

Records Management for DSHS Employees



Your responsibilities
as a DSHS employee



Why is records management important?

When an agency can demonstrate that its public records are *organized, controlled, and disposed of only in accordance with law* as part of a records management program, that agency enhances its own reputation as well as the public's confidence in government.

An effective records management program allows our agency to fulfill its mission of transforming lives.



How does records management support our mission?

- Enables DSHS to fulfill its mission by giving timely access to information necessary to help our clients.
- Ensures open and accountable government.

Provides evidence to demonstrate we took the right action at the right time for the right reasons.

- Promotes cost-effective use of agency resources by maintaining continuity in the event of staff turn-over, avoiding storage costs and purchasing.
- Minimizes risks and associated costs by being able to readily locate records in response to litigation, discovery, public records requests and audits.

What are the benefits to me?

- Increased productivity.

Finding what you need in order to do your job effectively and efficiently.

- Less stress.

Good recordkeeping is knowing what you have, and being able to quickly locate what you need to do your work or be responsive to a records request.

- Support the DSHS mission and serve our clients better.

Knowing what and where your records are allows the department to provide continuity of services to your clients.

Who owns my records?

First, **and most important**, the records you access, use and produce while conducting DSHS business – anytime, anywhere or on any equipment – **are not your records**. *They are DSHS records.*

DSHS records are the property of DSHS.

DSHS records are all considered public records.

Regardless of location or format, a DSHS record is a public record and subject to all laws surrounding public records.

What is a record?

Public records are defined in Chapter 40.14 RCW by three criteria:

1. **Made by or received by any agency** in the State of Washington
2. In connection with the **transaction of public business**
3. **Regardless of physical form or characteristics**

*According to DSHS policy, a record is **any document or recorded information regardless of physical form or characteristics created, sent, organized or received by the agency in the course of public business** including paper documents, email, drawings, graphs, charts, video tapes, photographs, phone records, data compilations, planners, calendars, diaries, draft documents, **Electronically Stored Information (ESI)**, and metadata.*

What is ESI?

Electronically Stored Information (ESI) are records stored in an electronic format. ESI may include records created using programs such as:

- Microsoft Word, Excel, and Access
- PowerPoint
- SharePoint
- Web-based social media including, but not limited to, blogs and micro-blogs (such as Twitter), social networks (such as Facebook), and video sharing (such as YouTube)*
- Text messaging*
- Instant messaging*

** Creating these types of records to do DSHS business are subject to special restrictions under DSHS policy.*

See [Administrative Policy 15.15](#).



Where is ESI found?

ESI can be located in databases and on network servers, backup tapes, personal digital assistant (PDA) devices, thumb or flash drives, compact disks (CD), digital video disks (DVD), floppy disks, work computers, cell phones, laptop computers or any other electronic storage device used to do DSHS work. ESI also includes any DSHS records that employees store on personally owned electronic devices that were used to do DSHS work, such as home computers, laptops, cell phones, or PDAs.

NOTE: Be mindful of DSHS policy on types of electronic records you create and where you store them.



Are emails and other ESI really records?

Washington State definition of a record per RCW 40.14.010 is information “regardless of physical form or characteristics. . . that have been made by or received by any agency of the state of Washington in connection with the transaction of public business. . . .”



Are emails and other ESI really records? **Yes.**

But you don't need to keep everything. Business purpose and content dictates how long a record needs to be retained or kept.

Some ESI relates to a project you are working on, some to administrative functions you deal with, and some emails and other ESI may act as a transmittal, delivering a document for editing.

How long do I keep emails?

Retention is content-based and how long you keep an email depends on what the email is about.

- Emails not needed as evidence of a business transaction, such as thank you responses or cake in the break room, may be destroyed immediately.
- Keep routine emails concerning day-to-day office administration and activities or emails to or from employees made or received in connection with specific program business longer.
- Emails about agency-wide policy issues, concerns, actions or issues have permanent retention and are kept forever.

Additionally, emails are electronic source documents. Per WAC 434-662, electronic records must be kept in electronic format for the length of the designated retention period.

