



TEACHER STANDARDS AND PRACTICES COMMISSION



Public Records Management Policy

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| Subject: Public Records Requests | Approval Signature: <i>Morica Beane</i> |
| Policy Applies to: All agency employees and contractors | Approval Date September 16, 2016 |
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POLICY

ORS 192.018 requires every state agency to have a “written policy that sets forth the agency’s use, retention and ownership of public records” so that public records are being maintained and managed appropriately across state agencies, enterprise-wide, from the time of creation of a public record to the time of final disposition of the public record.

Agencies are required to seek review and approval from the State Archivist, in accordance with ORS 192.018, prior to adopting an internal public records management policy.

Agencies must review and, if necessary, update their public records management policy to reflect changes in applicable laws and policies and/or changing business needs and ensure ongoing accessibility at least once per biennium. Any updates or revisions must be submitted for review and approval by the State Archivist in accordance with ORS 192.018, prior to adoption.

SPECIAL SITUATIONS

- Retained records may be subject to public disclosure upon request, even if their retention was not required by law. The statutes requiring public disclosure of records apply more broadly than the statutes requiring records to be retained.
- Agencies are not required to create public records that would not otherwise exist.
- Only the official copy of a public record must be retained. Stock of publications are not public records and may be preserved for convenience or destroyed.

GENERAL INFORMATION

The goal of this Policy is to ensure public records are managed and maintained appropriately within the Teacher Standards and Practices Commission (hereinafter: TSPC) and consistently across the enterprise of state government.

This TSPC Public Records Management Policy, adopted in accordance with the requirements of DAS Statewide Policy 107-011-020 and ORS 192.018, addresses the following components:

- I. Public Records Maintenance
- II. Roles and Responsibilities
- III. Education and Training
- IV. Access and Ownership

- V. Integrity
- VI. Retention Generally
- VII. Storage and Retrieval
- VIII. Public Records Requests
- IX. Disposition and Destruction

COMPLIANCE

TSPC shall develop and implement internal processes and procedures that support compliance, deter abuse, and detect violations of this Policy.

DEFINITIONS

“**Cloud-computing**” has the same meaning as defined in the National Institute of Standards and Technology (NIST) [Special Publication 800-145](#).

“**Custodian**” refers to a public body mandated, directly or indirectly, to create, maintain, care for or control a public record. “Custodian” does not include a public body that has custody of a public record as an agent of another public body that is the custodian, unless the public record is not otherwise available.

“**Instant Messaging**” refers to real-time text communications between or among computers or mobile devices over the Internet or functionally similar communications network.

“**Metadata**” is data that provides information about other data. Metadata assists in resource discovery by allowing resources to be found by relevant criteria, identifying resources, bringing similar resources together, distinguishing dissimilar resources, and giving location information.

“**Public Record**” has the meaning established in ORS 192.005. In general it refers to information that is prepared, owned, used or retained by a state agency or political subdivision; relates to an activity, transaction or function of a state agency or political subdivision; and is necessary to satisfy the fiscal, legal, administrative or historical policies, requirements or needs of the state agency or political subdivision.

“**Social Media**” refers to web-based and mobile communication technologies that allow the creation and exchange of user-generated content such as comments or responsive postings. Examples of “social media” as of the time this Policy is adopted include but are not limited to Twitter, Flickr, blogging sites, Facebook, YouTube and Instagram.

“**Text Messaging**” refers to messages exchanged between fixed-line phones or mobile phones and fixed or portable devices over a network. Excluded from the definition of “text messages” are electronic mail (“e-mail”) communications, whether such messages are exchanged among or between official State of Oregon e-mail accounts or e-mail accounts maintained by private entities.

“**Unified Communications**” refers to IBM Unified Communications and, more specifically, the packaged services or user-profiles available to agencies (e.g. instant messaging, video conferencing, telephony, call management and call controls across multiple systems, etc.).

