

## Chapter Listing | RCW Dispositions

### Chapter 40.14 RCW

#### PRESERVATION AND DESTRUCTION OF PUBLIC RECORDS

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## NOTES:

*Materials specifically authorized to be printed and distributed by secretary of state: RCW 43.07.140.*

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## 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.]

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## 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 office of the chief information officer 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;
- (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;
- (11) To solicit, accept, and expend donations as provided in RCW **43.07.037** for the purpose of the archive program. These purposes include, but are not limited to, acquisition, accession, interpretation, and display of archival materials. Donations that do not meet the criteria of the archive program may not be accepted.

[ **2011 1st sp.s. c 43 § 727**; **2002 c 358 § 4**; **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—Purpose—2011 1st sp.s. c 43:** See notes following RCW **43.19.003**.

**Effective date—1991 c 237:** See note following RCW **44.04.320**.

**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 40.14.022

### Division of archives and records management—Imaging account.

The imaging account is created in the custody of the state treasurer. All receipts collected under RCW **40.14.020**(8) for contract imaging, micrographics, reproduction, and duplication services provided by the division of archives and records management must be deposited into the account, and expenditures from the account may be used only for these purposes. Only the secretary of state or the secretary's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter **43.88** RCW, but an appropriation is not required for expenditures.

[ **2003 c 163 § 2**.]

## RCW 40.14.024

### Division of archives and records management—Local government archives account.

The local government archives account is created in the state treasury. All receipts collected by the county auditors under RCW **40.14.027** and **36.22.175** for local government services, such as providing records schedule compliance, security microfilm inspection and storage, archival preservation, cataloging, and indexing for local government records and digital data and access to those records and data through the regional branch archives of the division of archives and records management, must be deposited into the account, and expenditures from the account may be used only for these purposes. Any amounts deposited in the account in accordance with RCW **36.22.175**(4) may only be expended for the purposes authorized under that provision as follows: No more than fifty percent of funding may be used

for the attorney general's consultation program and the state archivist's training services, and the remainder is to be used for the competitive grant program.

[ [2017 c 303 § 5](#); [2008 c 328 § 6005](#); [2003 c 163 § 3](#).]

## NOTES:

**Part headings not law—Severability—Effective date—2008 c 328:** See notes following RCW [43.155.050](#).

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### RCW 40.14.025

#### **Division of archives and records management—Allocation of costs of services—Public records efficiency, preservation, and access 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 public records efficiency, preservation, and access account in the state treasury which shall consist of all fees and charges collected under this section. 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.

[ [2011 1st sp.s. c 50 § 932](#); [2003 c 163 § 1](#); [1996 c 245 § 3](#); [1991 sp.s. c 13 § 5](#); [1985 c 57 § 22](#); [1981 c 115 § 4](#).]

## NOTES:

**\*Reviser's note:** The "archives and records management account" was changed to the "public records efficiency, preservation, and access account" by [2011 1st sp.s. c 50 § 932](#).

**Effective dates—2011 1st sp.s. c 50:** See note following RCW [15.76.115](#).

**Effective date—1996 c 245:** "This act takes effect on July 1, 1996." [ [1996 c 245 § 5](#).]

**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](#).

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## **RCW 40.14.026**

### **Division of archives and records management—Competitive grant program to improve technology information systems for public records and related training—Review of program and training services—Public records request log—Agency reporting requirements—Duties of the joint legislative audit and review committee.**

(1) The division of archives and records management in the office of the secretary of state must establish and administer a competitive grant program for local agencies to improve technology information systems for public record retention, management, and disclosure, and any related training. The division of archives and records management may use up to six percent of amounts appropriated for the program for administration of the grant program.

(2) Any local agency may apply to the grant program. The division of archives and records management in the office of the secretary of state must award grants annually. The division of archives and records management must consult with the chief information officer to develop the criteria for grant recipient selection with a preference given to small local governmental agencies based on the applicant agency's need and ability to improve its information technology systems for public record retention, management, and disclosure. The division of archives and records management may award grants for specific hardware, software, equipment, technology services management and training needs, indexing for local records and digital data, and other resources for improving information technology systems. To the extent possible, information technology systems, processes, training, and other resources for improving information technology systems for records retention and distribution may be replicated and shared with other governmental entities. Grants are provided for one-time investments and are not an ongoing source of revenue for operation or management costs. A grantee may not supplant local funding with grant funding provided by the office of the secretary of state.

(3) The joint legislative audit and review committee must conduct a review of the attorney general's consultation program and the state archivist's training services created under section 4, chapter 303, Laws of 2017, and the local government competitive grant program created under this section. The review must include:

(a)(i) Information on the number of local governments served, the types of consultation and training provided, and the implementation of any practices adopted from the attorney general's consultation program and the state archivist's training services; and

(ii) The effectiveness of the consultation program and the training services in providing assistance for local governments; and

(b)(i) Information on the number of local governments that applied for and participated in the competitive grant program under this section, the amount of funding awarded through the grant program, and how such funding was used; and

(ii) The effectiveness of the grant program in improving local government technology information systems for public records retention, management, disclosure, and training.

(4) Each agency shall maintain a log of public records requests submitted to and processed by the agency, which shall include but not be limited to the following information for each request: The identity of the requestor if provided by the requestor, the date the request was received, the text of the original request, a description of the records produced in response to the request, a description of the records redacted or withheld and the reasons therefor, and the date of the final disposition of the request. The log must be retained by the agency in accordance with the relevant record retention schedule established under this chapter, and shall be a public record subject to disclosure under chapter 42.56 RCW.

(5) To improve best practices for dissemination of public records, each agency with actual staff and legal costs associated with fulfilling public records requests of at least one hundred thousand dollars during the prior fiscal year must, and each agency with such estimated costs of less than one hundred thousand dollars during the prior fiscal year may, report to the joint legislative audit and review committee by July 1st of each subsequent year the following metrics, measured over the preceding year:

(a) The number of requests where the agency provided the requested records within five days of receiving the request.

(b) The number of requests where the agency provided a time estimate for providing responsive records beyond five days after receiving the request.

(c) The average and median number of days from receipt of request to the date the request is closed.

(d) The number of requests where the agency formally sought additional clarification from the requestor;

(e) The number of requests denied in full or in part and the most common reasons for denying requests;

(f) The number of requests abandoned by requestors;

(g) To the extent the information is known by the agency, requests by type of requestor, including individuals, law firms, organizations, insurers, governments, incarcerated persons, the media, anonymous requestors, current or former employees, and others;

(h) Which portion of requests were fulfilled electronically compared to requests fulfilled by physical records;

(i) The number of requests where the agency scanned physical records electronically to fulfill disclosure;

(j) The total estimated agency staff time spent on each individual request;

(k) The estimated costs incurred by the agency in fulfilling records requests, including costs for staff compensation and legal review, and a measure of the average cost per request;

(l) The number of claims filed alleging a violation of chapter 42.56 RCW or other public records statutes in the past year involving the agency, categorized by type and exemption at issue, if applicable;

(m) The costs incurred by the agency litigating claims alleging a violation of chapter 42.56 RCW or other public records statutes in the past year, including any penalties imposed on the agency;

(n) The costs incurred by the agency with managing and retaining records, including staff compensation and purchases of equipment, hardware, software, and services to manage and retain public records; and

(o) Expenses recovered by the agency from requestors for fulfilling public records requests, including any customized service charges.

(6) The joint legislative audit and review committee must consult with state and local agencies to develop a reporting method and clearly define standardized metrics in accordance with this section.

(7) By December 1, 2019, the joint legislative audit and review committee must report to the legislature on its findings from the review, including recommendations on whether the competitive grant program, the attorney general's consultation program, and the state archivist's training services should continue or be allowed to expire.

[ 2019 c 372 § 1; 2017 c 303 § 6.]

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## RCW 40.14.027

### Local government archives and records management services—Judgment debtor surcharge.

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(10). The surcharge revenue shall be transmitted to the state treasurer for deposit in the public records efficiency, preservation, and access account.

Surcharge revenue deposited in the local government archives account under RCW 40.14.024 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.

[ 2011 1st sp.s. c 50 § 933; 2003 c 163 § 4; 2001 c 146 § 4; 1996 c 245 § 4; 1995 c 292 § 17; 1994 c 193 § 2.]

#### NOTES:

**Effective dates—2011 1st sp.s. c 50:** See note following RCW 15.76.115.

**Effective date—1996 c 245:** See note following RCW 40.14.025.

**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.](#)]

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## **RCW 40.14.030**

### **Transfer to state archives—Certified copies, cost—Public disclosure.**

(1) 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 or her office, the officer in charge thereof, or his or her successor, thereby loses none of his or her rights of access to them, without charge, whenever necessary.

(2) Records that are confidential, privileged, or exempt from public disclosure under state or federal law while in the possession of the originating agency, commission, board, committee, or other entity of state or local government retain their confidential, privileged, or exempt status after transfer to the state archives unless the archivist, with the concurrence of the originating jurisdiction, determines that the records must be made accessible to the public according to proper and reasonable rules adopted by the secretary of state, in which case the records may be open to inspection and available for copying after the expiration of seventy-five years from creation of the record. If the originating jurisdiction is no longer in existence, the archivist shall make the determination of availability according to such rules. If, while in the

possession of the originating agency, commission, board, committee, or other entity, any record is determined to be confidential, privileged, or exempt from public disclosure under state or federal law for a period of less than seventy-five years, then the record, with the concurrence of the originating jurisdiction, must be made accessible to the public upon the expiration of the shorter period of time according to proper and reasonable rules adopted by the secretary of state.

[ 2011 c 336 § 817; 2003 c 305 § 1; 1957 c 246 § 3.]

## NOTES:

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

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## 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 or her 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 or her reasons therefor.

[ 2011 c 336 § 818; 1982 c 36 § 4; 1979 c 151 § 51; 1973 c 54 § 3; 1957 c 246 § 4.]

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**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**.

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**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.]

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## RCW 40.14.070

### **Destruction, disposition, donation of local government records—Preservation for historical interest—Local records committee, duties—Record retention schedules—Sealed records.**

(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)(i) 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.

(ii) Any sealed record transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval, including records sealed after transfer, shall be electronically retained in such a way that the record is clearly marked as sealed.

(iii) The Washington association of sheriffs and police chiefs shall be permitted to destroy both the paper copy and electronic record of any offender verified as deceased.

(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 **42.56.010** 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 and the end-of-sentence review committee as defined by RCW **72.09.345** for the purpose of fulfilling its duties under RCW **71.09.025** and **9.95.420**.

Electronic records marked as sealed shall only be accessible by criminal justice agencies as defined in RCW **10.97.030** who would otherwise have access to a sealed paper copy of the document, the end-of-sentence review committee as defined by RCW **72.09.345** for the purpose of fulfilling its duties under RCW **71.09.025** and **9.95.420**, and the system administrator for the purposes of system administration and maintenance.

(3) Except as otherwise provided by law, county, municipal, and other local government agencies may, as an alternative to destroying noncurrent public records having

no further administrative or legal value, donate the public records to the state library, local library, historical society, genealogical society, or similar society or organization.

Public records may not be donated under this subsection unless:

- (a) The records are seventy years old or more;
- (b) The local records committee has approved the destruction of the public records;

and

- (c) The state archivist has determined that the public records have no historic interest.

[ 2011 c 60 § 18; 2005 c 227 § 1; 2003 c 240 § 1; 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:

**Effective date—2011 c 60:** See RCW [42.17A.919](#).

*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](#).

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## RCW 40.14.080

### Chapter not to affect other laws.

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](#).

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## RCW 40.14.100

### Legislative records—Defined.

As used in RCW **40.14.010** and **40.14.100** through **40.14.180**, unless the context requires otherwise, "legislative records" shall be defined as correspondence, amendments, reports, and minutes of meetings made by or submitted to legislative committees or subcommittees and transcripts or other records of hearings or supplementary written testimony or data thereof filed with committees or subcommittees in connection with the exercise of legislative or investigatory functions, but does not include the records of an official act of the legislature kept by the secretary of state, bills and their copies, published materials, digests, or multi-copied matter which are routinely retained and otherwise available at the state library or in a public repository, or reports or correspondence made or received by or in any way under the personal control of the individual members of the legislature.

[ **1971 ex.s. c 102 § 2.**]

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### **RCW 40.14.110**

#### **Legislative records—Contribution of papers by legislators and employees.**

Nothing in RCW **40.14.010** and **40.14.100** through **40.14.180** shall prohibit a legislator or legislative employee from contributing his or her personal papers to any private library, public library, or the state archives. The state archivist is authorized to receive papers of legislators and legislative employees and is directed to encourage the donation of such personal records to the state. The state archivist is authorized to establish such guidelines and procedures for the collection of personal papers and correspondence relating to the legislature as he or she sees fit. Legislators and legislative employees are encouraged to contribute their personal papers to the state for preservation.

[ **2011 c 336 § 819; 1971 ex.s. c 102 § 3.**]

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### **RCW 40.14.120**

#### **Legislative records—"Clerk," "secretary" defined.**

As used in RCW **40.14.010** and **40.14.100** through **40.14.180** "clerk" means clerk of the Washington state house of representatives and "secretary" means the secretary of the Washington state senate.

[ **1971 ex.s. c 102 § 4.**]

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### **RCW 40.14.130**

#### **Legislative records—Duties of legislative officials, employees and state archivist—Delivery of records—Custody—Availability.**

The legislative committee chair, subcommittee chair, committee member, or employed personnel of the state legislature having possession of legislative records that are not required for the regular performance of official duties shall, within ten days after the adjournment sine die of a regular or special session, deliver all such legislative records to the clerk of the house or the secretary of the senate.

The clerk of the house and the secretary of the senate are charged to include requirements and responsibilities for keeping committee minutes and records as part of their instructions to committee chairs and employees.

The clerk or the secretary, with the assistance of the state archivist, shall classify and arrange the legislative records delivered to the clerk or secretary in a manner that he or she considers best suited to carry out the efficient and economical utilization, maintenance, preservation, and disposition of the records. The clerk or the secretary may deliver to the state archivist all legislative records in his or her possession when such records have been classified and arranged and are no longer needed by either house. The state archivist shall thereafter be custodian of the records so delivered, but shall deliver such records back to either the clerk or secretary upon his or her request.

The chair, member, or employee of a legislative interim committee responsible for maintaining the legislative records of that committee shall, on a scheduled basis agreed upon by the chair, member, or employee of the legislative interim committee, deliver to the clerk or secretary all legislative records in his or her possession, as long as such records are not required for the regular performance of official duties. He or she shall also deliver to the clerk or secretary all records of an interim committee within ten days after the committee ceases to function.

[ 2011 c 336 § 820; 1971 ex.s. c 102 § 5.]

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## **RCW 40.14.140**

### **Legislative records—Party caucuses to be advised—Information and instructions.**

It shall be the duty of the clerk and the secretary to advise the party caucuses in each house concerning the necessity to keep public records. The state archivist or his or her representative shall work with the clerk and secretary to provide information and instructions on the best method for keeping legislative records.

[ 2011 c 336 § 821; 1971 ex.s. c 102 § 6.]

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## **RCW 40.14.150**

### **Legislative records—Use for research.**

Committee records may be used by legislative employees for research at the discretion of the clerk or the secretary.

[ 1971 ex.s. c 102 § 7.]

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### **RCW 40.14.160**

#### **Legislative records—Rules for access to records.**

The clerk or the secretary shall, with advice of the state archivist, prescribe rules for access to records more than three years old when such records have been delivered to the state archives for preservation and maintenance.

[ 1971 ex.s. c 102 § 8.]

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### **RCW 40.14.170**

#### **Legislative records—Sound recordings.**

Any sound recording of debate in the house or senate made by legislative employees shall be preserved by the chief clerk of the house and by the secretary of the senate, respectively, for two years from the end of the session at which made, and thereafter shall be transmitted to the state archivist. The chief clerk and the secretary shall catalogue or index the recordings in their custody according to a uniform system, in order to allow easy access to the debate on specific questions before either house, and shall make available to any court of record, at the cost of reproduction, such portions of the recordings as the court may request.

[ 1971 ex.s. c 102 § 9.]

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### **RCW 40.14.180**

#### **Legislative records—Construction—Confidentiality of bill drafting records.**

The provisions of RCW **40.14.010** and **40.14.100** through **40.14.180** shall not be construed as repealing or modifying any other acts or parts of acts authorizing the retention or destruction of public records nor shall RCW **40.14.010** and **40.14.100** through **40.14.180** affect the provisions of chapter **40.07** RCW requiring the deposit of all state publications in the state library nor shall it affect the confidentiality of the bill drafting records of the code reviser's office.

[ 1983 c 3 § 85; 1971 ex.s. c 102 § 10.]