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**Public Records Committee Annual Report**

**March 2017**

**Prepared by**

**Records and Licensing Services Division**

**Approved by the**

**Public Records Committee**

**Executive Summary**

The King County Public Records Committee (PRC) is composed of representatives of all King County executive departments, as well as independently elected officials, and Superior and District Courts. The PRC serves as a collective body of expertise and perspective to consider public records and records management impacts associated with county business. In this role, the PRC promotes employee awareness of public records and records management responsibilities and advises the King County Council, the King County Executive, King County Information Technology (KCIT), and others, as appropriate, on policy matters associated with the management of public records—both electronic and paper-based—including the development and maintenance of a complete countywide records and information management (RIM) solution.

The PRC charter, approved and amended by the County Council under Motion 12511, calls for a report to be submitted to both the King County Executive and the King County Council annually. This report summarizes the activities of the committee for calendar year 2016.

The Public Records Committee met nine times in 2016. The committee’s 2016 work plan addressed each of the six goals set out in its charter. The six goals are:

1. Review, comment and provide advice on county documents regarding public records management, including policies, public rules, ordinances, guidelines, best practices, etc.
2. Collaborate with county agencies and KCIT on technology-based communication tools as they are deployed to ensure matters associated with records creation and management are known and addressed.
3. Provide guidance on the planning and implementation of a countywide records storage management plan and a countywide electronic records management system.
4. Provide guidance on the development of policies and guidelines for the permanent preservation of the county’s historical records.
5. Provide guidance for the development of policies and guidelines regarding posting records on county websites.
6. Provide on-going, two-way communication across the County to ensure employees are aware of issues and responsibilities regarding records creation and management.

# Background

On May 21, 2007, the King County Council passed Motion 12511, approving the vision, guiding principles, goals, governance and management structure of the King County Public Records Committee as outlined in the Public Records Committee Charter. The formation of the PRC came in response to King County Council Ordinance 15608, which called for the creation of a public records committee to advise both the Council and the King County Executive on policy recommendations regarding the management of King County’s public records, in all formats. Issues coming under the purview of the PRC include privacy, access to and charges for copies of public records, display of records on County websites, planning and implementation of a countywide records storage management plan, a countywide electronic records management initiative, and the preservation of the County’s historical records.

The officers of the committee for 2016 were Chair Norm Alberg, Director of the Records and Licensing Services Division (RALS); Vice-Chair Cynthia Hernandez, Administration Manager, Department of Natural Resources and Parks, and Secretary Deborah Kennedy, Archives, Records Management and Mail Services Manager.

1. **Membership**

As the governing body for the Countywide Records Management Initiative, launched in 2013, it is important the individuals appointed to represent their agencies on the PRC be aware of and involved in their agency’s records management efforts. The current membership list is included as Appendix A.

1. **2016 Work Plan, Activities And Accomplishments**

**Work Plan**

In 2016 Vice-Chair Cynthia Hernandez led the PRC’s work plan efforts with the goal of creating a culture shift within King County to better care for its records and all things that go along with that including the ability to provide quicker and easier responses to public records. A secondary goal was to gain County recognition of records as valuable information assets. PRC members suggested eleven issues for inclusion on the work plan:

1. Records Retention for Exiting and Transferring Employees
2. Legal Hold Policy Update and Procedure Development:
3. Employee Personnel Records Management
4. Capital Improvement Project Records Management Plan
5. Outlook Public Folders Procedures and Guidance
6. FEMA Grant Records Management Plan
7. Annexation Records Management
8. Email Management Improvement Plan
9. Technology Review Process
10. Constituent Requests Management (CRM) Best Practices Guidance
11. Combine Annual and Digital Communications Technologies Report into one report
12. **Records Retention for Exiting or Transferring Employee Policy and Implementation Plan**:

Issue: Recognized a need for a standard policy and procedure, including roles and responsibilities, for managing exiting employee’s records that coordinated with KCIT’s efforts to create a standard employee exiting and transferring workflow process and documentation strategy in the interest of being transparent about what happens to exiting employee records to ensure proper retention of the county’s records, even as staff leave the county or transfer from one position to another.

Stakeholders: Information Technology (KCIT), Human Resources Division (HRD), and Archives, Records Management, and Mail Services Section (ARMMS) and all King County Agencies.

Resolution: PRC working group drafted a policy, appendix B, to meet this need.

