



DEPARTMENT OF THE STATE FIRE MARSHAL

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| Policy 125 – Public Records Management | Revised | - |
| | Replaces | - |
| | Adopted | 7/1/2023 |
| <i>Approval Authority</i> State Fire Marshal: | | <i>Date:</i> |
| Policy Attachments None | Required Training Public Records Management – New Employee Public Records Management – Biennial | |
| Authority The State Fire Marshal establishes this policy to conform with ORS 192.018 and DAS Policy 107-001-020. | | |

Purpose

The goal of this policy is to ensure public records are managed and maintained appropriately within the Oregon Department of the State Fire Marshal (OSFM) and consistently across the enterprise of state government. This 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 of Public Records

Scope

OSFM will develop and implement internal processes and procedures that support compliance, deter abuse, and detect violations of this policy. This policy applies to all employees of the Department of the State Fire Marshal.

Policy

1. **Public Records Maintenance**

Public records must be maintained and managed in a manner that protects the integrity of the records within OSFM 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. The retention schedule may be found on the Oregon Secretary of State website.

2. **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 OSFM records officer will serve as primary liaison with the State Archivist and receive training from the State Archivist in performing their duties.

3. Each Division or Program area within OSFM will ensure agency public records created under or maintained within their control are managed in accordance with their authorized records retention schedules, from the time of creation to final disposition, and will assign designated staff to fulfill these requirements. Examples of these duties included but may not be limited to:

- A. Develop and implement a records file structure that is based upon the special records retention schedule for their specific Division or Program area.
- B. Develop and implement a records file structure of general records limited to records filed at the Division or Program level.
- C. Use best practices when naming new electronic records.
- D. Monitor record retention requirements and purge expired records according to the schedule.
- E. Assist Agency Records Officer with responding to public records requests.

4. **Education and Training**

Basic public records training will be completed as a component of OSFM new employee orientation training and incorporated as part of regular employee training, completed once a biennium.

5. **Access and Ownership**

Without regard to how public records are being stored, OSFM will have custody and control over public records. Through ongoing review of technological advances, OSFM will ensure all public records are maintained and accessible for as long as required by authorized retention schedules or litigation holds.

6. OSFM disaster mitigation process is addressed in the Department's continuity plan.
7. **Integrity**
OSFM 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.
8. **Retention, Generally**
OSFM will preserve and classify public records according to ORS chapter 192, OAR chapter 166, and DAS Statewide Policy 107-004-050 regarding Information Asset Classification.
9. OSFM will work with the Archives Division to establish retention practices to ensure compliance with ORS chapter 192, OAR chapter 166 and the OSFM Special Retention schedule.
10. **Cloud Computing**
OSFM 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.

Email

11. **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. 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.
12. When OSFM receives a public records request, all official email accounts and systems used for official state business are subject to search and production.
13. **Personal Email Accounts**
If employees must use personal email accounts to conduct state business, OSFM 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.
14. **Instant Messaging**
OSFM policy regarding Instant Messages is the same as that recited below regarding Text Messaging. This section does not pertain to Microsoft Teams messaging (see section 15).

15. Microsoft Teams Messaging

Employees may use Microsoft Teams Messaging service to collaborate on agency business. Messages sent through Teams are discoverable as public record.

Social Media

16. Any content OSFM places on any social media platform must be an accurate copy of an official record that is retained elsewhere by OSFM per the authorized records retention schedules.

17. OSFM | Social Media Plan

- A. Agency Use Policy
 - i. List of Approved Social Media platforms: Facebook, Twitter, Instagram, YouTube.
 - ii. Additional platforms may only be approved by Public Affairs Director, CIO, and the State Marshal.
- B. List of Official Agency Social Media Sites
 - i. <https://www.facebook.com/OregonStateFireMarshal/>
 - ii. <https://twitter.com/OSFM>
 - iii. <https://www.instagram.com/oregonstatefiremarshal/>
 - iv. <https://www.youtube.com/channel/UCq60rxrO3SvHpficCrO9Rew>
- C. Records Management and Site Monitoring Protocols
 - i. Agency Generated content is published by the Public Affairs unit staff.
 - ii. Both Agency Generated content and User Generated content for all OSFM social media platforms is captured and retained using Archive Social.
 - iii. Public Affairs staff may retrieve records retained through Archive Social.

Text Messaging

18. Acceptable Use:

OSFM 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.

19. In the absence of separate documentation, OSFM 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 as provide in ORS 192.005(5).

20. Examples of Acceptable Uses

- A. Scheduling.
- B. Requesting a call or email on a matter, without substantive discussion.

- C. Requesting or offering logistical assistance (“Can you help me get these boxes to the Capitol?”).
- D. Explaining your current whereabouts or inquiring about someone else’s (“We’re at the meeting discussing this morning’s announcement. Are you around?”).

21. Unacceptable Use:

OSFM employees must avoid communicating official state business or engaging in discussions regarding the primary business of their work over text message.

22. 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).

23. Because OSFM 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 – OSFM will not retain text messages.

24. OSFM 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.

25. Voicemail

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

26. 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.

Storage and Retrieval

27. Paper Records:

OSFM 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.

28. Electronic Records:

OSFM 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.

29. OSFM 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.
30. **Public Records Requests**
OSFM 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.
31. OSFM procedures for managing public records requests are incorporated in OSFM SOG A-12.
32. **Disposition and Destruction of Public Records**
OSFM will dispose of or destroy public records according to the requirements of authorized records retention schedules and OAR chapter 166.
33. Pursuant to ORS 357.855, OSFM employees 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.

Definitions

34. **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.
35. **Cloud-computing:** Has the meaning established in the National Institute of Standards and Technology (NIST) [Special Publication 800-145](#).
36. **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.
37. **Instant Messaging:** Real-time text communications between or among computers or mobile devices over the internet or functionally similar communications networks.
38. **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.

39. **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>.
40. **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.
41. **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.