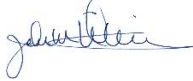


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Approved by:		Effective Date: 9/4/2018

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### **1.0 PURPOSE:**

The purpose of this policy is to provide direction and guidance to City of Moses Lake employees and elected officials in the management of records created or received in the conduct of city business. In addition, this policy is to ensure the city manages these records in compliance with Washington State retention rules and laws. Organizing and managing records will save space, provide efficient access, maintain confidentiality where needed, and reduce legal exposure in “discovery” proceedings or public records requests.

### **2.0 ORGANIZATIONS AFFECTED:**

All departments and elected officials.

### **3.0 REFERENCE:**

Washington State Archives Laws and Rules for Records Management:

*Revised Code of Washington (RCW)*

- Chapter 40.14: Preservation and destruction of public records.
- Chapter 40.16: Penal provisions.
- Chapter 40.20: Reproduced records for governments and business.
- Chapter 40.24: Address confidentiality for victims of domestic violence, sexual assault, and stalking.
- Chapter 40.26: Biometric identifiers.

*Washington Administrative Code (WAC)*

- Chapter 434-600: Promulgation.
- Chapter 434-610: Definitions.

- Chapter 434-615: Custody of public records.
- Chapter 434-620: Powers and duties of the state archivist.
- Chapter 434-624: Powers and duties of the state records committee.
- Chapter 434-626: Powers and duties of the state agency records officers.
- Chapter 434-630: Powers and duties of the local records committee.
- Chapter 434-635: Local records disposition authorization.
- Chapter 434-640: Methods of records disposal.
- Chapter 434-660: Standards for the accuracy, durability and permanence of public records.
- Chapter 434-661: Real property electronic recording.
- Chapter 434-662: Preservation of electronic public records.
- Chapter 434-663: Imaging systems, standards for accuracy and durability.
- Chapter 434-670: The Washington state archives local records grant program.
- Chapter 434-677: Security microfilm.
- Chapter 434-690: Archives—Access to public records.
- Chapter 434-750: Combined fund drive.
- Chapter 434-840: Address confidentiality program.

Secretary of State – Washington State Archives:

- Washington State Local Government Common Records Retention Schedules
- <https://www.sos.wa.gov/archives/recordsmanagement/managing-city-records.aspx>

City of Moses Lake Policies:

- City Policy 1.4: Cellular Telephone Use
- City Policy 1.6: Public Records Requests
- City Policy 1.7: Social Media Policy

#### **4.0 POLICY:**

##### **What is a Public Record?**

Chapter 40.14 of the Revised Code of Washington (RCW) contains regulations for the retention, preservation, and lawful destruction of public records, and grants authority to Washington State Archives to preserve and protect public records. RCW 40.14.010 defines “public records” by three key criteria:

### **1. "Made by or received by any agency in the State of Washington"**

Public records include both records that an agency creates and records that an agency may receive or collect. For example, when an agency solicits public comment on an issue, both the request for comment and any comments received in response are public records.

### **2. "In connection with the transaction of public business"**

A record provides the proof or evidence of agency business. Agency business includes not only the core mission of the agency, but also those functions that support the agency's continuing operation such as finance, human resources, facility and asset management.

If a record meets the two criteria listed above, then it is a public record that needs to be retained and managed.

### **3. "Regardless of physical form or characteristics"**

A public record is a public record, regardless of the format in which it was sent or received. Not only paper records, photographs or microfilm, but records that are created or received using any kind of digital format or application. This includes emails, websites, blogs, wikis, digital photos, text messages, blogs, tweets, and any emerging technologies used to conduct agency business. Having a record in a different format does not change the retention requirements or disposition that is to be applied.

Note: The Public Records Act, Chapter 42.56 RCW, defines public records for the purposes of public records request. Any review done pursuant to a public records request should follow the procedures set forth in City Policy 1.6 "Public Records Requests."

