



County Clerks and Clerk of the Superior Court
Agencies of Washington State

RECORDS MANAGEMENT
GUIDELINES

[http://www.secstate.wa.gov/archives/doc/Records Management Guidelines.doc](http://www.secstate.wa.gov/archives/doc/Records%20Management%20Guidelines.doc)

SUPERSEDED and
GENERAL RECORDS RETENTION
SCHEDULES

*Approved and Issued by the Washington State Local Records Committee
DECEMBER 2001*

This publication updates your February 2001 edition of the County Clerks and Clerk of the Superior Court General Records Retention Schedules. These manuals share record series used by Local Governments (e.g. Accounting, Personnel, Records Management etc.) that were revised last Summer 2001. The main purpose of this edition is to update those revised shared general schedule record series. If you have any questions regarding this manual, please contact your Regional Branch Archives at <http://www.secstate.wa.gov/archives/archives.asp> or the Records Management staff in Olympia 360.586.4902

TABLE OF CONTENTS

CC01 - COUNTY CLERK AND CLERK OF THE SUPERIOR COURT 1

BONDS AND OATHS..... 15

RCWs and WACs – FOR COURT CLERKS 17

WASHINGTON ADMINISTRATIVE CODE..... 26

GENERAL SCHEDULE INDEX 33

SUPERSEDED

COUNTY CLERK AND CLERK OF THE SUPERIOR COURT GENERAL RECORDS RETENTION SCHEDULE

CC01 - COUNTY CLERK AND CLERK OF THE SUPERIOR COURT

The following general records retention schedule sets minimum retention requirements and provides blanket authority for the disposition of commonly held records according to the provisions of RCW 40.14.070 and WAC 434-635-050. This section begins with the signatures of the Local Records Committee, which signify the Committee's approval and the foundation of the records disposition authority that the schedule conveys to agencies of local government and County and Superior Court Clerks. Each records series entry is assigned a Disposition Authority Number. These numbers should be cited in the documentation that an agency maintains for the records it actually destroys. An agency may retain individual records series longer than the retention period approved by the Local Records Committee, but such records are subject to public disclosure and legal discovery until they are disposed of. Any records that may be discoverable in an active or pending court case must be retained and made available for discovery until the case is settled, regardless of their approved retention periods.

In some cases, the primary copy of a records series may be held by another agency/office. In those cases, use the retention period for other copies.

General records retention schedule listings for some records series include special designations and disposition instructions, including:

Official Public Records (OPR) are those records identified and required by statute that document legal actions or transactions and/or fiscally or financially obligates the law office. All other records are Office Files and Memoranda (OFM) as defined in RCW 40.14.010.

Potential Archival Value – This designation identifies records that have potential historical research value. These records must be appraised for transfer to the Regional Archives system before being destroyed. Contact your Regional Archivist to make arrangements for appraisal and transfer of records with potential archival value.

Essential Record – This designation identifies records that are essential for the continuity and restoration of agency operations after a disaster, serve as primary documentation of an agency's legal authority and responsibilities, or protects the rights of clients, property owners, students or other individuals.

COUNTY CLERK AND CLERK OF THE SUPERIOR COURT - INCLUSIVE

Approved as by the Washington State Local Records Committee – Revised December 2001

Brian Buchholz
For the Attorney General

George Geyer
For the State Auditor

Diana Bradrick
For the State Archivist

Schedule Title: COUNTY CLERK AND CLERK OF THE SUPERIOR COURT

SERIES NO.	RECORDS SERIES TITLE AND DESCRIPTION OF SERIES	OPR or OFM	OFFICE OR DIVISION LOCATION AND MINIMUM RETENTION PERIOD		DISPOSITION AUTHORITY NUMBER (DAN)	SPECIAL AND/OR DISPOSITION INSTRUCTIONS
			PRIMARY RECORD COPY	SECONDARY RECORD COPY		
1	ABANDONED OR UNCLAIMED PROPERTY REPORTS Office copy of Report of Unclaimed or Abandoned Property sent to the Department of Revenue or unclaimed and undeliverable restitution transmitted in accordance with RCW 7.68.290 . Reference to surrender to Department of Revenue should be recorded in case file. Does not include exhibits.	OFM	6 years	Destroy when obsolete or superseded	GS65-01-01	Reference RCW 7.68.290 .
2	ABSTRACT OF JUDGMENT May be discontinued record. Replaced by civil case file. Official documentation of Superior Court proceedings and filings. May include sealed documents, published depositions, and exhibits.	OPR	PERMANENT – Potential archival value – See remarks	Destroy when obsolete or superseded	GS65-01-02	Please contact your Regional Archivist before destroying original record.
3	ACCOUNT RECONCILIATION RECORDS-LOCALLY OR AUTOMATICALLY PREPARED Reports indicating reconciliation of bank statements with check registers and/or account ledgers.	OFM	3 years	Destroy when obsolete or superseded	GS50-03B-01	
4	ACCOUNTING CORRESPONDENCE Accounting related letters and attached materials sent and received during the course of agency business.	OFM	2 years – elected official, executive, and department head files are potentially archival – See remarks	Destroy when obsolete or superseded	GS50-01-12	Please contact your Regional Archivist before disposing of this record. Records from this series may be selected to be transferred and preserved at the Regional Archives.
5	ADMINISTRATIVE WORKING FILES Subject files containing informational copies of various records series organized by issue, person, subject, or other areas of interest. May include topical files containing correspondence and data relating to a particular topic. Usually involves procedure, policy, personnel, and management information.	OFM	Keep no longer than 2 years – elected official, executive and department head files are potentially archival – See remarks	Destroy when obsolete or superseded	GS50-01-02	Please contact your Regional Archivist before disposing of this record. Records from this series may be selected to be transferred and preserved at the Regional Archives. NOTE: It is recommended that working files remain in the office as long as the topic of the file is effective and for so long as it is or may be important to preserve the history of the topic.
6	ANNUAL REPORTS Any report, whether required or optional, issued by the office that provides an official review of the previous year's activities.	OFM	Clerk of governing council, commission, or board – PERMANENT – 1 copy archival – See remarks	Destroy when obsolete or superseded	GS50-05A-04	Please contact your Regional Archivist before destroying original record.
7	ARBITRATION FILES Any data pertaining to a county's mandatory arbitration, to the extent that the data within the arbitration file are not made a part of the case file.	OPR	Until time for filing appeal from arbitration award has expired	Destroy when obsolete or superseded	GS65-01-03	
8	ATTENDANCE RECORD - JUROR Office record of juror daily attendance, mileage, and reimbursable expenses, used to prepare cost bill for juror payments.	OPR	6 years	Destroy when obsolete or superseded	GS65-01-04	

Schedule Title: COUNTY CLERK AND CLERK OF THE SUPERIOR COURT

SERIES NO.	RECORDS SERIES TITLE AND DESCRIPTION OF SERIES	OPR or OFM	OFFICE OR DIVISION LOCATION AND MINIMUM RETENTION PERIOD		DISPOSITION AUTHORITY NUMBER (DAN)	SPECIAL AND/OR DISPOSITION INSTRUCTIONS
			PRIMARY RECORD COPY	SECONDARY RECORD COPY		
9	ATTENDANCE RECORD – WITNESS Office record of witness daily attendance, mileage, and reimbursable expenses, used to prepare cost bill for witness payments.	OPR	Until placed in case file*	Destroy when obsolete or superseded	GS65-01-05	*Place in case file or any approved alternative storage medium.
10	BANK STATEMENTS May include canceled checks and record of debits and credits for daily investment accounts.	OPR	6 years	Destroy when obsolete or superseded	GS50-03B-03	
11	BOND DOCKETS May be a discontinued record, replaced by electronic docket entry, or hard copy in case file. May have been bound volumes containing the original or copies of bonds filed by administrators, guardians, and executors as security copies of bonds in case files.	OPR	PERMANENT	Destroy when obsolete or superseded	GS65-01-06	
12	BOOK OF LEVIES May be a discontinued record; probably included post-judgment execution documents and events.	OPR	PERMANENT – Potential archival value	Destroy when obsolete or superseded	GS65-01-07	Please contact your Regional Archivist before disposing of this record. Records from this series may be selected to be transferred and preserved at the Regional Archives.
13	BUDGET & BUDGET DEVELOPMENT FILES – OFFICE REFERENCE COPIES Copy of the officially adopted budget, submitted to executive and/or legislative branch of county government.	OFM	Destroy when obsolete or superseded	Destroy when obsolete or superseded	GS50-03D-03*	*The DAN for this series has been corrected from GS50-01-07 . Our apologies for any inconvenience this may have caused.
14	BUDGET & ESTIMATED REVENUE PROJECTIONS Office copy of projections of revenue and expenditures submitted to county government body.	OFM	2 years	Destroy when obsolete or superseded	GS50-03D-01	
15	CASE FILES Official documentation of Superior Court proceedings and filings. May include sealed documents, published depositions, and exhibits. PUBLIC ACCESS RECORDS: Adult criminal, civil, domestic, probate, juvenile offender after 1978, tax warrant, tax case, territorial, territorial district court case files. See also, "Tax Case Files," "Tax Warrant Case Files", "Territorial Case Files", and "Territorial District Court Case Files." RESTRICTED ACCESS RECORDS: Paternity, adoption, involuntary (mental) commitment, juvenile dependency/termination of parental rights, juvenile offender prior to 1978, and family court case files. ESSENTIAL RECORD – See remarks	OPR	PERMANENT – Potential archival value - See remarks	Destroy when obsolete or superseded	GS65-01-08	Some records may be archival or historically valuable as hard copy records. Contact your Regional Archivist for assessment of any such records. Destroy after transfer to any approved alternative storage medium in accordance with requirements of RCW 36.23.065. Before transfer it is recommended that electronic docket entry "copy case" (if any) be printed and placed in case file as the first viewable document. Reference RCW 36.23.065 . Requirements for maintaining electronic case records are addressed elsewhere in this manual. Access to files or individual documents may be restricted by court order.

Schedule Title: COUNTY CLERK AND CLERK OF THE SUPERIOR COURT

SERIES NO.	RECORDS SERIES TITLE AND DESCRIPTION OF SERIES	OPR or OFM	OFFICE OR DIVISION LOCATION AND MINIMUM RETENTION PERIOD		DISPOSITION AUTHORITY NUMBER (DAN)	SPECIAL AND/OR DISPOSITION INSTRUCTIONS
			PRIMARY RECORD COPY	SECONDARY RECORD COPY		
16	CASH BOOK May be discontinued record; locally maintained list of receipts and/or disbursements, which may be replaced by Receipt Reporting System (RRS) record of receipts and/or disbursements.	OFM	6 years	Destroy when obsolete or superseded	GS50-03B-05	
17	CASH REGISTER ADJUSTMENTS SUMMARY Any record reflecting details of any adjustments made to any automated or manual accounting records. Includes Receipt Reporting System (RRS) and any successor system's report reflecting all cash register adjustments made for each accounting day. If all adjustments are included in Journal Detail Report, this records may be deleted and only the Journal Detail Report retained.	OFM	3 years	Destroy when obsolete or superseded	GS50-03A-06	
18	CASH REGISTER BACKUP DISKETTES Daily backups of automated accounting computer. Includes Receipt Reporting System (RRS) and successor systems	OFM	Destroy when obsolete or superseded	Destroy when obsolete or superseded	GS50-06A-02	
19	CASH REGISTER DAILY DETAIL REPORTS Record of every detail of every transaction for each accounting day. May include Receipt Reporting System (RRS) generated reports, its successor system, or other similarly maintained records.	OPR	6 years	Destroy when obsolete or superseded	GS50-03A-09	
20	CASH REGISTER JOURNALS May be discontinued records; replaced by Receipt Reporting System (RRS) Journal Detail Report. Any other periodic non-RRS daily financial transaction recapitulation.	OPR	6 years	Destroy when obsolete or superseded	GS50-03A-14	
21	CASH REGISTER REVENUE ACCOUNT DISTRIBUTION SUMMARY Any daily or other regularly compiled summary reflecting the distribution of receipts into revenue reporting codes, including BARS/ARMS standard Washington revenue codes and any successor or local revenue distribution method. Includes Receipt Reporting System (RRS) or successor system report reflecting distribution of receipts into various county and state funds, by revenue code. This record must be preserved as a separate record as long as individual counties have the ability to alter the BARS/ARMS distribution tables.	OFM	6 years	Destroy when obsolete or superseded	GS65-01-45	
22	CASH REGISTER TAPES Office copy of receipts given to payers.	OFM	Finance Office keeps primary copy 6 years	Destroy when obsolete or superseded	GS50-03A-02*	*The DAN for this series has been corrected from GS50-01-31 . Our apologies for any inconvenience this may have caused.
23	CHECK REGISTERS Ledger showing deposits and withdrawals in Clerk's or other checking and/or investment accounts.	OPR	6 years	Destroy when obsolete or superseded	GS50-03A-31	