For more training about email retention, see [Email Retention: What Should I be Doing?](#)

What is my responsibility in records management?

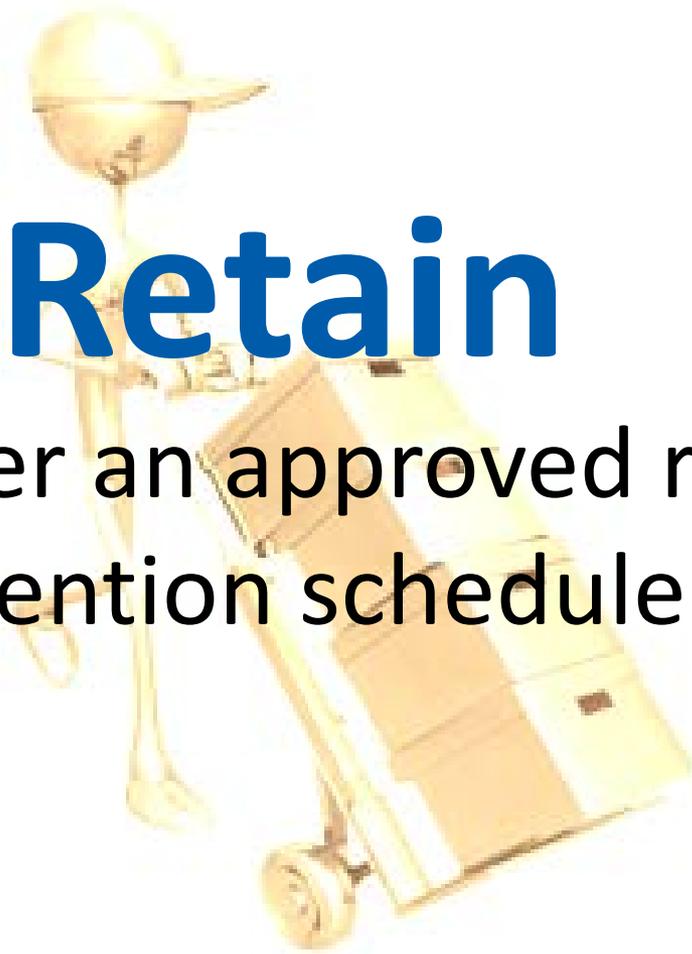
- **Retain** records per an approved records retention schedule
- **Transfer** historical records to the State Archives
- **Dispose** of records which have met their retention
- **Protect** essential records and confidential data
- **Maintain accessibility** to the records for which you are responsible



So, what does this really mean?

Retain

records per an approved records
retention schedule



Retaining or keeping records

All DSHS records have retention value or a length of time that the record should be kept, based on the records value as determined by:

- The usefulness to current or future business.
- The usefulness for financial management and/or audit purposes.
- The usefulness as it pertains to any legal matters or statute of limitations.
- The importance in capturing and preserving the history of an agency.

*It is important to know what records need to be kept and for how long those records need to be retained, **and what records do not need to be kept and can be disposed of quickly.***

What records can I dispose of quickly?

Some records are “transitory” records and may be kept only as long as you need them for business. ***Transitory records are typically of short-term or temporary information value.***

These include:

- Meeting locations, dates and times.
- Catalogs, brochures, calendars, posters and blank forms.
- Informational copies, reports, memorandums, notices, bulletins, newsletters or announcements.
- Telephone messages or routing slips.
- File transfer or transmittal letters or emails containing no substantive information and not needed to document legal response requirements.
- Preliminary drafts unless on a ***records retention schedule***.
- Data extracts and printouts unless on a records retention schedule.

What is a records retention schedule?

Records retention schedules tell us how long we must keep records. DSHS uses two schedules:

- The [State General Records Retention Schedules](#) which contain retention periods for records common to many state agencies and include administrative, fiscal, legal and personnel records. For example:
 - Contracts
 - Payroll records
 - Banking records
 - Supply requests
 - Meeting minutes
 - Training files
 - Attendance
 - Court orders
 - Audit records
- The unique [Department of Social and Health Services Retention Schedule](#) contains agency-specific records retention schedules that are unique to DSHS. For example:
 - Fair hearing files
 - Client records
 - HIPAA records
 - Background checks
 - Institution medical records
 - Investigative files

How do I “read” a schedule?

