
Electronic Records Management: Are Emails Public Records?

Purpose: Provide guidance to state agencies and local government entities on whether emails are public records for the purposes of records retention ([chapter 40.14 RCW](#)).

Are emails public records?

YES – If the email relates to the conduct of public business (which means it is about the work of the agency), then it satisfies the definition of public records in [RCW 40.14.010](#) (emphasis added):

*“As used in this chapter, the term “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**, and legislative records as described in [RCW 40.14.100](#).”*

Are agency work emails sent or received using a personal email account a public record?

YES – If the emails relate to the work of the agency, then it does not matter if the email account involved is agency-owned or personal; the records are still public records.

If you are conducting public business – it’s a public record.

What about public records requests for emails?

For guidance on public records requests for emails, please consult your agency’s legal counsel or the Office of the Attorney General’s Open Government Program at:

<http://www.atg.wa.gov/open-government-ombuds-function>

**Additional advice regarding the management of public records is available from
Washington State Archives:**

**www.sos.wa.gov/archives
recordsmanagement@sos.wa.gov**