

















ELECTRONIC RECORDS – PRA AND RECORDS RETENTION

Do's and Don'ts FOR LOCAL GOVERNMENTS



These Do's and Don'ts are intended to provide summary guidance related to use of electronic records and electronic devices in compliance with the Public Records Act (PRA) ([chapter 42.56 RCW](#)) and records retention law ([chapter 40.14 RCW](#)). For a more thorough analysis of these issues, please review our related guide: [Electronic Records – PRA and Records Retention Practice Tips](#), which can be found along with other information at our webpage: [Managing Electronic Records](#).

	DO	DON'T
Agency Computer	 Do use your agency computer to conduct agency business. This allows your agency to retain records appropriately and locate such records in response to a PRA request.	 Don't delete records from your agency computer (or any computer) unless you're certain the records aren't public records, or the records are past their required record retention period . (If you have any doubt about deleting records, check with your agency's legal counsel.)
Personal Computers	 Do use your personal computer to remotely access your agency's file server and email server (if your agency allows for such remote access).	 Don't use your personal computer to conduct agency business unless you do so by accessing your agency's server(s) remotely. If that's not possible and you use your personal computer to conduct agency business, make sure that you: <ul style="list-style-type: none"> • Retain all public records with retention value; and • Provide those records to your agency so the agency can retain the records appropriately and make them available if a PRA request is made for such records.
Agency Email Account	 Do use your agency email account to conduct agency business. This allows your agency to retain its records appropriately and to locate such records in response to a PRA request.	 Don't delete emails sent or received from your agency email account unless you're certain the emails aren't public records, or the emails are past their required record retention period . (If you have any doubt about deleting emails, check with your agency's legal counsel.)
Personal Email Account	 Do forward any agency-related emails received on your personal email account to your agency email account. Do instruct the sender that you don't conduct agency business via your personal email account(s), and to send all emails related to agency business to your agency email address.	 Don't use your personal email account for agency business, unless your agency doesn't provide agency email accounts. If you must use a personal email account for agency business, set-up a unique email account solely for agency business, clearly segregate agency-related emails from personal emails, and provide all agency-related emails to your agency so those records can be retained appropriately and made available if a PRA request is made for such records.

	DO	DON'T
Texting or Chatting on Agency Devices and Personal Devices and Accounts	 Do follow your agency policy related to texting and chatting. If your agency doesn't have a policy, make sure you're retaining all agency-related text messages for their full retention period. Remember that retention is based on content of the records, not its form. If you send or receive agency-related text or chat messages via a non-agency device, provide those messages to your agency so they can be retained appropriately and made available if a PRA request is made for such records.	 Don't text or chat in violation of your agency's policy. Don't use texting or chatting for agency-related business without a clear understanding of how those messages are being retained by the provider (e.g., phone company, software platform) and by your agency. Text and chat messages, like emails, can be public records that must be retained by your agency. Such records need to be provided if responsive to a PRA request; this is true even for text or chat messages on your personal phone or accounts.
Voice Mail Messages on Agency Phones and Personal Phones	 Do, if possible, capture all agency-related voice mail messages through an integrated voice mail and email system. If that's not possible, save voice mails with retention value through other means.	 Don't delete all agency-related voice mails once you have listened to them. Like email and text messages, voice mails can be public records that must be retained by your agency, and such records may need to be provided in response to a PRA request.
Agency Social Media	 Do try to post only secondary copies of content on agency social media sites. That way, the agency won't have to separately retain all of the content of the social media sites. If that's not possible, your agency should consider purchasing software that captures and archives social media sites. For guidance on selecting records management software, see MRSC's PRA and Records Management Technology Guide .	 Don't set up and use an agency social media site, or edit and delete content on your agency's social media site(s), without first considering and complying with records retention and PRA requirements.
Personal Social Media	 Do follow your agency's policy related to use of personal social media. Do abstain from discussing agency business via your personal social media accounts. If you post or exchange agency-related communications via your personal site, make sure you comply with records retention and PRA requirements.	 Don't conduct agency business via your personal social media site. Agency-related records can be public records, subject to retention requirements and the PRA, even if the records are located on your personal social media site. If you're an incumbent elected official who is a candidate, don't mix your election activities with agency business via use of social media.

DISCLAIMER: These Do's and Don'ts are meant to provide summary tips related to use of electronic records and electronic devices in compliance with the PRA and the records retention law. The tips aren't intended to be regarded as specific legal advice. Consult with your agency's attorney guidance on specific situations.