Record retention schedules are groups of records about a specific function or activity, called a “**series.**” *A record series may consist of a single form or many different documents.* Each record series has a unique number called the *Disposition Authority Number (DAN)*.



Washington State Archives
Office of the Secretary of State

*Department of Social and Health Services Records Retention Schedule
Version 1.1 (September 2012)*

5.1 GENERAL

This section covers records relating to Economic Services Administration.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
75-08-13170 Rev. 1	Public Assistance Programs Correspondence Public Assistance Programs correspondence from key stakeholders and customers regarding the implementation, maintenance, staffing, budgeting, training, and monitoring used to maintain a records for potential litigation, complaints, comments, or legal interpretations. May address legal issues.	Retain for 7 years after end of calendar year <i>then</i> Destroy.	NON-ARCHIVAL ESSENTIAL OFM

The *Description of Records* lists the title and type of records in the series.

The *Retention and Disposition Action* lists the minimum amount of time these records must be kept and what to do with them when they reach the end of their retention.

So, what does the schedule tell us about DAN 75-08-13170, Public Assistance Program Correspondence? We know that:

- This series contains public assistance correspondence for programs in the DSHS Economic Services Administration.
- All records in DAN 75-08-13170 are kept at least seven years after the end of the calendar year, or December of the same year as the correspondence; and then can be destroyed.
- We also know that these records are not archival and are essential.



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What does essential and archival mean?

Archival means these records are important to Washington State citizens and our agency's history. These type of records are kept **permanently**. *These records are not archival and may be destroyed after seven years.*



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Essential records are vital in an emergency and necessary for the reestablishment of normal operations after any emergency. *The records in this series are essential and must be protected from loss or damage while being retained.*

Who can help with retention questions?

If you have further questions about your records retention schedules, your [Records Coordinator](#)* can help you determine the type of records you have if you have further questions.

** A Records Coordinator is appointed by administration or division management to assist the DSHS Records Officer with the records management and retention duties of their administration or division.*

Where do I keep records with retention?

Storing DSHS records can be challenging. Some records can be kept electronically in shared drives, emails, and databases; however, DSHS also generates a huge amount of paper records. It isn't always possible to keep paper records in your office.

You may store your records off-site at the [State Records Center](#).

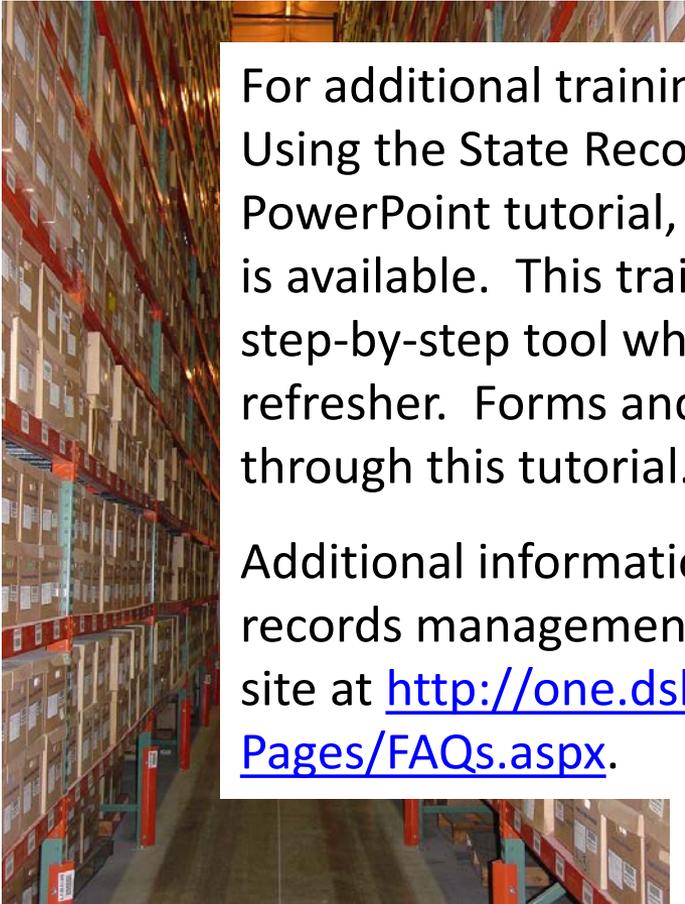
What is the State Records Center?



