

BENTON COUNTY ELECTRONIC RECORDS RETENTION POLICY

Approved August 8, 2023
Effective August 8, 2023

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1.0 GENERAL

1.1 Purpose

Benton County Elected Officials, Deputy Elected Officials, County Administrator, Deputy Administrator, Directors, Managers, employees, and volunteers are subject to Chapters 40.14 RCW and 42.56 RCW which describe the preservation and destruction of public records as well as the public's rights and abilities to access those records. All electronic communication which includes but not limited to email, text messaging, and instant messaging are considered public records and as such Benton County must enact associated policies and procedures to comply with these laws. The purpose of this policy is to establish:

- a) Acceptable methods for transmitting and receiving electronic communications; and
- b) Retention periods for electronic communications transmitted and received by Benton County; and
- c) Guidelines for assignment, training, auditing, and enforcement of this policy.

1.2 Definitions

County Service Accounts – Service accounts are identified by email and used to send and receive electronic records with identifiable county office workloads.

Electronic Communication(s) – For purposes of this policy, Electronic Communication(s) includes ANY means of typed, audio and video messages transmitted or received electronically.

Electronic-Mail (Email) – For purposes of this policy, Email means an electronic message sent to an electronic mail address and a reference to an internet domain, whether or not displayed, to which an electronic mail message can be sent or delivered.

Electronic Text Message (Text)– For purposes of this policy a text message means a communication sent to a cellular telephone or pager equipped with short message service or any similar capability, whether the message is initiated as a short message service message or as an electronic mail message.

Retention – The secure, yet easily accessible, storage of a public record such that it cannot be destroyed or lost through accidental means.

Social Media – third-party hosted online technologies that facilitate social interactions and dialogue. These online technologies are operated by non-county hosted services and are used by elected officials and or other county offices to communicate with the public. Such third-party hosted services/tools may include, but are not limited to Facebook, Twitter, Linked-In, and SnapChat.

Social Media Account – County service account created and approved by Benton County's Social Media Policy & Procedure used within the third-party hosted online technology to facilitate communications between the County and the public.

Substantive County Business – Information that refers to or impacts the actions, processes, and functions of the County.

Transitory Records – Records that are created and or received by the agency which are typically of short-term, temporary information use and value.

1.3 Authorized Use of Electronic Communications for County Business

Employees shall ONLY conduct substantive County business on Information Technology approved communication devices and or through Board approved policies and procedures. The use of personal

email accounts (such as Hotmail, Gmail or the like) and electronic devices (non-county owned equipment) for conducting ANY County business is prohibited.

Employees shall NOT use any other means of electronic communication to conduct substantive County business unless exigent circumstances justify it.

Electronic communications should be deleted as soon as possible in accordance with retention schedules. In most cases, a transitory message may be deleted once it is sent, or it is read by the receiver. The County does employ mechanisms, technology or otherwise that capture messages sent or received by County employees. It is the responsibility of each Elected Official, Deputy Elected Official, County Administrator, Deputy Administrator, Director, Manager, employees, and volunteers to ensure adherence to County policies regarding such communications.

2.0 Electronic Communication Records Retention Groups

Electronic communications will be retained based upon the following retention groups:

2.1 Group 1 - Permanent

Retention Period – Emails, text messages, and social media records created that are sent or received by members of this group shall be retained permanently based on the sent date of the message unless otherwise changed by Board approved policies and procedures. Emails, text messages, and or social media records will be stored on systems in which the employee's designated as Group 1 has direct and ongoing access.

Group Membership – The members of this group shall include and be strictly limited to the following County:

- Elected Officials
- Employees specifically designated by an Elected Official
- County Administrator & Deputy Administrator
- Deputy Prosecuting Attorneys
- Manager Office of Public Defense

2.2 Group 2 - Nine Years

Retention Period – Emails, text messages, and social media records created that are sent or received by members of this group shall be retained for a period of nine years based on the sent date of the message unless otherwise changed by Board approved policies and procedures. Emails, text messages, and or social media records will be stored on systems in which the employees designated as Group 2 has direct and ongoing access. All messages sent or received by members of this group that were sent more than nine years prior will be deleted from County systems.

