



Washington State



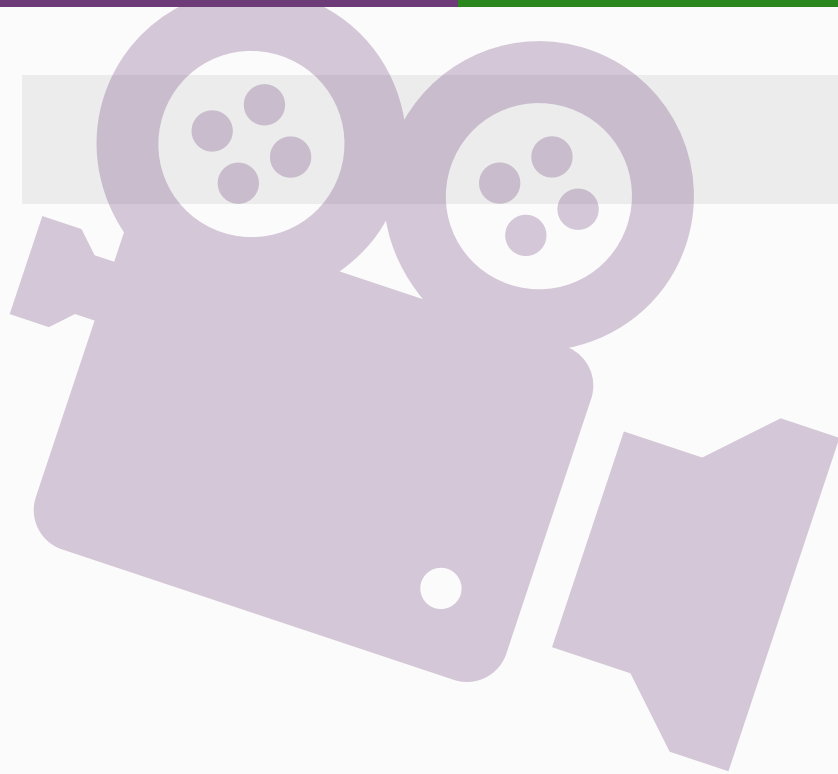
**OFFICE OF
EQUITY**

Public Records Act Training for Workgroup Members

What is a Public Record?

"Public record" includes any **writing** containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. For the office of the secretary of the senate and the office of the chief clerk of the house of representatives, public records means legislative records as defined in RCW [40.14.100](#) and also means the following: All budget and financial records; personnel leave, travel, and payroll records; records of legislative sessions; reports submitted to the legislature; and any other record designated a public record by any official action of the senate or the house of representatives. This definition does not include records that are not otherwise required to be retained by the agency and are held by volunteers who:

- (a) Do not serve in an administrative capacity;
- (b) Have not been appointed by the agency to an agency board, commission, or internship; and
- (c) Do not have a supervisory role or delegated agency authority.



What is "writing?"

For the purpose of public records, "writing" means:

- Handwriting
- Typewriting
- Printing
- Photostating
- Photographing

Or, any other means of recording any form of communication or representation including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

Put more simply...

Anything that is written down or recorded in any way that has to do with official government business (when it is recorded by someone who works for the government) is a public record.

This includes all records that a government body produces, like meeting notes, budgets, and laws they pass.

This ALSO includes anything that an employee writes down while working, including:

- All employee emails
- All computer files like Word documents
- All notes, even a hand-written note on a napkin counts
- Any recording, like a voicemail message or video taken during a meeting
- Chats like Microsoft Teams, Whatsapp, or text messages



Question: I've heard of FOIA (pronounced *Foy-Yah*) requests before, is a Public Records Request like that?

Answer: It's similar, but not the same thing.

FOIA stands for the Freedom of Information Act, which was passed by our federal government in 1966. It allows people to request access documents and records from the federal government by submitting a FOIA request. The difference is that FOIA relates to federal governments and agencies (like United States Congress, or NASA, or the U.S. Department of Commerce).

The Public Records Act, on the other hand, is in regards to Washington State agencies and local governments.