The State Records Center (SRC) provides low-cost, secure storage for paper records that must be kept for administrative or legal needs but are inactive or no longer used frequently. Located in Thurston County, the SRC is used by all state agencies to store paper records.

Using the SRC for records storage:

- Makes it unnecessary to purchase more filing cabinets
- Frees office space for “people not paper”
- Provides secure storage where passwords are required to access records
- Destroys records once retention requirements are met
- Permanently maintains paperwork proving records were destroyed appropriately per our retention schedule.



For additional training and information regarding Using the State Records Center, an online PowerPoint tutorial, [Using the State Records Center](#) is available. This training is designed to use as a step-by-step tool while boxing records or as a refresher. Forms and instructions are available through this tutorial.

Additional information can be found at the DSHS records management Frequently Asked Questions site at <http://one.dshs.wa.lcl/FS/Loss/Records/Pages/FAQs.aspx>.



A golden robot with a spherical head and a flat cap is pushing a three-wheeled cart. The cart is loaded with several brown cardboard boxes. The robot is positioned behind the cart, pushing it forward. The scene is set against a plain white background.

Transfer

historical records to the
State Archives

Transferring records

Archival records, or records with enduring legal and/or historical value, **are sent to the State Archives**. This includes all records, whether paper or in electronic format.

It is illegal to destroy archival records.



If you work with these type of records, then contact your [Records Coordinator](#) for more information about transferring them to the State Archives.

You may also contact the DSHS Records Officer at 360.664.6048 or email to Millie.Brombacher@dshs.wa.gov.

What are examples of archival records?

Examples of DSHS archival records include:

- Rule making files held by the Rules and Policies Assistance Unit;
- Institutional master patient indexes and admission / discharge registers;
- Alcohol and Drug program certification files; and
- Mental Health program and facility review files.

Additionally, many **executive management*** files such as history files, minutes and files of policy-setting meetings or executive direction, policies and procedures affecting the entire agency, and speeches and writings are archival.

Both the [State General Records Retention Schedules](#) and the unique [Department of Social and Health Services Retention Schedule](#) identify specific records series considered archival.

** Assistant Secretary or superintendent level and above.*

Dispose

of records which have
met their retention



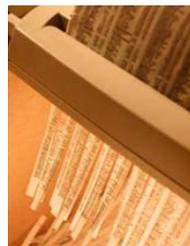
What is appropriate disposal of records?

Appropriate disposal of records means destruction is authorized, secure / confidential, timely and documented. The method of disposal should be appropriate to the required security or sensitivity needs of the records.

Routine business records with no legal restrictions may be put into a recycling bin; but, all DSHS client and some employee information is confidential.

- For confidential paper records, DSHS uses shredding and pulping contractors to render information essentially unreadable. Place these records in “hot trash” bins.
- For confidential ESI, DSHS uses approved and secure purging processes.

Do not dispose of any DSHS records in dumpsters or trash cans accessible to the public.



What if I destroy records too early or archival records?

It is important to know and understand the records you use and produce in order to avoid:

- Destroying records which have not completed their retention.
- Destroying records not on an approved records retention schedule.
- Destroying archival records.

*Per RCW 40.16.010, anyone who **willfully** removes, alters, destroys, or conceals a public record may be found guilty of a Class C felony and punished by imprisonment or fines.*



Keeping records too short of time is illegal; however, keeping records too long is ill-advised.

