



Administrative Policy and Procedure City of Prosser, Washington

SUBJECT: Records Management Policy		
Effective Date: August 19, 2019	Policy No.: CL.001	Pages: 6
Developed By: Rachel Shaw, City Clerk	Department Head Approval: Rachel Shaw, City Clerk	City Administrator Approval:

OVERVIEW

1. PURPOSE

This Policy provides for the creation, maintenance, use and disposition of City of Prosser records. The Policy is designed to:

- Facilitate and sustain day-to-day operations
- Support predictive activities such as budgeting and planning
- Demonstrate and document compliance with laws, regulations, and standards

2. APPLICATION

This policy applies to all City of Prosser employees, appointed officers, elected officials, and volunteers. This policy applies to all City of Prosser records which must be retained under state law, regardless of format.

Failure to comply with this Policy may result in disciplinary action, up to, and including separation from your employment with the City subject to the Personnel Policy Manual and/or Collective Bargaining Agreement, or termination of your volunteer status with the City.

Criminal penalties, including fines and imprisonment, can be assessed for the intentional destruction of public records ([RCW 40.16.010](#) and [40.16.020](#)).

RCW [40.16.010](#) Injury to public record.

Every person who shall willfully and unlawfully remove, alter, mutilate, destroy, conceal, or obliterate a record, map, book, paper, document, or other thing filed or deposited in a public office, or with any public officer, by authority of law, is guilty of a class C felony and shall be punished by imprisonment in a state correctional facility for not more than five years, or by a fine of not more than one thousand dollars, or by both.

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, or who shall fraudulently appropriate to the officer's own use or to the use of another person, or secrete with intent to appropriate to such use, any money, evidence of debt or other property entrusted to the officer by virtue of 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.

3. REFERENCES

- 3.1 [RCW 40.14](#) Preservation and Destruction of Public Records
- 3.2 [RCW 42.56](#) Public Records Act
- 3.3 [RCW 40.10](#) Protection of Essential Records
- 3.4 [WAC 44-14 Public Records Act – Model Rules](#)
- 3.5 [WAC 434-12A](#) Public Records and Rules of Procedure
- 3.6 [WAC 434-662](#) Preservation of Electronic Public Records
- 3.7 [WAC 434-626-020](#) Powers and Duties of Agency Records Officers
- 3.8 [WA Secretary of State – Local Government Records Retention Schedule](#)
- 3.9 [Resolution No. 10-1335](#) Public Records Officer
- 3.10 [Prosser Municipal Code Title 1.30](#) Public Records

4. RESPONSIBILITY / AUTHORITY

- 4.1 **Public Records Officer:** The City Clerk is the designated Public Records Officer for the City and is responsible for and oversees compliance with the Public Records Act as defined in [RCW 42.56.580](#) and Open Public Meeting Act pursuant to [RCW 42.30](#). The Clerk may delegate these duties as deemed necessary.
- 4.2 **Department Directors:** Shall assist the Clerk's Office and shall comply with the Public Records Officer's directions and manage department records accordingly. Individual departments are responsible for securely maintaining records according to the retention period indicated on the retention schedule. If the retention schedule indicates the records must be maintained longer than ten years, then the Department is responsible for coordinating a transfer of records to the Clerk's Office. Department responsibilities include ensuring the physical safety of records, ensuring that confidential records are protected from inappropriate release, and the day to day management of records both paper and electronic.
- 4.3 **City Staff:** All employees create and use public records as part of their regular job duties and are responsible for following this Policy as well as associated policies and procedures. City staff will be responsible and be held accountable to meet the City's responsibilities under this Policy.

5. DEFINITIONS

- 5.1 **Active Record:** An active record is used in an office on a routine basis and accessed at least several times per year.
- 5.2 **Archival (Appraisal Required) Record:** Public records with archival (appraisal required) designation are records which may possess enduring legal and/or historic value and must be appraised by Washington State Archives on an individual basis. Records not selected for retention by Washington State Archives may be disposed of after appraisal.
- 5.3 **Archival (Permanent Retention) Record:** Public records with archival (permanent retention) designation are records which possess enduring legal and/or historic value and must not be destroyed. These records need to either be transferred to Washington State

Archives or retained and preserved according to archival best practices until such time as they are transferred to Washington State Archives.