Schedule Title: COUNTY CLERK AND CLERK OF THE SUPERIOR COURT

SERIES NO.	RECORDS SERIES TITLE AND DESCRIPTION OF SERIES	OPR or OFM	OFFICE OR DIVISION LOCATION AND MINIMUM RETENTION PERIOD		DISPOSITION AUTHORITY NUMBER (DAN)	SPECIAL AND/OR DISPOSITION INSTRUCTIONS
			PRIMARY RECORD COPY	SECONDARY RECORD COPY		
24	CHECKS, CANCELED Clerk's bank checks returned by bank once negotiated by payee.	OPR	6 years	Destroy when obsolete or superseded	GS50-03B-04	
25	CLERK'S MINUTE BOOK Separate collection of clerk's notes of proceedings if not originally placed in case file. May be minutes recorded on court calendars, bound and retained without transfer to case file.	OPR	PERMANENT	Destroy when obsolete or superseded	GS65-01-09	Destroy after transfer to approved alternative storage medium has been verified; before transfer it is recommended that electronic docket entry "copy case" be printed and placed in case file as the first viewable document.
26	CONTRACTS Written statement of terms of agreement between office and another office, agency, or individual; AKA: Agreements.	OPR	Termination plus 6 years	Destroy when obsolete or superseded	GS50-01-11	
27	COST BILL – JUROR Any records used to compute payments owed to jurors. Includes per diem, mileage, and any other reimbursable expenses.	OPR	6 years	Destroy when obsolete or superseded	GS65-01-10	
28	COST BILL – WITNESS Claim for witness fees, mileage, per diem, and any other reimbursable expenses approved by the court.	OPR	6 years	Destroy when obsolete or superseded	GS65-01-11	Place in case file or any approved alternative storage medium.
29	COURT REPORTER/RECORDER NOTES /TAPES/ DISKETTES Paper record or approved electronic storage of record of court proceedings, including audio and video records.	OPR	MINIMUM – CIVIL: Termination of case plus 6 years MINIMUM – CRIMINAL – Termination of case plus 15 years MINIMUM CAPITAL PUNISHMENT – Until death of defendant	Destroy when obsolete or superseded	GS65-01-12	Reference RCW 36.23.070 , and SPRC7 Electronic notes must be backed up, migrated and delivered to the clerk in a format that is approved by State Archives as set forth in statute or administrative code. The clerk may require paper notes if no appropriate environment for storage of electronic data is available to the clerk. Court reporting machines that have no back up mechanism are not recommended.
30	DAILY ORDER JOURNALS / DAILY MICROFILM Variously used to describe chronological listing of documents and events in particular cases. Generally replaced by electronic docket entry. May be open and/or restricted-access records. Also includes "daily microfilm" or "security microfilm" of documents, as the "journal " required of RCW 36.23.030 . ESSENTIAL RECORD – See remarks.	OPR	PERMANENT – See remarks	Destroy when obsolete or superseded	GS65-01-13	This records series should be protected from loss or damage by storage of a security microfilm backup. Destroy original record after transfer to approved alternative storage medium
31	DAY BOOKS May be discontinued record. List of documents delivered to the clerk for filing.	OPR	PERMANENT	Destroy when obsolete or superseded	GS65-01-14	This records series should be protected from loss or damage by storage of a security backup.
32	DEPOSIT SLIPS Record of bank or savings institution deposit transactions.	OPR	6 years	Destroy when obsolete or superseded	GS50-03B-02*	*The DAN for this series has been corrected from GS50-03B-03 . Our apologies for any inconvenience this may have caused.

Schedule Title: COUNTY CLERK AND CLERK OF THE SUPERIOR COURT

SERIES NO.	RECORDS SERIES TITLE AND DESCRIPTION OF SERIES	OPR or OFM	OFFICE OR DIVISION LOCATION AND MINIMUM RETENTION PERIOD		DISPOSITION AUTHORITY NUMBER (DAN)	SPECIAL AND/OR DISPOSITION INSTRUCTIONS
			PRIMARY RECORD COPY	SECONDARY RECORD COPY		
33	DEPOSITIONS, PUBLISHED Published depositions become part of the permanent court record.	OPR	PERMANENT – Potential archival value – See remarks	Destroy when obsolete or superseded	GS65-01-15	Please contact your Regional Archivist before destroying original record. Records from this series may be selected to be transferred and preserved at the Regional Archives. Destroy after transfer to approved alternative storage medium.
34	DEPOSITIONS, UNPUBLISHED/UNOPENED	OPR	With court order – 60 days After final judgment – 6 years	Destroy when obsolete or superseded	GS65-01-16	Discontinued record series as of 9/89. A copy of the cover with the file date should be maintained as part of the permanent record.
35	DIKE DISTRICT FILES May be filed in civil files series. Court orders establishing Dike Districts, compensation for lands and appointment of Commissioners.	OPR	PERMANENT – Potential archival value – See remarks	Destroy when obsolete or superseded	GS65-01-17	Please contact your Regional Archivist before destroying original record. Records from this series may be selected to be transferred and preserved at the Regional Archives. This records series should be protected from loss or damage by storage of a security backup. Destroy after transfer to any approved alternative storage medium.
36	DIKING AND DRAINAGE DISTRICT JOURNALS May be a discontinued record. Chronological listing of documents and events pertaining to a particular Dike and Drainage District.	OPR	PERMANENT – Potential archival value – See remarks	Destroy when obsolete or superseded	GS65-01-18	Please contact your Regional Archivist before destroying original record. Records from this series may be selected to be transferred and preserved at the Regional Archives. This records series should be protected from loss or damage by storage of a security backup.
37	DOCKET Variously used to describe alphabetic or numerical listing of cases, chronology of events within particular cases and the schedule of cases heard during a particular span of time. Replaced by electronic record index and docketing. May be open and/or restricted-access records. PUBLIC ACCESS RECORDS: Adult criminal, civil, domestic, probate, juvenile offender files on or after July 1, 1978, judgment or execution, tax warrant, tax, coroners, civil appeals, civil, bond, criminal appeal and trial dockets. Access to files or documents may be restricted by court order. RESTRICTED-ACCESS RECORDS: Paternity, adoption, involuntary (mental) commitment, juvenile dependency/termination of parental rights, juvenile offender filed on or before June 30, 1978, family court dockets.	OPR	PERMANENT	Destroy when obsolete or superseded	GS65-01-19	This records series should be protected from loss or damage by storage of a security backup.

Schedule Title: COUNTY CLERK AND CLERK OF THE SUPERIOR COURT

SERIES NO.	RECORDS SERIES TITLE AND DESCRIPTION OF SERIES	OPR or OFM	OFFICE OR DIVISION LOCATION AND MINIMUM RETENTION PERIOD		DISPOSITION AUTHORITY NUMBER (DAN)	SPECIAL AND/OR DISPOSITION INSTRUCTIONS
			PRIMARY RECORD COPY	SECONDARY RECORD COPY		
38	DOMESTIC VIOLENCE ORDERS The order delete report documents Domestic Violence Protection orders deleted from JIS.	OFM	3 years	Destroy when obsolete or superseded	GS65-01-20	Due to the early design and instructions for implementation, some orders were improperly entered. The only way to correct has been to delete the JIS and re-enter.
39	EMPLOYMENT APPLICATIONS WHEN HIRED Written record of professional and biographical data submitted by job applicants. May become part of personnel record/employee history files.	OFM	Termination plus 6 years	Destroy when obsolete or superseded	GS50-04B-06	
40	EMPLOYMENT APPLICATIONS WHEN NOT HIRED Copies of employment applications submitted by applicants who were not hired.	OFM	Personnel Office keeps primary copy 3 years	Destroy when obsolete or superseded	GS50-04B-01*	*The DAN for this series has been corrected from GS50-01-15 . Our apologies for any inconvenience this may have caused.
41	EXECUTION DOCKET/INDEX May be discontinued record; replaced by electronic record; hard copy in case file. Chronological and/or alphabetic listing of judgments and post-judgment documents and events.	OPR	PERMANENT – Potential archival value – See remarks	Destroy when obsolete or superseded	GS65-01-21	Please contact your Regional Archivist before destroying original record. Records from this series may be selected to be transferred and preserved at the Regional Archives. This records series should be protected from loss or damage by storage of a security backup. Before transfer it is recommended that an electronic "copy case" be printed and placed in case file as the first viewable document.
42	EXHIBITS CIVIL EXHIBITS: May include civil exhibits marked but not offered, marked but rejected, and those admitted, transcripts, and exhibits included in appeals from lower courts and administrative agencies. CRIMINAL EXHIBITS: May include unpublished depositions and criminal exhibits marked but not offered, marked but rejected and those admitted. Does not include published depositions, as they are part of the case file.	OPR	For both CIVIL AND CRIMINAL EXHIBITS: 30 days with court orders or Stipulated Order for Return of Exhibits (STPORE) or 6 years after final judgment. For CRIMINAL CAPITAL CASES Until death of defendant Potential archival value – See remarks	Destroy when obsolete or superseded	GS65-01-22	Please contact your Regional Archivist before destroying original record. Records from this series may be selected to be transferred and preserved at the Regional Archives. Reference RCW 36.23.070 , 63.40.010 . Also reference SPRC7
43	FEE TRANSMITTALS Office copy of or summary of periodic financial transactions transmitted to County Treasurer; principal transmittal held by County Treasurer.	OPR	County Treasurer keeps 6 years	Destroy when obsolete or superseded	TR01-06-01	
44	GRAND JURY RECORDS May be discontinued record. Records pertaining to matters before any grand jury may be sealed or unsealed.	OPR	PERMANENT - Potential archival value – See remarks	Destroy when obsolete or superseded	GS65-01-23	Please contact your Regional Archivist before destroying original record. Records from this series may be selected to be transferred and preserved at the Regional Archives. This records series should be protected from loss or damage by storage of a security backup.

Schedule Title: COUNTY CLERK AND CLERK OF THE SUPERIOR COURT

SERIES NO.	RECORDS SERIES TITLE AND DESCRIPTION OF SERIES	OPR or OFM	OFFICE OR DIVISION LOCATION AND MINIMUM RETENTION PERIOD		DISPOSITION AUTHORITY NUMBER (DAN)	SPECIAL AND/OR DISPOSITION INSTRUCTIONS
			PRIMARY RECORD COPY	SECONDARY RECORD COPY		
45	INDEX Variously used to describe alphabetic listing of cases or persons. General replaced by electronic docket entry index. May be open and/or restricted access records. PUBLIC ACCESS RECORDS: Adult criminal, civil, domestic, probate, juvenile offender files on or after July 1, 1978, judgment or execution, tax warrant, tax, assignees, bar, dental midwives, drugless healers, osteopaths, chiropractors, medical, notary, bonds of county officials, optometry, powers of attorney, records of wills and attorney indices. Access to files or documents may be restricted by court order. RESTRICTED-ACCESS RECORDS: Paternity, adoption, involuntary (mental) commitment, juvenile dependency/termination of parental rights, juvenile offender filed on or before June 30, 1978, family court dockets.	OPR	PERMANENT - Potential archival value – See remarks	Destroy when obsolete or superseded	GS65-01-24	Please contact your Regional Archivist before destroying original record. Records from this series may be selected to be transferred and preserved at the Regional Archives. Destroy after transfer to any approved alternative storage medium. This records series should be protected from loss or damage by storage of a security backup. Destroy after transfer to any approved alternative storage media.
46	JOB DESCRIPTIONS Official published description of duties and required skills/education for a specific staff position within a county office or offices. Central personnel (may/should) retain official, current, and superseded job descriptions.	OPR*	Destroy when obsolete or superseded plus 6 years.*	Destroy when obsolete or superseded	GS50-04B-05*	Revised July 2001 to change the classification to "OPR." And retention to "Plus 6 years" <i>*The DAN for this series has been corrected from GS50-01-18. Our apologies for any inconvenience this may cause.</i>
47	JOURNALS Variously used to describe chronological listing of documents and events in particular cases. Generally replaced by electronic docket entry docket. May be open and/or restricted access records. Also includes "daily microfilm" or "security microfilm" of documents, as the "journal" required of RCW 36.23.030 . PUBLIC ACCESS RECORDS: Adult criminal, civil, domestic, probate, juvenile offender filed on or after July 1, 1978, judgment or execution, tax warrant and tax case journals. RESTRICTED ACCESS RECORDS: Paternity, adoption, involuntary (mental) commitment, juvenile dependency/ termination of parental rights, juvenile offender filed on or before June 30, 1978, and family court case journals.	OPR	PERMANENT - Potential archival value – See remarks	Destroy when obsolete or superseded	GS65-01-25	Please contact your Regional Archivist before destroying original record. Records from this series may be selected to be transferred and preserved at the Regional Archives. This records series should be protected from loss or damage by storage of a security backup. Destroy after transfer to any approved alternative storage media.
48	JURY LISTS/QUESTIONNAIRES – MASTER LIST List of all persons eligible to serve as jurors who have been randomly selected for the jury pool.	OFM	Until superseded	Destroy when obsolete or superseded	GS65-01-26	

Schedule Title: COUNTY CLERK AND CLERK OF THE SUPERIOR COURT

SERIES NO.	RECORDS SERIES TITLE AND DESCRIPTION OF SERIES	OPR or OFM	OFFICE OR DIVISION LOCATION AND MINIMUM RETENTION PERIOD		DISPOSITION AUTHORITY NUMBER (DAN)	SPECIAL AND/OR DISPOSITION INSTRUCTIONS
			PRIMARY RECORD COPY	SECONDARY RECORD COPY		
49	JURY LISTS/QUESTIONNAIRES – TERM LIST List of all prospective jurors for a particular jury term, randomly selected from the jury master list. AKA “venire”.	OFM	Until end of term	Destroy when obsolete or superseded	GS65-01-27	
50	LAND REGISTRATION FILES (TORRENS ACT) May be a discontinued record; may be replaced by civil case file; folder(s) containing all papers filed in a land registration/torrens case.	OPR	PERMANENT - Potential archival value – See remarks	Destroy when obsolete or superseded	GS65-01-28	Please contact your Regional Archivist before destroying original (pre-1900) record. This records series should be protected from loss or damage by storage of a backup. Destroy after transfer to any approved alternative storage media.
51	LETTERS OF ADMINISTRATION / CONSERVATORSHIP/ GUARDIANSHIP / TESTAMENTARY Instruments issued by the Clerk to enable a person (administrator/conservator/guardian/ personal representative) to take charge of a person or property.	OFM	PERMANENT – See remarks	Destroy when obsolete or superseded	GS65-01-29	This records series should be protected from loss or damage by storage of a security backup. Destroy after transfer to any approved alternative storage media.
52	MOTHER'S PETITION/PENSION Discontinued record.	OPR	PERMANENT - Potential archival value – See remarks	Destroy when obsolete or superseded	GS65-01-30	Please contact your Regional Archivist before destroying original record. Records from this series may be selected to be transferred and preserved at the Regional Archives. This records series should be protected from loss or damage by storage of a security backup. Destroy after transfer to any approved alternative storage media.
53	NATURALIZATION RECORDS Various types of naturalization-related records, including declarations of intentions, delayed birth files, naturalization affidavits, notifications of application for admission to US citizenship, orders fixing naturalization terms, petitions and records, petitions, receipts for certificates of citizenship, record of final decrees of citizenship and record of petitions dockets. May be discontinued.	OPR	PERMANENT – Potential archival value - See remarks	Destroy when obsolete or superseded	GS65-01-31	Please contact your Regional Archivist before destroying original record. Records from this series may be selected to be transferred and preserved at the Regional Archives. This records series should be protected from loss or damage by storage of a security backup. Destroy after transfer to any approved alternative storage media.
54	OATHS: BAILIFF, COURT REPORTER, COURT COMMISSIONER, AND OTHERS Oaths signed as part of position. Similar to oaths signed by deputies to other elected officials. May be a part of a miscellaneous electronic (civil) file. See “Official Bond Register” for county officials’ bonds, (See Bonds & Oaths p.18)	OPR	Termination plus 6 years	Destroy when obsolete or superseded	GS65-01-32	

