

Records Retention: The Preservation and Destruction of Public Records Act (PDPRA)

RCW 40.14

The Basics of Records Management

- **The Local Government Common Records Retention Schedule (CORE 2021)**
- **Approved by the Local Records Committee in accordance with RCW 40.14.070**
- **CORE 2021 is applicable to the fire service as mandated by the Secretary of State**

The Basics of Records Management

- **For copy of CORE 2021:**
[https://www.sos.wa.gov/assets/archives/recordsmanagement/local-government-common-records-retention-schedule-core-v.4.2-\(august-2021\).pdf](https://www.sos.wa.gov/assets/archives/recordsmanagement/local-government-common-records-retention-schedule-core-v.4.2-(august-2021).pdf)
- **All timelines specified in this presentation are based on CORE 2021**
- **Records must generally be retained for six years, if not covered by CORE 2021. RCW 40.14.070**

May a Public Record Ever be Destroyed?

“Public records designated as Archival (Permanent Retention) or Non-Archival (with a retention period of “Life of the Agency” or “Permanent”) must not be destroyed”

Source: CORE 2021, page one

Abbreviations

- **RP=Retention Period**
- **A=Archival (consult us and WA Archives)**
- **N=Non-Archival (you may destroy record after RP)**
- **NLNB: No longer needed for agency business**

Executive Comm'n (A)

CORE 2021 1.1; 7

- **RP= 2 years from the date of their receipt or when provided, whichever is later**
- **These types of communications are made “in the transaction of the agency’s business”**
- **Applies to high-level officials (chief, cmmrs., district secretary)**

Non-Executive Comm'n (N)

1.1; 8

- **Communications by employees (including volunteers) that are made “in connection with the transaction of public business”**
- **Includes emails and social networking posts**
- **Does not include communications on behalf of executives (see previous slide)**
- **RP=Two Years**

Resolutions (A)

1.9; 36

1. Non-Approved Resolutions

RP=Retain for three years from the decision not to proceed

2. Approved Resolutions

RP=NLNB

Policies and Procedures (A)

1.12; 46

- **RP=NLNB**
- **Exercise Caution**

Employment Records

Type of Record/CORE Page Number	Disposition and RP
Collective Bargaining Agreements/18	N: 6 years after expiration of agreement or completion of transaction, whichever is later
Grievances/128	N: 6 years after matter resolved and NLNB
Employee Work History/129	N: 6 years after termination of employment and NLNB
Misconduct Investigations (founded)/131	N: 6 years after case closed and disciplinary action taken and NLNB
Misconduct Investigations (unfounded)/132	N: 3 years after case is closed and NLNB
Performance Evaluations/132	N: 3 years after <i>next</i> evaluation and NLNB

Meeting/Planning Documents

Type of Record/CORE Page Number	Disposition/RP
Members' Copies/Notes/Drafts/39	N: NLNB SPECIAL NOTE: These records must be retained by the <i>secretary</i>
Records Documenting Meetings of Governing Body <i>and</i> Meetings of Executive Management/40	A: 6 years after end of calendar year
Inter-Agency Meetings/41	A: 6 years after calendar year or end of project, whichever is longer
Meetings of Internal Committees/42	N: 2 years and NLNB
Development of Strategic Plan/44	N: NLNB

Fire/EMS Records

- **Specific Retention Schedule**
- **<http://www.sos.wa.gov/archives/RecordsManagement/Records-Retention-Schedules-for-Fire-and-Emergency-Medical-Service-Districts.aspx>**

Fire/EMS Records

- **Medical Incident Reports=8 years after health care provided (N) (but remember minors)**
- **Above schedule does not include HAZMAT incidents**
- **Fire Incident Reports=6 years (N)**
- **Burn Permits=3 years (N)**
- **Fire Code Violation Notifications=6 years (N)**

“Transitory Records”

- **Very Special Note: These records generally must not be covered by a *more specific* retention series**

Type of Record/ CORE page #	Disposition/RP
Exchange of Ideas/Brainstorming/Collaboration/157	N: NLNB
Drafting and Editing/157	N: NLNB Special Note: This does not apply if draft is used for “external consultation” or as needed to establish “due diligence”
General Info Received from other agencies	N: NLNB Special Note: Must not be tied to “action”

Search Requirements

- **Agencies must make a sincere and adequate search for records. RCW 42.56.100; *Spokane County*, 261 P.3d 119 (2011)**
- **We recommend that your office keep a copy of CORE 2021**
- **Our three-page Matrix is more user-friendly 😊 (available upon request)**

Practical Considerations

RCW 42.56.100

- **Why is CORE 2021 important in context of PRA?**
- **If public records request made, agency cannot destroy any records covered by that request**

Thanks for Attending!
Check out our free
newsletter at
firehouselawyer.com

