



Deschutes County Administrative Policy No. GA-12

Effective Date: February 28, 2018

Reissued: March 1, 2023

Records Retention and Destruction

A. STATEMENT OF POLICY

It is the policy of Deschutes County to manage records from creation to final disposition in accordance with State of Oregon public records laws.

B. APPLICABILITY

This policy applies to all County departments/offices and the 9-1-1 Deschutes County Service District.

C. DEFINITIONS

“Archive” means to retain permanently with either the County Clerk’s Office or within a department.

“Destroy” means to delete (electronic records), recycle (paper records that do not contain confidential, sensitive, or protected information), or shred (paper records with confidential, sensitive, or protected information).

“Public Records” include any written communication relating to the conduct of the County’s business that are prepared, owned, used or retained by Deschutes County regardless of physical form or characteristics (ORS 192.005[5]).

“Retain” means to keep for a period of time but not permanently.

D. POLICY AND PROCEDURES

All Deschutes County employees will retain, archive, and destroy public records in accordance with the Secretary of State’s [“County and Special District Retention Schedule” \(OAR 166-150\)](#). In general, records listed in the “County and Special District Retention Schedule” are common to most counties and districts and are necessary to satisfy the fiscal, legal, administrative or historical policies, requirements or needs of the County. For Oregon Department of Transportation STIF Funds, all Deschutes County employees will retain, archive, and destroy public

records in accordance with OAR Rule [732-040-0020\(4\)](#).

The department/office that creates the record (or receives the record from an outside entity) is responsible for proper retention of the record. However, this does not mean that the responsible department needs to maintain duplicates of records that are kept centrally (for example, payment vouchers entered into the Munis software program).

I. Records That Are Not a Public Record

ORS 192.005(5) defines what is not a public record. Those applicable to the County are:

- Extra copies of a document, preserved only for convenience or reference.
- A stock of publications.
- Messages on voice mail or other telephone message storage and retrieval systems.
- Spoken communication that is not recorded.

Additionally, although not specifically mentioned in ORS 192.005(5), more examples of records that are not a public record include the following:

- Listserv messages, advertisement, junk mail/spam
- General mailings such as blood drive announcements, timesheets are due, etc.
- Reference material (articles, magazines, books, etc.) that were not produced by the County and are not unique or specific to the County department.

Records that are not classified as a public record do not need to be retained.

II. Public Records and Criteria for Retention/Archive

A public record includes any written communication containing information relating to the conduct of the County's business, regardless of physical form or characteristics (email, hand written, computer generated). Attachment A lists common public records. A public record falls under the record retention law if the record meets all three (1 - 3) of the following criteria:

1. Is prepared, owned, used or retained by a County employee (including elected officials); and

2. Relates to an activity, transaction or function of a County department;
and
3. Is necessary to satisfy the fiscal, legal, administrative or historical policies, requirements or needs of the County. Generally, records fitting these criteria are listed in the Secretary of State's ["County and Special District Retention Schedule" \(OAR 166-150\)](#).

A public record must be retained for the time specified by the Secretary of State's "County and Special District Retention Schedule." A record with a permanent retention requirement must be archived as a paper document or in microfilm.

III. Public Records that Do Not Need to be Retained

In addition, although still considered a public record, there is generally no retention requirement for the following records (please note: an employee may choose to retain for business purposes):

- Drafts
- Databases, spreadsheets, and other structured data held in a computer that changes frequently.
- Emails - unless the content meets the requirements contained in Section II, items 1 – 3, of this policy. For example, if an email constituted a contract between the County and a vendor, it would require retention. If the email included an attached PDF of a final signed contract, the contract would need to be retained, not the email message transmitting the contract.
- Texts - unless the content meets the requirements contained in Section II of this policy, items 1 - 3.
- Social media postings and correspondences - unless the content meets the requirements contained in Section II, items 1 – 3, of this policy.
- Instant messages (such as a message using "Jabber" or other instant message system).

IV. Options for Retaining Records

There are three options for retaining electronic records:

1. E-filing system
2. Print and file
3. Hybrid

There are three options for retaining paper records:

1. File
2. Scan and save electronically
3. Hybrid

Each department head shall decide the best method to retain its records that fall under the Secretary of State's "County and Special District Retention Schedule." Best practice is for departments to use a functional filing system for electronic and paper records that categorizes the types of record and/or organizes by broad functional areas, and groups records by retention requirements. Folders, electronic or paper, are not recommended to be used as "keep forever" files. It is also not recommended to use paper or electronic personal folders (such as the "h" drive, "c" drive, or a file cabinet located in an employee's office/cubicle) to store records requiring retention. The County Clerk's Office and Information Technology Department are available for consultation by departments.

V. Suspension of Destruction of Records

Upon receipt of a Litigation Hold memorandum or other notice from the County Legal Department, destruction of all specified records shall be immediately suspended in accordance with the terms of the notice.

Nick Lelack
County Administrator

Attachment A – Common Public Records for Deschutes County

- Contracts
- Leases
- Emails related to County business.
- Intergovernmental Agreements (IGAs)
- Purchasing records
- Payroll records
- Personnel records
- Customer survey responses
- Press releases
- Departmental reports
- Minutes from a staff meeting
- Staff reports that go to the Board of Commissioners
- Policy and procedures
- Employee instruction manuals
- Work orders