What if I keep them too long ?

Often records are kept too long “just in case.” This extends the agency’s liability for as long as the records exist.

Records kept too long:

- Over-burden staff and slow response time to produce records as it becomes harder to find records you need.
- Increase costs as searches for discovery or public records requests finds records which could have been destroyed but now need to be reviewed and produced.
- Increase costs for storage including server storage space, office space per foot costs and additional file cabinets
- Increase costs of records maintenance as records must be protected and be kept accessible.



Protect

essential records and
confidential data



What are essential records?

Essential records are records vital in an emergency and necessary for the reestablishment of normal operations after any emergency. These records must be protected because they:

- Are necessary to resume and restore operations.
- Document legal authorities, rights, responsibilities, and financial status.
- Document the rights and obligations of DSHS employees, stakeholders and clients.

But, **protection from what?** DSHS has experienced all of the following:

- Natural disasters (earthquakes, floods, volcanic eruption)
- Water and fire damage
- Power or equipment failure
- Software program failure
- Malicious computer attacks
- Human error



How can I help protect essential records?

Essential records are identified on the records retention schedules. Help our agency protect these important records by:

- Knowing which records are considered essential.
- Knowing the location of essential DSHS records you use.
- Keeping essential records folders, documents and disks
 - Off desks
 - Off the floor
 - In metal drawer file cabinets
 - Encrypted if on media storage devices
- Put labels on essential records file cabinets.



What is confidential data?

Confidential data is information protected by state or federal laws, including information about DSHS clients, employees, vendors or contractors that is not available to the public without legal authority.

Confidential information includes demographic, financial, service eligibility, and protected health information.

DSHS employees have a legal obligation to protect confidential information from unauthorized release, transfer, or access outside of our agency.



Per [Administrative Policy 5.01, Privacy Policy – Safeguarding Confidential Information](#), employees found to be in violation of DSHS policies and procedures relating to confidentiality may receive corrective or disciplinary action, up to and including dismissal.

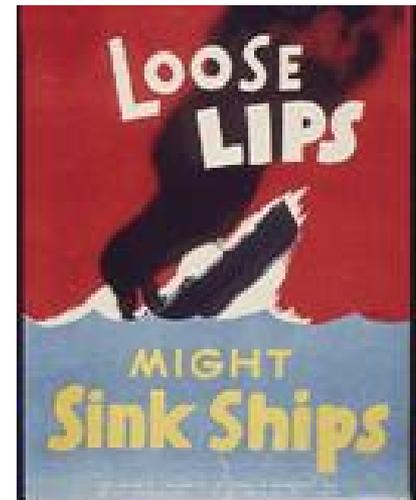
There may also be federal civil and criminal fines.

How can I help protect confidential data?

You can help protect confidential data by:

- Using and accessing only the minimum amount of confidential information needed to do your job.
- Safeguarding confidential records and reporting any suspected loss to the DSHS Privacy Officer immediately.

Do not reveal confidential information in conversations that can be overheard, chats by the coffee pot, in public places, on social media, or at home with friends and family.



What is Protected Health Information?

Protected health information (PHI) is a type of client confidential information held by parts of DSHS that are covered by **HIPAA**.

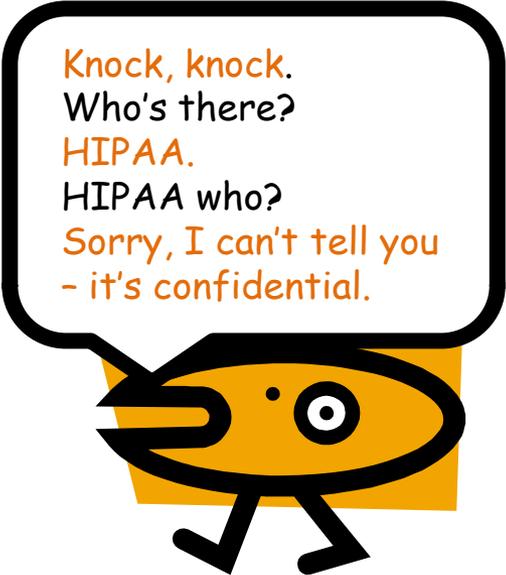


PHI is individually identifiable health information about a client that is created, transmitted, accessed or maintained by covered DSHS Health Care Components.*

* For additional information, see the [DSHS Notice of Privacy Practices](#) on the [DSHS Internet](#).

