Department Policy No. DIR-005-08

Title:	Public Records Management
Authorizing Source:	Title 40 RCW Chapter 434-610 WAC Chapters 434-615 through 434-690 WAC WA State Archives – Managing State Agency Records OCIO Online File Storage Guidelines
References:	DIR-004-08, Public Records Disclosure IT-306-05, Use of State Provided IT Hardware and Software Resources IT-307-05 Use of Mobile Telecommunications Devices DIR-005a-13, "Scanning & Tossing" of Public Records DIR-005c-13, Email and Calendar Items DIR-005d-13, Guidelines for Organizing Electronic Records WMD Forms: 0007-13, 0008-13, 0009-13,
Information Contact:	Washington Military Department Records Officer Building 1 (253) 512-8108
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Approved By:	Bret D. Daugherty, Major General The Adjutant General Washington Military Department Director

Purpose

To ensure that Washington Military Department (WMD) public records are preserved, stored, retained, transferred, destroyed, and disposed of cost-effectively in accordance with Washington State law, administrative codes, and Secretary of State Guidelines.

Scope

This policy applies to all WMD public records, regardless of media, that are created, received, or maintained by the WMD in connection with the transaction of public business, regardless of physical form or characteristics. Any WMD employee or volunteer who creates, receives, or maintains WMD public records must comply with this policy.

Policy

The WMD, not WMD employees, owns WMD public records and manages them in accordance with applicable state laws, rules, and guidelines. The WMD retains public records as cost-effectively as possible for no longer than the minimum required retention period except when necessary to meet legal, audit, or business requirements. Each WMD employee[1], in coordination with designated Records Coordinators, Records Custodians, and the Records Officer, is responsible for properly managing public records he or she creates, receives, or maintains on behalf of the WMD, and will ensure timely and appropriate disposition and destruction of public records.

The WMD retains records so they are easily accessible, searchable, and retrievable. This reduces time, effort, stress, legal risk, and financial impact of managing public records, and facilitates the conduct of agency business. The WMD classifies data and records into categories 1-4 based on sensitivity. The WMD generally encourages conversion of paper-based source records to digital formats when practical and authorized in accordance with policy DIR-005a-13. The WMD retains electronic records in WMD sanctioned shared network locations and the State Enterprise Shared Tenant, so they are backed up, secured, and available. The WMD inventories its public records on a biennial basis, analyzes the inventory data, and makes changes to records retention policies and procedures to improve agency efficiency and minimize costs.

Chapter 40.14 RCW requires that the WMD and its employees retain public records for a specific period of time in accordance with approved records retention schedules provided by the Washington State Archives and that the records be destroyed on a specified schedule and in an appropriate manner. Failure to keep records per approved records retention schedules, or failure to stop destruction of records when there is notice of active or reasonably anticipated litigation, an audit, or an open public disclosure request, could subject the employee and WMD to penalties and fines.

State business must be conducted on state-issued devices. The use of personally-owned devices for conducting official business on behalf of the WMD is not permitted due to potential records retention requirements and compliance with the Public Records Act. If records are accidentally or inadvertently stored or located on personal devices, it is the individual's responsibility to ensure that all records be transferred to a WMD sanctioned location for records retention requirements and provided to the Public Records Officer in the event of a Public Records Request or Litigation Hold.

[1] For the purposes of this policy, "employee" means employee or volunteer.

Responsibilities

A. The Adjutant General appoints the WMD Records Officer and so designates this appointment in writing.

B. The Records Officer coordinates all aspects of the agency records management program in accordance with RCW 40.14.040(1) and shall:

1. Inventory, or manage the inventory, of all public records at least once during a biennium for disposition scheduling and transfer action, in accordance with procedures prescribed by the State Archivist and State Records Committee. RCW 40.14.040(2).
2. Consult with WMD personnel responsible for maintenance of public records regarding records retention and transfer recommendations. RCW 40.14.040(3).
3. Analyze records inventory data, examine and compare divisional or unit inventories for duplication of records, and recommend to the State Archivist and State Records Committee minimal retentions for all copies commensurate with legal, financial and administrative needs. RCW 40.14.040(4).
4. Approve all records inventory and destruction requests which are submitted to the State Records Committee. RCW 40.14.040(5).
5. Review established records retention schedules at least annually to ensure that they are complete and current. RCW 40.14.040(6).
6. Exercise internal control over the acquisition of filming and file equipment. RCW 40.14.040(7).
7. Maintain current agency numbers and office identifiers at the State Records Center.
8. Offer training to Records Coordinators, Records Custodians, and WMD staff regarding state records compliance requirements.
9. Assist Records Coordinators with records disaster preparedness and recovery plans to include annual review of essential records required by RCW 40.14.040(2).
10. Approve the destruction of paper-based source records after they have been converted to a digital format by imaging ("scanning & tossing", see policy DIR-005a-13). *Please note: Imaged records become the primary record once an imaging approval is obtained through the Records Officer.*
11. In coordination with the WMD Public Records Officer and WMD Risk Manager, provide Records Coordinators and Records Custodians notice of active or reasonably anticipated litigation, audits, legal holds, open public disclosure requests, or other requirements that require protection and preservation of records.

C. Division Directors shall:

1. Require division employees to comply with agency and work unit policies and procedures for records management.
2. Ensure division employees are trained and knowledgeable regarding records management requirements that apply to public records they create, receive, or maintain.

3. Designate at least one position as the division Records Coordinator, and if necessary, additional positions as Records Custodians, and:
    a. Include Records Coordinator and/or Records Custodian responsibilities in applicable position descriptions and performance expectations.
    b. Provide the Records Officer contact information for the division Records Coordinator(s) and/or Custodian(s) in writing when staffing changes.
4. Require that disposition of public records within their division be conducted in consultation with the Records Officer according to timelines in the records retention schedule unless specific legal, audit, or business requirements exist, such as notice of active or reasonably anticipated litigation, an audit, or an open public disclosure request.
5. Ensure that all public records of exiting division employees are managed in accordance with WMD policies and procedures.

D. Records Coordinators and/or Records Custodians shall:

1. Comply with agency and work unit policies and procedures for records management.
2. Complete training and attend meetings related to WMD records management.
3. Establish and oversee implementation of work unit records management procedures, including scheduling and coordinating regular or periodic records disposition.
4. Prior to disposing of records, or as requested by work unit employees, contact the Records Officer (or if available, review the location provided by the Records Officer) to determine whether the records are subject to active or reasonably anticipated litigation, an audit, an open public records request, or another requirement that would suspend its disposition or destruction. Do not allow disposition or destruction of public records subject to active or reasonably anticipated litigation, an audit, or an open public records request.
5. Review the WMD agency records retention schedules annually and forward revisions to the Records Officer.
6. Maintain a list of the work unit's essential records series and office procedures for their preservation and protection and submit a copy to the Records Officer upon establishment and when changes are made. Review the list and procedures annually.
7. Notify the Records Officer in writing of office name or function changes.
8. Assist the Records Officer with biennial records inventories.
9. Obtain Records Officer approval for:
    a. Disposition or destruction of records not listed on a retention schedule.
    b. Destruction of paper-based source records after they have been converted to a digital format by imaging ("scanning & tossing", see policy DIR-005a-13).
10. Ensure that all public records of exiting work unit employees are managed in accordance with WMD policies and procedures.
11. Consult with the Records Officer as necessary to perform records management duties.

E. WMD employees shall:

1. Comply with agency and work unit policies and procedures for records management.
2. Consult with designated Records Coordinator(s) and/or Records Custodian(s) regarding records management in general, and to determine the retention schedules of records the employee creates, receives, or maintains. Employees must determine a record's retention schedule before disposing of or destroying the record unless the Records Officer has granted approval to do so through the division Records Coordinator or Records Custodian.
3. Keep electronically stored information (ESI) in its original electronic format with metadata intact and on WMD sanctioned locations. (Printing and keeping a hard copy of ESI, such as email, Word documents, etc., is not a substitute for the electronic version unless it has been specifically approved by the State Records Committee.)
4. Comply with policy DIR-005a-13 regarding conversion of paper-based source records into digital formats, also known as "scanning and tossing."
5. Before disposing of or destroying a WMD public record, verify through their Records Coordinator or Records Custodian that the record has met its retention period and is not subject to active or reasonably anticipated litigation, an audit, an open public records request, or another requirement that would suspend its disposition or destruction. Employees must not dispose of or destroy public records subject to active or reasonably anticipated litigation, an audit, or an open public records request.

