



Nature
HISTORY
Discovery

OPRD Policy GEN.070:

Public Records Management Policy

Authorized:

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1. Purpose

The purpose of this Policy is to:

- Ensure public records are managed and maintained appropriately within the Oregon Parks and Recreation Department in a way consistent with similar policies across the enterprise of state government.
- Establish and communicate goals and processes so department employees strive not only to fully comply with state public records law and state policies, but go beyond the letter of these requirements to embody a spirit of openness and responsive public service. Standards in this policy should be regarded as the minimum effort required, but whenever possible, staff executing practices under this policy should aim to exceed these standards.

2. 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 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 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.

Retained records may be subject to public disclosure, 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. Bulk stock of publications are not public records and may be preserved for convenience or destroyed.

3. Compliance

The Oregon Parks and Recreation Department shall develop and implement procedures that support compliance, deter abuse, and detect violations of this policy.

4. 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, Pinterest, 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 the packaged services or user-profiles available to agencies (e.g. instant messaging, video conferencing, telephony, call management and call control across multiple systems, and any related or similar service provided to the Oregon Parks and Recreation Department by this vendor).

5. Policy Components

The Oregon Parks and Recreation Department 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:

- A. Public Records Maintenance
- B. Roles and Responsibilities
- C. Education and Training
- D. Access and Ownership
- E. Integrity
- F. Retention Generally
- G. Storage and Retrieval
- H. Public Records Requests
- I. Disposition and Destruction

5.A. Public Records Maintenance

Public records shall be maintained and managed in a manner that protects the integrity of the records within the Oregon Parks and Recreation 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.

5.B. Roles and Responsibilities

The Oregon Parks and Recreation Department records officer—the Business and Technology Solutions Administrator—will serve as primary liaison with the State Archivist and receive training from the State Archivist in performing their duties. OPRD will ensure agency public records are

managed in accordance with their authorized records retention schedules, from the time of creation to final disposition, through the following staff assignments:

Duty	Position assigned
Regular review of records, regardless of format, to determine if records should be retained or destroyed;	Business and Technology Solutions – Exec Assist
Identify and develop retention schedules for new records series (groups of records);	Business and Technology Solutions – Exec Assist
Maintain a filing system of the agency’s paper and electronic records based on authorized retention schedules. Agency filing systems must include the description and location of public records, including records the agency is required to retain due to litigation, or special audit. Records retained beyond their authorized retention period due to mitigating administrative need must also be accounted for in the filing system. Agencies are required to submit written justification of the mitigating administrative need to the State Archivist for approval.	Business and Technology Solutions – Exec Assist and designated IT staff
Coordinate and track employee completion of public records management training to ensure agency staff understand how to records are properly managed, in compliance with authorized records retention schedules;	Human Resources – Employee Dev Specialist
Review and update internal public records management policies and procedures. Obtain State Archivist approval of revisions to the agency public records management policy;	Business and Technology Solutions – Exec Assist
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;	Business and Technology Solutions – Exec Assist and designated IT staff
Document the destruction of public records and retain that documentation according to the authorized records retention schedule found in OAR chapter 166-300.	Business and Technology Solutions – Exec Assist

5.C. Education and Training

Basic public records training will be completed as a component of the Oregon Parks and Recreation Department’s new employee orientation training; and incorporated as part of regular employee training completed once a biennium.

The Oregon Parks and Recreation Department will utilize the following training systems to provide regular and specialized employee public records training:

- iLearn: standard new employee orientation and employee training.
- Oregon State Archives: specialized in-person training for record managers and coordinators.
- Oregon Department of Justice: specialized in-person training for record managers, coordinators, and agency executives.

5.D. Access and Ownership

Without regard to how public records are being stored, the Oregon Parks and Recreation 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.

The Oregon Parks and Recreation Department disaster mitigation process is addressed in the Statewide Emergency Operations Plan and incorporated by reference here.

5.E. Integrity

The Oregon Parks and Recreation Department 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

5.F. Retention Generally

The Oregon Parks and Recreation Department 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.

The Oregon Parks and Recreation Department will work with the Archives Division to establish retention practices to ensure compliance with ORS chapter 192 and OAR chapter 166-300.

5.F.1 Cloud: agency practices and procedures with respect to public records management for documents stored in any cloud-based service will ensure compliance with DAS Statewide Cloud-Computing Policy (DAS Policy 107-004-150; 107-004-150 PR) and OAR chapter 166-300.

