

	Department of Public Safety Standards and Training POLICY	Policy Number: 129
		Effective Date: 1/5/2024
SUBJECT: Public Records Requests		Supersedes: 6/17/2021
SIGNATURE:	Signature on File Philip Castle, Director	Division(s): All

APPLICABILITY:

All Department of Public Safety Standards and Training (DPSST) classified unrepresented, management service, unclassified executive service, and unclassified unrepresented employees, Board/Committee/Workgroup members, contractors, volunteers, students, and visitors.

PURPOSE:

The purpose of this policy is to ensure public records are managed and maintained appropriately within DPSST and consistently across the enterprise of state government.

AUTHORITY:

Director

REFERENCES:

- [ORS 192](#) Records; Reports and Meetings
- [ORS 357.855](#) Advice and assistance on public record problems
- [OAR 166-300](#) State Agency General Records Retention Schedules
- [OAR 259-025-0000](#) Public Records Requests
- [DAS Policy 107.001.030](#) Public Records Requests Fees and Charges
- [DAS Policy 107.004.050](#) Information Asset Classification Policy
- [DAS Policy 107.004.150](#) Cloud and Hosted Systems
- DPSST Procedure 129.1 Submitting a Public Records Request
- DPSST Policy 351 Social Media

DEFINITIONS:

1. Authorized Retention Schedule: Either a General Schedule published by the State Archivist in the OAR in which certain common public records are described or listed by title and a

retention period is established for each; or a Special Schedule approved by the State Archivist for the public records of a specific agency.

2. Cloud-computing: A model for enabling ubiquitous, convenient, on-demand network access to a shared pool of configurable computing resources (e.g., networks, servers, storage, applications, and services) that can be rapidly provisioned and released with minimal management effort or service provider interaction. Established by the National Institute of Standards and Technology ([NIST SP 800-145](#)).
3. Custodian: A person who has responsibility for or looks after a public record.
4. Instant Messaging: Real-time text communications between or among computers or mobile devices over the internet or functionally similar communications networks.
5. Public Record: As established in ORS 192.005. In general, it refers to information that is prepared, owned, used, or retained by a state agency or political subdivision; relates to an activity, transaction, or function of a state agency or political subdivision; and is necessary to satisfy the fiscal, legal, administrative, or historical policies, requirements or needs of the state agency or political subdivision.
6. Social Media: Any web-based and mobile communication technologies that allow the creation and exchange of user-generated content such as comments or responsive postings. Examples of social media include but are not limited to Twitter, Flickr, blogging sites, Facebook, YouTube, and Instagram.
7. Text Messaging: Refers to messages exchanged between mobile devices over a network.

GENERAL:

Public Records Maintenance

Public records must be maintained and managed in a manner that protects the integrity of the records within DPSST without regard to the technology or medium used to create or communicate the record, from the time of the creation of a public record to the time of final disposition of the public record as determined by their authorized records retention schedule.

Roles and Responsibilities

Oregon law requires agencies to designate an Agency Records Officer “to coordinate its agency’s Record Management Program” (ORS 192.105(2)(a)). The DPSST records officer will

serve as the primary liaison with the State Archivist and receive training from the State Archivist in performing their duties.

DPSST will ensure agency public records are managed following their authorized records retention schedules, from the time of creation to final disposition, by assigning designated staff/positions with the following responsibilities:

- The Professional Standards Division Director will serve as DPSST's official Records Officer.
- The Records Maintenance & Control Specialist will:
 - Regularly review records, regardless of format, to determine if records should be retained or destroyed.
 - Identify and develop retention schedules for new records series.
 - Maintain a filing system of the agency's paper and electronic records, based on authorized retention schedules, which includes the description and location of public records, including records the agency is required to retain due to litigation and/or special audit.
 - Account for records that must be retained beyond their authorized retention period due to mitigating administrative need and submit written justification of the mitigating administrative need to the State Archivist for approval.
 - Develop and implement internal processes and procedures for the transfer, retrieval, and destruction of records following authorized retention periods.
 - Ensure that records are destroyed according to their authorized retention period.
 - Document the destruction of public records and retain that documentation according to the authorized records retention schedule found in OAR chapter 166 Division 300.
- The Director's Office will:
 - Coordinate and track employee completion of public records management training to ensure agency staff understand how records are properly managed in compliance with authorized records retention schedules.
 - Review and update internal public records management policies and procedures.

- Obtain State Archivist approval of revisions to the agency's public records management policy.

Education and Training

Basic public records training will be completed as a component of DPSST new employee orientation training, and incorporated as part of regular employee training, completed once a biennium.

Access and Ownership

Without regard to how public records are being stored, DPSST will have custody and control over public records. Through an ongoing review of technological advances, DPSST will ensure all public records are maintained and accessible for as long as required by authorized retention schedules or litigation holds.

Integrity

DPSST will ensure appropriate access and version controls are applied to all electronically stored records from record creation to final disposition.

The authenticity of each record can be demonstrated either by certified copies of paper records or via accompanying metadata for all electronic records.

Retention Generally

DPSST will preserve and classify public records according to ORS Chapter 192, OAR Chapter 166 Division 300, and DAS Policy 107.004.050 regarding information Asset Classification.

DPSST will work with the Archives Division to establish retention practices to ensure compliance with ORS Chapter 192 and OAR Chapter 166 Division 300.

Cloud Computing: DPSST practices and procedures, concerning public records management in the Cloud, will comply with DAS Cloud-Computing Policy (DAS Policy 107.004.150) and OAR Chapter 166 Division 300.

Email: When DPSST receives a public records request, all official email accounts and systems used for official state business are subject to search and production.