POLICY GUIDELINES

I. PUBLIC RECORDS MAINTENANCE

Public records shall be maintained and managed in a manner that protects the integrity of the records with TSPC without regard to the technology or medium used to create or communicate the record, from the time of creation of a public record to the time of final disposition of the public record as determined by their authorized records retention schedule.

II. **ROLES AND RESPONSIBILITIES**

Oregon law requires agencies to designate an Agency Records Officer “to coordinate its agency’s Records Management Program” (ORS 192.105 (2)(a)). TSPC records officer, will serve as primary liaison with the State Archivist and receive training from the State Archivist in performing their duties.

TSPC will ensure agency public records are managed in accordance with their authorized records retention schedules, from the time of creation to final disposition, by assigning designated staff/positions with the following responsibilities:

- Regularly review records, regardless of format (electronic, paper, etc.) to determine if records should be retained or destroyed;
- Identify and develop retention schedules for new records series (groups of records);
- Maintain a filing system of the agency’s paper and electronic records based on authorized retention schedules.
- Coordinate and track employee completion of public records management training to ensure agency staff understand how records are properly managed, in compliance with authorized records retention schedules;
- Review and update internal public records management policies and procedures. Obtain State Archivist approval of revisions to the agency public records management policy;
- Develop and implement internal processes and procedures for the transfer, retrieval and destruction of records in accordance with authorized retention periods; and
- Ensure that records are destroyed according to their authorized retention period.

III. **EDUCATION AND TRAINING**

Basic public records training will be completed as a component of TSPC new employee orientation training; and incorporated as part of regular employee training, completed once a biennium. TSPC will use the following training programs to provide public records training for new employees:

- **Review of TSPC Public Records Policy**
- **iLearn Course: SOS - Intro to Oregon Public Records Law (Records Management 101)**

IV. **ACCESS AND OWNERSHIP**

Without regard to how public records are being stored, TSPC will have custody and control over public records. Through on-going review of technological advances, agencies shall ensure all public records are maintained and accessible for as long as required by applicable retention schedules or litigation holds.

TSPC disaster mitigation process will be taken from the Oregon Association Municipal Records and the Secretary of State, Archives Divisions —Manual for Creating a Disaster Preparedness and Recovery Plan, incorporated by reference [here](#).

V. **INTEGRITY**

TSPC will ensure appropriate access and version controls are applied to all electronically stored records from record creation to final disposition.

The authenticity of each record can be demonstrated either by certified copy of paper records or via accompanying metadata for all electronic records.

VI. **RETENTION GENERALLY**

TSPC will preserve and classify public records in accordance with ORS chapter 192, OAR chapter 166-300 and DAS Statewide Policy 107-004-050 regarding Information Asset Classification.

TSPC will work with the Archives Division to establish retention practices to ensure compliance with ORS chapter 192 and OAR chapter 166-300.

a. **CLOUD-COMPUTING**

TSPC practices and procedures with respect to public records management in the Cloud will ensure compliance with DAS Statewide Cloud-Computing Policy (DAS Statewide Policy 107-004-150; 107-004-150; 107-004-150 PR) and OAR chapter 166.

b. **EMAIL**

Official Email Accounts

In most circumstances, emails sent to or from a State employee's official email account will meet the definition of a public record. It is therefore TSPC's policy that virtually all email messages composed or sent using employees' official equipment and/or official email addresses be for primarily business purposes.

When the TSPC receives a public records request, all official email accounts and systems used for official state business are subject to search and production.

Personal Email Accounts

If private email accounts must be used to conduct state business, it is TSPC's policy that employees copy their official email accounts on all such outgoing communications, and forward any received messages on which their official email accounts are not copied immediately or as soon as practicably possible.

c. **INSTANT MESSAGING**

TSPC's policy regarding Instant Messages shall be the same as that recited below regarding TEXT MESSAGING.

d. **SOCIAL MEDIA**

The agency does not use or maintain any social media sites.

e. **TEXT MESSAGING Acceptable Use:**

TSPC employees may use text messaging to communicate factual and logistical information that is not part of or related to conducting official state business, unless that information has been documented elsewhere; or will be documented and retained as a separate public record according to the agency's authorized records retention schedule.

