

Section 1 – Purpose

This Policy provides requirements for the creation, maintenance, use, and disposition of the records of the Orcas Island Health Care District (the “District”). The Policy is designed to facilitate and sustain day-to-day operations; support predictive activities such as budgeting and planning; assist in answering questions about past decisions and activities; and demonstrate and document compliance with laws, regulations, and standards.

Section 2 – Application

This Policy applies to all District officers, employees and volunteers and all District records, regardless of format. Failure to comply with this Policy may result in disciplinary action up to and including termination from service.

Section 3 – Guidance

3.1 Public Records Officer

The Superintendent is the designated Public Records Officer (“Public Records Officer” or “PRO”) and is responsible for public records in the District and oversees compliance with maintenance of public records under RCW 42.56, records retention requirements under RCW 40.14, and this Policy.

3.2 Staff

All District officers and 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. Staff will be responsible and held accountable to meet the District’s responsibilities under this Policy.

Section 4 – Definitions

4.1 Active Record

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.

4.2 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.

4.3 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.

4.4 Essential Record

Essential records are those the District must have in order to maintain or resume business continuity following a disaster and support the District's legal authority, responsibility, rights, and financial status; are necessary to resume and restore operations; and document the rights and obligations of District employees and citizens. Essential records require extra care to ensure they are adequately backed up and recoverable in the event of 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.

4.5 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 may be stored off-site. Inactive records must continue to be safeguarded and protected from damage and disorganization through the retention period.

4.6 Public Record

RCW 40.14.010 defines public record as “any paper, correspondence, completed form, bound record book, photograph, film, sound recording, map drawing, machine-readable material, compact disc meeting current industry ISO specifications, or other document, regardless of physical form or characteristics, and including such copies thereof, that have been made by or received by any agency of the state of Washington in connection with the transaction of public business...”

4.7 Records Disposition

Actions taken with records when they are no longer required to be retained by the District. Possible disposition actions include transfer to archives and destruction.

4.8 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 District, whether the record is designated essential, archival, or potentially archival, and final disposition of the record.

5.2 Retention Period

The retention period is the minimum time that records must be kept before archival, destruction or other applicable disposition.

4.9 Transitory Records

Transitory records only 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. See Retention Schedule for which types of records qualify as “Transitory Records”.

Section 5 – Retention, Disposition, and Destruction

5.1 Retention Schedules

The District’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 the District to legally destroy records only after the minimum retention period listed on the schedule has been met.

5.7 Records Destruction

The PRO or a designee should review records annually, both paper and electronic, and only dispose of or archive records that have met designated retention periods according to the instructions on the applicable retention schedule. District staff should complete a records destruction certificate when destroying primary copies of records in any format (paper, electronic, audio, etc.) that have met retention requirements.

5.9 Transitory Records

Transitory records can be discarded when their purpose has been fulfilled, unless they are related or responsive to a pending public record request or litigation hold. A records destruction certificate is not necessary when disposing of transitory records.

5.10 Confidential or Sensitive Records

Confidential or sensitive records, including non-paper media, must be reduced to illegible condition when destroyed.

Section 6 – Electronic Records

6.1 Electronic Records Format

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.

6.2 Electronic Records Retention

Electronic records must be retained and disposed of based on content rather than format. The same retention schedule applies to paper and electronic records.

6.3 Electronic Records Retention Procedure

In making decisions about how long to retain electronic records, staff should first check the retention schedule to ensure compliance and verify that the records are not subject

to a public record request or legal hold. Many electronic records can be disposed of at the discretion of staff under the following guidance:

- A. 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. Examples of official records include policies and procedures, executive level correspondence, and final reports.
- B. 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, drafts.
- C. 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 District 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. Staff 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 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 and social media accounts (including but not limited to Hotmail, Gmail, Facebook, and Instagram) for conducting District business is prohibited. In the event records related to the conduct of District business is received at a personal email address or social media account, it should be immediately forwarded as an attachment to the District email system.

6.4 Electronic Communications

Records created related to District business—including text messages, voicemail messages, and other electronic communications—are District records. These records therefore (1) should be managed according to the applicable retention schedule, and (2) 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, Android, etc.)

- A. Text messaging should only be used for routine or transitory messages that don't need to be retained by the District. Examples include informal notices of meetings, directions, scheduling information, and other routine messages that would not be kept in a file if it were a paper communication.
- B. 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.
- C. Delete transitory, business-related text messages as soon as possible.
- D. If a text message needs to be retained pursuant to a retention schedule, public record request, or litigation hold, staff must transfer the messages to the District's network and/or devices.

Section 7 – Legal Holds and Public Records Requests

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 Superintendent. 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.

Section 8 – Location of Records

District records are those that are made or received by the District in connection with the transaction of public business. For this reason, District records are required to be saved and retained in District files or on the District's network and/or devices. District records cannot be saved solely on a personal device or outside District networks.

Policy Adopted November 6, 2018

Policy Revised October 7, 2024