Official Email Accounts: In most circumstances, emails sent to or from a state employee's official email account will meet the definition of a public record. Therefore, this policy requires

that virtually all email messages composed or sent using employees' official equipment or official email addresses be for primarily business purposes.

Personal Email Accounts: If employees must use personal email accounts to conduct state business, DPSST requires that employees copy their official email accounts on all such outgoing communications and forward any received messages on which their official email accounts are not copied immediately or as soon as practicably possible.

Instant Messaging: DPSST's policy regarding Instant Messages is the same as that recited below regarding text messaging.

Social Media: Any content placed on any social media platform must be an accurate copy of an official record that is retained elsewhere by DPSST per the authorized records retention schedules. DPSST developed practices and procedures to manage agency use of social media to ensure public records are accurately captured and retained per authorized records retention schedules. Reference DPSST Policy 351 social media.

Text Messaging: DPSST employees may use text messaging to communicate factual and logistical information related to official state business, only if that information has been documented elsewhere or will be documented and retained as a separate public record according to the agency's authorized records retention schedule. In the absence of separate documentation, DPSST employees are not to use text messages for official purposes other than for routine communications that do not meet the definition of a public record. If an employee uses text messages to communicate information (not otherwise documented) relating to official state business, such discussion is to be immediately converted and saved in a separate public record format (e.g., by forwarding the relevant text messages to their official state email). DPSST requires that no text message-based public records be created. DPSST will not retain text messages.

Examples of Acceptable Uses:

- Scheduling.
- Requesting a call or email on a matter, without substantive discussion.
- Requesting or offering logistical.
- Forwarding a person's contact information.
- Explaining your current whereabouts or inquiring about someone else's.

- Describing or inquiring about facts or events that do not relate to the substance of the agency's work, or that have been or will be separately recorded.

Unacceptable Use:

- DPSST employees must avoid communicating official state business or engaging in discussions regarding the primary business of their work over text messages.
- As noted above, relevant facts about official state business may be reported only if they are already documented in separate public records or they will be documented in a separate public record.
- If, notwithstanding this policy, an employee uses text messages to communicate information (not otherwise documented) relating to official state business or the primary business of the employee's work, such discussion is to be immediately converted and saved in a separate public record format (e.g., by forwarding the relevant text messages to their official state email).
- Because DPSST requires that no text message-based public records be created or if they are created, that they be converted and saved in an alternate format, which would serve as the official copy of the record, DPSST will not retain text messages.
- DPSST employees' personal electronic devices should not be used to transmit text messages related to state business. Personal devices are subject to search if used to transmit text messages regarding official state business or information related to an employee's work that rises to the level of creating a public record.

Voicemail: Unless otherwise required, DPSST will not retain messages on voicemail. Email transcriptions of voicemails that are determined to be public records must be retained according to authorized records retention schedules and may be subject to public disclosure upon request.

Storage and Retrieval

Paper Records: DPSST will maintain a filing system of the agency's paper records based on authorized retention schedules. The filing system will include the location of records, retention periods, and procedures for retrieval to ensure the accessibility of agency records.

Electronic Records: DPSST will maintain a filing system and naming conventions for all agency records stored in electronic format based on the agency's authorized retention schedules. The filing system and naming conventions will include the location of records in agency directories, retention periods, access controls, and privacy conditions to support the management of the agency's inventory of electronic records.

DPSST will work with the State Archivist to ensure the agency meets retention periods for all records before any data is destroyed and before deleting any large electronic record system.

Disposition and Destruction of Public Records

DPSST will dispose of or destroy public records according to the requirements of authorized records retention schedules and OAR Chapter 166, Division 300.

Under ORS 357.855, DPSST employees will consult the State Archivist for advice and assistance with determining the disposition of certain record types not accounted for in state Agency General or Special Retention Schedules and reconciling unforeseen public records issues.

Public Records Requests

DPSST must manage public records requests following ORS Chapter 192 and the most recent revision of the Attorney General's Public Records and Meetings Manual.

The following guidelines are established for DPSST's application of this policy:

- OAR 259-025-0000 has been adopted to safeguard DPSST's records and to mitigate workload issues across all duties.
- DPSST will require requests for records to be submitted in writing.
- DPSST will make a procedure available to the public for submitting a records request. The procedure must include DPSST's fee schedule. The procedure must be made available to the public on DPSST's website and upon request.
- DPSST will determine whether fees for public records are necessary to recover the actual costs for staff time or materials needed to complete a public records request. DPSST must calculate those fees following the DAS Policy 107.001.030 for Public Records Requests Fees and Charges and the Statewide Standardized Fee Schedule.
- Whenever possible, DPSST will provide a copy of the record in the format requested. If DPSST determines that the record cannot be provided in the format requested, then DPSST will make the record available in the format in which DPSST maintains the record after considering any steps necessary for the protection of the record.
- If the public records request is a request to inspect the record instead of being furnished a copy of the requested record, DPSST will furnish a reasonable opportunity for the requester

to inspect the record within DPSST's facilities during usual business hours. DPSST will require and designate a DPSST employee to supervise the inspection of requested records.

- DPSST will review all records prepared for release through a public records request for content contained in a record that is exempt from disclosure.
 - When a record is exempt from disclosure, DPSST will notify the requestor, and identify the exemption.
 - When a portion of the content contained in a record is statutorily exempt from disclosure, DPSST must redact the exempt content and provide the requestor with access to, or a copy of, the redacted record and cite the specific statutory exemption.
- A reasonable response or completion of a records request may be affected by but is not limited to, factors such as current staff workload, the volume of records requested, the availability of staff to respond to the request, and the time needed to assess the application of exemptions from disclosure.