

Great Rivers Behavioral Health Administrative Services Organization

Policy Title:	Records Management	Policy No. 1017.00
Category:	Administrative	Date Adopted: 01/10/2020 Date Revised: Date Reviewed:
Reference:	Health Insurance Portability and Accountability Act ("HIPAA") (45 CFR Part 160, Part 162, and Part 164) Health Information Technology for Economic and Clinical Health Act ("HITECH") 42 CFR: Parts 412, 413, 422, 431 and 495 and 45 CFR: Subtitle A Subchapter D 42 USC 290-dd and 42 CFR Part 2 (collectively, "Part 2") RCW 40.14, Preservation and Destruction of Public Records RCW 42, Public Records Act RCW 40.10 Protection of Essential Records WAC 434-622 Preservation of Electronic Public Records Washington State Secretary of State - Records Retention Schedule	

Policy:

- 1.1. Great Rivers Behavioral Health Administrative Services Organization ("Great Rivers BH-ASO") provides requirements for the creation, maintenance, use, and disposition of Great Rivers BH-ASO records. Great Rivers BH-ASO records management system is designed to:
 - 1.1.1. Facilitate and sustain day-to-day operations;
 - 1.1.2. Support predictive activities such as budgeting and planning;
 - 1.1.3. Assist in answering questions about past decisions and activities;
 - 1.1.4. Demonstrate and document compliance with laws, regulations, and standards;
 - 1.1.5. Support record retention and public disclosure requirements
- 1.2. This Policy applies to all Great Rivers BH-ASO employees, contractors and volunteers and all Great Rivers BH-ASO records, regardless of media format.
- 1.3. Roles
 - 1.3.1. **Public Records Officer:** The Public Records Officer is responsible for assuring compliance regarding the retention and release of records and is the designated individual to whom members of the public may appeal denials of Great Rivers BH-ASO public record requests.
 - 1.3.2. **Records Manager:** The designated Records Manager will assist and comply with the Public Records Officer's directions and manage Great Rivers BH-ASO records and is responsible to assure maintenance of Great Rivers BH-ASO records for the retention period indicated on the retention schedule.
 - 1.3.3. **Other Staff:** All employees create and use records as part of their regular job duties and are responsible for following this Policy as well as associated policies and procedures. Great Rivers BH-ASO staff will be responsible and held accountable to meet Great Rivers' BH-ASO responsibilities under this Policy. Employee responsibilities include ensuring the physical safety of records, and ensuring that confidential records are protected from inappropriate release and the day to day management of records in all media formats including both paper and electronic.

Definitions:

- 2.1. **Active Record:** An active record is used in an office on a routine basis and accessed at least several times per year. Active records are usually kept on-site.
- 2.2. **Archival (Appraisal Required) Record:** Public records with archival (appraisal required) designation are records which may possess enduring legal and/or historic value and must be appraised by Washington State Archives on an individual basis. Records not selected for retention by Washington State Archives may be disposed of after appraisal.
- 2.3. **Archival (Permanent Retention) Record:** Public records with archival (permanent retention) designation are records which possess enduring legal and/or historic value and must not be destroyed. These records need to either be transferred to Washington State Archives or retained and preserved according to archival best practices until such time as they are transferred to Washington State Archives.
- 2.4. **Essential Record:** Essential records are those Great Rivers BH-ASO must have in order to maintain or resume business continuity following a disaster. While the retention requirements for essential records may range from very short-term to archival, these records are necessary to resume core functions following a disaster. Security backup of these public records should be created and may be deposited with Washington State Archives.
- 2.5. **Inactive Record:** A record used or accessed in an office infrequently or no longer used in the conduct of current business, but still required to be kept by the retention schedule for legal or historical purposes. Inactive records are usually stored off-site.
- 2.6. **Protected Health Information (PHI):** Means a record as defined in 45 CFR §160.103, limited to information created, received, used, disclosed or maintained by a covered entity or by a business associated on or behalf of a covered entity.
- 2.7. **Public Record:** RCW 40.14.010 defines public record as "...The term "public records" shall include any paper, correspondence, completed form, bound record book, photograph, film, sound recording, map drawing, machine-readable material, compact disc meeting current industry ISO specifications, or other document, regardless of physical form or characteristics, and including such copies thereof, that have been made by or received by any agency of the state of Washington in connection with the transaction of public business..."
- 2.8. **Records Disposition:** Actions taken with records when they are no longer required to be retained by the agency. Possible disposition actions include transfer to archives and destruction.
- 2.9. **Retention Schedule:** A table setting out requirements adopted by the Washington State Secretary of State which specifies the length of time each record series will be retained by the agency, whether the record is designated essential, archival, or potentially archival, and final disposition of the record.
- 2.10. **Transitory Records:** Transitory records only document information of temporary, short-term value, provided that the records are not needed as evidence of a business transaction and are not covered by a more specific records series on the retention schedule.

Procedure:

- 3.1. Great Rivers BH-ASO follows all applicable provisions of the Local Government Common Records Retention Schedule, version 3.2, as approved by the Local Records Committee pursuant to RCW 40.14.0700, August 20, 2015. The schedule lists records by series, provides retention periods, and describes final disposition needed. RCW 40.14 allows Great Rivers BH-ASO to legally destroy records only after the minimum retention period listed on the schedule has been met.
- 3.2. The retention period is the minimum time that records must be kept. Great Rivers BH-ASO will review records annually, both paper and electronic, and dispose of records that have met designated retention periods according to the instructions on the schedule.
- 3.3. Great Rivers BH-ASO also complies with all applicable provisions of the Washington State Public Records Act (Chapter 42.56, Revised Code of Washington). The Great Rivers BH-ASO procedure for complying with the State Public Records Act is contained in Policy No. 1021, Public Records Act Compliance.

