
Electronic Records Management: Capture and Retention of Text Messages

Purpose: Provide guidance to state agencies and local government entities on how to capture text messages for records retention purposes.

Is the agency or the phone company responsible for retaining text messages?

THE AGENCY – The responsibility for ensuring that public records of agency business conducted via text messaging are appropriately retained lies with the agency.

But doesn't the phone company have all the text messages?

MAYBE – Phone companies are governed by their own policies, compliance with their own regulatory framework and by the contract your agency makes with them.

Agencies need to be aware and understand what their contract with their text messaging service provider covers in terms of retention of text messages and the agency's ability to access those records, especially if agencies are choosing to rely on their provider to meet the agency's records retention responsibilities.

What options are there for capturing and retaining text messages?

1. **Users Save Messages** – Agencies can choose to have their users be responsible for manually saving their text messages to an agency-controlled storage device such as an Enterprise Content Management (ECM) system or a server. However, it may difficult to demonstrate that this is done consistently, especially if questioned during litigation.
2. **Automatic Capture to Agency-Controlled Storage** – Agencies can choose to either configure their text messaging service or use third-party software to automatically capture each text message sent and received either into a repository or as an email sent to the agency.
3. **Vendor Capture and Store Services** – Agencies can choose to use a vendor service to capture and retain their public record text messages. Again, agencies will need to be aware and understand what their contract with their vendor service provides in terms of retention, access to the records, what happens to the text message records at the end of their minimum retention periods and what happens if the contract is terminated or the vendor goes out of business.

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

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