

Title 414 WAC

LOCAL RECORDS COMMITTEE

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Chapter 414-04 WAC PROMULGATION

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414-04-010 General purpose.

WAC 414-04-010 General purpose. These regulations are adopted under the provisions of RCW 40.14.070 as amended by section 1, chapter 10, Laws of 1971 ex. sess. and chapter 54, Laws of 1973, in order to furnish procedures for the handling and disposition of obsolete records of local governmental bodies. [Order 103, § 414-04-010, filed 10/3/73; Order 101, § 414-04-010, filed 2/18/72.]

Chapter 414-08 WAC DEFINITIONS

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WAC 414-08-010 "Agency" defined. "Agency" means any county, city, district or other political subdivision or municipal corporation or any department, office, commission, court or board or other local governmental agency, however designated. [Order 101, § 414-08-010, filed 2/18/72.]

WAC 414-08-020 "Public records" defined. "Public records" means any paper, correspondence, form, book, photograph, film, sound recording, map, drawing, or other document, regardless of physical form or characteristics, and including all copies thereof, that have been made by any agency or received by it in connection with the transaction of public business. Reference: RCW 40.14.010. [Order 101, § 414-08-020, filed 2/18/72.]

WAC 414-08-030 "Records classification" defined. "Records classification" means the designation of a record as either an official public record or as office file and memoranda, as those terms are defined by RCW 40.14.010 and by these regulations. [Order 101, § 414-08-030, filed 2/18/72.]

WAC 414-08-040 "Official public records" defined. "Official public records" means all original vouchers, receipts and other documents necessary to isolate and prove the validity of every transaction relating to the receipt, use and disposition of all public property and public income from all sources whatsoever; all agreements and contracts to which the state of Washington or any agency thereof may be a party; all fidelity, surety and performance bonds; all claims filed against the state of Washington or any agency thereof; all records or documents required by law to be filed with or kept by any agency of the state of Washington; all legislative records as defined in section 2, chapter 102, Laws of 1971 ex. sess.; and all other documents or records determined by the records committee to be official public records. Reference: RCW 40.14.010. [Order 101, § 414-08-040, filed 2/18/72.]

WAC 414-08-050 "Office files and memoranda" defined. "Office files and memoranda" means all records, correspondence, exhibits, books, booklets, drawings, maps, blank forms, or documents not defined and classified as official public records; all duplicate copies of official public records filed with any agency; all documents and reports made for the internal administration of the office to which they pertain, but not required by law to be filed or kept with such agency and all other documents or records determined by the records committee to be office files and memoranda. Reference: RCW 40.14.010. [Order 101, § 414-08-050, filed 2/18/72.]

WAC 414-08-060 "Records series" defined. "Records series" means any group of related records which are filed and used as a unit and which permit evaluation as a unit for disposition purposes. [Order 101, § 414-08-060, filed 2/18/72.]

WAC 414-08-070 "Retention period" defined. "Retention period" means the period of time that must elapse before a specific record is destroyed or is eligible for disposal in accord with approved schedules. [Order 101, § 414-08-070, filed 2/18/72.]

WAC 414-08-080 "Permanent records" defined. "Permanent records" means records which have a permanent or enduring administrative legal or fiscal value

and, in consequence thereof, should be retained and preserved indefinitely. [Order 101, § 414-08-080, filed 2/18/72.]

WAC 414-08-090 "Archival records" defined. "Archival records" means permanent records or records which have only temporary legal, financial or administrative value but which are of historical or other research value and which are noncurrent and not required to be retained in the office of origin. [Order 101, § 414-08-090, filed 2/18/72.]

WAC 414-08-100 "Retention schedule" defined. "Retention schedule" means a compilation of records of an office by name and description which indicates the length of time each record must be retained and authorizing its disposition. [Order 101, § 414-08-100, filed 2/18/72.]

Chapter 414-12 WAC CUSTODY OF PUBLIC RECORDS

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| 414-12-010 | Public records as public property. |
| 414-12-020 | Custody. |
| 414-12-030 | Authority to transfer records. |

WAC 414-12-010 Public records as public property. All public records shall be and remain the property of the agency. They shall be delivered by outgoing officials and employees to their successors and shall be preserved, stored, transferred, destroyed, and otherwise managed, only in accordance with the provisions of chapter 40.14 RCW or as otherwise provided for by law. [Order 101, § 414-12-010, filed 2/18/72.]