1. **Legal Hold Policy Update and Procedure Development:**

Issue: Recognized a need to update the executive policy on legal holds to improve standardization in how the legal holds are communicated and coordinated; to clarify the process and audience for communicating legal holds; to define and standardize the way legal holds are released and how the release is communicated; and to more clearly establish procedures for producing records to the PAO for discovery.

Stakeholders: Prosecuting Attorney’s Office, Public Records Program, and ARMMS and the PRC, representing departmental interests.

Resolution: Work group formed and policy has been drafted. Procedures are in the process of being drafted.

1. **Employee Personnel Records Management:**

Issue: Recognized a need to better define the type of information appropriate for each component of the employee personnel file including employee work history, supervisor files, medical/confidential files, retirement verification and safety files to ensure the county is following best practices in regard to its employment files.

Stakeholder: Human Resources Division, all county employees, and ARMMS

Resolution: Deferred, determined that this was a Human Resources Division (HRD) business process but that the PRC would review, comment, and advise on any plans HRD should propose.

1. **Capital Improvement Project (CIP) Records Management Plan:**

Issue: The existing CIP file plan is not being consistently implemented. There are two parts: the first consisting of scope, schedule and budget considered part of the project files; and second consisting of the structural and environmental records needed for the life of the asset.

Stakeholders: DNRP, DOT and DES (both FMD and ARMMS).

Resolution: Since much of the fundamental work was done to establish a standardized filing system early in the roll out of KC ERMS to the King County enterprise beginning in 2013, and given that 2017 will see an upgrade to that system with new features, this item was deferred to the 2017 work plan in order to maximize our solutions

1. **Outlook Public Folders Procedures and Guidance:**

Issue: KCIT has plans to eliminate Outlook public folders. The Records Management Program is concerned about who will be responsible assuring that the records contained in those folders are managed and not destroyed until the legally required retention period has been fulfilled.

Stakeholders: KCIT, county employees who use public folders, and ARMMS.

Resolution: PRC will coordinate with KCIT.

1. **FEMA Grant Records Management Plan:**

Issue: Recognized a need for a centralized and coordinated effort to document the receipt of FEMA Public Assistance grant funds and to retain the records generated by FEMA Public Assistance grant funded projects for the full retention period, to avoid and mitigate the risk of noncompliance with retention requirements.

Stakeholders: Office of Emergency Management, (OEM), Finance and Business Operations Division, (FBOD), and the departments of King County, represented by the PRC.

Resolution: A subgroup was formed and a policy has been drafted. It is being fine-tuned and reviewed by stakeholders at this writing.

1. **Annexation Records Management**:

Issue: Recognized that the county’s practices regarding how records are transferred when unincorporated areas are annexed by or incorporated into cities are inconsistent and that standard procedures need to be developed to avoid and mitigate the risks of violating required records retention requirements or loss of the county’s historical records.

Stakeholders: Performance, Management, and Budget Section of the King County Executive’s Office; the Road Services Division of DOT, and the ARMMS.

Resolution: A work group was formed and a policy has been drafted. The policy is being reviewed with stakeholders at this writing.

1. **Email Management Improvement Plan:**

Issue: The Managed Records Line of Business (LoB) plan proposed an automatic email filing alternative as one of the possible practical and sustainable approaches for managing the county’s electronic records since 85% of the electronic records filed into the King County Electronic Records Management System (KC ERMS) are Microsoft Outlook email messages. Finding an alternative approach to managing email messages would significantly reduce the burden of electronic records management for county employees and free-up resources for filing records in other formats.

Stakeholders: ARMMS

Resolution: Deferred until completion of the Records Management System Migration project, December 2018.

1. **Technology Review Process:**

Issue: Recognized the need to improve records management integration into the PSB Information Technology Project Budget Proposal review process.

Stakeholders: PSB, KCIT, ARMMS

Resolution: PSB added a requirement that all IT project budget proposals consult with the Records Management Program to determine the records management implications of those projects and processes for managing the records created using new technology tools.

1. **Constituent Requests Management (CRM) Best Practices Guidance:**

Issue: Recognition that records are being created in the CRM system that are not easily interfaced with KC ERMS or Outlook and the need to ensure that agencies using CRM and creating records sets outside of Outlook or other traditional sources and repositories will have a plan and method for proper records retention.