Procedures

A. Identifying Records with Retention Value

1. Review the definition of "public record" in this policy to make sure that the document or recorded information is a public record.
2. Review Section 6 of the current State Government General Records Retention Schedule called "Records with Minimal Retention Value (Transitory Records)."
   a. If the record fits within any of the record series descriptions in this section, it has minimal retention value and can be destroyed when no longer needed.
   b. If the record does not fit within any of the record series descriptions in this section, it probably has retention value and must be retained according to the applicable Disposition Authority Number (DAN) in the State Government, WMD or Public Schools (K-12) Records Retention Schedules. See the next section of this procedure for more information.

B. Reviewing the Records Retention Schedules

1. Finding records retention schedules

   The records retention schedules are located on the Office of the Secretary of State's website and can be accessed through the following links:

   State Government General Records Retention Schedule
   WMD Records Retention Schedule
   Public Schools (K-12) Records Retention Schedule

2. Determining the applicable record series, DAN, and retention period

   a. After reviewing the retention schedules described in procedure B.1., decide which record series applies to the record. The record series description indicates the disposition authority number (DAN), retention and disposition action, and designation instructions (e.g., Essential, or Archival).

   b. If an appropriate record series cannot be identified, WMD employees should contact their Records Coordinator, Records Custodian, or the Records Officer for assistance.

C. Retaining Records During the Retention Period

1. Paper-based records

   a. WMD employees may convert paper-based source records into a digital image through scanning, and destroy the paper-based source records, if they meet the State Archives Requirements and have received approval from the Records Officer. See policy DIR-005a-13, Scanning and Tossing. Once the paper-based source record has been converted into an image, the image becomes the primary record, and it must be stored and retained electronically in accordance with procedure C.2. of this policy.

   b. As an alternative, WMD employees may store paper-based records in their office for all or part of the retention period if the following conditions apply.

      1) They have adequate office space, and

      2) They protect the records from damage or loss, and

      3) They frequently use the records (see Active Records definition), or

      4) The records are very small in volume.

   c. WMD employees should discontinue storing paper-based records in-house and transmit the records to the State Records Center for the duration of their retention period if the following conditions become true. See procedure C.3. below.

      1) The records become inactive (see Inactive Records definition), and

      2) The records are big in volume.

2. Electronic records

   a. WMD employees must store active, primary electronic records in the appropriate WMD designated SharePoint sites and shared network locations.

   b. WMD employees will use retention labels to retain all records stored on WMD designated SharePoint, One Drive and Outlook Exchange locations. You can access the instructions on how to apply O365 records retention labels here:

      Instructions for Applying O365 Records Retention Labels

   c. WMD employees will use Microsoft Teams Chats for transitory records only. Examples of transitory records include posting communications that are purely informational, duplicate copies of records where the official record is stored in an official agency repository, and reference materials published by other entities.

d. If WMD employees work with Category 3 or higher records, they must coordinate with their Records Coordinator or Records Custodian, the WMD Records Officer, and the WMD IT Division to ensure the records are stored in a way that limits access to the appropriate staff.

e. WMD employees must not store any primary or secondary electronic records in the following locations:

1) Online ("cloud") file server location or file transfer protocol (FTP) site **not** sanctioned by or provided by WMD IT;

2) Personal (non WMD-issued) computing or telecommunication device; or

3) In an Outlook personal storage table (PST) format in any location.