Schedule Title: COUNTY CLERK AND CLERK OF THE SUPERIOR COURT

SERIES NO.	RECORDS SERIES TITLE AND DESCRIPTION OF SERIES	OPR or OFM	OFFICE OR DIVISION LOCATION AND MINIMUM RETENTION PERIOD		DISPOSITION AUTHORITY NUMBER (DAN)	SPECIAL AND/OR DISPOSITION INSTRUCTIONS
			PRIMARY RECORD COPY	SECONDARY RECORD COPY		
55	OFFICIAL AGENCY POLICY AND PROCEDURE DIRECTIVES, REGULATIONS, AND RULES Official statements promulgating policies and procedures of the office. ESSENTIAL RECORD – Needs security backup – See remarks .	OPR	PERMANENT as adopted – One copy archival – See remarks	Destroy when obsolete or superseded	GS50-01-24	It is recommended that previous versions of these documents be retained even when superseded, to document the policy or procedures in effect at any given time in the past. Contact your Regional Archivist before destroying original records. The information in this records series should be protected from loss or damage by storage of a security backup.
56	OFFICIAL BOND FILES File containing official bonds of county officials; may include junior taxing district officials' bonds; clerk's bond is recorded in County Auditor's Office and filed in Treasurer's Office.	OPR	PERMANENT	Destroy when obsolete or superseded	GS65-01-33	This records series should be protected from loss or damage by storage of a security backup. Destroy after transfer to any approved alternative storage media.
57	OLD AGE ASSISTANCE CLAIMS Discontinued record. Records containing chronological listing of documents pertaining to requests for financial assistance for elderly persons.	OPR	PERMANENT - Potential archival value – See remarks	Destroy when obsolete or superseded	GS65-01-34	Please contact your Regional Archivist before destroying original record. Records from this series may be selected to be transferred and preserved at the Regional Archives. This records series should be protected from loss or damage by storage of a security backup. Destroy after transfer to any approved alternative storage media.
58	ONE-PARTY CONSENT FILES Those sealed and unsealed wiretap records and reviews of wiretaps, to the extent that they are not made a part of a case file.	OPR	PERMANENT	Destroy when obsolete or superseded	GS65-01-35	This records series should be protected from loss or damage by storage of a security backup. Destroy after transfer to any approved alternative storage media. Place in case file if unsealed, place in general purpose criminal case file if sealed or no charges filed.
59	ORDINANCES AND RESOLUTIONS May be a discontinued series. Refers to official records of county's legislative body.	OPR	PERMANENT – Potential archival value – See remarks	Destroy when obsolete or superseded	GS50-05A-16	Please contact your Regional Archivist before destroying original record. Records from this series may be selected to be transferred and preserved at the Regional Archives. The information in this records series should be protected from loss or damage by storage of a security backup.

Schedule Title: COUNTY CLERK AND CLERK OF THE SUPERIOR COURT

SERIES NO.	RECORDS SERIES TITLE AND DESCRIPTION OF SERIES	OPR or OFM	OFFICE OR DIVISION LOCATION AND MINIMUM RETENTION PERIOD		DISPOSITION AUTHORITY NUMBER (DAN)	SPECIAL AND/OR DISPOSITION INSTRUCTIONS
			PRIMARY RECORD COPY	SECONDARY RECORD COPY		
60	PERSONNEL FILES May include all or some of the following: Application for employment when applicant is hired, recommendations, identification, evaluation reports on employee job performance, investigation reports, records of demotion and promotion, citations, reprimands, letters of recommendation, personal history card. ESSENTIAL RECORD - Needs security backup - See remarks*	OFM*	Termination plus 6 years - See remarks*	Destroy when obsolete or superseded	GS50-04B-06*	Revised July 2001 to change the classification to "OFM", adding The "Essential Record" designation and the following special and/or disposition instructions: Retention may be subject to restrictions provided by collective bargaining contracts and agreements. This record should be protected from damage or lost by off-site storage of a security copy, or by keeping a list that identifies the location of other copies inside or outside the agency. *The DAN for this series has been corrected from GS50-04B-14 . Our apologies for any inconvenience this may have caused.
61	PURCHASE ORDERS Official statement documenting the purchase of commodities, goods, or services not on contract or not subject to bid.	OPR	6 years	Destroy when obsolete or superseded	GS50-08A-08	
62	RECEIPTS Records of monies received.	OPR	6 years	Destroy when obsolete or superseded	GS50-03B-08*	*The DAN for this series has been corrected from GS50-04A-21. Our apologies for any inconvenience this may have caused.
63	REGISTER Variously used to describe alphabetic listing of cases or persons. Generally replaced by electronic index. May be open and/or restricted-access records. PUBLIC ACCESS RECORDS: Adult criminal, civil, domestic, probate, juvenile offender filed on or after July 1, 1978, judgment or execution, tax warrant, tax, assignees, bar, dental, midwives, drugless healers, osteopaths, chiropodists, medical, notary, bonds of county officials, optometry, powers of attorney, records of wills and attorneys indices. RESTRICTED ACCESS RECORDS: Paternity, adoption, involuntary (mental) commitment, juvenile dependency/termination of parental rights, juvenile offender filed on or before June 30, 1978, and family court dockets.	OPR	PERMANENT - Potential archival value – See remarks	Destroy when obsolete or superseded	GS65-01-36	Please contact your Regional Archivist before destroying original record. Records from this series may be selected to be transferred and preserved at the Regional Archives. This records series should be protected from loss or damage by storage of a security backup. Destroy after transfer to any approved alternative storage media. DISCONTINUED RECORD SERIES: Bar, dental, midwives, drugless healers, osteopaths, chiropodists, medical and optometry register – Transfer to Regional Archives. DISCONTINUED RECORDS SERIES: Notary register – Transfer to State Department of Licensing.
64	REQUISITIONS Official statement documenting the request to purchase commodities, goods, or services subject to bid.	OFM	3 years	Destroy when obsolete or superseded	GS50-08A-10	

Schedule Title: COUNTY CLERK AND CLERK OF THE SUPERIOR COURT

SERIES NO.	RECORDS SERIES TITLE AND DESCRIPTION OF SERIES	OPR or OFM	OFFICE OR DIVISION LOCATION AND MINIMUM RETENTION PERIOD		DISPOSITION AUTHORITY NUMBER (DAN)	SPECIAL AND/OR DISPOSITION INSTRUCTIONS
			PRIMARY RECORD COPY	SECONDARY RECORD COPY		
65	REVENUE PROJECTIONS Projections of revenue submitted to county governing body.	OFM	2 years	Destroy when obsolete or superseded	GS50-03D-01	
66	SEARCH WARRANT RECORDS Those sealed and unsealed files containing search warrant applications, returns, and other data.	OPR	PERMANENT	Destroy when obsolete or superseded	GS65-01-37	This records series should be protected from loss or damage by storage of a security backup. Place in case file if unsealed, place in general purpose criminal case file if sealed or no charges filed.
67	SOFTWARE BACKUP DATA Tapes, discs, punch cards, and media providing backup data, which is revised and recreated in a regular cycle.	OFM	3 cycles	Destroy when obsolete or superseded	GS50-06A-02	Destroy after transfer to any approved alternative storage media.
68	SPECIAL INQUIRY RECORDS Records of proceedings before Special Inquiry Judge. Restricted access record.	OPR	PERMANENT	Destroy when obsolete or superseded	GS65-01-38	This records series should be protected from loss or damage by storage of a security backup. Destroy after transfer to any approved alternative storage media.
69	SUPPORT LEDGER Bound volumes, cards, electronic records, or microfiche showing from whom child support payments are received, dates, and to whom funds are disbursed.	OPR	PERMANENT	Destroy when obsolete or superseded	GS65-01-45	Destroy after transfer to any approved alternative storage medium.
70	TAX CASE FILES May be discontinued records; replaced by civil case file. File folder(s) containing all papers filed in a delinquent real estate tax case. The documents in the folder have been entered on the electronic docket entry system or a manually prepared docket containing a chronological listing of documents and events.	OPR	PERMANENT - Potential archival value – See remarks	Destroy when obsolete or superseded	GS65-01-39	Please contact your Regional Archivist before destroying original record. Records from this series may be selected to be transferred and preserved at the Regional Archives. This records series should be protected from loss or damage by storage of a security backup. Destroy after transfer to any approved alternative storage medium; before transfer it is recommended that electronic docket entry "copy case" (if any) be printed and placed in case file as the first viewable document. Reference RCW 36.23.065 .
71	TAX WARRANT CASE FILES May be discontinued record or replaced by civil case file. File folder(s) containing all papers filed in a delinquent non-real estate tax case. The documents in the folder have been entered on the electronic docket entry system or a manually prepared docket containing a chronological listing of documents and events.	OPR	PERMANENT	Destroy when obsolete or superseded	GS65-01-40	This records series should be protected from loss or damage by storage of a security backup. Destroy after transfer to any approved alternative storage medium; before transfer it is recommended that electronic docket entry "copy case" (if any) be printed and placed in case file as the first viewable document. Reference RCW 36.23.065 .

Schedule Title: COUNTY CLERK AND CLERK OF THE SUPERIOR COURT

SERIES NO.	RECORDS SERIES TITLE AND DESCRIPTION OF SERIES	OPR or OFM	OFFICE OR DIVISION LOCATION AND MINIMUM RETENTION PERIOD		DISPOSITION AUTHORITY NUMBER (DAN)	SPECIAL AND/OR DISPOSITION INSTRUCTIONS
			PRIMARY RECORD COPY	SECONDARY RECORD COPY		
72	TERRITORIAL CASE FILES Discontinued record. Official record of Washington Territory cases prior to statehood.	OPR	PERMANENT - Potential archival value – See remarks	Destroy when obsolete or superseded	GS65-01-41	Please contact your Regional Archivist before destroying original record. Records from this series may be selected to be transferred and preserved at the Regional Archives. This records series should be protected from loss or damage by storage of a security backup. Reference RCW 36.23.065 .
73	TRANSCRIPTS OF JUDGMENT May be discontinued record; an index of or copies of judgments filed with the Clerk (not to be confused with transcripts from District Court or abstracts from other Superior Courts).	OPR	PERMANENT - Potential archival value – See remarks	Destroy when obsolete or superseded	GS65-01-42	Please contact your Regional Archivist before destroying original record. Records from this series may be selected to be transferred and preserved at the Regional Archives. This records series should be protected from loss or damage by storage of a security backup. Destroy after transfer to approved alternative storage medium has been verified; before transfer it is recommended that electronic docket entry "copy case" (if any) be printed and placed in case file as the first viewable document.
74	TREASURER'S RECEIPTS Locally determined form for the periodic transmittal of receipts to the County Treasurer. Usually includes BARS fund and revenue numbers along with cumulative total of receipts for period. Should contain verification that monies were transferred to the County Treasurer	OPR	6 years	Destroy when obsolete or superseded	GS50-03B-08*	**The DAN for this series has been corrected from GS50-03A-21. Our apologies for any inconvenience this may have caused.
75	TRUST FUND BALANCE REGISTER Periodic record of trust fund balances, usually containing evidence of balance reconciliation.	OPR	6 years	Destroy when obsolete or superseded	GS50-03A-31*	*The DAN for this series has been corrected from GS50-04A-14 . Our apologies for any inconvenience this may have caused.
76	TRUST FUND LEDGER The entire record of trust account debits and credits or deposits and withdrawals.	OPR	PERMANENT	Destroy when obsolete or superseded	GS65-01-46	Destroy after transfer to any approved alternative storage medium.
77	UNCLAIMED PROPERTY REPORTS Annual reports made to the Department of Revenue, listing those monies or items whose owners are unknown or who cannot be located.	OPR	6 years	Destroy when obsolete or superseded	GS65-01-43	Department of Revenue keeps primary copy.

