
	<b>DEPARTMENT OF CORRECTIONS</b> <b>Institutions</b>		
<b>Title:</b>	<b>Public Records Management</b>	<b>DOC Policy: 10.1.9</b>	
<b>Effective:</b>	<b>8/5/22</b>	<b>Supersedes: 6/1/19</b>	
<b>Applicability:</b>	<b>All employees and functional units</b>		
<b>Directives Cross-Reference:</b> <b>DAS Statewide Policy 107-001-020</b> <b>Release of Public Records OAR 291-037</b> <b>DOC Policy: Acceptable Use of Electronic Information 60.1.1</b> <b>Electronic Mail, Internet Usage, and Computer Investigation 60.4.1</b>			
<b>Attachments:</b>	<b>Social Media Plan/</b>		
<b>Links:</b>	<a href="https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=591">https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=591</a>  <a href="http://sos.oregon.gov/archives/Documents/recordsmgmt/sched/schedule-corrections.pdf">http://sos.oregon.gov/archives/Documents/recordsmgmt/sched/schedule-corrections.pdf</a>		

## I. PURPOSE

The purpose of this policy is to establish a public records management policy for the Department of Corrections (DOC) 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 the enterprise of state government, 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 at least once per biennium to reflect changes in applicable laws, policies, and business needs, and to ensure ongoing access to agency records. Any updates or revisions must be submitted for review and approval by the State Archivist according to 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.

## II. DEFINITIONS

- A. Authorized Retention Schedule: Either a General Schedule published by the State Archivist in the OAR in which certain common public records are described or listed by title and a retention period is established for each; or a Special Schedule approved by the State Archivist for the public records of a specific agency.
- B. Cloud-computing: Has the meaning established in the National Institute of Standards and Technology (NIST) [Special Publication 800-145](#).
- C. 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.
- 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. In a correctional setting, the functional unit manager or designee is the superintendent.
- E. Instant Messaging: Real-time text communications between or among computers or mobile devices over the internet or functionally similar communications networks.
- F. 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.
- G. 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. Refer to the Secretary of State's guide for determination of a public record: <https://sos.oregon.gov/archives/Documents/recordsmgmt/rc/oregon-public-records-law-citations.pdf>
- H. 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 of social media include but are not limited to Twitter, Flickr, blogging sites, Facebook, YouTube, and Instagram.
- I. Text Messaging: 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 (email) communications, whether such messages are exchanged among or

between official state government email accounts or email accounts maintained by private entities.

- J. Unified Communications: A service of IBM; 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.). Also known as IBM Unified Communications.

### **III. POLICY**

#### **A. General Information**

The goal of this policy is to ensure public records are managed and maintained appropriately within the department and consistently across the enterprise of state government.

This Department of Corrections Public Records Management Policy, adopted according to the requirements of DAS Statewide Policy 107-011-020 and ORS 192.018, addresses the following components:

1. Public Records Maintenance
2. Roles and Responsibilities
3. Education and Training
4. Access and Ownership
5. Integrity
6. Retention, Generally
7. Storage and Retrieval
8. Public Records Requests
9. Disposition and Destruction of Public Records

#### **B. Compliance**

The department will 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 must 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 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.

#### **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 an Agency Records Officer to set records maintenance standards for the department. The

DOC Records Officer will serve as primary liaison with the State Archivist and receive training from the State Archivist in performing their duties.

2. The department 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 or positions with the following responsibilities:
  - a. Regular review of records to determine if records should be retained or destroyed.
  - b. Assist the Records Officer in identifying and developing 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 or special audit.
  - d. Develop and implement internal processes for the transfer, retrieval, and destruction of records.
  - e. Ensure records are destroyed according to the retention schedule.
  - f. Document the destruction of the records and retain that documentation.
  - g. Coordinate and track employee completion of public records management training.
  - h. Review and update this policy and any related procedures.
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, completed 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 will ensure all public records are maintained and accessible for as long as required by authorized retention schedules or litigation holds.
2. The department's disaster mitigation process is addressed in the DOC Business and Continuity and Recovery plans.

#### **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 according to ORS chapter 192, OAR chapter 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 chapter 192 and OAR chapter 166-300.

1. Cloud Computing: The department's practices and procedures with respect to public records management in the Cloud will comply with the DAS Statewide Cloud Computing Policy 107-004-150 and OAR chapter 166-300.
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. Therefore, this policy requires that virtually all email messages composed or sent using employees' official equipment 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 employees must use personal email accounts to conduct state business, the department requires 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. Instant Messaging: The department policy regarding Instant Messages is the same as that recited below regarding TEXT MESSAGING.
5. Social Media:
  - a. Any content the department places on any social media platform must 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.
6. Text Messaging:
  - a. DOC employees may use text messaging to communicate factual and logistical information related to official state business, only if 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.

- 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:
  - 1) Scheduling.
  - 2) Requesting a call or email on a matter, without substantive discussion.
  - 3) Requesting or offering logistical assistance ("Can you help me get these boxes to the Capitol?").
  - 4) Forwarding any person's contact information ("I'm at 503-378-6002.").
  - 5) Explaining your current whereabouts or inquiring about someone else's ("We're at the meeting discussing this morning's announcement. Are you around?").
  - 6) Describing facts or events that do not relate to the substance of the agency's work ("Spilled coffee all over myself right before my presentation!"), 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.").
  - 7) 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. DOC employees must avoid communicating official state business or engaging in discussions regarding the primary business of their work over text message.
- f. 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.
- g. If, notwithstanding this policy, an employee uses text message to communicate information (not otherwise documented) relating to official state business or the primary business of their 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 their official state email or by saving screen shots of the relevant text messages).
- h. 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, which would serve as the official copy of the record – the department will not retain text messages.

- i. DOC 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 or information related to an employee's work that rises to the level of creating a public record.
- 7. Unified Communications:
  - a. The department will identify public records created by use of active Unified Communications features and ensure those records are appropriately managed according to 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.
- 8. 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 according to 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 the agency meets retention periods for all records 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 soon as practicable and without unreasonable delay, according to timelines outlined in ORS 192.324 and ORS 192.329.
- 2. The department maintains additional policies and procedures related to requests for public records including, but not limited to intake, processing, and disclosure or determinations related to fees and charges.

#### **I. Disposition and Destruction of Public Records**

1. The department will dispose of or destroy public records according to the requirements of authorized records retention schedules and OAR chapter 166-300.
2. Pursuant to ORS 357.855, DOC employees through the DOC Records Officer will 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 reconciling unforeseen public records issues.

#### **IV. IMPLEMENTATION**

This policy has been approved by the State Archivist and will be adopted immediately without further modification.

Certified: \_signature on file \_\_\_\_\_  
Julie Vaughn, Rules Coordinator

Approved: \_signature on file \_\_\_\_\_  
Heidi Steward, Acting Director