
Basics of Records Management: What is a Public Record?

Purpose: Provide guidance to state and local government agencies regarding the definition of a public record for the purposes of records retention.

Chapter 40.14 of the Revised Code of Washington (RCW) contains regulations for the retention, preservation and lawful destruction of public records, and grants authority to Washington State Archives to preserve and protect public records. (Chapter 42.56 RCW defines public records for the purposes of public records requests.)

Chapter 40.14 RCW can be found online at:

<http://apps.leg.wa.gov/RCW/default.aspx?Cite=40.14&full=true>

RCW 40.14.010 defines public records using three key criteria:

1. “Made by or received by any agency of the State of Washington”

Public records include both the records that an agency creates and those that it receives or collects. For example, when an agency solicits public comment on an issue, both the request for comment and the information received in response are public records.

2. “In connection with the transaction of public business”

A record provides proof or evidence of agency business. Agency business includes not only the core functions of an agency, but also support functions, such as finance, human resources and facility management.

3. “Regardless of physical form or characteristics”

If a record meets the two criteria listed above, then it is a public record, regardless of the format in which it is transmitted or received. This definition encompasses not only paper records, but also records that are created, received, and used in digital format, including emails, websites, databases, digital photos, blogs, and tweets.

Per RCW 40.14.020, public records are the property of the State of Washington, and do not belong to the individuals who create or receive them. These records must be kept, managed and disposed of lawfully, in accordance with approved records retention schedules. Agencies need to be aware of what constitutes a public record in order to capture, manage, retain and dispose of them appropriately.

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

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