Stakeholders: KCIT, Public Records Officers (PROs), Executive’s Office, Council.

Resolution: PRC members are included in both the CRM User’s Group and the SharePoint and CRM Governance Committee.

1. **Combine Annual and Digital Communications Technologies Report into one report:**

Issue: The PRC submits both an annual report and a digital communications technology report to Council every year. Combining these reports would represent efficiencies in preparation, transmittal and review of these reports.

Stakeholders: PRC and ARMMS

Resolution: We will investigate the possibility of combining the two reports into one report with this year’s submission.

**Communication Plan**

The PRC developed and implemented a Communications Plan in 2016 to further the goal of creating a culture shift for records awareness. The Communication Plan included ongoing networking and communication efforts of the Records Management Program plus communications directly from the PRC on selected topics that were presented as articles in the *Employee News* and as posters displayed in county buildings.

**Records Management Program**

Updates from the Records Management Program (RMP) are a PRC standing agenda item. In 2016 the RMP:

1. Expanded its education program developing new curriculum for supervisors, managing records on network and share spaces, and to address the issue of managing exiting and transferring employee’s records.
2. Developed a records management evaluation questionnaire as a survey tool any county agency could use to take a comprehensive look at their records management practices in response to the Managed Records Line of Business plan suggestion that the RMP implement an audit function. The questionnaire was modeled after a tool used by the National Archives and Records Administration (NARA) to prepare the report that NARA sends annually to the United States Congress. A countywide survey of records management practices is needed to prepare a comprehensive state of the county report.
3. Informed the PRC on the status of the King County Electronic Records Management System (KC ERMS) including: the KC ERMS Advanced Search Tool and plans for the Records Management System upgrade project.
4. Informed the PRC about RMP outreach efforts including Records Management Month, Records Management Network’s activities, and the RMP’s newsletter – **RM Monthly**.
5. The PRC approved 16 retention schedules, seven Disposition after Digitization (DaD) applications, appendix C, and changes to how the county applies retention to records series that have been assigned conditional cutoff events on the Washington State retention schedules.

**King County Archives**

During the year the PRC was informed of the Archives outreach efforts which included:

1. Hosting a graffiti contest that welcomed local graffiti artists to compete by painting sections of the Archives and Records Center’s exterior walls.
2. Launch of [BytesandBoxes.org](file:///\\kcro-polaris-v\ARM\Public%20Records%20Committee\Minutes%20and%20agendas\2016\Minutes\bytesandboxes.org) the Archives’ blog.
3. Publication of a critically acclaimed exhibit, *Responding to AIDS: The Seattle-King County Department of Public Health, 1982-1996,* that included excerpts interviews from a related oral history projected funded by a grant from 4Culture.
4. Class for county agencies, “Making History: Preserving your Program’s Records,” about how to make your records most useful to future researchers; to essentially curate your own exhibits, during Archives Month in October.

**Legislative updates**

During the course of the legislative session, Shelby Miklethun, Public Records Program Manager, provided updates pending legislation with records management or public disclosure implications.

**Other issues**

The PRC also was briefed other public records issues including:

* Changes to the Uniform Guidance – Federal Requirements on Personally Identifiable Information (PII) and Public Personally Identifiable Information (PPII)

Lynn Mckiernan Ngari, DES FBOD Grant Financial Officer, briefed the committee on sweeping changes in Federal requirements concerning Personally Identifiable Information (PII) documented in the Uniform Guidance (UG) for federally funded projects. She informed the PRC that the County has assembled a workgroup with members from Elections, Licensing, Finance Business Operations Division, Recorders Office, Records Management, Prosecuting Attorney’s Office, King County Information Technology, and Human Resources to meet monthly and address the risk countywide concerning PII. Mckiernan Ngari asked the PRC members to review the definition of PII in the handout she distributed and to consider what PII is collected and how it is protected in their agencies.

* Records Center Disposition Review Fund

The PRC members were briefed on the Records Center Disposition Review Fund fee that was approved in the 2015-2016 budget cycle and asked to facilitate and coordinate the work of validating the number of disposition eligible boxes subject to the fee in 2016 and obtaining billing information from the various functional work groups within their agencies.

