



**DEPARTMENT OF CORRECTIONS
Administration**



Title:	Public Records Management	DOC Policy: 10.1.9
Effective:	10/1/16	Supersedes: N/A
Applicability:	All employees and functional units	
Directives Cross-Reference:	DAS Statewide Policy 107-001-020 Release of Public Record - Div 37 Acceptable Use of Electronic Information – 60.1.1 Electronic Mail, Internet Usage, and Computer Investigation – 60.1.2	
Attachments:	Social Media Plan	
Links:	State Agency General Records Retention Schedules http://sos.oregon.gov/archives/Documents/recordsmgmt/sched/schedule-corrections.pdf	

- I. **PURPOSE:** The purpose of this policy is to establish a public records management policy for the Department of Corrections as required by DAS statewide Policy 107-001-020 and ORS 192.018.

Background: 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 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. Stocks of publications are not public records and may be preserved for convenience or destroyed.

II. DEFINITIONS

- A. Cloud-computing: As defined in the National Institute of Standards and Technology (NIST) [Special Publication 800-145](#).

- B. Custodian: 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.
- C. Instant Messaging: Real-time text communications between or among computers or mobile devices over the Internet or functionally similar communications network.
- D. Functional Unit Manager: Any person within the Department of Corrections who reports to the Director, an Assistant Director, or an Administrator and has responsibility for delivery of program services or coordination of program operations.
- E. Metadata: 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.
- F. Public Record: As defined 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.
- G. Social Media: Web-based and mobile communication technologies that allow the creation and exchange of user-generated content such as comments or responsive postings. Examples include but are not limited to Twitter, Flickr, blogging sites, Facebook, YouTube, and Instagram.
- H. Text Messaging: Messages exchanged between fixed-line phones or mobile phones and fixed or portable devices over a network, excluding email communications, whether such messages are exchanged among or between official State of Oregon email accounts or email accounts maintained by private entities.
- I. Unified Communications: 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 control across multiple systems etc.).

III. POLICY

A. General Information

The goal of this policy is to ensure public records are managed and maintained appropriately within the Department of Corrections and consistently across the enterprise of state government. The policy addresses the following components:

- Public Records Maintenance
- Roles and Responsibilities
- Education and Training
- Access and Ownership
- Integrity
- Retention, Generally
- Storage and Retrieval

- Public Records Requests
- Disposition and Destruction

B. Compliance

The department shall develop and implement internal processes and procedures that support compliance, deter abuse, and detect violations of this policy.

IV. POLICY GUIDELINES

A. Public Records Maintenance

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

B. Roles and Responsibilities

1. Oregon law requires agencies to designate an Agency Records Officer “to coordinate its agency’s Records Management Program” (ORS 192.105 (2)(a)). DOC shall designate a Records Officer from Central Administration to set records maintenance standards for the department. The DOC Records Officer will serve as the primary liaison with the State Archivist and receive training from the State Archivist in performing his or her duties.
2. The department will ensure agency public records are managed in accordance with its authorized records retention schedules, from the time of creation to final disposition, by assigned designated staff with the following responsibilities:
 - a. Regular review of records to determine if records should be retained or destroyed.
 - b. Identify and develop retention schedules for new records series.
 - c. Maintain a filing system of the department’s records based on authorized retention schedules. The filing system must include the description and location of the public records, including records the department is required to maintain due to litigation and/or special audit.
 - d. Coordinate and track employee completion of public records management training.
 - e. Review and update this policy and any related procedures.
 - f. Develop and implement internal processes for the transfer, retrieval, and destruction of records.
 - g. Ensure records are destroyed according to the retention schedule.
 - h. Document the destruction of the records and retain that documentation.
3. Each functional unit manager will designate an appropriate position with sufficient authority to work with the Records Officer to ensure compliance with the above-listed duties for their respective unit.

C. Education and Training

Basic public records training will be completed as a component of DOC new employee orientation training, and incorporated as part of regular employee training once a biennium. The public records training shall be provided through iLearn.

D. Access and Ownership

1. Without regard to how public records are being stored, the department will have custody and control over public records. Through ongoing review of technological advances, the department shall ensure all public records are maintained and accessible for as long as required by applicable retention schedules or litigation holds.
2. The department's disaster mitigation process is addressed in its Business Continuity and Recovery Plans, and is incorporated by reference here.

E. Integrity

1. The department will ensure appropriate access and version controls are applied to all electronically stored records from record creation to final disposition.
2. The authenticity of each record can be demonstrated either by certified copy of paper records or via accompanying metadata for all electronic records.

F. Retention, Generally

The department will preserve and classify public records in accordance with ORS Ch192, OAR 166-300 and DAS Statewide policy 107-004-050 regarding Information Asset Classification. The department will work with the Archives Division to establish retention practices to ensure compliance with ORS Ch192 and OAR 166-300.

1. Cloud Computing:

The department's 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 PR) and OAR Ch166.

2. Email – Official Email Accounts:

- a. 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 department policy that virtually all email messages composed or sent using employees' official equipment and/or official email addresses be for primarily business purposes.
- b. When the department receives a public records request, all official email accounts and systems used for official state business are subject to search and production.

3. Email – Personal Email Accounts:

If private email accounts must be used to conduct state business, it is department 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.

4. Social Media:

- a. Any content placed on any social media platform by the department shall be an accurate copy of an official record that is retained elsewhere by the department per the authorized records retention schedules.
 - b. The department will develop practices and procedures to manage agency use of social media to ensure public records are accurately captured and retained per authorized records retention schedules. The DOC Social Media Plan is attached to this policy.
5. Text Messaging and Instant Messaging:
- a. DOC 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 authorized records retention schedule.
 - b. In the absence of separate documentation, DOC 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.
 - c. Examples of Acceptable Use:
 - 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 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.”).
 - Inquiring about events like those in the previous bullet (“Has Mr. Jones testified in committee yet?”).
 - d. DOC employees must avoid communicating official state business or engaging in discussions regarding the primary business of employee’s work over text-message.
 - e. 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.
 - f. If 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 or saving screen shots of the relevant text messages).

- g. Because the department requires that no text message-based public records be created, or if they are created, that they be converted and saved in an alternate format that would serve as the official copy of the record, the department will not retain text messages.
 - h. DOC employees should not use personal electronic devices 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.
 - i. The department policy regarding Instant Messages shall be the same as text messaging.
6. Unified Communications:
- a. The department 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.
 - b. The department's Unified Communications records practices and procedures are based on the user profile selected and services available to DOC.

7. Voicemail:

Unless otherwise required, the department 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.

G. Storage and Retrieval

- 1. Paper Records: The department 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.
- 2. Electronic Records: The department 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.
- 3. The department 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.

H. Public Records Requests

- 1. The department will respond to all official requests for public records as timely as possible, consistent with the proper exercise of judgment relating to the department's other duties.

2. Additional policies and procedures related to requests for public records (intake, processing, and disclosure and/or determinations related to fees and charges) are the subject of separate agency policies and statewide protocols, processes, and procedures.

I. Disposition and Destruction of Public Records

1. The department will dispose of and/or destroy public records in accordance with the requirements of authorized records retention schedules and OAR chapter 166-300.
2. Pursuant to ORS 357.855, the State Archivist shall be consulted by DOC 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.

IV. IMPLEMENTATION

The department will work with the State Archivist for final approval of this policy. This policy will be reviewed again in six months to ensure compliance.

Certified: signature on file
Birdie Worley, Rules Coordinator

Approved: signature on file
Brian Belleque, Deputy Director