## **5.0 PROCEDURES**

### **5.1 Responsibilities**

The City Clerk is designated as the Records Management Officer for the City. The Records Management Officer will ensure the citywide records management program is followed.

**A. Records Management Officer Responsibility**

- Remain current and knowledgeable on the laws and rules governing records retention that affects the City.
- Periodically review the City's retention process to ensure that policies and procedures are being followed and are current with State law.
- Provide periodic training to Liaisons on records retention.
- Conduct periodic meetings with the Liaisons to assist them in managing their areas of responsibility.
- Oversee the destruction of records that have reached the end of their retention period or coordinate transfer of records to central storage and appraisal of records for transfer to the Regional State Archives.

**B. Department/Division Responsibility**

- Department/Division supervisors shall appoint a records management liaison for each Department/Division (D/D). The Liaison shall be the point of contact between the D/D and the City Clerk and will be expected to be the person most knowledgeable about the City's records management policy and how it relates to their D/D.
- All employees shall follow the rules set forth in this policy in managing documents, storing and identifying documents in correct locations and formats and in compliance with retention requirements.

**C. Liaison Responsibility**

- Work with the City Clerk and Information Technology staff to establish an electronic file storage structure that assists in classifying and preserving the electronic documents encountered in the D/D area of responsibility to facilitate the management of documents meeting retention and/or destruction rules.
- Complete training as required under Open Government Trainings Act, Laws of 2014, ch 66, at least every four years.
- Orientate new staff on record retention processes for your D/D.

**D. Information Technology Staff Responsibility**

- Assist the City Clerk and Liaisons in developing, implementing and maintaining an electronic records storage system that supports this policy.
- Provide a secure, safe environment for the electronic records of the City.
- Provide a Disaster Recovery Backup System to be maintained to exclusively provide disaster recovery from catastrophic data loss. This

system is not and shall not be relied upon or used as a retention or archiving system.

- Provide a minimal recovery period for city documents if accidentally or inadvertently deleted.

## 5.2 Records Retention Schedules

All public records are subject to retention as set forth in the Records Retention Schedules published by the Washington State Archives. The Retention Schedules outline the types of records (Record Series), the minimum required period of time to keep records and a trigger to start the retention clock (Retention Period and Cut-Off), and whether a record is non-archival, archival, or essential (Designations). The City is subject to the following records retention schedules available at <https://www.sos.wa.gov/archives/recordsmanagement/managing-city-records.aspx>:

- Local Government Common Records Retention Schedule (CORE)
- Animal Services
- Cemeteries \*
- District & Municipal Courts
- Economic Dev & Transport)
- Emergency Comm (911)
- Fire & Emergency Medical
- Land Use Planning & Permits
- Law Enforcement
- Licensing, Permitting & Tax
- Parks, Rec & Culture
- Prosecuting Attorney
- Social Services \*
- Utility Services

\*The City does not currently provide for these services and has no need for the related retention at this time.

Many employee records will be designated as “Transitory Records” which are records with minimal retention value. Transitory Records need only be retained until no longer needed for agency business then destroyed. The categories of Transitory Records include the following described records. If an employee is unsure whether a record is a Transitory Record or falls into an exclusion, the employee should consult with the Records Retention Schedules and the Records Management Officer.

