RCW 40.14.070  Destruction, disposition, donation of local
government records—Preservation for historical interest—Local records
committee, duties—Record retention schedules—Sealed records—Peace
and corrections officer personnel records.  (1)(a) Other than those
records detailed in subsection (4) of this section, 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, and other than the
law enforcement records detailed in subsection (4) of this section, 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.

(4) Personnel records for any peace officer or corrections officer must be retained for the duration of the officer's employment and a minimum of 10 years thereafter. Such records include all misconduct and equal employment opportunity complaints, progressive discipline imposed including written reprimands, supervisor coaching, suspensions, involuntary transfers, other disciplinary appeals and
litigation records, and any other records needed to comply with the requirements set forth in RCW 43.101.095 and 43.101.135. [2021 c 323 § 19; 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.]

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.