* KCIT Governance

Through the Management Records Line of Business planning process the Records and Licensing Services Division (RALS), KCIT, and PSB agreed to work together toward institutionalizing records management considerations as a standard part of the KCIT governance process. In addition, PSB included records management considerations at the front end of the Conceptual Review process this year. In 2016, a PRC work group reviewed the thirty IT project proposals that were being considered for inclusion in the Executive’s proposed budget. PSB then instructed agencies with successful proposals contact the RMP to address any issues and records management concerns that were identified in conceptual review.

* Public Records Focus Project

Shelby Miklethun briefed the PRC about a collaborative project with Risk Management, the Office of Civil Rights and Open Government (OCROG) to fund 2.5 TLT positions through 2017 to help agencies with high risk Public Records Act requests.

1. **Committee Resources**

**Chair:** Norm Alberg, Director, Department of Executive Services, Records and Licensing Services Division

**Vice-Chair:** Cynthia Hernandez, Program/Project Manager IV, Department of Natural Resources and Parks

**Secretary:** Deborah Kennedy, Archives, Records Management and Mail Services Manager, Department of Executive Services, Records and Licensing Services Division

Minutes and agendas along with the meeting schedule are available on the PRC website, <http://kcweb.metrokc.gov/archives/prc.aspx>

**Appendix A**

**Public Records Committee**

**Membership List**

**December 31, 2016**

|  |  |  |
| --- | --- | --- |
| **Organization** | **Voting Member** | **Alternate** |
| Adult & Juvenile Detention | Andrea Williams | Crystal Moua |
| Assessor’s Office | Kelsey Hatch |  |
| Community & Human Services | Eva Haney |  |
| District Court | Kimberly Hamm |  |
| Elections | Nate Valderas |  |
| Executive Services | Danielle Lucero |  |
| Executive Services/RALS/ARMMS | Deborah Kennedy (Secretary) | Gail Snow |
| Executive Services/Records and Licensing Services Division | Norm Alberg (Chair) |  |
| Information Technology (KCIT) | Jamie Holter |  |
| Judicial Administration | Jane Swanson |  |
| KC Council | Janet Masuo |  |
| Natural Resources & Parks | Cynthia Hernandez (Vice-Chair) |  |
| Office of the Executive | Shelley Harrison |  |
| Performance, Strategy and Budget | Shelley Harrison |  |
| Permitting & Environmental Services | Allan Oshima | Kim Layman |
| Prosecuting Attorney | Kristie Johnson |  |
| Public Defense | Gwen Clemens |  |
| Public Health | Tyler Entrekin |  |
| Public Records Officer | Shelby Miklethun |  |
| Sheriff’s Office | Kimberly Petty |  |
| Superior Court | Linda Ridge | Malinda You |
| Transportation | Cheryl Binetti |  |

**Appendix B**

**INF-15-5-EP: Records Retention for Exiting and Transferring Employees**

**Document Code No.: INF-15-5-EP**

**Title: Records Retention for Exiting and Transferring Employees**

**Affected Agencies:** King County Executive Branch Departments and Administrative Offices.

**Authorities:** RCW 42.56; RCW 40.14; WAC 434-662; INF 15-4 (AEP)

**Keywords:** Records Retention, Exiting Employees, Public Records, Transfer

**Sponsoring Agency:** Department of Executive Services

**Executive signature:**

**Date signed:**

# Purpose

The purpose of this policy is to ensure the proper retention of the county’s records even as staff exit the county or transfer from one position to another.

# Applicability and Audience

# This policy is applicable to the King County Executive Branch: that is the

Administrative Offices and Executive Departments supervised by the King County Executive. The audience includes all King County offices, departments, officials, employees, boards, commissions, committees, or similar entities as well as contractors and grantees.

**Definitions**

*Agency Records Officer –* Per Executive Policy [INF 15-4 (AEP)](http://www.kingcounty.gov/operations/policies/aep/informationaep/inf154aep.aspx), Agency Records Officers are the individuals appointed by the Agency Director to work with the King County Records Management Program to establish and implement records management best practices within their agency.

*KCERMS – King County Electronic Records Management System.* This is a generic term referring to the county’s official system for managing electronic records. The system is housed and managed by King County’s Archives, Records Management and Mail Services Section of the Records and Licensing Services Division of the Department of Executive Services.

*Retention Schedules –* A Records Retention Schedule indicates the length of time that a particular record series is to be retained, and when and if the record should be destroyed or transferred to the Archives.