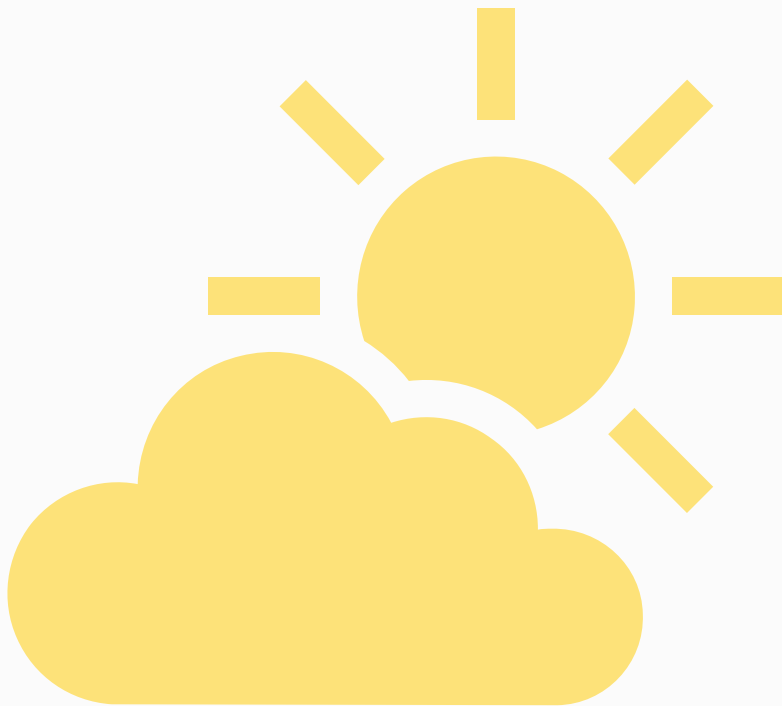


Why do we need public records?

The point of keeping public records is to make sure that the government is accessible, transparent, and fully accountable to the public.

Laws like this are often called ***“Sunshine Laws”*** or ***“Transparency Laws”*** because they make sure that the government cannot hide important information from the people.

Anyone can file something called a “Public Records Request” to their government, whether they want information from their City, County, or State agency. The government must share the requested information with the public. Usually, there is a person whose sole job is to handle Public Records Requests called a “Public Records Officer.”



Records Retention

Public Records must be kept in safe storage for long periods of time so that if a member of the community wants to see them, they are available.

Different types of records have different retention schedules, but this is not something that you have to worry about as a Workgroup Member.

To keep your job as simple as possible, the easiest way for you to avoid any mistakes, is to simply not delete anything. You don't need to know a document's retention schedule as long as you don't delete any documents or communication that are related to your official workgroup duties.

How does this affect me? Part 1

As a government workgroup member, you are in a unique position. You are not official state agency staff, but you are conducting some official business for an agency. This puts you in a position where you do have a little bit, but not most, of the responsibility.

Your responsibilities are:

- Be aware and informed of the public records law (by taking this training!)
- If anyone asks you questions about a public record, refer them to your agency's public records officer
- Don't delete communication or documents related to your role on this workgroup

Optional: You may want to set up an email address that you only use for the purposes of your work on this project, so that your official emails are not mixed in with your personal emails. This will help protect your privacy by ensuring that the public won't be able to find your personal email address, and will also make it easier to respond to any PRA requests without any of your personal emails getting lumped in with the requested documents or communication.

How does this affect me? Part 2

If you are ever not sure whether something is a public record or not, just ask!

Ultimately, it is the responsibility of agency staff to make sure that records are kept appropriately. We are here to support you and ensure that you don't delete public records. It is not your job to respond to records requests or to give any records to the public.

If a member of the public wants to see any records, or asks you about public records in general, you should refer them to the agency staff person who manages your workgroup or to your agency's Public Records Officer.

Questions?

***Note: If you would like a copy of this Tool in its original PowerPoint format to use as a template, contact Natalia.KossVallejo@equity.wa.gov