Description of Transitory Records
<p><b>Agency-Generated Forms and Publications – Copies</b></p> <p>Blank forms and duplicate copies of publications, provided the agency retains the primary record in accordance with the current approved minimum retention period and that the forms are not required for audit or accountability purposes.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>• Reports, catalogs, brochures, calendars, posters;</li> <li>• Multi-media presentations (videos, CDs, etc.).</li> </ul> <p>Excludes records covered by:</p> <ul style="list-style-type: none"> <li>• Forms – Accountable (DAN GS2010-011);</li> <li>• Forms – Master Set (DAN GS2010-012);</li> <li>• Publications – Master Set (DAN GS50-06F-04).</li> </ul>
<p><b>Brainstorming and Collaborating</b></p> <p>Records generated as part of informal exchanges of ideas/brainstorming/collaboration processes, <b>where not covered by a more specific records series.</b></p> <p>Includes, but is not limited to, notes, mind maps, etc., developed as part of brainstorming/collaboration sessions using electronic/virtual collaboration tools (such as OneNote, Popplet, Lync, etc.), as well as those written on whiteboards, flipcharts, large/oversize paper sheets, Post-it/sticky notes, etc.</p> <p>Excludes records generated during open public meeting brainstorming sessions covered by:</p> <ul style="list-style-type: none"> <li>• Meetings – Advisory (DAN GS2012-027);</li> <li>• Meetings – Governing/Executive (DAN GS50-05A-13);</li> </ul> <p>Excludes records covered by:</p> <ul style="list-style-type: none"> <li>• Drafting and Editing (DAN GS2016-004);</li> <li>• Records Documented as Part of More Formalized Records (DAN GS2016-009).</li> </ul>
<p><b>Contact Information</b></p> <p>Records relating to the contact details of external clients/stakeholders the agency has gathered/received and the maintenance of such lists/collections.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>• Business cards;</li> <li>• Contact details stored in Microsoft Outlook and other contact databases;</li> <li>• Mailing lists, email distribution lists, listserv/RSS subscriber details, etc.;</li> <li>• Requests to be added/removed from the agency’s contact lists (includes mail/communications returned as undeliverable);</li> <li>• Validation/verification/quality assurance checks of contact lists/collections;</li> </ul>

- Related correspondence/communications.

Excludes:

- Records covered by Emergency/Disaster Preparedness – Contact Information (DAN GS2012-024);
- Contact information gathered for other, more specific purposes, such as attendee/sign-in lists for meetings and trainings, visitor books/logs, etc.

### **Drafting and Editing**

Records relating to the drafting/editing of correspondence, documents and publications.

Includes, but is not limited to:

- Preliminary drafts not covered by a more specific records series, not needed as evidence of external consultation or as evidence that the agency practiced due diligence in the drafting process;
- Edits/suggestions/directions (such as handwritten annotations/notes, track changes information/comments in Microsoft Word, etc.);
- Electronic documents created solely for printing (such as signs, mailing labels, etc.);
- Related correspondence/communications.
- Attorney work product and attorney-client communications are confidential communications pertaining to their joint claim or defense.

### **Electronic Documents Used to Create Signed Paper Records**

Electronic documents created in order to print paper records that get signed, provided the signed paper records (or agency copy of same, if signed original is sent) are retained in accordance with the current approved minimum retention period.

Includes, but is not limited to:

- Microsoft Word versions of minutes/letters/correspondence/etc., used to print the hard copy that gets signed.

Note: Agencies should still create and retain copies of signed letters as evidence of the business transaction.

### **General Information – External**

Information received from other agencies, commercial firms or private institutions, which requires no action and is no longer needed for agency business purposes.

Includes, but is not limited to:

- Catalogs, reports, multi-media presentations (videos, CDs, etc.);
- Informational copies, notices, bulletins, newsletters, announcements;
- Unsolicited information (junk mail, spam, advertisements, etc.).

### **Informational Notifications/Communications**

Records communicating basic/routine short-term information (regardless of format or media used) that:

- Do not document agency decisions/actions;
- Are not used as the basis of agency decisions/actions; and
- Are not covered by a more specific records series.

Includes, but is not limited to:

- Basic messages such as “Come and see me when you’re free,” “Call me back at 555-5555,” etc.;
- Internal communications notifying of staff absences or lateness (such as “Bob is out today,” “Mary is running late,” etc.), provided the appropriate attendance and leave records are retained in accordance with Leave/Overtime – Routine (DAN GS50-04B-09);
- Internal communications notifying of staff social events/gatherings (such as potlucks, birthdays, fun runs, cookies in the break room, etc.) or of weather/traffic conditions (such as “Avoid I-5, it’s a parking lot,” “Take care – it has started snowing,” etc.);
- Email delivery/read receipts, out-of-office notices, etc.