Group Membership – The members of this group shall include and be strictly limited to the following County employees unless the employee qualifies for the permanent retention group:

- Directors
- Managers
- Assistant Managers
- Supervisors
- Employees with comparable job duties specifically designated by an Elected Official

2.3 Group 3 - Three Years

Retention Period – Emails, text messages, and social media records created that are sent or received by members of this group shall be retained for a period of three years based on the sent date of the message unless otherwise changed by Board approved policies and procedures. Emails, text messages, and or social media records will be stored on systems in which the employee’s designated as Group 3 has direct and ongoing access. All messages sent or received by members of this group that were sent more than three years prior will be deleted from County systems.

Group Membership – The members of this group shall include all County employees, service accounts, and social media accounts who are not a member of another retention group.

2.4 Group 4 – One Year

Retention Period – Transitory messages sent or received by members of this group shall be retained for a period of one year based on the sent date of the message. All messages sent or received by members of this group were sent more than one year prior will be deleted from county systems.

Group Membership – The members of this group shall include all County service accounts who are not a member of another group.

3.0 Assignment

The Human Resources Department (HR) will keep a master list of all Board approved County Office/Department positions and group memberships as determined by this policy. HR will use the master list to determine the group membership and will pass that information to the Information Technology Department. Any changes to an employee’s group membership as enforced by this policy must be approved by the HR Manager and or designee. Changes to an employee’s group membership include but are not limited to new hires, promotions, demotions, interdepartmental transfers and rehires.

4.0 Training

Upon adoption of this policy, all newly hired employees will receive training on this policy and acknowledge in writing that they are aware of this policy, and understand their responsibilities, specifically how to comply with the policy and Litigation Hold Notice instructions and procedures. It is highly recommended that current employees receive this training.


5.0 Auditing

Risk Management Department will maintain an audit log and coordinate with the Elected Officials, County Administrator, and Department Heads to monitor compliance with the training and annual review requirements.

6.0 Enforcement


Failure to comply with this policy could lead to disciplinary action up to and including termination of employment. Elected Officials and the County Administrator are responsible for the enforcement of this policy.


This policy is hereby approved and accepted by the undersigned Benton County Elected Officials.


Bill Spencer
Assessor



Josie Delvin
Clerk


Jerome Delvin
Chairman Pro Tem, Board of Commissioners



William Leach, D-ABMDI
Coroner

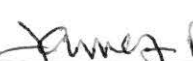

Eric Eisinger
Prosecuting Attorney



Hon. Jackie Shea-Brown
Superior Court, Presiding Judge



Brenda Chilton
Auditor


Will McKay
Chairman, Board of Commissioners



Michael Alvarez
Member, Board of Commissioners


Hon. Dan Kathren
District Court, Presiding Judge


Thomas Croskrey
Sheriff


Ken Spencer
Treasurer

Approved as to form:


Benton County Deputy Prosecuting Attorney

RESOLUTION 2023 571

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF APPROVING A BENTON COUNTY ELECTRONIC RECORDS RETENTION POLICY

WHEREAS, Benton County is committed to complying with public record laws as stated in RCW 40.14, Preservation and Destruction of Public Records and RCW 42.56, Public Records Act; and

WHEREAS, Benton County has strategically invested in professional electronic record archiving services to make sure the County stays compliant with public records laws, RCW 40.14 and RCW 42.56 and that public records are provided to county offices accurately and efficiently; and

WHEREAS, the Human Resources, Risk Management, Prosecuting Attorney, and Information Technology departments have reviewed policies used by local agencies in the State of Washington for purposes of assigning record retention periods that determine when records meet the criteria for destruction; and

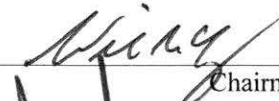
WHEREAS, the Human Resources, Risk Management, Prosecuting Attorney, and Information Technology departments have created an electronic records retention policy that includes a permanent, nine-year, three-year, and one-year record retention groups for county elected positions, staff, and service accounts; and

WHEREAS, record retention groups defined in this policy meet and may result in longer retention periods than set forth in the Washington State Local Government Common Records Retention Schedule (CORE); and

WHEREAS, the Prosecuting Attorney's Civil Division has reviewed the Benton County Electronic Records Retention Policy and has approved to form; **NOW, THEREFORE**,

BE IT RESOLVED, the Board of Benton County Commissioners, Benton County, Washington, hereby approves and authorizes the Board to sign the Benton County Electronic Records Retention Policy.

Dated this 8 day of August, 2023


Chairman of the Board


Chairman Pro-Tem


Commissioner

Attest: 
Clerk of the Board

Constituting the Board of County Commissioners
of Benton County, Washington