

27.00.060 RETENTION SCHEDULES (CALEA 82.1.3)

State Law Requirements

The State of Washington has statutory requirements for the minimum retention of records. The Department shall follow state record keeping requirements for local governments.

Paper and electronic records (including e-mail messages) are public records under the Public Disclosure Act (RCW 42.17) and the law governing preservation and destruction of public records (RCW 40.14). All employees are required to ensure compliance with these laws.

This procedure defines the need to retain public records and provide direction on retention of public records when an employee leaves the Department.

The City Clerk maintains a copy of the state schedule for the retention of public records. No public record should be disposed of without first confirming, through the City Clerk's office or Department Records Supervisor, the retention requirement for that record.

Responsibility

All employees are responsible for ensuring the retention of Department public records in accordance with retention schedules maintained by the City Clerk's office. Supervisors are responsible for ensuring the retention of public records following the retirement, resignation, or termination of an employee, for whom they are directly responsible.

Retiree's Records

When an employee announces their intent to retire or resign, the employee will be instructed by their immediate supervisor to review their records, including e-mail, to identify all documents that are public record.

Employees and supervisors may contact the City Clerk's office for assistance in determining whether a particular document is public record and, if so, what its retention period is.

Employee Records

When an employee is terminated or leaves abruptly, the employee's immediate supervisor is responsible for going through the employee's records to determine what public records exist. The immediate supervisor will contact Information Services to receive access to the employee's electronic records. Any public records of the previous employee are to be forwarded to Human Resources for retention in the employee's personnel file.

Destruction of public records

Any destruction of official public records shall be pursuant to a schedule approved under [RCW 40.14.050](#). Official public records shall not be destroyed unless:

- ❖ Except as provided under [RCW 40.14.070\(2\)\(b\)](#), the records are six or more years old
- ❖ The department of origin of the records has made a satisfactory showing to the state records committee that the retention of the records for a minimum of six years is both unnecessary and uneconomical, particularly if lesser federal retention periods for records generated by the state under federal programs have been established; or
- ❖ The originals of official public records less than six years old have been copied or reproduced by any photographic, photo static, microfilm, miniature photographic, or other process approved by the state archivist which accurately reproduces or forms a durable medium for so reproducing the original.

Any lesser term of retention than six years must have the additional approval of the director of financial management, the state auditor and the attorney general, except when records have federal retention guidelines the state records committee may adjust the retention period accordingly. An automatic reduction of retention periods from seven to six years for official public records on record retention schedules existing on June 10, 1982, shall not be made, but the same shall be reviewed individually by the state records committee for approval or disapproval of the change to a retention period of six years.

Recommendations for the destruction or disposition of office files and memoranda shall be submitted to the records committee upon approved forms prepared by the records officer of the agency concerned and the archivist. The committee shall determine the period of time that any office file or memorandum shall be preserved and may authorize the division of archives and records management to arrange for its destruction or disposition.

County, municipal, and other local government agencies may request authority to destroy non-current public records having no further administrative or legal value by submitting to the division of archives and records management lists of such records on forms prepared by the division. The archivist, a representative appointed by the state auditor, and a representative appointed by the attorney general shall constitute a committee, known as the local records committee, which shall review such lists and which may veto the destruction of any or all items contained therein.

A local government agency, as an alternative to submitting lists, may elect to establish a records control program based on recurring disposition schedules recommended by the agency to the local records committee. The schedules are to be submitted on forms provided by the division of archives and records management to the local records committee, which may either veto, approve, or amend the schedule. Approval of such schedule or amended schedule shall be by unanimous vote of the local records committee. Upon such approval, the schedule shall constitute authority for the local government agency to destroy the records listed thereon, after the required retention period, on a recurring basis until the schedule is either amended or revised by the committee.

Except as otherwise provided by law, public records shall not be destroyed until approved for destruction by the local records committee.

An automatic reduction of retention periods from seven to six years for official public records on record retention schedules existing on June 10, 1982, shall not be made, but the same shall be reviewed individually by the local records committee for approval or disapproval of the change to a retention period of six years.

The state archivist may furnish appropriate information, suggestions, and guidelines to local government agencies for their assistance in the preparation of lists and schedules or any other matter relating to the retention, preservation, or destruction of records under this chapter. The local records committee may adopt appropriate regulations establishing procedures to be followed in such matters.

Records of county, municipal, or other local government agencies, designated by the archivist as of primarily historical interest, may be transferred to a recognized depository agency.

Records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenders contained in chapter [RCW 9A.44](#) or sexually violent offenses as defined in [RCW 71.09.020](#) that are not required in the current operation of the law enforcement agency or for pending judicial proceedings shall, following the expiration of the applicable schedule of the law enforcement agency's retention of the records, be transferred to the Washington Association of Sheriffs and Police Chiefs for permanent electronic retention and retrieval. Upon electronic retention of any document, the association shall be permitted to destroy the paper copy of the document.

Any record transferred to the Washington association of sheriffs and police chiefs shall be deemed to no longer constitute a public record pursuant to [RCW 42.17.020](#) and shall be exempt from public disclosure. Such records shall be disseminated only to criminal justice agencies as defined in [RCW 10.97.030](#) for the purpose of determining if a sex offender met the criteria of a sexually violent predator as defined in chapter [RCW 71.09](#).

Except as otherwise provided by law, county, municipal, and other local government agencies may, as an alternative to destroying non-current public records having no further administrative or legal value, donate the public records to the state library, local library, historical society, genealogical society, or similar society or organization.

Public records may not be donated unless:

- ❖ The records are seventy years old or more;
- ❖ The local records committee has approved the destruction of the public records; and
- ❖ The state archivist has determined that the public records have no historic interest.