
Electronic Records Management: Are Text Messages Public Records?

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

Are text messages public records?

YES – If the text message 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 text messages sent or received to a personally-owned device a public record?

YES – If the text messages relate to the work of the agency, then it does not matter if the device involved is agency-owned or personally-owned; the records are still public records.

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

What about public records requests for text messages?

For guidance on public records requests for text messages, 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**