

Using Records Retention Schedules: Why Are Public Records Request Records Kept for 2 Years?

Purpose: Provide guidance to state and local government agencies on the rationale for the retention of records documenting public disclosure requests and responses.

The minimum retention period for public records request records is 2 years after request fulfilled in accordance with **Public Disclosure/Records Requests (DAN GS 05001 / GS2010-014)** in the *State Government General Records Retention Schedule* and *Local Government Common Records Retention Schedule (CORE)*.

Reasons for the 2-year retention:

- The Public Records Act notes that legal actions for alleged public disclosure violations must be brought against agencies within 1 year (chapter 42.56.550(6) RCW).
- However, in *Belenski v. Jefferson County* (2016), the Washington State Supreme Court found that while this 1-year statute of limitations usually applies, it does not apply in every case.
- The statute of limitations may be exceeded in the following scenarios:
 - Plaintiff could not or did not discover the alleged violation until after the statute of limitations expired (an exception known as *equitable tolling*);
 - The limitation period was not triggered because the agency did not follow proper procedures by providing a final, definitive response to the public disclosure request.
- The 2-year retention period provides agencies an extra year to protect themselves from liability by retaining records responsive to lawsuits in which the 1-year statute of limitations is ruled not applicable.

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

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