# Policy

1. *Exiting employees (whether leaving the county or transferring from one position to another) must complete an inventory of their records and then a checklist establishing that their records have been filed into KCERMS or handed off to any one of the following: their successor, their supervisor, a records custodian, or the Agency Records Officer.*
2. *The supervisor of a departing or transferring employee must review and approve the checklist and notify KCIT of the employee’s planned exit date. In the event that there’s a no-notice departure, the supervisor will assume the responsibility for completion of the checklist by any means available.*
3. *The supervisor of a departing or exiting employee must provide a copy of the approved checklist to the Agency Records Officer.*
4. *KCIT shall within 10 business days of departure, copy the files of a departed/transferred employee, following a KCIT-standardized workflow, which includes a central repository for such files, and will notify the supervisor, HR and the Agency Records Officer once this work has been completed. The notification sent will include a link to the location where the files are kept and a notice that the files will be kept in that KCIT storage location for 24 months only.*
5. *KCIT must ensure that files are deleted from the temporary storage location after the 24-month holding period has passed.*
6. *The supervisor of a departing/transferring employee has the responsibility to ensure that any records not previously managed in accordance with retention schedules, legal holds, or other legal mandates is managed appropriately prior to the end of the 24-month temporary holding period. The supervisor can call upon any necessary resources—including records custodians, the Agency Records Officer or fee-based services provided by the King County Records Management Program—to achieve this result.*

# Implementation Plan

1. This policy becomes effective for Executive Branch Departments and Administrative Offices on the date that it is signed by the Executive. All Executive Branch Departments and Administrative Offices are responsible for implementation within their departments and offices.
2. The Operations Cabinet is responsible for communicating this policy to the management structure within their respective agencies and other appropriate parties. The Human Resources and Information Technology organizations within King County (HRD and KCIT respectively) will also need to ensure dissemination, education and implementation within and among their teams.

# Maintenance

1. This policy will be maintained by the Archives, Records Management and Mail Services Section of the Records and Licensing Services Division of the Department of Executive Services, or its successor agency.
2. This policy will automatically expire five (5) years after its effective date. A new, revised, or renewed policy will be initiated by the Archives, Records Management and Mail Services Section of the Records and Licensing Services Division of the Department of Executive Services, or its successor agency prior to the expiration date.

# Consequences for Noncompliance

Any agency failing to properly retain public records in accordance with RCW 40.14 is breaking the law and subjecting the county to unnecessary legal risk, especially in the context of public records requests, litigation discovery efforts, personnel investigations, and tort claims.

**Appendices:**

Exiting Employee Checklist

Exiting Employee Guide

**Appendix C**

**2016**

**Approved Retention Schedules and Disposition after Digitization Applications**

King County General Records Retention Schedule

**Agency Specific Retention Schedules:**

|  |
| --- |
| DES-FBOD-DIR |
| DES-FBOD-DIR-HR |
| DES-FBOD-TO |
| DES-HRD-DIR |
| DES-RALS-LIC |
| DES-RALS-RASKC |
| DJA-CFSD-ALL |
| DNRP-SWD-DIR |
| DNRP-SWD-ES |
| DNRP-SWD-FESU |
| DNRP-SWD-OPS |
| DNRP-SWD-RES |
| DNRP-WLRD- FA |
| KCC-ADMIN-ALL |
| KCDC-GEN-ALL |
| KCEO-EO&PSB-ADMIN |

**DaD applications:**

|  |  |
| --- | --- |
| Agency | Records being Scanned |
| Sheriff’s Office - Technical Services - Regional AFIS Program | Fingerprint Cards |
| Superior Court – Juvenile Court – Court Services | Juvenile Social Files |
| Natural Resources and Parks – Wastewater Treatment Division | Water and Sewer System Capital Improvement Projects Records |
| Public Defense – Director’s Office | General Office Accounting Records |
| Natural Resources and Parks – Solid Waste – Recycling and Environmental Services | Code Enforcement – Junk Vehicle Removal Records |
| Executive Services – Human Resources Division – Director’s Office | Recruitment files and Requests for Leave/Overtime |
| Assessments – Administration | Destroyed Property – Adjustment Records, Valuation Change Orders, Personal Property Affidavits, Remodeling Assessment Deferral, Senior Citizens Exemptions and Deferrals, Segregation and Merger Orders if Assessor as primary copy |