5.F.2 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 Oregon Parks and Recreation Department policy that virtually all email messages composed or sent using employees' official equipment and/or official email addresses will be for primarily business purposes. When the Oregon Parks and Recreation Department receives a public records request, all official email accounts and systems used for official State business are subject to search and production.

5.F.3 Personal Email Accounts: If personal, non-state email accounts are used to conduct State business, it is Oregon Parks and Recreation Department policy that employees copy their official state email accounts on all outgoing communications, and forward any received messages on which their official email accounts are not copied immediately. Employees who use personal, non-state email accounts to conduct state business must be informed through new employee and ongoing training that those accounts are subject to search for public records.

5.F.4 IM: Oregon Parks and Recreation Department policy regarding Instant Messages shall be the same as that recited below regarding TEXT MESSAGING.

5.F.5 Social media: Any content placed on any Social Media platform by the Oregon Parks and Recreation Department shall be an accurate copy of an official record that is retained elsewhere per the authorized records retention schedules. The Oregon Parks and Recreation 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.

5.F.5.1 Purpose and establishment: The Oregon Parks and Recreation Department uses social media to increase constituent engagement with department services, both to promote use of agency programs, and to collect ideas for changes and improvements. Establishing an official agency presence on any social media platform shall require prior written approval from the Associate Director in the Communications and Research Division of the Director's Office, or that position's delegate.

5.F.5.2 Platforms: Authorized Oregon Parks and Recreation Department social media platforms include Twitter, Facebook, Flickr, Instagram, Wordpress, Pinterest, YouTube, and Vimeo, and any other platform approved in writing by the Associate Director in the Communications and Research Division of the Director's Office, or that position's delegate.

5.F.5.3 Records Management: All agency-generated content published through social media platforms shall be replicated on state-managed computer systems, or stored offline in print or digitally. All user-generated and archived content shall be captured at least daily through a contracted aggregation service such as ArchiveSocial. Agreements or contracts with social media aggregation services shall include provisions for record retention that mirror state requirements, and delivery of all aggregated records into state possession on termination of the agreement.

5.F.5.4 All social media platforms used by the Oregon Parks and Recreation Department shall be continuously updated and monitored on schedules set and approved by the Associate Director in the Communications and Research Division of the Director's Office, or that position's delegate.

5.F.6 Texts: Oregon Parks and Recreation Department 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, Oregon Parks and Recreation Department 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."

5.F.6.1 Examples of acceptable uses:

- Scheduling.
- Requesting a call or email on a matter, without substantive discussion.
- Requesting or offering logistical assistance.

- Forwarding any person's contact information.
- Explaining current whereabouts, or inquiring about someone else's.
- Describing facts or events that do not relate to the substance of the department's work, or that have been or necessarily will be separately recorded. This includes inquiring about similar events.

5.F.6.2 Unacceptable uses: Oregon Parks and Recreation Department 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, a text message is used to communicate information relating to official state business or primary business of the employee's work, the message will be immediately converted and saved in a separate public record format if it has not otherwise been documented.

Because the Oregon Parks and Recreation Department requires that no text message-based public records be created—or if they are created, they will be converted and saved in an alternate format, which would serve as the official copy of the record—the department will not set up a separate, dedicated system to capture and retain text messages.

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

5.F.7 Unified communications: While the Oregon Parks and Recreation Department does not currently use any Unified Communications technologies that produce public records, it will start using features that create public records without first amending this policy to ensure the new features comply with all pertinent public records disclosure and retention laws, rules, and other state policies.

5.F.8 Voicemail: Unless otherwise required, the Oregon Parks and Recreation 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.

5.G. Storage and Retrieval

The Oregon Parks and Recreation 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.

The Oregon Parks and Recreation Department shall maintain a filing system and naming convention for all agency records stored in electronic format based on the agency's authorized retention

schedules. The filing system and naming convention 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 Oregon Parks and Recreation Department shall 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.

5.H. Public Records Requests

The Oregon Parks and Recreation Department shall respond to all requests for public records as timely as possible, consistent with the proper exercise of judgment relating to the Oregon Parks and Recreation Department'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, administrative rules, and statewide protocols, processes and procedures.

5.I. Disposition and Destruction

The Oregon Parks and Recreation Department shall 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 Oregon Parks and Recreation Department 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.

ADMINISTRATION

Owner: Director's Office

Approval: Associate Director

Contact for questions: Chris Havel, 503-986-0722