

**Chapter 434-615 WAC
CUSTODY OF PUBLIC RECORDS**

Last Update: 7/16/24

WAC

434-615-010	Public records as public property.
434-615-020	Custody.
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WAC 434-615-010 Public records as public property. All public records shall be and remain the property of the state or local agency. They shall be delivered by outgoing officials and employees to their successors and shall be preserved, stored, transferred, destroyed, and otherwise managed, only in accordance with the provisions of chapter 40.14 RCW or as otherwise provided for by law and by these regulations.

[Statutory Authority: Chapter 40.14 RCW. WSR 93-04-001, § 434-615-010, filed 1/21/93, effective 2/21/93.]

WAC 434-615-020 Custody. (1) Unless otherwise provided by law, public records must remain in the legal custody of the office in which they were originally filed, which shall be considered the office of record, or shall be destroyed or transferred pursuant to instructions from the state or local records committee as required by chapter 40.14 RCW. They shall not be placed in the legal custody of any other person or agency, public or private, or released to individuals, except for disposition pursuant to law or unless otherwise expressly provided by law or by these regulations.

(2) Nothing in this rule shall be construed to prohibit an agency from transferring records to another agency whenever it is necessary that the agency possess the records in order to perform a governmental function. Any agency that has received records that should by law have been filed with another agency may transfer those records to the proper agency, or return to the filer.

[Statutory Authority: RCW 40.14.020. WSR 24-15-060, § 434-615-020, filed 7/16/24, effective 8/16/24. Statutory Authority: Chapter 40.14 RCW. WSR 93-04-001, § 434-615-020, filed 1/21/93, effective 2/21/93.]

WAC 434-615-030 Authority to transfer records. All state agency records not required in the current operation of the office where they are made or kept, and all records of every state agency, commission, committee, or any other activity of state or local government which may be abolished or discontinued, shall be transferred to the state archives in accord with approved records retention schedules.

State records designated by the state archivist as being archival or potentially archival shall be transferred to the legal and physical custody of the state archives so that the valuable historical records of the state may be centralized, made more widely available for research, and insured permanent preservation.

Transfer of archival records to the state archives must take place within fifty years of the creation of the records so that they may be preserved for posterity in archival-quality conditions. Records which the state is required to keep permanently will be maintained in-

tact by the state archivist, who will assume all responsibility for the access, care and preservation of such records.

Local government agency records designated by the state archivist as of primarily historical interest may be transferred to the state archives, or one of its designated regional depositories, in order to relieve local offices of the burden of housing them, to insure their preservation, and to make them available for reference or study. Officials of local agencies are authorized to transfer records in their custody which are no longer in current use to the Washington state archives. The state archives is not under obligation to acquire such records and will accept only records deemed valuable as a historical source. Any transfer must be by concurrent agreement, excepting wherein records are selected for preservation as historical sources from records retention schedules submitted to the local records committee for disposition authorization.

Records designated as archival on records retention schedules must be either transferred to the state archives system or retained by the originating agency in accord with standards for the maintenance of and access to archival records issued by the state archivist.

[Statutory Authority: RCW 40.14.020. WSR 94-21-089, § 434-615-030, filed 10/19/94, effective 11/19/94. Statutory Authority: Chapter 40.14 RCW. WSR 93-04-001, § 434-615-030, filed 1/21/93, effective 2/21/93.]