Excludes records covered by:

- Leave/Overtime – Routine (DAN GS50-04B-09).

**Internet Browsing**

Records routinely generated as part of internet browsing.

Includes, but is not limited to:

- Browsing history/saved passwords/web form information, etc.;
- Cache/temporary files;
- Cookies.

Excludes internet activity log records covered by IT Systems Usage (DAN GS50-06A-05).

**Organizing/Monitoring Work in Progress**

Records relating to the assigning, prioritizing, tracking/monitoring and status of work/tasks/projects in progress, where not covered by a more specific records series.

Includes, but is not limited to:

- Status logs;
- To-do lists;
- Tasks within Microsoft Outlook, etc.;
- Routing slips;
- Working/rough notes;
- Workflow notifications/escalations

**Records Documented as Part of More Formalized Records**

Records where the evidence of the business transaction has been documented as part of another more formalized record of the agency which is retained in



accordance with the current approved minimum retention period and the employee has verified successful conversion/keying/transcription.

Includes, but is not limited to:

- Data entry input records (such as paper forms, handwritten notes, etc.) that have been documented as records within agency information systems (such as databases) provided the original record/form (including any signatures) is not required as evidence or authorization of the transaction;
- Working/rough notes, voicemail messages, text messages, social media posts, etc., that have been memorialized/captured in another format such as a note-to-file, email confirming the conversation, speech-to-text translations, etc.;
- Automatically-generated email notifications sent out by agency information systems, provided the transaction is captured as part of an audit trail;
- Raw data/statistics/survey responses that have been consolidated/aggregated into another record.

Excludes:

- Audio/visual recordings of meetings covered by Meetings – Advisory (DAN GS2012-027),
- Meetings – Governing/Executive (DAN GS50-05A-13), Meetings – Inter-Agency (DAN GS2011-175) or Meetings – Staff (DAN GS50-01-43);
- Electronic records (such as emails) that have been printed to paper.

Note: Electronic records need to be retained in electronic format in accordance with WAC 434-662-040.

### **Reference Materials**

Materials gathered from outside sources for reference/reading use which are not evidence of the agency's business transactions.

Includes, but is not limited to:

- Individual participants' copies of internal and external training materials (such as proceedings, handouts, notes taken, etc.) from conferences/seminars/trainings;
- Copies of published articles, reports, etc.;
- Internet browser favorites/bookmarks;
- Listserv/RSS feeds.

Excludes records covered by Secondary (Duplicate) Copies (DAN GS50-02-04).

### **Requests for Basic/Routine Agency Information**

Internal and external requests for, and provision of, routine information about the operations of the agency, such as:

- Business hours, locations/directions, web/email addresses;
- Meeting dates/times.

Excludes records covered by Public Disclosure/Records Requests (DAN GS2010-014).
<p><b>Scheduling – Appointments/Meetings</b></p> <p>Records relating to the scheduling of appointments/meetings (such as checking participant and room availability, rescheduling, accepting/declining meeting invitations, etc.), provided the calendar record of the appointment/meeting is retained in accordance with Appointment Calendars (DAN GS50-01-36).</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>• Meeting invitations and accepted/declined notifications in Microsoft Outlook and other calendaring/scheduling software/apps;</li> <li>• Related correspondence/communications.</li> </ul>
<p><b>Secondary (Duplicate) Copies</b></p> <p>Copies of records (created or received), provided the agency retains its primary copy of the record in accordance with the current approved minimum retention period.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>• Data extracts and printouts from agency information systems;</li> <li>• Cc's of emails, provided the agency is retaining its primary copy of the email;</li> <li>• Convenience/reference copies of records;</li> <li>• Duplicate and near-duplicate images/photographs, provided the selected "best" image(s) documenting the occasion/object is retained.</li> </ul> <p>Excludes records which are the agency's only copy of the record, even if it is held by another agency.</p>
<p><b>Unsolicited Additional Materials</b></p> <p>Additional materials received by the agency that are:</p> <ul style="list-style-type: none"> <li>• Not requested; and</li> <li>• Not used by the agency in the course of government business.</li> </ul> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>• Superfluous extra materials provided with applications (including health/medical records);</li> <li>• Information entered through online applications, e-forms, etc., but not completed and not submitted to the agency.</li> </ul>

