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Psychiatric Security Review Board STATEWIDE POLICY	REFERENCE/AUTHORITY: ORS 192.018, 174.112 Executive Order 16-06	
POLICY OWNER PSRB Executive Director		
SUBJECT Public Records Management	APPROVED SIGNATURE Alison Bort, Executive Director (signature on file with DAS Business Services)	

POLICY

Oregon Revised Statute 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 a public record’s creation to the its final disposition.

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.

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

SPECIAL SITUATIONS

- Retained records may be subject to public disclosure upon request, even if the law did not require their retention. 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 is not a public record 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 Psychiatric Security Review Board (“PSRB”) and consistently across the enterprise of state government.

The Psychiatric Security Review Board’s Public Records Management Policy—adopted in accordance with the requirements of DAS Statewide Policy 107-001-020 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

The PSRB 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 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 this Policy’s adoption include, but are not limited to: Twitter; Flickr; blogging sites; Facebook; YouTube; and Instagram.

“Text Messaging” refers to the act of exchanging messages 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, call control across multiple systems, etc.).

POLICY GUIDELINES

I. PUBLIC RECORDS MAINTENANCE

Public records shall be maintained and managed in a manner that protects the records’ integrity within PSRB’s owned or controlled spaces, regardless of the technology or medium used to create or communicate the record, from the time of the public record’s creation to the time its final disposition, 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)). The PSRB’s records officer will serve as primary liaison with the State Archivist and receive training from the State Archivist in performing the position’s duties. The Executive Assistant to the Executive Director shall serve as the Psychiatric Security Review Board’s records officer, and will have duties and responsibilities consistent with ORS 192.105(a), as listed in this section.

The Psychiatric Security Review Board will manage its public records in accordance with its authorized records retention schedules, from the time of creation to final disposition, by assigning the designated staff/position(s) to work with the Archives Division and State Archivist to:

- On a regular basis, review records, regardless of format (electronic, paper, etc.) to determine if they should be retained or destroyed [records officer, research analyst];
- Identify and develop retention schedules for new records series (groups of records) [records officer; research analyst];
- Maintain a filing system, based on authorized retention schedules, of PSRB’s paper and electronic records. This filing system shall include the description and location of public records, including records the agency is required to retain due to litigation (active litigation hold) and/or special audits. Records retained beyond their authorized retention period due to mitigating administrative need

shall also be accounted for in the filing system. The PSRB is required to submit written justification of the mitigating administrative need to the State Archivist for approval, and will do so as required [records officer, with assistance from the research analyst];

- Coordinate and track employee completion of public records management training to ensure PSRB staff understand how to manage records properly, in compliance with authorized records retention schedules [records officer and deputy director];
- Review and update internal public records management policies and procedures. Obtain State Archivist approval of revisions to the agency public records management policy [records officer and deputy director];
- Develop and implement internal processes and procedures for the transfer, retrieval and destruction of records in accordance with authorized retention periods [records officer];
- Ensure that records are destroyed according to their authorized retention period [records officer, with input from the research analyst]; and
- Document the destruction of public records and retain that documentation according to the authorized records retention schedule found in OAR chapter 166, division 300 [records officer, with assistance from the research analyst].

III. EDUCATION AND TRAINING

Basic public records training will be a component of the PSRB's new employee orientation training, and will be incorporated as part of regular employee training. Employees will complete this training once per biennium.

The PSRB will use a DAS-approved training program available through the state's electronic training database.

IV. ACCESS AND OWNERSHIP

Without regard to how public records are being stored, the PSRB will have custody and control over public records. In accordance with DAS policy, through ongoing review of technological advances, PSRB will ensure that all public records are maintained and accessible for the period required by applicable retention schedules or litigation holds.

As part of its Continuity of Operations Plan, the PSRB has adopted a disaster mitigation process and recovery plan. The Continuity of Operations Plan is incorporated by reference, [here](#).