Schedule Title: COUNTY CLERK AND CLERK OF THE SUPERIOR COURT

SERIES NO.	RECORDS SERIES TITLE AND DESCRIPTION OF SERIES	OPR or OFM	OFFICE OR DIVISION LOCATION AND MINIMUM RETENTION PERIOD		DISPOSITION AUTHORITY NUMBER (DAN)	SPECIAL AND/OR DISPOSITION INSTRUCTIONS
			PRIMARY RECORD COPY	SECONDARY RECORD COPY		
78	VERBATIM REPORT OF PROCEEDINGS Written transcript of proceedings or stipulated statement prepared for transmittal to Court of Appeals. The original transcript is docketed in electronic docket entry and sent to the Court of Appeals. A case file may contain transcripts of certain proceedings or portions of proceedings and become part of the case file. Transcripts or tapes are sent to the appellate court, are not kept with the Superior Court case file, and are not returned from the appellate court.	OPR	Destroy when obsolete or superseded	Destroy when obsolete or superseded	GS65-01-44	Return unpaid original transcripts to reporter or transcriptions.
79	VOUCHERS Copies of all invoices for all funds and purposes with attached supporting documentation.	OFM	County Auditor keeps primary copy 6 years	Destroy when obsolete or superseded	GS50-03A-30	
80	WORK ORDERS Request for performance of maintenance work, may show location, date of request, work to be performed, etc.	OFM	3 years	Destroy when obsolete or superseded	GS50-06B-13	

SUPERSEDED

COUNTY CLERK AND CLERK OF THE SUPERIOR COURT

BONDS AND OATHS

OFFICE	AMOUNT	BONDS APPROVED BY	BONDS RE-CORDED WITH	BONDS FILED WITH	OATHS RE-CORDED WITH	OATHS FILED WITH:	RCW NO.
Assessor	Commissioners set	Commissioners	Clerk	Clerk		Auditor	<u>36.16.050</u> <u>36.16.060</u>
Attorney	\$5,000.00	Commissioners	Clerk	Clerk		Auditor	<u>36.16.050</u> <u>36.16.060</u>
Auditor	Commissioners set. Not less than \$10,000.00	Commissioners	Clerk	Clerk		Auditor	<u>36.16.050</u> <u>36.16.060</u>
Cemetery District Commissioners		None				Auditor	<u>68.52.260</u>
City and Town Clerk		City Council		City/ Town Mayor		Auditor	<u>35.23.081</u>
City and Town Officials		City Council		City Clerk		Auditor	<u>35.23.835</u>
City Manager (Counsel Manager)		City Council (Set by)		Council Clerk	Yes		<u>35.23.835</u>
City Officers 2 nd Class (except Clerk)		City Council		City Clerk (Mayor)		Auditor	<u>35.23.835</u>
City Officers 3 rd Class		City Council		City Clerk		Auditor	<u>35.23.081</u>
City Officers (Mayor/Council)		Chief Administrator (Officer of the City)		(?)		Auditor	<u>35A.12.080</u>
Clerk	Judges set, not more that \$200,000.00	Majority of Superior Court Judges	Auditor	Treasurer		Auditor	<u>36.16.050</u> <u>36.16.060</u>
Commissioners	\$25,000.00	Clerk	Clerk	Clerk		Auditor	<u>36.16.050</u> <u>36.16.060</u>
Coroner	Not less than \$5000.00	Commissioners	Clerk	Clerk		Auditor	<u>36.16.050</u> <u>36.16.060</u>
Court Reporter							<u>2.32.180</u>
Diking /Drainage Special District Board		Commissioners	Clerk	Clerk 1987	None		<u>85.38.080</u>
District Court Judges		Commissioners	Clerk	Clerk		Auditor	<u>3.34.080</u> <u>3.34.090</u>
ESD Board		None - unless directed by State Board of Education			Yes	?	<u>28A.310.150</u>
Fire Commissioners/Secretaries		None				Auditor	<u>52.14.070</u>
Irrigation District Directors/ Secretaries		Superior Court Judge	Clerk	Secretary	Clerk	Secretary	<u>87.03.082</u>
PUD Commissioner		None				Auditor	<u>54.12.100</u> <u>54.12.090</u>
PUD Treasurer		PUD Commissioners				Auditor	<u>54.24.010</u>
Reclamation District		Superior Court	Clerk	District Secretary	Clerk	District Secretary	<u>89.30.259</u>
Sheriff	Commissioners set. \$5,000.00 to \$50,000.00	Commissioners	Clerk	Clerk		Auditor	<u>36.16.050</u> <u>36.16.060</u>

OFFICE	AMOUNT	BONDS APPROVED BY	BONDS RE-CORDED WITH	BONDS FILED WITH	OATHS RE-CORDED WITH	OATHS FILED WITH:	RCW NO.
Superior Court Judges		None					Secretary of State Constitution
Town Officers (Except Clerk)		Town Counsel (City Counsel)		Town Clerk (Mayor)		Auditor (Auditor)	<u>35.27.120</u>
Treasurer	Commissioners set. Not more than \$200,000.00	Commissioners	Clerk	Clerk		Auditor	<u>36.16.050</u> <u>36.16.060</u>
Water District Treasurer	Not less than \$25,000.00	Water District Commissioners					<u>57.20.135</u>
Weed Supervisors		Commissioners		Commissioners	None	Commissioners	<u>17.04.070</u>

- ❑ Oath of Arbitrator and Oath of Court Commissioner Pro Tempore are microfilmed, recorded on Oath Book, and original is filed in the basement. Send a copy to the Auditors.
- ❑ All Irrigation Bonds are approved by a Judge, microfilmed, recorded in Oath Book, and "Oath and/or Bond" Certificate is sent to the Auditors and one copy of the bond is filed in the basement. All Irrigation Oaths are microfilmed, recorded in Oath Book, and "Oath and/or Bond" Certificate is sent to the Auditors and one copy of the oath is filed in the basement. (Original Oaths and Bonds are sent back to the Secretary of the Irrigation District.)
- ❑ All Bonds for County Officials (except the Clerk's) are kept in the Clerk's Office. Microfilm original, record in Oath Book, and file original in basement. All Oaths for County Officials are microfilmed; record in Oath Book, and original is filed in the Auditors.
- ❑ Humane Society Officer Oaths are microfilmed, recorded in Oath Book, and the Original is filed in the basement. Send a copy of the Oath to the Executive Director of the Humane Society.

SUPERSEDED

RCWs and WACs – FOR COURT CLERKS

RCW 2.32.050 Powers and duties of court clerks.

The clerk of the supreme court, each clerk of the court of appeals, and each clerk of a superior court, has power to take and certify the proof and acknowledgment of a conveyance of real property, or any other written instrument authorized or required to be proved or acknowledged, and to administer oaths in every case when authorized by law; and it is the duty of the clerk of the supreme court, each clerk of the court of appeals, and of each county clerk for each of the courts for which he is clerk—

- (1) To keep the seal of the court and affix it in all cases where he is required by law.
- (2) To record the proceedings of the court.
- (3) To keep the records, files and other books and papers appertaining to the court.
- (4) To file all papers delivered to him for that purpose in any action or proceeding in the court as directed by court rule or statute.
- (5) To attend the court of which he is clerk, to administer oaths, and receive the verdict of a jury in any action or proceeding therein, in the presence and under the direction of the court.
- (6) To keep the journal of the proceedings of the court, and, under the direction of the court, to enter its orders, judgments and decrees.
- (7) To authenticate by certificate or transcript, as may be required, the records, files or proceedings of the court, or any other paper appertaining thereto and filed with him.
- (8) To exercise the powers and perform the duties conferred and imposed upon him elsewhere by statute.
- (9) In the performance of his duties to conform to the direction of the court.

(10) To publish notice of the procedures for inspection of the public records of the court.

[1981 c 277 § 1; 1971 c 81 § 12; 1891 c 57 § 3; RRS § 77. Prior: Code 1881 §§ 2180, 2182, 2184.]

NOTES:

Rules of court: SAR 16.

RCW 2.32.290 Court files accessible to reporter.

Official reporters or reporters pro tempore may, without order of court, upon giving a proper receipt therefor, procure at all reasonable hours from the office of the clerk of the court, any files or exhibits necessary for use in the preparation of statements of fact or transcribing portions of testimony or proceedings in any cause reported by them.

[1913 c 126 § 10; RRS § 42-10.]

RCW 5.46.010 Copies of business and public records as evidence.

If any business, institution, member of a profession or calling or any department or agency of government, in the regular course of business or activity has kept or recorded any memorandum, writing, entry, print, representation or combination thereof, of any act, transaction, occurrence or event, and in the regular course of business has caused any or all of the same to be recorded, copied or reproduced by any photographic, photostatic, microfilm, microcard, miniature photographic, optical imaging, or other process which accurately reproduces or forms a durable medium for so reproducing the original, the original may be destroyed in the regular course of business unless the same is an asset or is representative of title to an asset held in a custodial or fiduciary capacity or unless its preservation is required by law. Such reproduction, when satisfactorily identified, is as admissible in evidence as the original itself in any judicial or administrative proceeding whether the original is in existence or not and an enlargement or facsimile of such reproduction is likewise admissible in evidence if the original reproduction is in existence and available for inspection under direction of court. The introduction of a reproduced record, enlargement or facsimile, does not preclude admission of the original.

[1994 c 19 § 1; 1959 c 125 § 1; 1953 c 273 § 1. Formerly [RCW 5.44.125](#).]

NOTES:

Photostatic or photographic copies of public or business records admissible in evidence: [RCW 40.20.030](#).

RCW 5.48.010 Substitution of copy authorized.

Whenever a pleading, process, return, verdict, bill of exceptions, order, entry, stipulation or other act, file or proceeding in any action or proceeding pending in any court of this state shall have been lost or destroyed by fire or otherwise, or is

withheld by any person, such court may, upon the application of any party to such action or proceeding, order a copy or substantial copy thereof to be substituted.
[1890 p 337 § 1; RRS § 1270.]

RCW 5.48.020 Methods to replace lost court records.

Whenever the record required by law of the proceedings, judgment or decree in any action or other proceeding of any court in this state in which a final judgment has been rendered, or any part thereof, is lost or destroyed by fire or otherwise, such court may, upon the application of any party interested therein, grant an order authorizing such record or parts thereof to be supplied or replaced—

- (1) by a certified copy of such original record, or part thereof, when the same can be obtained;
- (2) by a duly certified copy of the record in the supreme court or court of appeals of such original record of any action or proceeding that may have been removed to the supreme court or court of appeals and remains recorded or filed in said courts;
- (3) by the original pleadings, entries, papers and files in such action or proceeding when the same can be obtained;
- (4) by an agreement in writing signed by all the parties to such action or proceeding, their representatives or attorneys, that a substituted copy of such original record is substantially correct.

[1971 c 81 § 25; 1890 p 338 § 2; RRS § 1271.]

RCW 5.48.030 Action to replace—Procedure.

Whenever the record required by law, or any part thereof, of the proceedings or judgment or decree in any action or other proceeding of any court in this state in which the final judgment has been rendered, is lost or destroyed by fire or otherwise, and such loss cannot be supplied or replaced as provided in RCW 5.48.020, any person or party interested therein may make a written application to the court to which said record belongs, setting forth the substance of the record so lost or destroyed, which application shall be verified in the manner provided for the verification of pleadings in a civil action, and thereupon summons shall issue and actual service, or service by publication, shall be made upon all persons interested in or affected by said original judgment or final entry in the manner provided by law for the commencement of civil actions, provided the parties may waive the issuing or service of summons and enter their appearance to such application; and upon the hearing of such application without further pleadings, if the court finds that such record has been lost or destroyed and that it is enabled by the evidence produced to find the substance or effect thereof material to the preservation of the rights of the parties thereto, it shall make an order allowing a record, which record shall recite the substance and effect of said lost or destroyed record, or part thereof, and the same shall thereupon be recorded in said court, and shall have the same effect as the original record would have if the same had not been lost or destroyed, so far as it concerns the rights of the parties so making the application, or persons or parties so served with summons, or entering their appearance, or persons claiming under them by a title acquired subsequently to the filing of the application.

[1890 p 338 § 3; RRS § 1272.]

RCW 5.48.060 Replacement of lost or destroyed probate records.

In case of the loss or destruction by fire or otherwise of the records, or any part thereof, of any probate court or superior court having probate jurisdiction, the judge of any such court may proceed, upon its own motion, or upon application in writing of any party in interest, to restore the records, papers, and proceedings of either of said courts relating to the estates of deceased persons, including recorded wills, wills probated, or filed for probate in such courts, all marriage records and all other records and proceedings, and for the purpose of restoring said records, wills, papers or proceedings, or any part thereof, may cause citations or other process to be issued to any and all parties to be designated by him, and may compel the attendance in court of any and all witnesses whose testimony may be necessary to the establishment of any such record or part thereof, and the production of any and all written or documentary evidence which may be by him deemed necessary in determining the true import and effect of the original records, will, paper, or other document belonging to the files of said courts; and may make such orders and decrees establishing such original record, will, paper, document or proceeding, or the substance thereof, as to him shall seem just and proper.

[1957 c 9 § 5; 1890 p 340 § 7; RRS § 1276.]

NOTES:

Reviser's note: Jurisdiction in probate matters now vested in superior courts, see state Constitution Art. 4 § 6 (Amendment 28) and Art. 27 § 10.

RCW 36.22.160 Copying, preserving, and indexing documents.

Each county auditor is hereby authorized to provide for the installation and thereafter for the maintenance of an improved system for copying, preserving, and indexing documents recorded in the county. Such a system may utilize the latest

technology including, but not limited to, photomicrographic and computerized electronic digital storage methodology. The initial installation of the improved system shall include the following:

- (1) The acquisition, installation, operation, and maintenance of the equipment provided for in the definition above; and
- (2) The establishment of procedures for the continued preservation, indexing, and filing of all instruments and records that will, after the effective installation date, constitute a part of the improved system.

[1989 c 204 § 2.]

NOTES:

Reviser's note: 1989 c 204 § 7 directed that this section be added to chapter 36.18 RCW. This placement appears inappropriate and the section has been codified as a part of chapter 36.22 RCW.

Findings--1989 c 204: "The legislature, finding in this centennial year that many old documents recorded or filed with county officials are deteriorating due to age and environmental degradation and that such documents require preservation in the public interest before they are irreparably damaged, enacts the centennial document preservation act of 1989." [1989 c 204 § 1.]

RCW 36.23.030 Records to be kept.