WAC 414-12-020 Custody. Unless otherwise provided by law public records must remain in the custody of the office in which they were originally filed, which shall be considered the office of record, or should be destroyed or transferred pursuant to instructions from the local records committee as required by chapter 41.40 RCW. They shall not be placed in the custody of any other person or agency, public or private, or released to individuals, except for disposition pursuant to law or unless otherwise expressly provided by law or by these regulations. [Order 101, § 414-12-020, filed 2/18/72.]

WAC 414-12-030 Authority to transfer records. In lieu of retention in the office of record, records of archival or historical value may be officially transferred to the Washington state archives or other depository officially designated by the state archivist.

Records designated by the archivist as of primarily historical interest may be transferred to a recognized depository agency, selected by the archivist, in order to relieve local offices of the burden of housing them, to insure their preservation, and make them available for reference or study. Public officials are authorized to transfer, to the Washington state archives, records in their custody which are no longer in current use. The

state archives is not under obligation to acquire such records and will accept only those records deemed valuable as an historical source. Any transfer of records must be by concurrent agreement, excepting wherein records are selected for preservation as historical sources from lists or schedules submitted to the committee for destruction authorization. Records retention guidelines prepared by the archivist, with archival notations, are suggestive only and not obligating upon either party. [Order 101, § 414-12-030, filed 2/18/72.]

Chapter 414-20 WAC POWERS AND DUTIES OF THE LOCAL RECORDS COMMITTEE

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| 414-20-010 | Membership. |
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| 414-20-030 | General powers of the committee. |
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| 414-20-050 | Duties of the state archivist. |
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WAC 414-20-010 Membership. The chief examiner of the division of municipal corporations of the state auditor's office, the state archivist, and a representative appointed by the attorney general shall constitute a committee to be known as the local records committee. Reference: RCW 40.14.070. [Order 101, § 414-20-010, filed 2/18/72.]

WAC 414-20-020 Committee officers—Duties. The chief examiner of the division of municipal corporations shall be ex officio president of the local records committee. The representative appointed by the attorney general shall be vice president. The state archivist shall act as secretary and shall be responsible for the proper recording of its proceedings. [Order 101, § 414-20-020, filed 2/18/72.]

WAC 414-20-030 General powers of the committee. The local records committee may adopt appropriate regulations establishing procedures for records disposition authorization, scheduling and other matters relating to the retention, preservation or destruction of public records of local government agencies; may exercise such further powers as are granted by chapter 40.14 RCW or any other statute. [Order 101, § 414-20-030, filed 2/18/72.]

WAC 414-20-040 General duties of the committee. The committee shall review lists of records submitted to it for destruction authorization and may veto the destruction of any or all items contained therein.

The committee shall also review recurring records disposition schedules recommended to it by agencies of local government and may veto, approve or amend the schedule. Approval of a schedule or amended schedule shall be by unanimous vote of the local records committee members. [Order 101, § 414-20-040, filed 2/18/72.]

WAC 414-20-050 Duties of the state archivist. To facilitate the work of the committee the state archivist shall have reasonable access to all public records, wherever kept, for purposes of information, surveying or cataloging them and shall perform the following duties:

(1) He shall approve or disapprove microfilm projects undertaken by local governmental agencies, according to appropriate standards promulgated by his office.

(2) He shall designate those records of county, municipal or other governmental agencies which are of primarily historical interest and arrange for their transfer to a depository designated by the archivist, in order to relieve local offices of the burden of housing such records and to insure their preservation.

(3) He shall provide guidelines to local governmental agencies for their assistance in preparing lists and schedules for records destruction authorization. [Order 101, § 414-20-050, filed 2/18/72.]

WAC 414-20-060 Committee meetings. The committee shall meet in open public session on the last Thursday of each month at 8:30 a.m. to consider all business relevant to the duties of the committee, at the Office of the State Archivist, Olympia, Washington. [Order 103, § 414-20-060, filed 10/3/73.]