All WMD employees who currently have or want permissions to store electronic records in an alternate location may complete an Electronic Record Storage Exception form (WMD Form 0009-13). and obtain the approval of their division director and the Records Officer.

f. Once primary electronic records WMD employees work with become inactive, WMD employees must notify their Records Coordinator or Records Custodian. The Records Coordinator or Records Custodian will assess the records, retention period, and options for storage, and will either take possession of the records for the duration of their retention period or provide instructions on how to properly retain them. If the electronic records are archival, then the Records Coordinator or Records Custodian will work with the Records Officer on transferring the records to the State Archives.

g. In addition to this policy, WMD employees must also follow:

1) Policy/procedure for email and calendar items (DIR-005c-13); and

2) Guidelines for Organizing Electronic Records (DIR-005d-13).

3. Storing records at the State Records Center

a. To prepare and store paper-based records at the State Records Center, the Records Coordinator or Custodian shall use the online Records Center Management System (RCMS) and contact the Records Officer for assistance.

1) Select the records to be stored. The records must be included on an approved records retention schedule and have reached their cut-off date or event, but not their disposition date.

2) Gather necessary supplies, including boxes and labels. If you need more boxes or labels, you can request them using the "Supply Form" located in RCMS.

3) Place the records in order in State Records Center boxes.

4) Organize the records chronologically by record series so that only records of the same record series are in a box.

5) Prepare any lists of the contents of each box that you will need in your office to retrieve the records. (For Archival records, you must complete the Archival Box Contents List available through the State Records Center.) Make two copies:

one to put in the box and one to keep if you might need to request access to the records.

6) Request the bar code labels from the State Records Center using RCMS.

7) Once you've received the bar code labels, then enter the box transmittals using RCMS.

8) Put the box contents label and the appropriate barcode label on the outside of the box.

9) The transmittal(s) will be electronically sent to the Records Officer and then the State Records Center for review/approval.

10) Once your boxes have been approved you will receive an email confirmation. Your boxes are now ready to be transferred to the State Records Center.

D. Disposition of Records After the Retention Period

1. Disposition of records at the State Records Center:

   a. When records stored at the Records Center meet the end of their retention period, the Records Center will send a notification to the Records Officer.

   b. The Records Officer will receive and forward the notification to the appropriate Records Coordinator or Records Custodian to determine the correct method of disposition:

      1) Transfer to the State Archives

         Records in an archival or potentially archival record series shall be sent to the State Archives for appraisal. State Archives may determine some or all of the records are non-archival and return them to the agency for disposition.

      2) Destruction

         This is recommended for non-archival records. It is more convenient to destroy the records at the Records Center than in-house. If necessary, the Records Officer, Records Coordinator, Records Custodian, or other staff may view the records at the Records Center prior to their destruction.

      3) Return to the agency

         This option is not recommended unless a litigation hold, audit, or open public records request applies to the record. If a record reaches the end of its retention period, it should be destroyed. If an inappropriate record series was selected for the records at the time of transmittal, and the records should be retained longer, the Records Coordinator or Records Custodian should work with the Records Officer to assign an appropriate record series and retain the records accordingly.

   c. Upon approval and method of disposition from the Records Coordinator, the Records Officer will sign the disposition notification and return it to the State Records Center for the appropriate action.

2. Disposition of records stored in-house:
    a. When records stored in-house have reached the end of their retention period, Records Coordinators or Records Custodians shall:
        1) Determine whether the records are archival or potentially archival. If so, contact the Records Officer for instructions.
        2) If the records are non-archival, follow the instructions below.
            i. Delete all primary and secondary electronic records from all storage locations, including but not limited to electronic storage devices.
            ii. Shred or recycle paper records, or shred, pulverize, or dispose of non-paper records (such as CDs), in accordance with chapter 434-640 WAC:
                a) Ensure that records exempt from public disclosure under chapter 42.56 RCW, or which are otherwise considered confidential, are protected from unauthorized access during any disposal process. The primary purpose of such disposal shall be that of reducing the records to an illegible condition. WAC 434-640-020.
                b) Dispose of records by recycling only under the following conditions (WAC 434-640-030):
                    (1) The records shall be destroyed promptly, and the agency shall continue to be responsible for their destruction until it occurs.
                    (2) The recycling agent or entity shall have any required licenses and shall be insured or bonded.
                    (3) Records shall not be kept in unattended and unprotected storage awaiting their destruction.
                    (4) The agency or its authorized agent shall have in effect a contract or written agreement with the recycling entity which includes these conditions.