The clerk of the superior court at the expense of the county shall keep the following records:

- (1) A record in which he shall enter all appearances and the time of filing all pleadings in any cause;
- (2) A docket in which before every session, he shall enter the titles of all causes pending before the court at that session in the order in which they were commenced, beginning with criminal cases, noting in separate columns the names of the attorneys, the character of the action, the pleadings on which it stands at the commencement of the session. One copy of this docket shall be furnished for the use of the court and another for the use of the members of the bar;
- (3) A record for each session in which he shall enter the names of witnesses and jurors, with time of attendance, distance of travel, and whatever else is necessary to enable him to make out a complete cost bill;
- (4) A record in which he shall record the daily proceedings of the court, and enter all verdicts, orders, judgments, and decisions thereof, which may, as provided by local court rule, be signed by the judge; but the court shall have full control of all entries in said record at any time during the session in which they were made;
- (5) An execution docket and also one for a final record in which he shall make a full and perfect record of all criminal cases in which a final judgment is rendered, and all civil cases in which by any order or final judgment the title to real estate, or any interest therein, is in any way affected, and such other final judgments, orders, or decisions as the court may require;
- (6) A journal in which shall be entered all orders, decrees, and judgments made by the court and the minutes of the court in probate proceedings;
- (7) A record of wills and bonds shall be maintained. Originals shall be placed in the original file and shall be preserved or duplicated pursuant to RCW 36.23.065;
- (8) A record of letters testamentary, administration and guardianship in which all letters testamentary, administration and guardianship shall be recorded;
- (9) A record of claims shall be entered in the appearance docket under the title of each estate or case, stating the name of each claimant, the amount of his claim and the date of filing of such;
- (10) A memorandum of the files, in which at least one page shall be given to each estate or case, wherein shall be noted each paper filed in the case, and the date of filing each paper;
- (11) Such other records as are prescribed by law and required in the discharge of the duties of his office.

[1987 c 363 § 3; 1967 ex.s. c 34 § 2; 1963 c 4 § 36.23.030. Prior: (i) 1923 c 130 § 1; Code 1881 § 2179; 1863 p 417 § 6; 1854 p 366 § 6; RRS § 75. (ii) 1917 c 156 § 2; RRS § 1372. (iii) 1917 c 156 § 57; Code 1881 § 1384; 1863 p 219 § 118; 1860 p 181 § 85; RRS § 1427. (iv) 1917 c 156 § 72; Code 1881 § 1411; 1863 p 221 § 130; 1860 p 183 § 97; RRS § 1442.]

RCW 36.23.040 Custody and delivery of records.

The clerk shall be responsible for the safe custody and delivery to his successor of all books and papers belonging to his office.

[1963 c 4 § 36.23.040. Prior: Code 1881 § 2181; 1863 p 418 § 8; 1854 p 367 § 8; RRS § 76.]

RCW 36.23.065 Destruction and reproduction of court records—Destruction of receipts for expenses under probate proceedings.

Notwithstanding any other law relating to the destruction of court records, the county clerk may cause to be destroyed all documents, records, instruments, books, papers, depositions, and transcripts, in any action or proceeding in the superior court, or otherwise filed in his or her office pursuant to law, if all of the following conditions exist:

- (1) The county clerk maintains for the use of the public a photographic film, microphotographic, photostatic, electronic, or similar reproduction of each document, record, instrument, book, paper, deposition, or transcript so destroyed: PROVIDED,

That all receipts and canceled checks filed by a personal representative pursuant to RCW 11.76.100 may be removed from the file by order of the court and destroyed the same as an exhibit pursuant to RCW 36.23.070.

(2) At the time of the taking of the photographic film, microphotographic, photostatic, electronic, or similar reproduction, the county clerk or other person under whose direction and control the same was taken, attached thereto, or to the sealed container in which the same was placed and has been kept, or incorporated in the photographic film, microphotographic, photostatic, electronic, or similar reproduction, a certification that the copy is a correct copy of the original, or of a specified part thereof, as the case may be, the date on which taken, and the fact it was taken under the clerk's direction and control. The certificate must be under the official seal of the certifying officer, if there be any, or if the certifying officer is the clerk of a court having a seal, under the seal of such court.

(3) The county clerk promptly seals and stores at least one original or negative of each such photographic film, microphotographic, photostatic, electronic, or similar reproduction in such manner and place as reasonably to assure its preservation indefinitely against loss, theft, defacement, or destruction. Electronic reproductions are acceptable media for this purpose if one of the following conditions exists:

(a) The electronic reproductions are continuously updated and, if necessary, transferred to another medium to ensure that they are accessible through contemporary and supported electronic or computerized systems; or

(b) The electronic reproductions are scheduled to be reproduced on photographic film, microphotographic, photostatic, or similar media for indefinite preservation.

(4) When copies of public records of the county clerk are transferred to the state archives for security storage, the state archives may only provide certified copies of those records with the written permission of the county clerk who is custodian of those records. When so transferred and authorized, the copies of the public records concerned shall be made by the state archives, which certification shall have the same force and effect as though made by the county clerk who is custodian of the record. If there is a statutory fee for the reproduction of the document, contracts can be made between the county clerk and the state archives for reproduction and certification of the copies, however no certification authority may be transferred except as provided in this subsection and for records of abolished or discontinued offices or agencies under chapter 40.14 RCW.

[1998 c 226 § 1; 1981 c 277 § 10; 1973 c 14 § 1; 1971 c 29 § 1; 1963 c 4 § 36.23.065. Prior: 1957 c 201 § 1.]

RCW 36.23.067 Reproduced court records have same force and effect as original.

Any print, whether enlarged or not, from any photographic film, including any photographic plate, microphotographic film, or photostatic negative or similar reproduction, or from any electronic record, of any original record, document, instrument, book, paper, deposition, or transcript which has been processed in accordance with the provisions of RCW 36.23.065, and has been certified by the county clerk under his or her official seal as a true copy, may be used in all instances, including introduction in evidence in any judicial or administrative proceeding, that the original record, document, instrument, book, paper, deposition, or transcript might have been used, and shall have the full force and effect of the original for all purposes.

[1998 c 226 § 2; 1963 c 4 § 36.23.067. Prior: 1957 c 201 § 2.]

RCW 36.23.070 Destruction of court exhibits—Preservation for historical purposes.

A county clerk may at any time more than six years after the entry of final judgment in any action apply to the superior court for an authorizing order and, upon such order being signed and entered, turn such exhibits of possible value over to the sheriff for disposal in accordance with the provisions of chapter 63.40 RCW, and destroy any other exhibits, unopened depositions, and reporters' notes which have theretofore been filed in such cause: PROVIDED, That reporters' notes in criminal cases must be preserved for at least fifteen years: PROVIDED FURTHER, That any exhibits which are deemed to possess historical value may be directed to be delivered by the clerk to libraries or historical societies.

[1981 c 154 § 1; 1973 c 14 § 2; 1967 ex.s. c 34 § 3; 1963 c 4 § 36.23.070. Prior: 1957 c 201 § 3; 1947 c 277 § 1; Rem. Supp. 1947 § 81-1.]

RCW 40.10.010 Essential records—Designation—List—Security and protection—Reproduction.

In order to provide for the continuity and preservation of civil government, each elected and appointed officer of the state shall designate those public documents which are essential records of his office and needed in an emergency and for the reestablishment of normal operations after any such emergency. A list of such records shall be forwarded to the state archivist on forms prescribed by the state archivist. This list shall be reviewed at least annually by the elected or appointed officer to insure its completeness. Any changes or revisions following this review shall be forwarded to the state archivist. Each such elected and appointed officer of state government shall insure that the security of essential records of his office is by the most economical means commensurate with adequate protection. Protection of essential records may be by vaulting, planned or natural dispersal of copies, or any other method approved by the state archivist. Reproductions of essential records may be by photo copy, magnetic tape, microfilm or other method approved by the state archivist. Local government offices may coordinate the protection of their essential records with the state archivist as necessary to provide continuity of local government under emergency conditions.

[1982 c 36 § 1; 1973 c 54 § 1; 1963 c 241 § 1.]

NOTES:

Severability--1973 c 54: "If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected."
[1973 c 54 § 6.]

RCW 40.14.010 Definition and classification of public records.

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.

For the purposes of this chapter, public records shall be classified as follows:

(1) Official public records shall include all original vouchers, receipts, and other documents necessary to isolate and prove the validity of every transaction relating to the receipt, use, and disposition of all public property and public income from all sources whatsoever; all agreements and contracts to which the state of Washington or any agency thereof may be a party; all fidelity, surety, and performance bonds; all claims filed against the state of Washington or any agency thereof; all records or documents required by law to be filed with or kept by any agency of the state of Washington; all legislative records as defined in RCW 40.14.100; and all other documents or records determined by the records committee, created in RCW 40.14.050, to be official public records.

(2) Office files and memoranda include such records as correspondence, exhibits, drawings, maps, completed forms, or documents not above defined and classified as official public records; duplicate copies of official public records filed with any agency of the state of Washington; documents and reports made for the internal administration of the office to which they pertain but not required by law to be filed or kept with such agency; and other documents or records as determined by the records committee to be office files and memoranda.

[1996 c 71 § 1; 1982 c 36 § 3; 1981 c 32 § 4; 1971 ex.s. c 102 § 1; 1957 c 246 § 1.]

RCW 40.14.020 Division of archives and records management—State archivist—Powers and duties—Duties of public officials.

All public records shall be and remain the property of the state of Washington. They shall be delivered by outgoing officials and employees to their successors and shall be preserved, stored, transferred, destroyed or disposed of, and otherwise managed, only in accordance with the provisions of this chapter. In order to insure the proper management and safeguarding of public records, the division of archives and records management is established in the office of the secretary of state. The state archivist, who shall administer the division and have reasonable access to all public records, wherever kept, for purposes of information, surveying, or cataloguing, shall undertake the following functions, duties, and responsibilities:

- (1) To manage the archives of the state of Washington;
- (2) To centralize the archives of the state of Washington, to make them available for reference and scholarship, and to insure their proper preservation;
- (3) To inspect, inventory, catalog, and arrange retention and transfer schedules on all record files of all state departments and other agencies of state government;
- (4) To insure the maintenance and security of all state public records and to establish safeguards against unauthorized removal or destruction;
- (5) To establish and operate such state record centers as may from time to time be authorized by appropriation, for the purpose of preserving, servicing, screening and protecting all state public records which must be preserved temporarily or permanently, but which need not be retained in office space and equipment;
- (6) To adopt rules under chapter 34.05 RCW:
 - (a) Setting standards for the durability and permanence of public records maintained by state and local agencies;
 - (b) Governing procedures for the creation, maintenance, transmission, cataloging, indexing, storage, or reproduction of photographic, optical, electronic, or other images of public documents or records in a manner consistent with current standards, policies, and procedures of the department of information services for the acquisition of information technology;
 - (c) Governing the accuracy and durability of, and facilitating access to, photographic, optical, electronic, or other images used as public records; or
 - (d) To carry out any other provision of this chapter;
- (7) To gather and disseminate to interested agencies information on all phases of records management and current practices, methods, procedures, techniques, and devices for efficient and economical management and preservation of records;

(8) To operate a central microfilming bureau which will microfilm, at cost, records approved for filming by the head of the office of origin and the archivist; to approve microfilming projects undertaken by state departments and all other agencies of state government; and to maintain proper standards for this work;

(9) To maintain necessary facilities for the review of records approved for destruction and for their economical disposition by sale or burning; directly to supervise such destruction of public records as shall be authorized by the terms of this chapter; [and]

(10) To assist and train state and local agencies in the proper methods of creating, maintaining, cataloging, indexing, transmitting, storing, and reproducing photographic, optical, electronic, or other images used as public records.

[1995 c 326 § 1. Prior: 1991 c 237 § 4; 1991 c 184 § 1; 1986 c 275 § 1; 1983 c 84 § 1; 1981 c 115 § 1; 1957 c 246 § 2.]

NOTES:

Effective date--1991 c 237: See note following RCW 43.07.220.

Effective date--1981 c 115: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1981."

[1981 c 115 § 10.]

RCW 40.14.025 Division of archives and records management—Allocation of costs of services—Archives and records management account.

(1) The secretary of state and the director of financial management shall jointly establish a procedure and formula for allocating the costs of services provided by the division of archives and records management to state agencies. The total amount allotted for services to state agencies shall not exceed the appropriation to the archives and records management account during any allotment period.

[(2)] There is created the archives and records management account in the state treasury which shall consist of all fees and charges collected under this section, RCW 36.22.175, and 40.14.027. The account shall be appropriated exclusively for the payment of costs and expenses incurred in the operation of the division of archives and records management as specified by law.

[1996 c 245 § 3; 1991 sp.s. c 13 § 5; 1985 c 57 § 22; 1981 c 115 § 4.]

NOTES:

Effective date--1996 c 245: See note following RCW 36.22.175.

Effective dates—Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Effective date--1985 c 57: See note following RCW 18.04.105.

Effective date--1981 c 115: See note following RCW 40.14.020.

RCW 40.14.027 Public archives and records management services—Judgment debtor surcharge.—Archives and records management account.

State agencies shall collect a surcharge of twenty dollars from the judgment debtor upon the satisfaction of a warrant filed in superior court for unpaid taxes or liabilities. The surcharge is imposed on the judgment debtor in the form of a penalty in addition to the filing fee provided in RCW 36.18.012(3). The surcharge revenue shall be transmitted to the state treasurer for deposit in the archives and records management account.

Surcharge revenue deposited in the archives and records management account shall be expended by the secretary of state exclusively for disaster recovery, essential records protection services, and records management training for local government agencies by the division of archives and records management. The secretary of state shall, with local government representatives, establish a committee to advise the state archivist on the local government archives and records management program.

[1996 c 245 § 4; 1995 c 292 § 17; 1994 c 193 § 2.]