Chapter 414-24 WAC

RECORDS DISPOSITION AUTHORIZATION

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WAC 414-24-010 Statutory requirements. No public record other than office files and memoranda of any local government agency shall be destroyed until it is either photographed, microphotographed, photostated, or reproduced on film, or until it is seven years old or until the seven year retention period is reduced by the local records committee for records that are shown by the requesting agency to have lesser federal—Retention guidelines. Except as otherwise provided by law, no public record including office files and memoranda shall be destroyed until approved for destruction by the local records committee. Reference: RCW 40.14.070. [Order 103, § 414-24-010, filed 10/3/73; Order 101, § 414-24-010, filed 2/18/72.]

WAC 414-24-020 Types of destruction authorizations. Requests to destroy public records in the possession of local governmental agencies shall be approved only by the local records committee and shall be of two types as further set forth in these regulations; namely (1) listed nonrecurring authorization; and (2) recurring

disposition schedules. [Order 101, § 414-24-020, filed 2/18/72.]

WAC 414-24-030 Listed nonrecurring authorization. County, municipal and other local governmental agencies may request authority to destroy noncurrent public records having no further administrative or legal value by submitting to the local records committee lists of such records on forms provided by the division of archives. Such lists, when approved by the committee, constitute authority to destroy the specifically dated records indicated. Listed authorizations are valid only for the dates specified and are not recurring for subsequently dated records without submittal of a new list. [Order 101, § 414-24-030, filed 2/18/72.]

WAC 414-24-040 Recurring disposition schedules. A local governmental 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 committee, which may either veto, approve, or amend the schedule. Approval of such schedules or amended schedules shall be by unanimous vote of the local records committee. [Order 101, § 414-24-040, filed 2/18/72.]

WAC 414-24-050 General schedules may be adopted. The local records committee may approve and issue records retention/disposition schedules, which shall constitute authority to dispose of specific records, held commonly by many agencies, after a required retention period on a recurring basis until the schedule is either amended or revised by the committee. [Order 101, § 414-24-050, filed 2/18/72.]

WAC 414-24-060 Records retention and disposition guidelines. The state archivist may furnish suggestions and guidelines to local governmental agencies for their assistance in the preparation of lists and schedules and may furnish information relating to any other matter relating to the retention, preservation or destruction of public records. Such guidelines may be published and include suggestions relative to the minimal retentions of records and recommendations for microfilming. The guidelines are suggestive only and are not records destruction authorizations. Reference: RCW 40.14.070. [Order 101, § 414-24-060, filed 2/18/72.]

WAC 414-24-070 Methods of record destruction—Generally. When the local records committee has authorized the disposal of public records by or for destruction, it shall be the responsibility of the agency having requested such authorization to cause such records to be destroyed promptly and effectively. The primary purpose of such destruction shall be that of reducing the records to an illegible condition. Burning, pulping or shredding are considered to be the most effective methods of accomplishing that purpose. [Order 101, § 414-24-070, filed 2/18/72.]

WAC 414-24-080 Destruction--Sale for recycling.

Pursuant to appropriate authorization from the local records committee, an agency may destroy records by reselling them for recycling purposes, under the following conditions:

(1) The prompt destruction of the records shall be insured, and the responsibility for such destruction shall continue to be that of the agency until effectuated.

(2) The individual or entity purchasing such records shall have in effect or provide a performance bond, in a penal sum of not less than \$100,000 or the face value of the records being sold, whichever is least.

(3) Records shall not be kept in unattended and unprotected storage awaiting their destruction.

(4) The agency shall obtain and preserve evidence of the destruction of such records in the form of a destruction certificate from the person or entity to whom they are sold. [Order 101, § 414-24-080, filed 2/18/72.]

WAC 414-24-090 Seven year retention procedure.

There shall be no automatic reduction of retention periods from 10 to 7 years for official public records on existing record retention schedules. Each schedule shall be reviewed by the local records committee for approval or disapproval of the change to a disposition period of seven years. Reference: Section 5, chapter 54, Laws 1973. [Order 103, § 414-24-090, filed 10/3/73.]