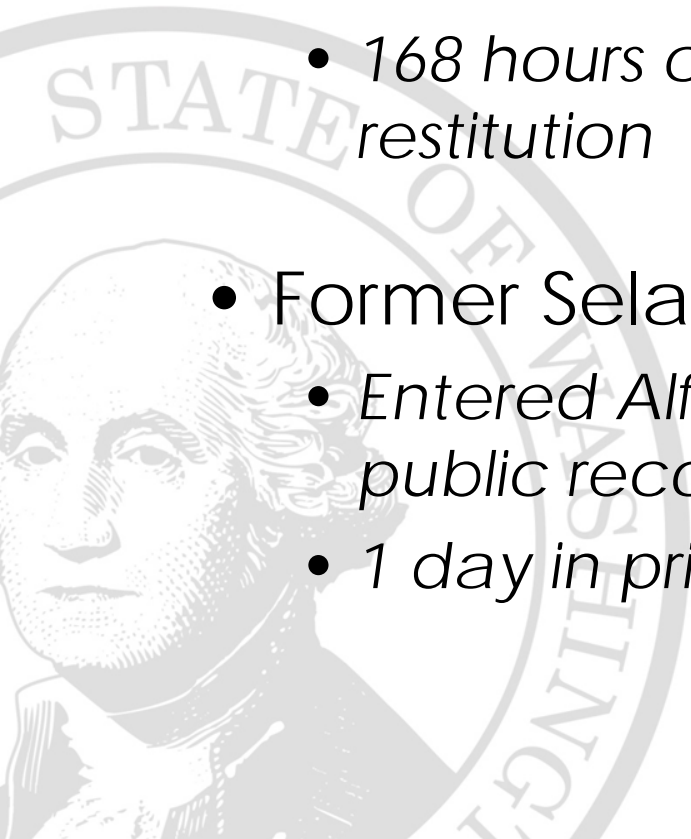
- Archival records **must not be destroyed**.
- Agencies must either:
  1. Retain the records themselves indefinitely;  
*OR*
  2. Arrange with Washington State Archives for appraisal/transfer (at no cost) after the records have met their retention.

# RCW 40.16.020 – Injury to and Misappropriation of Record

- Every officer who shall mutilate, destroy, conceal, erase, obliterate, or falsify any record or paper appertaining to the officer's office...is guilty of a **class B felony** and shall be punished by **imprisonment in a state correctional facility** for not more than ten years, or by a fine of not more than **five thousand dollars**, or by both.

# It Can Happen!

- Former Skamania County Auditor (2012)
  - *Pleaded guilty to attempted injury to public record*
  - *168 hours community service; \$62,000 in restitution*
- Former Selah City Supervisor (2014)
  - *Entered Alford plea on one charge of injury to public record*
  - *1 day in prison; \$65,474 in restitution*



# “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)

# Can I “Scan and Toss” My Paper?

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.***

# RE: Bring Your Own Device

“BYOD”

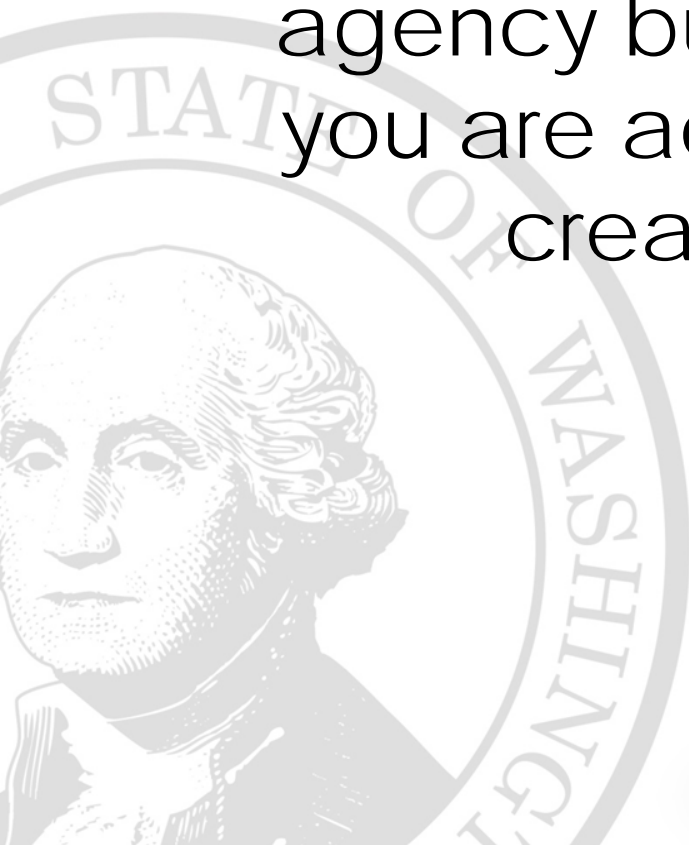
There should be boundaries drawn between personal and business through policy or software (there are apps for that!)

BEFORE you start, check with agency policy and IT, and develop a strategy for any public records to land in agency custody (on agency server)



# 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

# Scenario: Text Messaging

- Third-party provider – retention can be problematic
- Who has custody/control of the record?
- How is the agency ensuring that the record is captured/retained appropriately?
- If texting is used for agency business, recommend that its use be limited to those for whom it is truly necessary (e.g., for specified law enforcement and emergency management functions)

# Local Government Records Management Homepage

[http://www.sos.wa.gov/archives/Records  
Management/records\\_local.aspx](http://www.sos.wa.gov/archives/RecordsManagement/records_local.aspx)

- View, search, and download current retention schedules
- Download advice sheets, recent PowerPoints, and other guidance on RM topics
- View our training calendar and register for upcoming classes
- Sign up for our Local Government Agency Notification List

# 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](mailto:recordsmanagement@sos.wa.gov)



Washington State Archives:  
Partners in preservation and access.

[www.sos.wa.gov/archives](http://www.sos.wa.gov/archives)