What is HIPAA?

The Health Insurance Portability and Accountability Act (HIPAA) protects the privacy of individually identified health information (PHI) and sets national standards for the security of electronic PHI **and applies to covered programs within DSHS.**



Knock, knock.
Who's there?
HIPAA.
HIPAA who?
Sorry, I can't tell you
- it's confidential.

Even if not covered by HIPAA, all client programs have confidentiality laws that apply to the records held by their programs.

- **For privacy requirements**, see [Administrative Policy 5.01, Privacy Policy – Safeguarding Confidential Information](#).
- For Information Security requirements, see DSHS [IT Security Manual](#).
- For additional HIPAA information, see the [DSHS Notice of Privacy Practices](#) on the [DSHS Internet](#).

Maintain Accessibility

A golden, stylized figure is pushing a cart filled with several brown cardboard boxes. The figure is positioned behind the text, and the cart is tilted slightly to the right. The background is white with a green curved border at the top.

to the records for which you are
responsible

Maintaining accessibility

The key to maintaining accessibility to DSHS records is **organization**: *knowing what records you have, and where you have them.*

Knowing where your records are:

- Helps to provide timely responses which allows DSHS to meet our legal obligation to answer **public records requests**.
- Helps locate files necessary for **litigation or discovery** which allows us to keep down court costs.

Knowing where your records are helps save time and money.

What is a public records request?

All records used to do business are public records and presumed to be available through a public records request.

- Our legal duty under the Public Records Act is that all employees must help locate records and must be able to identify public record requests.
- **Anyone can receive a public records request or have to locate records responsive to a public records request.**
- You must retain and not destroy records that are the subject of a public records request until after it is completed.
- **Your electronic records may be searched and collected to respond to a public records request without notifying you.**
- By law, agencies must respond promptly, conduct adequate searches and provide fullest assistance to requestors.

Who can ask for records?

Anyone can make a public records request in writing, in person, on the phone or by fax or email.

There is no single method or form required for making a public records request.

- Even confidential records may be disclosed in some instances. For example, clients have a right to access their own records.
- **We have only a few days to respond to public records requests so it is very important to act quickly.** Delays in processing a public records request can be costly for DSHS in penalties and attorney costs.
- By law, agencies must respond promptly **within five work days**.
- All DSHS employees must adequately search their records.
- DSHS must maintain openness of its records and fully assist requesters to get the records they want.



What do I do if someone asks me for records?

Each part of DSHS has designated employees to serve as a [Public Records Coordinator](#) . * **It is important to know who this person is.**

** A Public Records Coordinator is designated or authorized to respond to, track and receive public records requests within an organizational unit, a local office, unit, region, program, or facility.*

Public records coordinators will make decisions on what can be disclosed and what records are exempt.

Clients have a right to copies of their own records. Different laws or practices may apply to requests for confidential client records. Consult your Public Records Coordinator if you are unsure about who can get records. These coordinators serve as leads on what records can be provided.

If you receive a public records request, **forward it immediately** to your program or office [Public Records Coordinator](#).

What is discovery?

- Discovery is a request for information or DSHS records relating to litigation, and includes production of documents or records about the case.
- When a lawsuit or tort claim or **reasonable expectation** of a lawsuit or tort claim exists, DSHS employees are required to identify and preserve records that may be relevant to the lawsuit or tort claim.

“Reasonable expectation” means that an event **may** lead to filing a lawsuit or tort claim* against DSHS or its employees.