V. INTEGRITY

The Psychiatric Security Review Board will ensure that appropriate access and version controls are applied to all electronically-stored records from record creation to final disposition.

Each record's authenticity can be demonstrated either by certified copy of paper records or—for electronic records—via accompanying metadata.

VI. RETENTION GENERALLY

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

The PSRB will work with the Archives Division to establish retention practices that ensure compliance with ORS chapter 192 and OAR chapter 166, division 300.

a. CLOUD-COMPUTING

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

b. E-MAIL

Official e-mail Accounts

Under most circumstances, e-mails sent to or from a State employee's official e-mail account will meet the definition of a public record. Therefore, the PSRB's policy is that the primary purpose of virtually all e-mail messages composed or sent using employees' official e-mail addresses and/or state-owned and/or issued official equipment be business.

When the PSRB receives a public records request, all official e-mail accounts and systems used for official State business are subject to search and production.

Personal e-mail Accounts

If private e-mail accounts must be used to conduct State business, it is PSRB policy that employees copy their official e-mail accounts on all such outgoing communications and forward any received messages on which their official e-mail accounts are not copied immediately or as soon as practicable.

c. INSTANT MESSAGING

The Psychiatric Security Review Board's policy regarding Instant Messages is the same as its policy about text messaging, as outlined in subsection "e," below.

d. SOCIAL MEDIA

Any content placed on any Social Media platform by the Psychiatric Security Review Board shall be an accurate copy of an official record that is retained elsewhere by the PSRB per the authorized records retention schedules.

The PSRB has—and, as necessary, will continue to 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.

- Agency Use Policy: PSRB employees may use agency equipment to access approved social media platforms when such use is confined to regular breaks (including lunch), and at other times when such use is *de minimis* and does not otherwise interfere significantly with agency operations.
 - Social Media Platforms approved by PSRB
 - Facebook
 - Twitter
 - YouTube
- PSRB has no official agency presence on any social media sites
- Records Management Protocols
 - Agency-Generated: *[protocols under development]*
 - Use-Generated: *[protocols under development]*
 - Stored/Archived: *[protocols under development]*
- Site Maintenance and Monitoring Practices:
 - PSRB staff maintains its website, which is housed on a server located in Salem and maintained by the Department of Administrative Services, and uses no intranet site.
 - PSRB reserves the right to monitor employee use of all employee Internet/web activity, including use of social media sites. Such monitoring may be used to discover the identities of individual sites accessed by employees, the time spent on non-work-related sites, or for any other purpose designed to maintain or improve the agency's level of performance.

e. TEXT MESSAGING

Acceptable Use:

Psychiatric Security Review Board 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 that 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, PSRB 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 e-mail 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 503-555-6002”)
- Explaining the employee’s 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:

Psychiatric Security Review Board 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.

f. UNIFIED COMMUNICATIONS

The Psychiatric Security Review Board 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.

The PSRB will implement practices and procedures designed to capture accurately public records created by use of active Unified Communications features, though currently the agency does not use IBM Unified Communications. When technological upgrades allow for the agency to use IBM Unified Communications, PSRB will adopt appropriate procedures in compliance with this policy.

g. VOICE MAIL

Unless otherwise required, Psychiatric Security Review Board will not retain messages on voicemail.

PSRB will retain e-mail transcriptions of voicemails determined to be public records in accordance with authorized records retention schedules. Such transcriptions may be subject to public disclosure upon request.

VII. STORAGE AND RETRIEVAL

Paper Records:

The Psychiatric Security Review Board 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:

The Psychiatric Security Review Board 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.

The PSRB 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

The Psychiatric Security Review Board will respond to all official requests for public records in as timely a manner as possible, consistent with the proper exercise of judgment relating to the agency's other duties.

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.

IX. DISPOSITION AND DESTRUCTION OF PUBLIC RECORDS

The Psychiatric Security Review Board will dispose of and/or destroy public records in accordance with the requirements of authorized records retention schedules and OAR chapter 166, division 300.

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