NOTES:

Effective date--1996 c 245: See note following RCW 36.22.175.

Findings--1994 c 193: "The legislature finds that: (1) Accountability for and the efficient management of local government records are in the public interest and that compliance with public records management requirements significantly affects the cost of local government administration; (2) the secretary of state is responsible for insuring the preservation of local government archives and may assist local government compliance with public records statutes; (3) as provided in RCW 40.14.025, all archives and records management services provided by the secretary of state are funded exclusively by a schedule of fees and charges established jointly by the secretary of state and the director of financial management; (4) the secretary of state's costs for preserving and providing public access to local government archives and providing records management assistance to local government agencies have been funded by fees paid by state government agencies; (5) local government agencies are responsible for costs associated with managing, protecting, and providing public access to

the records in their custody; (6) local government should help fund the secretary of state's local government archives and records management services; (7) the five- dollar fee collected by county clerks for processing warrants for unpaid taxes or liabilities filed by the state of Washington is not sufficient to cover processing costs and is far below filing fees commonly charged for similar types of minor civil actions; (8) a surcharge of twenty dollars would bring the filing fee for warrants for the collection of unpaid taxes and liabilities up to a level comparable to other minor civil filings and should be applied to the support of the secretary of state's local government archives and records services without placing an undue burden on local government; and (9) the process of collecting and transmitting surcharge revenue should not have an undue impact on the operations of the state agencies that file warrants for the collection of unpaid taxes and liabilities or the clerks of superior court who process them." [1994 c 193 § 1.]

Effective date--1994 c 193: "This act shall take effect July 1, 1994." [1994 c 193 § 3.]

RCW 40.14.030 Transfer to state archives—Certified copies, cost.

All public records, not required in the current operation of the office where they are made or kept, and all records of every agency, commission, committee, or any other activity of state government which may be abolished or discontinued, shall be transferred to the state archives so that the valuable historical records of the state may be centralized, made more widely available, and insured permanent preservation: PROVIDED, That this section shall have no application to public records approved for destruction under the subsequent provisions of this chapter.

When so transferred, copies of the public records concerned shall be made and certified by the archivist, which certification shall have the same force and effect as though made by the officer originally in charge of them. Fees may be charged to cover the cost of reproduction. In turning over the archives of his office, the officer in charge thereof, or his successor, thereby loses none of his rights of access to them, without charge, whenever necessary.

[1957 c 246 § 3.]

NOTES:

Columbia River boundary compact, transfer of records to division of archives: RCW 43.58.070.

RCW 40.14.040 Records officers—Designation—Powers and duties.

Each department or other agency of the state government shall designate a records officer to supervise its records program and to represent the office in all contacts with the records committee, hereinafter created, and the division of archives and records management. The records officer shall:

- (1) Coordinate all aspects of the records management program.
- (2) Inventory, or manage the inventory, of all public records at least once during a biennium for disposition scheduling and transfer action, in accordance with procedures prescribed by the state archivist and state records committee: PROVIDED, That essential records shall be inventoried and processed in accordance with chapter 40.10 RCW at least annually.
- (3) Consult with any other personnel responsible for maintenance of specific records within his state organization regarding records retention and transfer recommendations.
- (4) Analyze records inventory data, examine and compare divisional or unit inventories for duplication of records, and recommend to the state archivist and state records committee minimal retentions for all copies commensurate with legal, financial and administrative needs.
- (5) Approve all records inventory and destruction requests which are submitted to the state records committee.
- (6) Review established records retention schedules at least annually to insure that they are complete and current.
- (7) Exercise internal control over the acquisition of filming and file equipment.

If a particular agency or department does not wish to transfer records at a time previously scheduled therefor, the records officer shall, within thirty days, notify the archivist and request a change in such previously set schedule, including his reasons therefor.

[1982 c 36 § 4; 1979 c 151 § 51; 1973 c 54 § 3; 1957 c 246 § 4.]

RCW 40.14.050 Records committee—Composition, travel expenses, meetings, powers and duties—Retention schedules.

There is created a committee, to be known as the records committee, composed of the archivist, an appointee of the state auditor, an appointee of the attorney general, and an appointee of the director of financial management. Committee members shall serve without additional salary, but shall be entitled to travel expenses incurred in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. Such expenses shall be paid from the appropriations made for operation of their respective departments or offices.

The records committee shall meet at least once every quarter or oftener as business dictates. Action by the committee shall be by majority vote and records shall be kept of all committee business.

It shall be the duty of the records committee to approve, modify or disapprove the recommendations on retention schedules of all files of public records and to act upon requests to destroy any public records: PROVIDED, That any modification of a request or recommendation must be approved by the head of the agency originating the request or recommendation.

The division of archives and records management shall provide forms, approved by the records committee, upon which it shall prepare recommendations to the committee in cooperation with the records officer of the department or other agency whose records are involved.

[1985 c 192 § 1; 1975-'76 2nd ex.s. c 34 § 83; 1957 c 246 § 5.]

NOTES:

Effective date—Severability—1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

RCW 40.14.060 Destruction, disposition of official public records or office files and memoranda—Record retention schedules.

(1) Any destruction of official public records shall be pursuant to a schedule approved under RCW 40.14.050. Official public records shall not be destroyed unless:

(a) Except as provided under RCW 40.14.070(2)(b), the records are six or more years old;

(b) The department of origin of the records has made a satisfactory showing to the state records committee that the retention of the records for a minimum of six years is both unnecessary and uneconomical, particularly if lesser federal retention periods for records generated by the state under federal programs have been established; or

(c) The originals of official public records less than six years old have been copied or reproduced by any photographic or other process approved by the state archivist which accurately reproduces or forms a durable medium for so reproducing the original.

(2) Any lesser term of retention than six years must have the additional approval of the director of financial management, the state auditor and the attorney general, except when records have federal retention guidelines the state records committee may adjust the retention period accordingly. An automatic reduction of retention periods from seven to six years for official public records on record retention schedules existing on June 10, 1982, shall not be made, but the same shall be reviewed individually by the state records committee for approval or disapproval of the change to a retention period of six years.

Recommendations for the destruction or disposition of office files and memoranda shall be submitted to the records committee upon approved forms prepared by the records officer of the agency concerned and the archivist. The committee shall determine the period of time that any office file or memorandum shall be preserved and may authorize the division of archives and records management to arrange for its destruction or disposition.

[1999 c 326 § 1; 1982 c 36 § 5; 1979 c 151 § 52; 1973 c 54 § 4; 1957 c 246 § 6.]

RCW 40.14.070 Destruction, disposition of local government records—Preservation for historical interest—Local records committee, duties—Record retention schedules.

(1)(a) County, municipal, and other local government agencies may request authority to destroy noncurrent public records having no further administrative or legal value by submitting to the division of archives and records management lists of such records on forms prepared by the division. The archivist, a representative appointed by the state auditor, and a representative appointed by the attorney general shall constitute a committee, known as the local records committee, which shall review such lists and which may veto the destruction of any or all items contained therein.

(b) A local government agency, as an alternative to submitting lists, may elect to establish a records control program based on recurring disposition schedules recommended by the agency to the local records committee. The schedules are to be submitted on forms provided by the division of archives and records management to the local records committee, which may either veto, approve, or amend the schedule. Approval of such schedule or amended schedule shall be by unanimous vote of the local records committee. Upon such approval, the schedule shall constitute authority for the local government agency to destroy the records listed thereon, after the required retention period, on a recurring basis until the schedule is either amended or revised by the committee.

(2)(a) Except as otherwise provided by law, no public records shall be destroyed until approved for destruction by the local records committee. Official public records shall not be destroyed unless:

(i) The records are six or more years old;

(ii) The department of origin of the records has made a satisfactory showing to the state records committee that the retention of the records for a minimum of six years is both unnecessary and uneconomical, particularly where lesser federal retention periods for records generated by the state under federal programs have been established; or

(iii) The originals of official public records less than six years old have been copied or reproduced by any photographic, photostatic, microfilm, miniature photographic, or other process approved by the state archivist which accurately reproduces or forms a durable medium for so reproducing the original.

An automatic reduction of retention periods from seven to six years for official public records on record retention schedules existing on June 10, 1982, shall not be made, but the same shall be reviewed individually by the local records committee for approval or disapproval of the change to a retention period of six years.

The state archivist may furnish appropriate information, suggestions, and guidelines to local government agencies for their assistance in the preparation of lists and schedules or any other matter relating to the retention, preservation, or destruction

of records under this chapter. The local records committee may adopt appropriate regulations establishing procedures to be followed in such matters.

Records of county, municipal, or other local government agencies, designated by the archivist as of primarily historical interest, may be transferred to a recognized depository agency.

(b) Records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenders contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020 that are not required in the current operation of the law enforcement agency or for pending judicial proceedings shall, following the expiration of the applicable schedule of the law enforcement agency's retention of the records, be transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval. Upon electronic retention of any document, the association shall be permitted to destroy the paper copy of the document.

(c) Any record transferred to the Washington association of sheriffs and police chiefs pursuant to (b) of this subsection shall be deemed to no longer constitute a public record pursuant to RCW 42.17.020 and shall be exempt from public disclosure. Such records shall be disseminated only to criminal justice agencies as defined in RCW 10.97.030 for the purpose of determining if a sex offender met the criteria of a sexually violent predator as defined in chapter 71.09 RCW.

[1999 c 326 § 2; 1995 c 301 § 71; 1982 c 36 § 6; 1973 c 54 § 5; 1971 ex.s. c 10 § 1; 1957 c 246 § 7.]

NOTES:

Copying, preserving, and indexing of documents recorded by county auditor: RCW 36.22.160 through 36.22.190.

Destruction and reproduction of court records: RCW 36.23.065 through 36.23.070.

RCW 40.14.080 Chapter not to affect other laws. government records—Preservation for historical interest—Local records committee, duties—Record retention schedules.

The provisions of this chapter shall not be construed as repealing or modifying any other acts or parts of acts authorizing the destruction of public records save for those specifically named in *section 9 of this act; nor shall this chapter affect the provisions of chapter 40.07 RCW requiring the deposit of all state publications in the state library.

[1983 c 3 § 84; 1957 c 246 § 8.]

NOTES:

*Reviser's note: "section 9 of this act" refers to 1957 c 246 § 9, which repealed RCW 40.08.010 through 40.08.050 and 40.12.010 through 40.12.110.

RCW 40.20.010 "Business" defined.

For the purpose of this chapter, the term "business" shall mean and include business, industry, profession, occupation and calling of every kind.

[1949 c 223 § 3; Rem. Supp. 1949 § 1257-6.]

RCW 40.20.020 Reproduction by film or photograph.

The head of any business or the head of any state, county or municipal department, commission, bureau or board may cause any or all records required or authorized by law to be made or kept by such official, department, commission, bureau, board, or business to be photographed, microphotographed, reproduced on film, or photocopied for all purposes of recording documents, plats, files or papers, or copying or reproducing such records. Such film or reproducing material shall be of permanent material and the device used to reproduce such records on such film or material shall be such as to accurately reproduce and perpetuate the original records in all details, and shall be approved for the intended purpose: PROVIDED, That the state archivist shall approve such material for state records use: PROVIDED, FURTHER, That the state auditor shall approve such material for use by local governmental subdivisions.

[1981 c 32 § 5; 1973 c 95 § 1; 1949 c 223 § 1; Rem. Supp. 1949 § 1257-4.]

RCW 40.20.030 Use as original.

Such photostatic copy, photograph, microphotograph or photographic film record, or copy of the original records shall be deemed to be an original record for all purposes, and shall be admissible in evidence in all courts or administrative agencies. A facsimile, exemplification or certified copy thereof shall, for all purposes recited herein, be deemed to be a transcript, exemplification or certified copy of the original.

[1949 c 223 § 2; Rem. Supp. 1949 § 1257-5.]

WASHINGTON ADMINISTRATIVE CODE

WAC 434-610-010 “Agency” defined.

“Agency” means any department, office, commission, board, or division of state government; and any county, city, district, or other political subdivision or municipal corporation or any department, office, commission, court, or board or any other state or local government unit, however designated.

[Statutory Authority: [Chapter 40.14 RCW](#). 93-04-001, § 434-610-010, filed 1/21/93, effective 2/21/93.]

WAC 434-615-010 Public records as public property.

All public records shall be and remain the property of the state or local agency. They shall be delivered by outgoing officials and employees to their successors and shall be preserved, stored, transferred, destroyed, and otherwise managed, only in accordance with the provisions of [chapter 40.14 RCW](#) or as otherwise provided for by law and by these regulations.

[Statutory Authority: [Chapter 40.14 RCW](#). 93-04-001, § 434-615-010, filed 1/21/93, effective 2/21/93.]

WAC 434-615-020 Custody.

Unless otherwise provided by law, public records must remain in the legal custody of the office in which they were originally filed, which shall be considered the office of record, or shall be destroyed or transferred pursuant to instructions from the state or local records committee as required by [chapter 40.14 RCW](#). They shall not be placed in the legal or physical custody of any other person or agency, public or private, or released to individuals, except for disposition pursuant to law or unless otherwise expressly provided by law or by these regulations.

[Statutory Authority: [Chapter 40.14 RCW](#). 93-04-001, § 434-615-020, filed 1/21/93, effective 2/21/93.]

WAC 434-615-030 Authority to transfer records.

All state agency records not required in the current operation of the office where they are made or kept, and all records of every state agency, commission, committee, or any other activity of state or local government which may be abolished or discontinued, shall be transferred to the state archives in accord with approved records retention schedules.

State records designated by the state archivist as being archival or potentially archival shall be transferred to the legal and physical custody of the state archives so that the valuable historical records of the state may be centralized, made more widely available for research, and insured permanent preservation.