- * *Although there is no formal standard to determine whether an event will lead to a lawsuit, if something happens during work which may be interpreted as possibly leading to a lawsuit, contact your supervisor.*



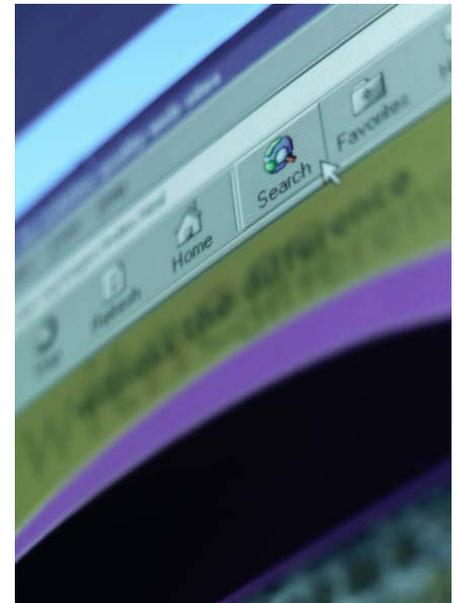
What is a litigation hold?

During a discovery search, usual retention time for records stops; and, instead of disposing of records which may be past their retention, ***we must keep them***. This is called a **litigation hold**.

Records must be preserved until a litigation hold is lifted. In some cases, **this could mean year!**

Failure to place records on litigation hold could:

- Spoil potential evidence.
- Compromise the Attorney General Office's ability to defend DSHS.
- Expose our agency to court-ordered sanctions.



How will I know about a litigation hold?

- Litigation holds which affect the entire department are found at the DSHS records management website home page at <http://one.dshs.wa.lcl/FS/Loss/Records/Pages/default.aspx>.
- Typically, you will be notified by your program [Discovery Coordinator](#).*
- * *A Discovery Coordinator is appointed to coordinate with and assist Attorney General Office representatives when litigation is reasonably anticipated, or a litigation hold notice or discovery request is issued that involves their respective program.*
- You also may be notified by your supervisor.
- Rarely, you might be called by an Attorney General Office representative or an outside legal representative.

If this happens, contact your supervisor immediately.

Who can I call for more information or training about records management?

For records retention:

Contact [Millie Brombacher](#), Agency Records Officer, your local [Records Coordinator](#), or go to <http://one.dshs.wa.lcl/FS/Loss/Records/Pages/default.aspx>

For public records requests:

Contact [Natasha House](#), Public Records Officer, your local [Public Records Coordinator](#), or go to <http://one.dshs.wa.lcl/FS/Records/Disclosure/Pages/default.aspx>

For discovery:

Contact [Chris Barnes](#), Discovery Manager, your local [Discovery Coordinator](#), or go to <http://one.dshs.wa.lcl/FS/Records/Discovery/Pages/default.aspx>

For privacy requirements:

Contact [Kathryn Kellogg Ruckle](#), Privacy Officer, or to <http://one.dshs.wa.lcl/FS/Records/Privacy/Pages/default.aspx>.

What are the laws and policies regarding records management?

DSHS Administrative Policies:

- [5.01 Privacy Policy – Safeguarding Confidential Information](#)
- [5.02 Public Disclosure](#)
- [5.03 Client Rights to Protected Health Information](#)
- [5.04 Records Retention](#)
- [5.05 Discovery](#)
- [5.06 Use and Destruction of Health Care Information](#)
- [5.07 Employee Response to Litigation Related Documents](#)
- [15.15 Use of Electronic Messaging Systems and the Internet](#)
- [Information Technology Security Manual](#)

Additional records management laws and policies

Washington State Law:

- [Title 40 RCW](#) Public Documents, Records, and Publications
- [RCW 42.56](#) Public Records Act
- [WAC 434](#) Secretary of State

Additional records management training is found at:

<http://one.dshs.wa.lcl/FS/Loss/Records/Pages/Training.aspx>

and

<https://www.sos.wa.gov/archives/recordsmanagement/managing-state-agency-records.aspx>

To report an error or suggest an improvement to this training, please contact Millie Brombacher at 360.664.6048 or email brombma@dshs.wa.gov.

Records management “is not at all like herding cats – you can see cats.”

Rudy Moliere