- 5.4 Essential Record:** Essential records are those the City must have in order to maintain or resume business continuity following a disaster. While the retention requirements for essential records may range from very short-term to archival, these records are necessary to resume core functions following a disaster. Security backup of these public records should be created and may be deposited with Washington State Archives.
- 5.5 Inactive Record:** A record used or accessed in an office infrequently or no longer used in the conduct of current business, but still required to be kept by the retention schedule for legal or historical purposes. Inactive records are usually stored in a designated storage area.
- 5.6 Public Record:** A public record is defined in [RCW 42.56.010](#)(3) as any writing that is prepared, owned, used, or retained by any state or local government agency, and which contains information that relates to the conduct of government business, or the performance of any governmental or proprietary function, regardless of physical form or characteristics, and including such copies thereof. The term “writing” is broadly defined in the Public Records Act, to include not only traditional written records, but also photos, maps, videos, voicemails, emails, text messages and tweets ([RCW 42.56.010](#)(4)).
- 5.7 Records Disposition:** Actions taken with records when they are no longer required to be retained by the agency. Possible disposition actions include transfer to archives and destruction.
- 5.8 Retention Schedule:** A table setting out requirements adopted by the Washington State Local Records Committee which specifies the length of time each record series will be retained by the agency, whether the record is designated essential, archival, or potentially archival, and final disposition of the record. This document is updated periodically and distributed to agencies upon publication.
- 5.9 Transitory Records:** Transitory records document information of temporary, short-term value, provided that the records are not needed as evidence of a business transaction and are not covered by a more specific records series on the retention schedule as defined in the Local Government Common Records Retention Schedule (CORE).

6. RETENTION, DISPOSITION, AND DESTRUCTION

- 6.1** The City’s records retention schedules are established by the Local Records Committee as established by the Washington State Secretary of State. The schedules list records by series, provide retention periods, and describe final disposition needed. [RCW 40.14](#) allows agencies to legally destroy records only after the minimum retention period listed on the schedule has been met.
- 6.2** The retention period is the minimum time that records must be kept. Each Department should review records annually, both paper and electronic, and work with the Clerk’s Office to dispose of records that have met designated retention periods according to the instructions on the schedule. The City Clerk/Record’s Officer will have final approval on any and all proposed documents for destruction.
- 6.3** An active record is used in an office on a routine basis and accessed at least several times per year. Active records are usually kept on-site.

- 6.4** Inactive records have not reached the end of the retention period and are accessed infrequently. Inactive records must continue to be safeguarded and protected from damage and disorganization throughout the retention period.
- 6.5** Departments should contact the Clerk's Office for guidance on disposition of records with archival value (paper or electronic), as noted on the retention schedules.
- 6.6** Essential records are necessary for the continuity of City operations following a disaster and support the City's legal authority, responsibility, rights, and financial status; are necessary to resume and restore operations; and document the rights and obligations of City employees and citizens. Essential records require extra care to ensure they are adequately backed up and recoverable in the event of a disaster.
- 6.7** Records disposition refers to the action taken when records are no longer active or, in use. Disposition includes transferring inactive records to storage or destruction. Records subject to archival transfer as determined by the Washington State Archives are noted on the retention schedules.
- 6.8** Prior to destruction/transfer, departments should provide a comprehensive list of proposed records that have met the retention requirements as outlined by the State, to the Clerk's Department for review and approval. The Clerk's Department will create or issue a certificate of destruction requiring Department Head signature certifying the authenticity of the records. The certificate will then be signed by the City Clerk/Records Officer. The Department can then proceed with the approved records disposition.
- 6.9** Secondary copies are generally kept for administrative use and can be discarded when that purpose has been fulfilled. A records destruction certificate is not necessary when disposing of secondary or convenience copies unless otherwise noted on the retention schedule.
- 6.10** Transitory records can be discarded when their purpose has been fulfilled. A records destruction certificate is not necessary when disposing of transitory records unless there is a previous index of those records.
- 6.11** Confidential or sensitive records, including non-paper media, must be reduced to illegible condition when destroyed.