Definitions

Active Record: Any record routinely accessed or referred to in support of a program or activity in progress.

Archival Records: Records that are subject to permanent retention at the Washington State Archives. To determine whether a record is archival or non-archival, see the "Designation" column on the right side of the retention schedule.

Categories of Information:

Category 1 – Public Information: Information that can be or currently is released to the public. It does not need protection from unauthorized disclosure but does need integrity and availability protection controls.

Category 2 – Sensitive Information: May not be specifically protected from disclosure by law and is for official use only. Sensitive information is generally not released to the public unless specifically requested.

Category 3 – Confidential Information: Information that is specifically protected from disclosure by law. It may include but is not limited to:

- Personal information as defined in RCW 42.56.590 and RCW 19.255.010.
- Information about public employees as defined in RCW 42.56.250.
- Lists of individuals for commercial purposes as defined in RCW 42.56.070 (9).
- Information regarding IT infrastructure and security of computer and telecommunications networks as defined in RCW 42.56.420.

Other examples include, but are not limited to:

- FERPA Information – Student records, grades, class enrollment, etc.
- Payment Card Industry Information – Credit card numbers, PINS, verification codes, etc.

Category 4 – Confidential Information Requiring Special Handling: Information that is specifically protected from disclosure by law and for which:

- Especially strict handling requirements are dictated, such as by statutes, regulations, or agreements.
- Serious consequences could arise from unauthorized disclosure, such as threats to health and safety, or legal sanctions.

Disposition: Any manner or method of changing the custody, location, or physical state of records.

Disposition Authority Number (DAN): Control numbers systematically assigned to records series or records retention schedules when they are approved by the State Records Committee.

Electronically Stored Information (ESI): Computer data or electronic recorded media of any kind that is stored in a digital medium from which it can be retrieved and examined. ESI includes but is not limited to Microsoft Office products, databases, voice mail messages, e-mail messages, text messages, instant messaging, video chat, social media sites, or any other software or electronic communication programs.

Essential Records: Records vital in an emergency and necessary for the continuity of WMD operations during and following a disaster. This includes records essential to protect the legal rights of clients, property owners, students, and other citizens; the re-creation of the legal and financial status of the agency; or the fulfillment of obligations to local, state, and federal governments and outside interests.

Imaging: Converting paper documents into digital documents. Approval is required to destroy the paper documents per Chapter 434-663 WAC.

Inactive Record: Any record that is not routinely accessed or referred to in support of a program or activity in progress and is not considered an active record.

Minimal Retention Value: A public record has minimal retention value if it only documents information of temporary, short-term value, provided that the record is:

- Not needed as evidence of a business transaction; and,
- Not covered by a more specific records series.

This includes, but is not limited to:

- Miscellaneous notices or memoranda which do not relate to the functional responsibility of the agency (notices of community affairs, employee meetings, holiday, etc.);
- Preliminary drafts of letters, memoranda, reports, work sheets, spreadsheets, presentations, and informal notes, etc., which do not represent significant basic steps in the preparation of record document(s);
- Routing slips used to direct the distribution of documents;
- Shorthand notes, stenotype tapes, and mechanical records, after they have been transcribed into typewritten or printed form on paper or microfilm;
- Telephone messages (including voicemail, digital voice messages, etc.);
- Letters of transmittal which do not add any information to the transmitted materials.

Mobile Device: A small-sized computing device that may have a display screen, touch input or a keyboard, and/or data storage capability. Examples include laptops, smart phones, tablet PCs, accessible equipment, and portable data storage devices such as removable hard drives, and USB data storage devices.

Non-Archival Records: Records that are not subject to permanent retention at the Washington State Archives. To determine whether a record is archival or non-archival, see the "Designation" column on the right side of the retention schedule.

Online File Storage Service: A file hosting service, cloud storage service, or online file storage provider that hosts user files via the Internet. Users can upload files that can be accessed over the internet from other computers, tablets, smart phones, or other networked devices, by the same user or other designated users.