In the absence of separate documentation, TSPC employees are not to use text messages for official purposes other than for routine communications that do not meet the definition of a "public record."

Examples of Acceptable Uses:

- Scheduling.
- Requesting a call or email on a matter, without substantive discussion.
- Requesting or offering logistical assistance ("Can you help me get these boxes to the courthouse?")
- Forwarding any person's contact information ("I'm at 503-378-6002.")
- Explaining your current whereabouts, or inquiring about someone else's ("We're at the meeting discussing this morning's announcement. Are you around?")
- Describing facts or events that do not relate to the substance of the office's work

("Spilled coffee all over myself right before trial!"), or that have been or necessarily will be separately recorded ("Mr. Jones just testified to the committee that our bill would cost taxpayers \$3 million.")

- Inquiring about events like those in the previous bullet ("Has Mr. Jones testified in committee yet?")

Unacceptable Use:

TSPC employees must avoid communicating official state business or engaging in discussions regarding the primary business of employee's work over text-message.

As noted above, relevant facts pertaining to official state business may be reported only if they are already documented in separate public records or they necessarily will be documented in a separate public record.

If, notwithstanding this Policy, text message is used to communicate information (not otherwise documented) relating to official state business or primary business of the employee's work, such discussion is to be immediately converted and saved in a separate public record format (e.g. by forwarding the relevant text messages to an employee's official e-mail).

Because TSPC requires that no text message-based public records be created –or if they are created, that be converted and saved in an alternate format, which would serve as the official copy of the record – TSPC will not retain text messages.

TSPC employees' personal electronic devices should not be used to transmit text messages related to state business. Personal devices are subject to search if used to transmit text messages regarding official state business and/or information related to employee's work that rises to the level of creating a public record.

f. **UNIFIED COMMUNICATIONS**

TSPC will identify public records created by actively using Unified Communications features and ensure those records are appropriately managed in accordance with authorized records retention schedules as well as other applicable State and Federal policies and laws.

g. **VOICEMAIL**

Unless otherwise required, TSPC will not retain messages on voicemail.

Email transcriptions of voicemails that are determined to be public records will be retained in accordance with authorized records retention schedules and may be subject to public disclosure upon request.

VII. STORAGE AND RETRIEVAL Paper Records:

TSPC will maintain a filing system of the agency's paper records based on authorized retention schedules. The filing system will include the location of records, retention periods and procedures for retrieval to ensure accessibility of agency records.

Electronic Records:

TSPC will maintain a filing system and naming conventions for all agency records stored in electronic format based on the agency's authorized retention schedules. The filing system and naming conventions will include the location of records in agency directories, retention periods, access

controls and privacy conditions to support management of the agency's inventory of electronic records.

TSPC will work with the State Archivist to ensure that retention periods for all records have been met before any data is destroyed and prior to deleting any large electronic record system.

VIII. PUBLIC RECORDS REQUESTS

TSPC will post on the agency website the procedures and required forms for all public records and/or data requests. TSPC will respond to all official requests for public records as timely as possible, consistent with the proper exercise of judgment relating to the TSPC other duties. Additionally, TSPC will maintain a log of all public records requests received and released.

IX. DISPOSITION AND DESTRUCTION OF PUBLIC RECORDS

TSPC will dispose of and/or destroy public records in accordance with the requirements of authorized records retention schedules and OAR chapter 166-300.

Pursuant to ORS 357.855, the State Archivist shall be consulted by TSPC employees for advice and assistance with determining the disposition of certain record types, not accounted for in State Agency General or Special Retention Schedules and reconciliation of unforeseen issues regarding public records.