7. ELECTRONIC RECORDS

- 7.1** Electronic records must be retained in electronic format and remain useable, searchable, retrievable, and authentic for the applicable retention period. Printing and retaining a hard copy is not a substitute for the electronic version. Examples of electronic records include web pages and databases.
- 7.2** Electronic records must be retained and disposed of based on content rather than format. The same retention schedule applies to paper and electronic records.
- 7.3** In making decisions about how long to retain electronic records, employees should first check the retention schedule to ensure compliance and verify that the records are not subject to a legal hold. Many electronic records can be disposed of at the discretion of the employee under the following guidance:
1. If the electronic record is the primary or only copy of an official document, it must be retained for the time period specified by the retention schedule. Once the required retention has been met, the record should be deleted and documented on a records destruction certificate. Departments should contact the Clerk's Office for direction on electronic records designated as "archival."

Examples of official records include policies and procedures, executive level correspondence, and final reports.

2. If the electronic record is transitory in nature with no administrative, legal, fiscal, or archival value, then the record can be deleted at the discretion of the user. Examples include secondary copies of memos, general office notices, general information, working copies, transmittal memos, meeting announcements, invitations to parties, and drafts.
3. E-mail records are subject to the same retention schedule as paper records. Many email records are transitory in nature and may be deleted when they are no longer needed. Emails, both sent and received, that require retention must be managed accordingly. The City may use programs to aid in the management, retention, and disposition of email, including deletion of messages after specific retention periods based on record series. Employees are expected to make use of these programs to ensure that proper retention is applied and that emails that do not need to be retained are deleted appropriately.
 - i. Some examples of email subject to retention include policy and procedure directives; correspondence or memoranda related to official business; documentation of actions, decisions, operations, and responsibilities; documentation of legal or audit issues; documents that initiate, authorize, or complete a business transaction; final reports or recommendations.
 - ii. Most email consists of transitory messages and attachments that may be deleted when no longer needed. An email that has no administrative, legal, fiscal, or archival retention requirements may be deleted as soon as it has served its purpose. Some examples of email not subject to retention include personal messages and announcements not related to official business; information only or duplicate copies; copies of publications; miscellaneous notices or memoranda of a general and non-continuing nature (meeting notices, reservations, confirmations); preliminary drafts of notes, letters, reports, worksheets which do not represent significant steps in the preparation of record documents; requests for routine information or forms.
 - iii. Use of personal email accounts (such as Hotmail or Gmail) for conducting City business is prohibited. In the event email related to the conduct of City business is received at a personal email address, it should be immediately forwarded as an attachment to the City email system.
4. Records created related to City business—including text messages, voicemail messages, and other electronic communications—are City records. These records therefore should be managed according to the applicable retention schedule, and may be subject to disclosure under the Public Records Act. The following is intended to help manage the business-related messages you send or receive on smart phones, tablets, or similar devices (iPhone, iPad, Blackberry, Android, etc.)

- i. With department director authorization, employees may use text messaging only for routine messages that do not need to be retained by the City. Examples include informal notices of meetings, map directions, scheduling information, and other routine messages that would not be kept in a file if it were a paper communication.
 - ii. Text messages may not be used to send policy, contract, formal correspondence, or personnel related data. Sensitive information should not be sent by text message, including social security numbers, credit card numbers, and passwords.
 - iii. Delete transitory, business-related text messages as soon as possible.
 - iv. If a text message needs to be retained pursuant to a retention schedule, employees must transfer the messages to the City's network and/or devices.
5. Notwithstanding the above destruction guidelines, no record may be destroyed of that records must be disclosed pursuant to an existing request for public records (see policy 9 below).

8. TRAINING REQUIREMENTS

8.1 All members of governing bodies, boards and commissions, public records officers, and appointed officials must complete PRA training ([RCW 42.56.150](#) and [42.56.152](#)). Training must be completed **within 90 days** of taking the oath of office or assuming duties. A refresher PRA training is also required every four years as per the Washington State Attorney General's webpage on [Open Government Training](#).

8.2 All City employees are required to receive the same training as required above.

9. LEGAL HOLDS AND PUBLIC RECORDS REQUESTS

9.1 Records involved in litigation or reasonably anticipated or foreseeable litigation will be placed on legal hold and must be preserved until the legal hold is released by the City Attorney's Office. If a record(s) covered by a public records request is scheduled for destruction, the record(s) must be retained until the request is fulfilled.

10. LOCATION OF RECORDS

10.1 City of Prosser records are those that are made or received by the City in connection with the transaction of public business. For this reason, City records are required to be saved and retained in City files or on the City's network and/or devices. City records cannot be saved solely on a personal device or outside City networks. This section does not apply to independent contractors of the City, such as the city engineer or city attorney.