

Operational Policy

Policy title:	Records Retention and Management Policy		
Policy number:	DHS OHA-010-018		
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Approved:	Kris Kautz, Deputy Director OHA Don Erickson, Chief Administrative Officer DHS		

Purpose

The Department of Human Services (DHS) and the Oregon Health Authority (OHA) are committed to accountability and transparency in government and strive to foster these values through appropriate management and retention of public records. Additionally, public records serve as a history of the agency. This policy ensures the agency’s compliance with various state and federal laws that mandate the retention of records by DHS and OHA and ensure the agencies are in compliance with ORS 192.018 and Executive Order No. 16-06.

Description

This policy provides a general records retention structure and requires the delegation of staff responsible for DHS and OHA adherence to statute, rule and policy. Additionally, this policy provides a means by which the agencies hold themselves accountable for the retention and availability of records to both the public and the Office of the State Archivist.

Applicability

This policy applies to all DHS and OHA staff including employees, volunteers, trainees and interns.

As keepers of the public trust, all agency employees have a responsibility to comply with state and agency policies, administrative rule, and state and federal law. The agency takes this responsibility seriously and failure to fulfill this responsibility is not treated lightly. Employees who fail to comply with state or agency policy, administrative rule, or state and federal law may face progressive discipline, up to and including dismissal from state service.

Policy

1. A public record (hereafter, record or records) is a document, book, paper, file, sound recording, machine readable electronic record or other material, *regardless of form or characteristic, technology or medium*, prepared, owned, used or retained by DHS and OHA in connection with the transaction of the public’s business.
 - a. Staff shall maintain and use public records in a manner that allows DHS and OHA to meet the agencies’ fiscal, legal, administrative and historical responsibilities.
 - b. Unless the records are specifically exempt from disclosure, DHS and OHA shall provide access to public records in accordance with the state’s public records law and related agency-specific policies.

2. DHS and OHA shall retain, archive and destroy records in accordance with the requirements of the Oregon Public Records law, applicable administrative rule, including OAR 166-300, retention schedules approved by the Oregon State Archivist and this policy.
3. Public records requests, audits, investigations and legal action automatically suspend destruction of related records until the action has been fulfilled or completed.
4. Both DHS and OHA shall designate an individual to coordinate its agency's records management program, including ensuring:
 - a. Appointment of at least one Agency Records Officer to fulfill the statutory requirements outlined in ORS 192.105.
 - b. Agency records are retained, archived and destroyed in accordance with the retention schedule and archiving policy.
 - c. Coordination between DHS and OHA of Shared Services archiving and retention practices.
 - d. Program staff consult with the State Archives Division to:
 - A. Determine whether special retention schedules are required.
 - B. Create approved special retention schedules, if required.
 - C. Determine disposition of records that fall outside standard and special retention schedules.
 - e. The agency adequately maintains a list of destroyed records for annual submission to the State Archivist, in accordance with administrative rules.
5. DHS and OHA shall follow the general retention schedule for records found in OAR 166-300.
6. Each agency program or office shall create, if appropriate, a special retention schedule for records that fall outside the general retention schedule.
 - a. The State Archivist shall approve all special retention schedules.
 - b. The designated agency lead shall maintain a copy of all agency special retention schedules.
 - c. All special retention schedules shall be posted online.
 - d. Special retention schedules shall be reviewed at least once every five years.
7. To ensure access to public records regardless of changes in technology or the medium used to create or communicate the record initially, DHS and OHA staff shall maintain public records in an approved format.
 - a. Approved formats change based on the length of time records have to be maintained.
 - b. Approved formats are defined by the State Archivist in OAR 166-017 and OAR 166-020.
 - c. The guidelines related to this policy provide information related to general records maintenance.
8. DHS and OHA staff shall use only agency approved electronic storage sites for saving work related data and information.
 - a. Documents and files such as case notes or photos shall be saved on shared drives (commonly called the I: drive or S: drive), home directories (commonly called the H: drive), or in other approved systems or network storage sites such as OR-Kids.
 - b. The hard drive (commonly called the C: drive or local drive) or local external storage devices attached to a computer, shall not be used for ongoing or long-term DHS or OHA document and file storage.
 - A. Staff working at alternate sites or otherwise unable to access shared drives may use the C: drive or local external storage devices for temporary storage.
 - B. Documents and files temporarily stored on the C: drive or local external storage devices shall be transferred to the H: or I: drives or other approved network storage sites as soon as reasonably practicable to ensure appropriate retention in accordance with DHS and OHA protocols.
9. Each division, program or office shall establish processes and protocols to ensure adequate retention and archiving of paper and electronic documents as well as efficiency in accessing documents, including:

- a. A filing system for paper records that includes the location of records, retention periods, and processes for retrieving records.
 - b. Naming conventions, version control requirements and storage guidelines for electronic records.
10. During all technological system changes, the ability of systems to maintain records throughout the full retention period shall be component of the evaluation process.
- a. For storage of records that must be retained for more than five years, formats other than those designated by Archivist statutes shall be approved by the State Archivist in writing.
 - b. Record of the State Archivist's approval shall be retained both in the program office and by the designated agency lead with other records management documents.
11. Digital imaging systems and digitized documentation shall comply with OAR 166-017.
12. The management of public records stored in the Cloud shall comply with DAS Policy 107-004-150 and OAR 166-017.
13. Staff shall manage their email in a manner that allows the agency to meet its retention and disclosure obligations and minimize impact on the system.
- a. Virtually all email messages originating from agency equipment and official email addresses shall be for the purpose of conducting state business.
 - b. If private email is used to conduct state business, staff shall copy their official email accounts on all outgoing communications and forward any received messages on which their official email account is not copied.
 - c. The email system is not an archiving tool.
14. Staff shall not use instant messaging and text messaging to communicate official state business or engage in discussions regarding the primary business of their work.
15. Staff shall use instant messaging and text messaging only for:
- a. Routine communications that do not meet the definition of a public record.
 - b. Factual or logistical information that is not related to conducting official state business.
 - c. Information, including factual and logistical information related to conducting official state business, that will be documented and retained as a separate public record.
16. Use of instant messaging or text messaging in a manner that requires documentation and retention shall be immediately converted from the messaging format to a separate public record format and stored in accordance with agency retention schedules.
17. Unless otherwise required, staff:
- a. Shall not retain messages on voicemail.
 - b. Shall not actively use the statewide Unified Communications (voicemail) features to create public records.
 - c. Shall retain email transcripts of voicemails, or other public records created by Unified Communications features in accordance with the appropriate retention schedule.
18. DHS and OHA shall ensure that staff receive basic public records training:
- a. As part of new employee orientation.
 - b. As part of regular employee training completed at least once each biennium.
19. DHS|OHA policies related to disaster mitigation, public records requests, social media use and the agencies' requirement to follow DAS policies such as the statewide information asset classification policy and the cloud computing policy are listed in the "Related policies" section and are hereby incorporated as appropriate to the agencies.

References

[Chapter 192 of the Oregon Revised Statutes](#)

[Section 166 of the Oregon Administrative Rules](#)

[National Institute of Standards and Technology Special Publication 800-145](#)

[General retention schedules](#)

[Agency retention schedules](#)

Special retention schedules

[Background Check Unit retention schedule](#)

[Medical Assistance Program retention schedule](#)

[Public Health retention schedule](#)

[State Hospital retention schedule](#)

[Child Welfare, Vocational Rehabilitation, Self-Sufficiency retention schedule](#)

[Self-sufficiency retention procedures](#)

[Vocational Rehabilitation policy manual](#)

DHS and OHA Continuity of Operations Plans

Related policies

[DHS|OHA 010-006 Business Continuity Planning](#)

[DHS 010-010 Public records requests, fees and waivers](#)

[OHA 010-010 Public record requests](#)

[OHA 010-010-01 Public records request fees and waivers policy](#)

[OHA 010-018 Records retention and management structure](#)

[DHS|OHA-010-014 Agency Compliance with Statewide Administrative Policy](#)

[DHS|OHA 010-018-01 Records retention guidelines](#)

[DHS|OHA 120-005 Social media use for agency promotion](#)

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