

# Text Messages as Public Records



## text message

noun

1. An electronic communication sent over a cellular network from one cell phone to another by typing words, often in shortened form, as “18t” for “late,” on the phone’s numeric or QWERTY keypad.

Dictionary.com. *Dictionary.com Unabridged*. Random House, Inc. <http://dictionary.reference.com/browse/text-message> (accessed: April 15, 2015).

## Can I use my Mobile Device (mobile phone/tablet) to conduct county business via text messaging?

Employees are discouraged from using text messaging to send or receive substantive (or non-transitory) county records. Employees must be thoughtful when using their King County issued and/or personal mobile devices for work purposes. It is not records management best practice to conduct substantive county business via text messaging.

However, the Records Management Program acknowledges that some county employees may have job responsibilities that require the creation or receipt of text messages that must be retained in order to document county government functions, business transactions, projects, activities, etc. In those limited instances, employees must appropriately save and manage the text messages that are related to their work.

**NOTE:** *County agencies and employees cannot rely on cell phone service providers to retain and manage the county’s text records. Employees are responsible for managing these records and ensuring that they be retained for the state mandated retention period.*

## Can text messages be public records subject to the Public Records Act?

Yes. RCW 40.14.010 states that “... public records shall include any paper, correspondence, completed form, bound record book, photograph, film sound recording, map drawing, machine-readable material, compact disc meeting current industry ISO specifications, or other document, **regardless of physical form or characteristics**, and including such copies thereof, that have been made by or received by any agency of the state of Washington in connection with the transaction of public business....”

Therefore, text messages created, received, or maintained by a county employee to support the work they are responsible for is a public record under State law and must be retained and managed properly.

Unless the content of the text message is statutorily exempted or prohibited from public access, the records are subject to disclosure under the Public Records Act RCW 42.56.

## My mobile device is not issued by the county. Do these rules still apply to me?

Yes. Per, RCW 40.14, a text message that is sent or received by a county employee in connection with the transaction of county business is a public record and, therefore, county property. It is the content and function of the message that makes this determination not the ownership of the device used to transmit or receive the message. Public records stored on an employee’s personal cell phone or other mobile device are subject to the same litigation discovery and Public Records Act requirements as records stored on county owned devices and equipment.

# How long do text messages need to be kept?

The retention requirements for all county records, including text messages, are based on the content and function of the record and not its format. Text messages must be retained according to the same rules as email messages or paper documents with the same content. Retention requirements for the county's records can be found in the county's General and Agency Specific Records Retention Schedules located on the King County Records Management Program's Intranet site. See [King County Records Retention Schedules](#) or contact [Records Management](#).

Transitory records should be disposed of when no longer needed. Transitory records are defined as records required for only a short period of time to complete a routine action or to prepare a subsequent record. Examples of common transitory records include working files, non-substantive correspondence, duplicative copies, and handwritten notes transcribed into printed form.

An example of a text message that qualifies as a transitory record (which should be deleted when it is no longer needed) might be:

*"I'm going to be a few minutes late to our meeting";*

While an example of a text message that qualifies as a non-transitory record (which must be captured and managed per a specific records schedule) might be:

*"I did a site visit to the construction site. All work is in compliance, and I see no issues that need to be addressed regarding the pending permit application"*

In the first example, the record value of the message is only to those participants in the meeting who may be wondering where a colleague is, and thus there is no long term value of the message that requires its preservation beyond the start of the meeting. In the second example, the message is documenting a decision about a county issued permit that must be captured and retained according to a specific retention schedule.

As this example demonstrates, employees need to pay careful attention to the use of text messaging as it relates to county business to ensure proper management of these text records.

Common retention schedules that may apply to text messages with retention value include the following:

Record Title/Description	Retention Period	Archival Designation
<b>Communications – General</b> Internal and external communications to or from employees (includes contractors and volunteers), that are made or received in connection with the transaction of county business, and that are not covered by a more specific records series. Non-executive employees refers to those employed by the county without governing, directive, or executive powers and do not contribute to finalized executive decision making processes. Includes all communication types, regardless of format (examples: letters, memos, e-mail, web sites/forms/pages, instant messages, social networking posts and comments, etc.) Includes but is not limited to requests for and provision of information/advice and county-initiated information/advice.	2 years after year end	

Record Title/Description	Retention Period	Archival Designation
<p><b>Communications – Elected Officials, Department and Division Heads</b></p> <p>Internal and external communications to or from the county’s elected official(s) and/or executive management team, that are made or received in connection with the transaction of county business, and that are not covered by a more specific record series. Includes communications by supporting staff acting on behalf of elected official or executive.</p> <p>Includes but is not limited to :</p> <ul style="list-style-type: none"> <li>•Requests for and provision of information/advice and county-initiated information/advice, sent or received by elected officials or executive management team.</li> <li>•Meetings held among agency and department directors, as well as councilmembers and independently elected officials.</li> </ul> <p>Includes all communication types, regardless of format (examples: letters, memos, e-mail, web sites/forms/pages, instant messages, social networking posts and comments, etc.</p>	<p>6 years after year end, <i>then</i> contact King County Archives for appraisal and transfer of selected records</p>	<p><b>POTENTIALLY ARCHIVAL (Appraisal Required)</b></p>
<p><b>Citizen Complaints/Requests</b></p> <p>Communications from citizens making a complaint or request, as well as the associated agency response.</p>	<p>3 years after end of year in which the issue was resolved</p>	

### How should text messages with retention value be retained?

Records management best practice is to retain the content of the text message along with the corresponding metadata for the required records retention period. How best to capture these records depends on the platform of the mobile device (Apple, Android, Windows, etc.) and the version of the operating software being used. Please contact your IT Department for assistance.

**If you have any questions about the retention of text messages, please contact the Records Management Program at 206-477-6889 or [records.management@kingcounty.gov](mailto:records.management@kingcounty.gov).**

### Additional Resources

- RM Monthly Newsletter Issue 3-2 Focus on Digital Communications  
<http://kcweb.metrokc.gov/archives/pubs/RM%20Monthly%20Vol%203-2.pdf>
- Guide to Managing Records Created by Microsoft Lync Features  
<http://kcweb.metrokc.gov/archives/pubs/guides/LyncGuide.pdf>
- Guide to Managing Lync Voice Mails  
<http://kcweb.metrokc.gov/archives/pubs/guides/LyncVoiceMails.pdf>
- Guides and Tips for Email Management  
<http://kcweb.metrokc.gov/archives/resources.aspx#email>