Primary Record: The original record (whether created or received by the agency) which serves as the official record and must be retained in accordance with a current approved records retention schedule.

Public Record: Any paper, correspondence, completed form, record book, photograph, map, or drawing, regardless of physical form or characteristics, and including records stored on magnetic, electronic, or optical media, and including all copies thereof, that have been made by

any agency or received by it in connection with the transaction of public business. **It includes any writing containing information relating to the conduct of government or the performance of government or proprietary function prepared, owned, used, or retained by the state or local agency regardless of physical form or characteristics**. WAC 434-610-020. It includes electronically stored information (ESI) in Microsoft Office products, databases, voice mail messages, E-mail messages, text messages, instant messaging, video chat, social media sites, or any other software or electronic communication programs. ESI can be located on network servers, backup tapes, thumb drives, CDs, DVDs, floppy disks, work computers, cell phones, laptops or any other electronic device including department information created by agency employees using personal electronic devices.

Public Schools (K-12) Records Retention Schedule: This records retention schedule authorizes the destruction/transfer of the public records of public schools. This schedule is to be used in conjunction with the State Government General Records Retention Schedule, which authorizes the destruction/transfer of public records common to all government agencies.

Record Series: A group of records performing a specific function that is used and filed together and may be transferred or destroyed together. Records series are defined in the State General Records Retention Schedule and WMD Records Retention Schedule.

Records Coordinator: A person appointed by a work unit's manager to assist the Records Officer with management of their work unit's records by carrying out the duties identified in responsibility D of this policy.

Records Custodian: A person designated by management to assist the Records Coordinator with completion of the duties identified in responsibility D of this policy.

Records Inventory: A descriptive listing or survey of record series held by a work unit that includes title, types of files in the series, and a description of significant subject content.

Records Management: Records management is the systematic control and the capturing, classifying and ongoing management of records for their entire lifecycle. It is knowing what to keep, how long you need to keep it, and when you can get rid of it lawfully. For government agencies in the state of Washington, records management consists of:

1. Keeping public records for the minimum required period of time as outlined in the approved records retention schedules.
2. Once the retention period has been met, either destroying the record or transferring the record to State Archives as outlined in the approved records retention schedules.

Records Officer: The person responsible for the agency records management, disposition and retention program as defined in RCW 40.14.040.

Records Transmittal: A form that lists and describes the record content of boxes sent to the State Records Center.

Retention Period: The minimum amount of time required for the retention of a records series on a records retention schedule approved by the State Records Committee.

Scanning and Tossing: The process of destroying paper-based source records after conversion into a digital format through imaging.

Secondary Record: Copies (or duplicates) of the agency's primary records used for specific legal, fiscal, or administrative purposes. Secondary records exist for convenience of reference, or informational purposes, and may be discarded when no longer needed for agency business in accordance with General Schedule (GS) 50005.

State Archives: The Office of the Secretary of State division that sets statewide policy for records management, disaster recovery, records preservation, and historical records management.

State Government General Records Retention Schedule: A schedule approved by the State Records Committee that establishes records retention and disposition requirements applicable to most state agency records. Also, see the definition for WMD Records Retention Schedule and Public Schools (K-12) Records Retention Schedule.

State Records Center: The section of the Division of Archives and Records management that provides secure storage for records which must be available for administrative, audit, legal, or fiscal reasons for a specified period.

State Records Committee: The committee that approves, modifies, or disapproves state agency recommendations on retention schedules for public records per RCW 40.14.050. The committee is made up of representatives from the Attorney General's Office, the Office of Financial Management, the State Archivist, and the State Auditor's Office.

Transitory Records: Government records that have short-term use only and do not need to be retained. They are produced or received in the course of actions, in the preparation of other records which replace them, or for convenient reference.

WMD Records Retention Schedule: A schedule created by a state agency and approved by the State Records Committee that assigns records retention and disposition requirements applicable to records series and/or records retention and disposition requirements unique to a state agency and are not covered under the State General Records Retention Schedule.

Work Unit: A WMD division, unit, section, or office. For the purposes of records management, work units are typically WMD divisions.