Transfer of archival records to the state archives must take place within fifty years of the creation of the records so that they may be preserved for posterity in archival-quality conditions. Records which the state is required to keep permanently will be maintained intact by the state archivist, who will assume all responsibility for the access, care and preservation of such records.

Local government agency records designated by the state archivist as of primarily historical interest may be transferred to the state archives, or one of its designated regional depositories, in order to relieve local offices of the burden of housing them, to insure their preservation, and to make them available for reference or study. Officials of local agencies are authorized to transfer records in their custody which are no longer in current use to the Washington state archives. The state archives is not under obligation to acquire such records and will accept only records deemed valuable as a historical source. Any transfer must be by concurrent agreement, excepting wherein records are selected for preservation as historical sources from records retention schedules submitted to the local records committee for disposition authorization.

Records designated as archival on records retention schedules must be either transferred to the state archives system or retained by the originating agency in accord with standards for the maintenance of and access to archival records issued by the state archivist.

Statutory Authority: [RCW 40.14.020](#). 94-21-089, § 434-615-030, filed 10/19/94, effective 11/19/94. Statutory Authority: [Chapter 40.14 RCW](#). 93-04-001, § 434-615-030, filed 1/21/93, effective 2/21/93.]

WAC 434-630-010 Membership.

The chief examiner of the division of municipal corporations of the state auditor’s office, the state archivist, and a representative appointed by the attorney general shall constitute a committee to be known as the local records committee.

Reference: [RCW 40.14.070](#).

[Statutory Authority: [Chapter 40.14 RCW](#). 92-18-047, § 434-630-010, filed 8/28/92, effective 9/28/92.]

WAC 434-630-020 Committee officers—Duties.

The chief examiner of the division of municipal corporations shall be ex officio chairperson of the local records committee.

The representative appointed by the attorney general shall be vice-chairperson. The state archivist shall act as secretary and shall be responsible for the proper recording of its proceedings.

[Statutory Authority: [Chapter 40.14 RCW](#). 92-18-047, § 434-630-020, filed 8/28/92, effective 9/28/92.]

WAC 434-630-030 General powers of the committee.

The local records committee may adopt appropriate procedures for records disposition authorization, scheduling, and other matters relating to the retention, preservation, or destruction of public records of local government agencies, and may exercise such further powers as are granted by [chapter 40.14 RCW](#) or any other statute.

[Statutory Authority: [Chapter 40.14 RCW](#). 92-18-047, § 434-630-030, filed 8/28/92, effective 9/28/92.]

WAC 434-630-040 General duties of the committee.

The local records committee shall review lists of records submitted to it for destruction authorization and may veto the destruction of any or all items contained therein.

The local records committee shall also review recurring disposition schedules recommended to it by agencies of local government and may veto, approve, or amend such schedules. Approval of a schedule or amended schedule shall be by unanimous vote of the local records committee members.

[Statutory Authority: [Chapter 40.14 RCW](#). 92-18-047, § 434-630-040, filed 8/28/92, effective 9/28/92.]

WAC 434-630-050 Duties of the state archivist.

To facilitate the work of the local records committee, the state archivist shall have reasonable access to all public records, wherever kept, for the purposes of information, surveying, or cataloging them and shall perform the following duties:

- (1) Provide guidelines to local governmental agencies for their assistance in preparing lists and schedules for destruction authorization.
- (2) Record final actions and maintain the official files of the committee.
- (3) Designate those records of county, municipal, or other local government agencies which are of primarily historical interest and arrange for document transfer to a recognized depository agency in order to relieve local officers of the burden of housing such records and to insure their preservation.

[Statutory Authority: [Chapter 40.14 RCW](#). 92-18-047, § 434-630-050, filed 8/28/92, effective 9/28/92.]

WAC 434-630-060 Committee meetings.

The local records committee shall meet in open public session on the last Thursday of each month at 10:00 a.m. to consider all business relevant to the duties of the committee, at the office of the state archivist, Olympia, Washington.

[Statutory Authority: [Chapter 40.14 RCW](#). 92-18-047, § 434-630-060, filed 8/28/92, effective 9/28/92.]

WAC 434-635-050 General schedules may be adopted.

The local records committee may approve and issue records retention/disposition schedules which shall constitute authority to dispose of specific records, held commonly by like agencies, after a required retention period, on a recurring basis until the schedule is either amended or revised by the committee.

[Statutory Authority: [Chapter 40.14 RCW](#). 92-18-048, § 434-635-050, filed 8/28/92, effective 9/28/92.]

WAC 434-640-010 Records disposal—Generally.

When the state or local records committee has authorized the destruction of public records in accord with [chapter 40.14 RCW](#), it shall be the responsibility of the agency having requested or received such authorization to cause such records to be disposed of promptly and effectively, after the approved retention period.

[Statutory Authority: [RCW 40.14.020](#). 92-05-060, § 434-640-010, filed 2/14/92, effective 3/16/92.]

WAC 434-640-020 Disposal of confidential records.

It is the agency's responsibility to insure that records exempt from disclosure per [chapter 42.17 RCW](#), or which are otherwise considered confidential, are protected from unauthorized access during any disposal process. The primary purpose of such disposal shall be that of reducing the records to an illegible condition.

[Statutory Authority: [RCW 40.14.020](#). 92-05-060, § 434-640-020, filed 2/14/92, effective 3/16/92.]

WAC 434-640-030 Disposal by recycling.

Pursuant to disposal authorization from the state or local records committee, an agency may dispose of records by recycling, under the following conditions:

- (1) The prompt destruction of the records shall be insured, and the responsibility for such destruction shall continue to be that of the agency until effectuated.
- (2) The recycling agent or entity shall have any required licenses and shall be insured or bonded.
- (3) Records shall not be kept in unattended and unprotected storage awaiting their destruction.
- (4) The agency or its authorized agent shall have in effect a contract or written agreement with the recycling entity which includes these conditions.

[Statutory Authority: [RCW 40.14.020](#). 92-05-060, § 434-640-030, filed 2/14/92, effective 3/16/92.]

WAC 434-663-100 Legality.

Electronic imaging systems may be legally used for recording, producing, reproducing, maintaining, and storing public records provided that they materially meet the standards set forth in this regulation; and the retention and disposition of the

original and copies regardless of media are scheduled in accordance with chapter 40.14 RCW. Nothing in this chapter can be construed to limit the admissibility as evidence of any public record. The purpose of this regulation is the preservation of information, and the facilitation of the migration of archival, permanent, and long-term records.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-100, filed 2/1/94, effective 3/7/94.]

WAC 434-663-200 Electronic document imaging system.

An electronic document imaging system is a computer-based configuration of equipment and software that stores machine-readable document images and their associated character-coded index data for on-demand retrieval. Electronic images can be computer generated, or created through document scanning.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-200, filed 2/1/94, effective 3/7/94.]

WAC 434-663-210 Document scanning.

A specially designed input workstation is required to convert documents or images to machine-readable form for computer processing and storage. At a minimum, the input workstation includes a document scanner, an image processor unit, a video display unit, keyboard, and access to storage. Using a solid-state array or other photo-sensitive components, the document scanner measures the amount of light associated with successively encountered PELs (Picture Element) and transmits a corresponding electrical signal that is converted to computer compatible digital codes.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-210, filed 2/1/94, effective 3/7/94.]

WAC 434-663-220 Image.

An image can be a document, picture, or graphic. An image can be produced by scanning paper or film documents, producing images through a computer program, receiving an image by means of a fax, or by other means.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-220, filed 2/1/94, effective 3/7/94.]

WAC 434-663-230 Enhancement.

Any method including adjusting brightness and contrast, or algorithm employed with the objective of producing an accurate and legible copy.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-230, filed 2/1/94, effective 3/7/94.]

WAC 434-663-240 Archival records.

Archival records are records that have permanent and/or historical value and are scheduled as archival. Long-term records are records having a retention period in excess of ten years. Permanent records are those records that are required by specific statute to be retained permanently.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-240, filed 2/1/94, effective 3/7/94.]

WAC 434-663-250 Open system.

Open system is defined to be a system that implements sufficient public specifications for interfaces, services and supporting formats to enable applications software to be ported across a wide range of systems, to inter-operate or interchange with other applications on local and remote systems, and to interact with users in a style that facilitates portability. Public specifications are maintained by open, public consensus process to accommodate new technology over time, and which are consistent with international standards.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-250, filed 2/1/94, effective 3/7/94.]

WAC 434-663-260 De facto standard.

A de facto standard is a widely accepted industry standard without official recognition by a standards group.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-260, filed 2/1/94, effective 3/7/94.]

WAC 434-663-300 Quality of digital images.

Ensuring the quality of digital images requires exercising control over six processes: Conversion of the original image to digital data, enhancement of the digital image if necessary, compression of the digital data for storage, decompression of digital data for retrieval, displaying the image, and printing.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-300, filed 2/1/94, effective 3/7/94.]

WAC 434-663-310 Enhancement of original image.

Enhancement can be used to ensure readability of the documents and to improve the accuracy of the copy by scanning these documents using varying enhancement algorithm settings. Use the best scanned images as the operational criteria for acceptable image quality.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-310, filed 2/1/94, effective 3/7/94.]

WAC 434-663-320 Compressing image data for storage.

Imaging systems containing archival, permanent, or long-term information must use a compression technique that meets either a published or de facto standard. If such a technique cannot be used, the software vendor must provide a bridge to a standard.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-320, filed 2/1/94, effective 3/7/94.]

WAC 434-663-400 Usability of image and index data over time.

Maintaining access to and usability of electronic records requires ensuring continuous readability and intelligibility. Readability means the ability to process images both on the computer system on which they were created and on different computer systems without loss of information. Intelligibility means that humans can comprehend the information the computer reads. Ensuring readability and intelligibility of electronic records over time entails maintenance of environmental conditions, periodic recopying, and strategies to preserve data by migration from one generation of technology to another through a commitment to open architecture.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-400, filed 2/1/94, effective 3/7/94.]

WAC 434-663-410 Defining indexing requirements.

The selection of indexing parameters is based on an analysis of retrieval requirements associated with a particular application, and must insure rapid and accurate retrieval of information. For systems containing archival, permanent, or long-term records, index design must take into account the retrieval requirements of both current and future users of the records, including government agency personnel as well as researchers and the general public.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-410, filed 2/1/94, effective 3/7/94.]

WAC 434-663-420 Preservation strategy.

A preservation strategy must be developed and implemented for each image system containing long-term, permanent, or archival information. Four preservation strategy options are acceptable:

- (1) Retain the original paper documents; or
- (2) Microfilm the original documents; or
- (3) Recopy optical media when necessary to insure the integrity of the information, and recopy magnetic media every ten years; or
- (4) Print images on microfilm.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-420, filed 2/1/94, effective 3/7/94.]

WAC 434-663-430 Header on image files.

A de facto or industry standard header label on image files or a gateway to a nonproprietary header label shall be used for imaging systems that contain long-term, permanent, or archival information. This will allow access to the information by dissimilar systems now and in the future.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-430, filed 2/1/94, effective 3/7/94.]

WAC 434-663-440 Backup for recovery.

In order to facilitate a recovery of lost information and the restoration of system operations in the event of a malfunction or other disaster, properly implemented backup procedures must be in place. Backup security copies of document images and indexes through either simultaneous recording or periodic batch mode backup.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-440, filed 2/1/94, effective 3/7/94.]

WAC 434-663-450 Ensuring usability.

At a minimum, the system must include an electronic error checking utility that will check the integrity of the data when written to the media.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-450, filed 2/1/94, effective 3/7/94.]

WAC 434-663-460 Stability of media.

Records and their indexes having a permanent or archival retention or a retention of over ten years require long-term stability of the media used. Three interrelated issues impact long-term stability:

- (1) Media selection, including storage and recording technology;
- (2) Quality of data stored; (3) Media protection.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-460, filed 2/1/94, effective 3/7/94.]

WAC 434-663-470 Storage media.

Write-once-read-many (WORM) media should be used for records having a permanent or archival retention or a retention of over ten years. If WORM technology is not practical for an application, and rewritable media is used, ensure that read/write privileges are carefully controlled and that an audit trail of rewrites is maintained.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-470, filed 2/1/94, effective 3/7/94.]

WAC 434-663-480 Optical media durability.

Durability for optical media is defined as post-write shelf life. For records having a permanent or archival retention or a retention of over ten years, use media with a minimum twenty-year post-write life. Vendors must document that aging tests have been conducted.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-480, filed 2/1/94, effective 3/7/94.]

WAC 434-663-490 Archival, permanent, and long-term off-line storage environment.

Media should be stored in a dust-free area with a stable temperature between sixty and seventy degrees Fahrenheit with a fluctuation of plus or minus two degrees, and relative humidity between twenty and forty-five percent with a fluctuation of plus or minus five percent. Media should be stored in a suitable container to protect against particulate and fingerprints. Optical disks and magnetic tapes should be stored vertically. The reliability of the data should be tested every ten years. Magnetic tape should be precision rewind every five years and before each use. Every ten years, data stored on magnetic tape shall be transferred to pre-tested fresh stock.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-490, filed 2/1/94, effective 3/7/94.]

WAC 434-663-500 Open systems architecture.

Ensuring the usability of digital images to serve the functions for which they were designed involves long-term commitment to an open systems architecture and an approach to component upgrading, data transfer, and migration path that guarantees the portability of current data to be used with future technologies.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-500, filed 2/1/94, effective 3/7/94.]

WAC 434-663-510 Backward compatibility.

System upgrades or new systems acquired after the effective date of this regulation containing archival, long-term, or permanent records must provide backward compatibility to any existing systems containing the same records series, or be able to provide for the conversion of existing stored data to the new system.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-510, filed 2/1/94, effective 3/7/94.]

WAC 434-663-520 Availability of index database for off-line media.

The index data must be available for media containing archival permanent or long-term documents.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-520, filed 2/1/94, effective 3/7/94.]

