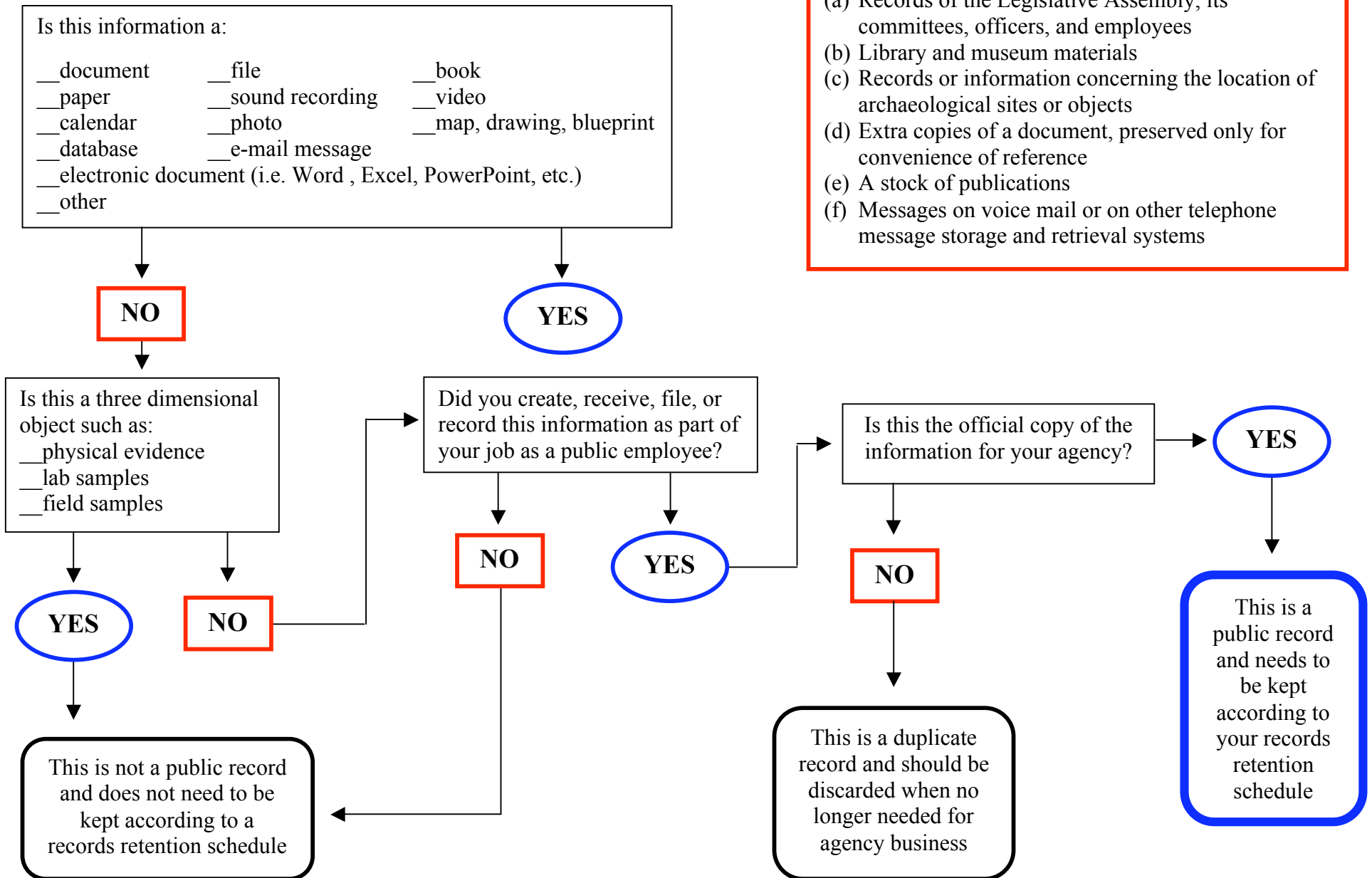


Regardless of the records' format or whether or not it is restricted, confidential or exempt from disclosure, **start here:**

ORS 192.005 (5) specifies the following exemptions to the definition of public records:

- (a) Records of the Legislative Assembly, its committees, officers, and employees
- (b) Library and museum materials
- (c) Records or information concerning the location of archaeological sites or objects
- (d) Extra copies of a document, preserved only for convenience of reference
- (e) A stock of publications
- (f) Messages on voice mail or on other telephone message storage and retrieval systems



Your Responsibilities for Maintaining Public Records

Q: *What is a public record?*

A: A public record “includes, but is not limited to, a document, book, paper, photograph, file, sound recording or machine readable electronic record, regardless of physical form or characteristics, made, received, filed or recorded in pursuance of law or in connection with the transaction of public business, whether or not confidential or restricted in use” (ORS 192.005).

Q: *What is my responsibility for maintaining public records?*

A: Your responsibility for managing public records in your custody includes identifying public records, retaining records in compliance with an authorized records retention schedule, and destroying those records that have met their retention period or are defined as non-public records in ORS 192.005

Q: *How can I determine if an item is a public record?*

A: If you have created, received, filed or recorded a record, regardless of its physical form and in pursuance of law or in connection with the transaction of public business, you have a public record. For a step-by-step process, please refer to the flow chart on the reverse side of this page.

Q: *Implementing a classification scheme in my agency would change my folder names and affect the way I do my work. How would I benefit from this change?*

A: A systematic filing structure for the entire agency is important in order to improve access, retrieval and retention of your agency's records. The change would not affect the way you conduct your business, but would make the way you manage your records more effective.

Q: *Who oversees public records management in Oregon?*

A: The Secretary of State is the public records administrator of Oregon. However, the State Archivist is responsible for granting specific or continuing authorization for the retention or disposition of public records in the custody of state and local government agencies or political subdivisions. In addition, the State Archivist gives advice and assistance on public record problems to state or local government agencies or political subdivisions. (ORS 192 & 357)

Q: *Who is responsible for maintaining the official agency record?*

A: Responsibility for maintaining the official agency record is a matter of agency policy.

Q: *I do all my work on a computer and never print or sign anything. Do records retention schedules, Public Records Law and records management policies apply to me?*

A: Yes. All of the above apply regardless of how the records are created or where they are stored.

Q: *I regularly forget to follow the records retention schedule. Nothing can happen to me, right?*

A: Wrong! Oregon sets a high value on the management and access of public records. If you destroy, alter, or withhold public records you may be found guilty of “Tampering with a Public Record” (ORS 162.305), punishable by a year in prison and \$5000 fine.

Q: *Do I have a say in how long a record should be kept?*

A: Yes in most cases. During the scheduling process, you will be asked how long you need the information

to effectively do your job. This is called administrative need and is one of four needs or values that are considered when setting a retention period. The others are fiscal legal and historical. The last three are set by federal, state and local audit requirements (fiscal), statutes (legal) or the Archives Division (historical)

Q: *How long should I keep my files?*

A: Records retention schedules, either those specific to your agency or general records retention schedules, list the records you create and how long you need to keep them. Remember, retention applies to the content of the record and not its format.

Q: *Where can I find more information about managing my records?*

A: You should contact your agency’s records officer or the Archives Division’s Records Management Unit. Contact information for the Archives Division is listed below.

Oregon State Archives

800 Summer St. NE
Salem, OR 97310

Phone: 503.373.0701
Fax: 503.373.0953

<http://arcweb.sos.state.or.us>