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Before You Click “Send” or “Delete”
Updates in Public Records Management

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OVERVIEW

- Duty to retain, disclose, produce
- What is a “public record”?
- Exemptions
- Process for retaining records
- Process for responding to requests
- Consequences for PRA violations

DUTIES

- Retain
- Disclose and/or produce

WHAT IS A “PUBLIC RECORD”?

- Any “writing”
- Containing information relating to governmental functions
- Prepared, owned, used, or retained by any agency
- Regardless of physical form or characteristics

WHAT IS A “PUBLIC RECORD”?

- Printed documents
- Handwritten notes
- Electronic documents and data
- E-mail and voicemail
- Audio and video recordings
- Web pages, blog posts, text messages, Tweets, Facebook posts
- Metadata
- Records on personal computers

EXEMPTIONS

- Deliberative process
- Real estate appraisals
- Proprietary information
- “Privileged” documents



"Oh, please go on. I can listen and shred at the same time."

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PROCESS FOR RETAINING RECORDS

- General rule: retain for 6 years
- Check retention schedules
- Use captions to protect exempt records
- Create a chronicle

PROCESS FOR RESPONDING TO REQUESTS

- Initial response - 5 business days:
 - Provide the record
 - Provide a web site link
 - Estimate time needed
 - Deny

CONSEQUENCES FOR VIOLATIONS

- Penalty: \$5- \$100 per day
- Costs and attorneys fees
- “Negligence” increases penalty
(King County: \$371,340 plus
attorneys fees and costs)

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