WAC 434-663-530 Technical documentation.

Technical documentation on system components, application software and operating systems is essential, and shall be maintained to facilitate long-term access to archival, permanent, and long-term records.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-530, filed 2/1/94, effective 3/7/94.]

WAC 434-663-600 Retention and disposition of public records.

Conversion to an imaging system does not automatically authorize the destruction of the original records. Destruction of, or changes to the retention of any public records due to conversion to or the use of a new media requires legal approval of the state or local records committee of the state of Washington through the retention and disposition scheduling process in accordance with chapter 40.14 RCW and chapter 434-635 WAC.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-600, filed 2/1/94, effective 3/7/94.]

WAC 434-663-610 Records retention scheduling for records on imaging system.

The retention scheduling of information to be placed on an imaging system must be done prior to the creation or copying of the records, and may require a cost benefit analysis. Decisions about the retention value of information stored on an imaging system are related to the value of the original information included in the system.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-610, filed 2/1/94, effective 3/7/94.]

WAC 434-663-620 Security copies.

Records with permanent legal value, stored on electronic media should have a security backup copy on another type of media. If this is impractical, the user must obtain permission to retain electronic copies as the sole media from the state records committee or the local records committee on a case-by-case basis as part of the records scheduling process. Such permission will be granted if there are strong backup systems in place, and systems and procedures in place for periodic recopying.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-620, filed 2/1/94, effective 3/7/94.]

WAC 434-663-630 Agency acquisition—Department of information services approval.

State agencies intending to utilize an imaging system for the storage or conversion of public records must include such plans in their biennial information technology plan submitted to the department of information services and comply with other requirements of DIS as may apply.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-630, filed 2/1/94, effective 3/7/94.]

GR 15 DESTRUCTION AND SEALING OF COURT RECORDS

(a) Purpose and Scope of the Rule. This rule sets forth a uniform procedure for the destruction and sealing of court files, cases, records, or specified documents or material in a court file or record at all court levels. This rule shall apply to court files, cases, records, documents, or materials in any form or format, including but not limited to hard copy, microfilm, microfiche, and automated information system format. The clerk shall maintain all documents and materials filed with the court, and shall make available for public examination all files, cases, records, documents, or materials which have not been ordered destroyed or sealed.

(b) Definition and Construction of Terms.

(1) Seal. To seal means to protect from examination by the public or non-authorized court personnel. Sealing of a hard copy, microfilm, or microfiche is accomplished by enclosing with a fastening which must be broken before access can be obtained. Sealing of an automated information system file or record is accomplished by restricting access to authorized court personnel only. The existence of a sealed file, unless protected by statute, is available for viewing by the public on court indices, but is limited to the case number, names of the parties, the notation "case sealed", the case type in civil cases and the cause of action or charge in criminal cases. The contents of sealed documents or records within a case are not available for viewing by the public. Sealed files, documents or records may be examined by the public only after the files, documents or records have been ordered unsealed pursuant to section (d) of this rule. A motion or order to delete, purge, remove, excise, or erase shall be treated as a motion or order to seal.

(2) Destroy. To destroy means to obliterate a court file, case, document or material in such a way as to make it permanently irretrievable. A motion or order to expunge shall be treated as a motion or order to destroy.

(3) Strike. A motion or order to strike is not a motion or order to seal or destroy.

(c) Grounds and Procedure for Requesting the Sealing or Destruction of Court Records.

(1) Criminal Cases or Juvenile Proceedings.

(A) Destruction of Files or Records. On motion of any interested person in a criminal case or juvenile proceeding, or on the court's own motion, and after a hearing, the court may order the files and records in the proceeding, or any part thereof, to be destroyed if the court finds that such action is expressly permitted by statute. Reasonable notice of the hearing shall be given to: (1) the prosecuting authority of the city or county; (2) the affected adult or juvenile defendant; (3) the victim, if ascertainable; and (4) the person or agency having probationary, custodial, community placement, or community supervision over the affected adult or juvenile defendant. This subsection (c)(1)(A) shall not preclude the routine destruction of documents pursuant to applicable retention schedules.

(B) Sealing of Files and Records. Subject to the provisions of RCW 4.24 and CR 26(j), on motion of any interested person in a criminal case or juvenile proceeding, or on the court's own motion, and after a hearing, the court may order the files and records in the proceeding, or any part thereof, to be sealed if the court finds that such action is expressly permitted by statute or that there are compelling circumstances requiring such action. Reasonable notice of the hearing shall be given by the moving party to: (1) the prosecuting authority of the city or county; (2) the affected adult or juvenile defendant; (3) the victim, if ascertainable; and (4) the person or agency having probationary, custodial, community placement, or community supervision over the affected adult or juvenile defendant.

(2) Civil Cases. (A) Destruction of Files or Records. After entry of final judgment, no civil case file or any part thereof may be destroyed, except after files have been microfilmed as provided in RCW 36.23.065. Before entry of final judgment, civil case files or parts thereof may be destroyed only if the destruction is expressly permitted by statute. This subsection (c)(2)(A) shall not preclude the routine destruction of documents pursuant to applicable retention schedules.

(B) Sealing of Files or Records. On motion of any party to a civil proceeding, or on the court's own motion, and after reasonable notice to the nonmoving party and a hearing, the court may order the sealing of any files and records in the proceeding (i) to further an order entered under CR 12(f) or a protective order entered under CR 26(c); or (ii) under compelling circumstances where justice so requires.

(d) Grounds and Procedure for Requesting the Unsealing of Sealed Records.

(1) Criminal Cases. After the entry of an order to seal all or part of a court file in a criminal proceeding, the records sealed shall be ordered unsealed only upon proof of compelling circumstances, unless otherwise provided by statute, and only upon motion and written notice to the persons entitled to notice under subsection (c)(1) of this rule.

(2) Civil Cases. After the entry of an order to seal all or part of a court file in a civil proceeding, the records sealed shall be ordered unsealed only upon stipulation of all parties or upon motion and written notice to all parties and proof of compelling circumstances, or pursuant to RCW 4.24 or CR 26(j).

(3) Juvenile Proceedings. After the entry of an order to seal all or part of a court file in a juvenile proceeding, inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the record, except as otherwise provided in RCW 13.50.010(8) and (24). Any

adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order, pursuant to RCW 13.50.050(15).

(e) Clerk's Duties.

(1) Destruction of Entire File. Upon receipt of a court order to destroy the entire file under the primary control of the clerk, the clerk shall:

(A) Destroy all references to the file from any applicable automated information systems; and

(B) Destroy all documents in the file, in whatever media they may be stored, except for the order to destroy.

(2) Sealing of Entire File. Upon receipt of a court order to seal the entire file under the primary control of the clerk, the clerk shall:

(A) Seal the automated file.

(B) Seal the file and secure it and all subsequently filed documents from public access except for the order to seal.

(3) Destruction of Specified Documents. Upon receipt of a court order to destroy specified documents or materials within a file under the primary control of the clerk, the clerk shall:

(A) On the automated docket destroy any docket code information except any document or sub-document number previously assigned to the document destroyed and enter "Ordered Destroyed" for the docket entry;

(B) Destroy the appropriate documents or material in whatever media they may be stored, substituting, when applicable, a printed or other reference to the order to destroy, including the date, location, and document number of the order to destroy; and

File the order to destroy.

(4) Sealing of Specified Documents. Upon receipt of a court order to seal specified documents or material within a file under the primary control of the clerk, the clerk shall:

(A) On the automated docket, preserve the docket code, document title, document or subdocument number and date of the original documents or material;

(B) Remove the documents or material from the file, seal them, and return them to the file under seal or store separately, substituting a filler sheet for the removed sealed document. In the event the document ordered sealed exists in a microfilm, microfiche or other storage medium, the clerk shall limit access to the alternate storage medium so as to prevent unauthorized viewing of the sealed document; and

(C) File the order to seal.

(D) If the file is made available for examination, the clerk

shall prevent access the sealed records before the rest of the file is made available.

(f) Microfilming of Sealed Records. Sealed records may be microfilmed as provided in RCW 36.23.065 and such microfilm shall be maintained in accordance with this rule.

(g) Trial Exhibits. Notwithstanding any other provision of this rule, trial exhibits may be destroyed or returned to the parties if all parties so stipulate in writing and the court so orders.

(h) Use of Sealed Records on Appeal. A file, or any portion of it, sealed in the trial court shall be made available to the appellate court in the event of an appeal. Cases sealed in the trial court shall be sealed from public access in the appellate court subject to further order of the appellate court.

(i) Effect on Other Statutes. Nothing in this rule is intended to restrict or to expand the authority of clerks under existing statutes, nor is anything in this rule intended to restrict or expand the authority of any public auditor in the exercise of duties conferred by statute.

[Adopted effective September 22, 1989; amended effective September 1, 1995; amended by order dated May 12, 1997; amended effective June 4, 1997; amended effective June 16, 1998.]

SPRC 7 - Destruction Of Records, Exhibits, And Stenographic Notes

No records, exhibits, or stenographic notes shall be considered for destruction in a case in which the death penalty has been imposed while the defendant is still alive. Before destroying any records, exhibits, or notes in a capital case, the clerk will provide 60 days notice by certified mail, return receipt requested, to the prosecuting attorney, to the defendant's last known attorney of record, and to the defendant. To allow this notice, an attorney who represents the defendant in any challenge to the conviction should notify the clerk of the trial court of the fact of representation and the attorney's current address. Such notification does not constitute an appearance for any purpose other than receiving notice under this rule.

GENERAL SCHEDULE INDEX

A

ABANDONED OR UNCLAIMED PROPERTY REPORTS	2
ABSTRACT OF JUDGMENT	2
ACCOUNT RECONCILIATION RECORDS- LOCALLY OR AUTOMATICALLY PREPARED	2
<i>ACCOUNTING</i> CORRESPONDENCE	2
ADMINISTRATIVE WORKING FILES	2
Agreements	5
ANNUAL REPORTS	2
ARBITRATION FILES	2
ATTENDANCE RECORD - JUROR	2
ATTENDANCE RECORD – WITNESS	3

B

BANK STATEMENTS	3
BOND DOCKETS	3
BONDS AND OATHS	16
BOOK OF LEVIES	3
BUDGET & BUDGET DEVELOPMENT FILES – OFFICE REFERENCE COPIES	3
BUDGET & ESTIMATED REVENUE PROJECTIONS	3

C

CASE FILES	3
CASH BOOK	4
CASH REGISTER ADJUSTMENTS SUMMARY	4
CASH REGISTER BACKUP DISKETTES	4
CASH REGISTER DAILY DETAIL REPORTS	4
CASH REGISTER JOURNALS	4
CASH REGISTER REVENUE ACCOUNT DISTRIBUTION SUMMARY	4
CASH REGISTER TAPES	4
CHECK REGISTERS	5
CHECKS, CANCELED	5
CLERK’S MINUTE BOOK	5
CONTRACTS	5
COST BILL – JUROR	5
COST BILL – WITNESS	5
COURT REPORTER/RECORDER NOTES /TAPES/ DISKETTES	5

D

DAILY ORDER JOURNALS / DAILY MICROFILM	5
DAY BOOKS	6
DEPOSIT SLIPS	6
DEPOSITIONS, PUBLISHED	6

DEPOSITIONS, UNPUBLISHED/UNOPENED	6
DIKE DISTRICT FILES	6
DIKING AND DRAINAGE DISTRICT JOURNALS	6
DOCKET	7
DOMESTIC VIOLENCE ORDERS	7

E

EMPLOYMENT APPLICATIONS WHEN HIRED	7
EMPLOYMENT APPLICATIONS WHEN NOT HIRED	7
EXECUTION DOCKET/INDEX	7
EXHIBITS	8

F

FEE TRANSMITTALS	8
------------------------	---

G

GRAND JURY RECORDS	8
---------------------------------	---

I

INDEX	8
-------------	---

J

JOB DESCRIPTIONS	9
JOURNALS	9
juror daily attendance	2
JURY LISTS/QUESTIONNAIRES – MASTER LIST	9
JURY LISTS/QUESTIONNAIRES – TERM LIST	9

L

LAND REGISTRATION FILES (TORRENS ACT)	9
LETTERS OF ADMINISTRATION / CONSERVATORSHIP/ GUARDIANSHIP / TESTAMENTARY	9

M

MOTHER’S PETITION/PENSION	10
---------------------------------	----

N

NATURALIZATION RECORDS	10
------------------------------	----

O

OATHS: BAILIFF, COURT REPORTER, COURT COMMISSIONER, AND OTHERS	10
OFFICIAL AGENCY POLICY AND PROCEDURE DIRECTIVES, REGULATIONS, AND RULES	10
OFFICIAL BOND FILES	10

OLD AGE ASSISTANCE CLAIMS	11
ONE-PARTY CONSENT FILES	11
ORDINANCES AND RESOLUTIONS	11

P

PERSONNEL FILES	11
PURCHASE ORDERS	12

R

RCWs and WACs – FOR COURT CLERKS.....	18
RECEIPTS	12
REGISTER	12
REQUISITIONS	12
REVENUE PROJECTIONS	12

S

SEARCH WARRANT RECORDS	12
SOFTWARE BACKUP DATA	12
SPECIAL INQUIRY RECORDS	13
SUPPORT LEDGER	13

T

TAX CASE FILES	13
TAX WARRANT CASE FILES	13
TERRITORIAL CASE FILES	13
TRANSCRIPTS OF JUDGMENT	14
TREASURER’S RECEIPTS	14
TRUST FUND BALANCE REGISTER	14
TRUST FUND LEDGER	14

U

UNCLAIMED PROPERTY REPORTS	2, 14
----------------------------------	-------

V

VERBATIM REPORT OF PROCEEDINGS.....	14
VOUCHERS	14

W

witness daily attendance	3
WORK ORDERS	15

SUPERSEDED