### 5.3 Electronic Records

- a. **Per WAC 434-662-040:** Electronic records must be retained in electronic format and remain usable, searchable, retrievable and authentic for the

length of the designated retention period. This includes text and voice messages related to the conduct of city business. Printing and retaining a hard copy is not a substitute for eliminating the electronic version prior to meeting its required retention.

**b. Per WAC 434-662-150 E-mail Management:** Emails created and received by any agency of the State of Washington in the transaction of public business are public records for the purposes of RCW [40.14](#) and are subject to the laws and regulations governing the retention, disclosure, destruction and archiving of public records. The e-mails of elected government officials and public employees that are created in the transaction of public business are subject to the records retention periods and disposition promulgated by the records committees, and any and all said e-mails with archival value must be retained or transferred to the digital archives pursuant to a transmittal agreement if applicable.

**c. Email correspondence**

Employees will have approximately 90 days from the date an email is sent or received to determine if the email meets the criteria above as retainable and if so move that email to the appropriate retention folder. The mail server will purge all emails greater than 90 days old from the deleted folder on every email account in the system.

The City Clerk will work with the State Archives and determine if any City Council or City Manager emails are of archival value prior to permanently deleting.

Items filed in the retention folder will be retained for a length of time that ensures compliance with the minimum retention period as approved by the State Archives.

## **5.4 Paper Records**

All employees should routinely, no less than annually, dispose of original paper records that have met retention and do not require offsite storage by either disposing of the records in a secure recycling location or by secure shredding when necessary to protect confidentiality.

Records that have a longer retention period can be boxed and transferred to central storage until retention is met. Assign and write sequence number to each box that can be covered by the box label (Exhibit A). Complete and attach label to

the short end of approved storage boxes. If there are multiple purge dates, use the latest purge date on the label and highlight that date on the transfer log form.

Complete a transfer log form (Exhibit B) to accompany boxes to be transferred to central storage, as well as retired media resources.

## 5.5 Exceptions to Retention Schedule

Records **MUST NOT** be destroyed, regardless if the retention schedule permits, when subject to any of the following:

- Existing public records requests in accordance with RCW 42.56—If there is a pending request for records, you cannot destroy them even though the retention period to keep it has passed. Once the records have been provided to the Public Records Officer pursuant to the request, they may be logged on the destruction log and destroyed.
- Ongoing or reasonably anticipated litigation.
- Legal requirements, federal statutes, grant agreements.
- Archival transfer requirements found on the State Retention Schedule.
- When a specific business need is identified and approved by the Department Director or Division Manager.
- Documents related to damage claims or litigation must be retained until determined they can be released for standard retention.

EXHIBIT A – Form to print labels for boxes, Avery label 4x6



RMS BOX #

DEPT:
BRIEF DESCRIPTION OR RECORD TITLE:
Purge Year:



RMS BOX #

DEPT:
BRIEF DESCRIPTION OR RECORD TITLE:
Purge Year:



RMS BOX #

DEPT:
BRIEF DESCRIPTION OR RECORD TITLE:
Purge Year:



RMS BOX #

DEPT:
BRIEF DESCRIPTION OR RECORD TITLE:
Purge Year:



RMS BOX #

DEPT:
BRIEF DESCRIPTION OR RECORD TITLE:
Purge Year:



RMS BOX #

DEPT:
BRIEF DESCRIPTION OR RECORD TITLE:
Purge Year:

