

# S P O K A N E C O U N T Y L I B R A R Y D I S T R I C T

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| <b>Policy Title</b>  | HR17 – Employee Creation & Retention of Public Records                                   |                      |  |
| <b>Approval Date</b> | December 19, 2023  | <b>Revision Date</b> |  |
| <b>Purpose</b>       | To set forth the District’s policies for employee creation & retention of public records |                      |  |
| <b>Scope</b>         | Applies to all District employees  |                      |  |

In the event of the amendment of any law, regulation, or ordinance incorporated into this policy or upon which this policy relies, the policy shall be deemed amended in conformance with those changes.

In cases where this policy conflicts with any local ordinance, state or federal law, the terms of that law, and its underlying rules or regulations shall prevail. In all other cases, personnel policies and practices prevail.

The Board reserves the right to change and/or modify this policy at any time, as circumstances dictate and in accordance with applicable law.

## **Policy:**

Work-related emails, text messages, and voice messages sent or received on an employee’s personal cell phone or other device are potential public records subject to the Public Records Act. Employees have a duty to maintain such records according to the Washington State Records Retention Schedules. Therefore, when conducting District business, employees are expected to use District provided equipment and accounts.

Work-related use of personal social media accounts create public records.

In Washington, “public records” include work-related posts, comments, communications, and other records regardless of whether created or stored on personal equipment or on a personal social media account. In Washington, an agency-related Facebook post by a public employee or official on their personal Facebook account can be a public record if the post was made within the employee’s or official’s scope of agency employment. Since an agency acts exclusively through its employees or officials, the location of a record (whether on a personal account or public account) does not matter. Records are “public” even if they reside on private accounts or devices. The critical question is whether an agency-related post on a personal Facebook account was made in the employee’s official public capacity or scope of employment. Addressing work-related matters on personal equipment and/or a personal social media account may likely result in creating a public record. Accordingly, employees should use caution when discussing or addressing work-related matters on personal equipment or personal social media accounts.

The District reserves the right to monitor, review, audit, intercept, access, and disclose all messages and/or data created, received, or sent over any of its electronic systems for any purpose at any time. All messages or data created, sent, or received using any of the District’s electronic communication or computer systems are considered property of the District.

When directed, employees authorized by the Executive Director or designee may research, retrieve, read, or copy messages and/or data stored on any of the District-owned communication equipment and computer systems by another user.

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The District will make a good faith effort to implement this policy in a fair and consistent manner.

The Executive Director will establish administrative procedures necessary to implement this policy.