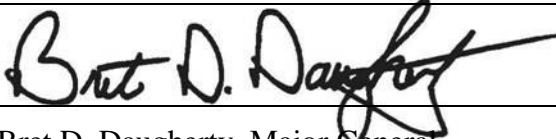


**Unified Washington Military Department and National Guard Policy  
No. 13-01**

<b>Title</b>	Maintenance of Public Records
<b>References</b>	Chapter 42.56 Revised Code of Washington (RCW), Public Records Act Chapter 44-14 Washington Administrative Code (WAC), Public Records Act Model Rules Chapter 323-10 WAC, Military Department Public Disclosure Rules Chapter 40.14 RCW, Preservation and Destruction of Public Records DIR-004-08, Military Department Public Disclosure Policy and Procedures DIR-005-08, Military Department Records Management Policy and Procedures Army Regulation (AR) 25-400-2, Army Records Management System AR 600-8-104, Army Human Resources Records Management 44 United States Code (U.S.C.) Chapter 31, The Federal Records Act 5 U.S.C. §552, The Freedom of Information Act 5 U.S.C. §552a, The Privacy Act 32 U.S.C. §709, The National Guard Technicians Act
<b>Information Contact</b>	State Records Officer Building 1 (253) 512-8108
<b>Effective Date</b>	April 15, 2013
<b>Mandatory Review Date</b>	August 14, 2024
<b>Revised</b>	August 14, 2020
<b>Approved By</b>	 Bret D. Daugherty, Major General The Adjutant General Washington Military Department Director

**Purpose**

Establish a policy that Washington Military Department (WMD) state public records shall be maintained within state information systems, and Washington National Guard (WNG) federal public records shall be maintained within federal information systems, in order to fulfill respective state and federal records retention and disclosure requirements.

## Scope

This policy applies to all state and federal civilian employees and volunteers of the WMD and all members of the WNG.

## Definitions

<b>Dual State-Federal</b>	Pertaining to the conduct and/or proprietary functions of both state government and federal government.
<b>Native Format</b>	The format in which the record was created, or in which the originating application stores records.
<b>Personally Identifiable Information (PII)</b>	The term “PII,” as defined in US Office of Management and Budget (OMB) Memorandum M-07-16, refers to information that can be used to distinguish or trace an individual’s identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual.
<b>WMD/State Employee</b>	All state employees, volunteers, interns of the WMD, and National Guard members on state active duty. Federal personnel to include Active Guard Reservists (AGRs), traditional guard personnel in federal military status and military technicians are not considered state employees and are defined under WNG/federal definitions below.
<b>WMD/State Information System</b>	WMD information technology (IT) infrastructure and data systems, including mil.wa.gov email accounts, WMD workstations/laptops, WMD servers, and non-electronic filing or storage areas.
<b>WMD/State Public Record</b>	“Public Record,” as defined by the Washington State Public Records Act, RCW 42.56.010(3): includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.  “Writing” as defined by the Washington State Public Records Act, RCW 42.56.010(4): means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

<b>WNG/Federal Employee</b>	Federal employees are civilian Dual Status and Non-Dual Status technicians employed under and defined in the National Guard Technicians Act of 1968 (32 U.S.C.§709).
<b>WNG/Federal Information System</b>	WNG IT infrastructure, including .mil email accounts, WNG workstations/laptops, WNG servers, and non-electronic filing or storage areas.
<b>WNG/Federal Public Record</b>	“Federal Records” are “the products of data compilation, such as all books, papers, maps, photographs, and machine-readable materials, inclusive of those in electronic form or format, or other documentary materials, regardless of physical form or characteristics, made or received by the WNG under federal law or Army, Air Force, NGB or DoD rules or regulations in connection with the transaction of public business and in WNG possession and control.”
<b>WNG/Military Member</b>	WNG members are military personnel who are Commissioned, Warranted or Enlisted in the WNG and federally recognized by the Army or Air Force. See 32 U.S.C. §101 and Title 38, Chapter 38, Revised Code Washington.

## **A. Policy**

1. In general, WMD state employees shall use state information systems to conduct state government business, and WNG federal employees or WNG members shall use federal information systems to conduct federal government business. However, due to the unique dual state-federal status of some agency missions and programs, certain employees or WNG members may conduct business that fulfills roles or requirements for both state and federal government. In the course of dual state-federal business, employees or WNG members may prepare, own, use, access or retain records that fulfill recordkeeping requirements, and must be retained and disclosed, under both state and federal laws.
2. All employees must ensure that records are properly maintained throughout their retention period: WMD state public records are maintained within state information systems in accordance with applicable state records retention policies, and WNG federal public records are maintained within federal information systems in accordance with applicable federal records retention policies. Dual state-federal records must be maintained in a location where both state and federal employees can access the information and maintain them in accordance with respective state and/or federal records retention policies.

## **B. Policy/Procedure – WMD State Employees**

1. Each WMD state employee shall:

- a. Follow WMD policies and procedures regarding records management and public disclosure as defined in Department Policy DIR-004-08 and Department Policy DIR-005-08.
  - b. Maintain records in their native format, unless approved to convert paper-based records into a digital format under Department Policy DIR-005-08. Paper-based records considered to be archival by the Washington State Archives must be maintained in their original paper format.
  - c. Obtain a state (mil.wa.gov) email account and use or “cc” that account when conducting state or dual state-federal business.
    - i. Volunteers may not be assigned individual state email accounts but shall instead use or “cc” a shared state email account.
    - ii. Washington State Guard (WSG) senior staff will be provided with state email accounts and will use them when conducting state or dual state-federal business.
  - d. Comply with applicable WMD/state and WNG/federal policies, procedures, and regulations governing use of information systems as it relates to records management.
    - i. If working with dual federal-state records containing PII on a federal information system, review applicable privacy policies prior to transferring the records to a state information system.
  - e. If responsible for overseeing WMD state public records created or prepared by contractors or vendors, ensure those records are maintained within WMD state information systems throughout their retention period.
2. WMD Division Directors shall ensure their employees or volunteers have the resources necessary to comply with this policy.

Employees or volunteers must be assigned an individual or shared state email account within 30 calendar days of the effective date of this policy or within 10 days of the start date of new employees or volunteers. Supervisors shall email requests for state email accounts to the IT help desk.

### **C. Policy/Procedure – WNG Federal Employees/WNG Members**

1. Each military member or federal employee shall:
  - a. Follow all federal law, policies and procedures regarding records retention and public disclosure.
  - b. Obtain a federal (Army, Air Force or DoD) email account, and use that account when conducting federal business.
2. Federal military members or employees who fulfill both state and federal functions must take care to comply with both state and federal requirements. Any

- personnel fulfilling such a role will consult with the State Records Officer and the Freedom of Information Act manager to ensure compliance with both standards.
- a. When conducting state or dual state-federal business the federal military member or employee must comply with state records retention laws and ensure the State Records Officer has access to copies of email maintained in a state computer system. This may require copying a state email box when conducting state/state-federal business.
  - b. When conducting state or dual state-federal business the federal military member or employee must comply with state records disclosure and retention laws and must ensure the State Records Officer has access to copies of all federal records created, prepared, owned, used, accessed, or retained that are responsive to a request for records under the Public Records Act, RCW 42.56.
3. Prior to providing any federal records or information to any individual or entity outside of the Washington National Guard, federal military members and employees shall consult the Freedom of Information Act Office on Camp Murray.