- 3.4. Active records are those required for current use. Active records are typically housed within Great Rivers BH-ASO offices and are referred to more than once per month.
- 3.5. Inactive records have not reached the end of the retention period but are accessed infrequently. To save space and reduce cost, inactive records may be stored off-site with a contracted secure records storage vendor. Inactive records must continue to be safeguarded and protected from damage and disorganization through the retention period.
- 3.6. Staff must contact the Public Records Officer and/or Records Manager for guidance on disposition of records with archival value (paper or electronic), as noted on the retention schedules.
- 3.7. Essential records are necessary for the continuity of Great Rivers BH-ASO operations following a disaster and support Great Rivers BH-ASO legal authority, responsibility, rights, and financial status; are necessary to resume and restore operations; and document the rights and obligations of Great Rivers BH-ASO employees and the public. Essential records require extra care to ensure they are adequately backed up and recoverable in the event of a disaster.
- 3.8. Record disposition refers to the action taken when records are no longer active. Disposition includes transferring inactive records to storage or destruction. Records subject to archival transfer as determined by the Washington State Archives are noted on the retention schedule.
- 3.9. The Records Manager shall complete a records destruction certificate when destroying primary copies of records in any format (paper, electronic, audio, etc.) that have met retention requirements.
- 3.10. Secondary copies are generally kept for administrative use and can be discarded when that purpose has been fulfilled. A records destruction certificate is not necessary when disposing of secondary or convenience copies unless otherwise noted on the retention schedule.
- 3.11. Transitory records can be discarded when their purpose has been fulfilled. A records destruction certificate is not necessary when disposing of transitory records.
- 3.12. Confidential or sensitive records such as those containing PHI, including non-paper media, must be reduced to illegible condition when destroyed.
- 3.13. Electronic records and associated metadata must be retained in electronic format and remain useable, searchable, retrievable, and authentic for the applicable retention period. Printing and retaining a hard copy is not a substitute for the electronic version. This requirement applies to all electronic records including web pages and databases.
- 3.14. Electronic records must be retained and disposed of based on content rather than format. The same retention schedule applies to all record media types including paper and electronic.
- 3.15. In making decisions about how long to retain electronic records, employees should first check the retention schedule to ensure compliance and verify that the records are not subject to a legal hold. Many electronic records can be disposed of by an employee after consultation with the Records Manager and/or Public Records Officer under the following guidance:
 - 3.15.1. If the electronic record is the primary or only copy of an official document, it must be retained for the time period specified by the retention schedule. Once the required retention has been met, the record should be deleted and documented on a records destruction certificate. Employees should contact the Records Manager for specific direction on electronic records designated as "archival." Examples of official records include policies and procedures, executive level correspondence, and final reports;
 - 3.15.2. If the electronic record is transitory in nature with no administrative, legal, fiscal, or archival value, then the record can be deleted at the discretion of the user. Examples include secondary copies of memos, general office notices, general information, working copies, transmittal memos, meeting announcements, invitations to retirement parties, drafts;
 - 3.15.3. E-mail records are subject to the same retention schedule as paper records. Many email records are transitory in nature and may be deleted when they are no longer needed.

Emails, both sent and received, that require retention must be managed accordingly. Great Rivers BH-ASO may use programs to aid in the management, retention, and disposition of email, including deletion of messages after specific retention periods based on record series. Employees are expected to make use of these programs to ensure that proper retention is applied and that emails that do not need to be retained are deleted appropriately. For further guidance on this issue refer to CORE.

- 3.15.3.1. Some examples of email subject to retention include policy and procedure directives; correspondence or memoranda related to official business; documentation of actions, decisions, operations, and responsibilities, documentation of legal or audit issues; documents that initiate, authorize, or complete a business transaction; final reports or recommendations.
- 3.15.3.2. Most email consists of transitory messages and attachments that may be deleted when no longer needed. An email that has no administrative, legal, fiscal, or archival retention requirements may be deleted as soon as it has served its purpose. Some examples of email not subject to retention include personal messages and announcements not related to official business; information only or duplicate copies; copies of publications; miscellaneous notices or memoranda of a general and non-continuing nature (meeting notices, reservations, confirmations); preliminary drafts of notes, letters, reports, worksheets which do not represent significant steps in the preparation of record documents; requests for routine information or forms.
- 3.15.3.3. Use of personal email accounts (such as Hotmail or Gmail) for conducting Great Rivers BH-ASO business is prohibited. In the event email related to the conduct of Great Rivers BH-ASO business is received at a personal email address, it should be immediately forwarded as an attachment to the Great Rivers BH-ASO email system.

3.16. Records created related to Great Rivers BH-ASO business—including text messages, voicemail messages, and other electronic communications—are Great Rivers BH-ASO records. These records therefore (1) should be managed according to the applicable retention schedule, and (2) may be subject to disclosure under the Public Records Act. The following is intended to help manage the business-related messages employees send or receive on smart phones, tablets, or similar devices (iPhone, iPad, Blackberry, Android, etc.)

- 3.16.1. With Great Rivers BH-ASO authorization, employees may use text messaging only for routine or transitory messages that don't need to be retained by Great Rivers BH-ASO. Examples include informal notices of meetings, directions, scheduling information, and other routine messages that would not be kept in a file if it were a paper communication.
- 3.16.2. Text messages may not be used to send policy, contract, formal correspondence, or personnel related data.
- 3.16.3. Delete transitory, business-related text messages as soon as possible.
- 3.16.4. If a text message needs to be retained pursuant to a retention schedule, employees must transfer the messages to the Great Rivers BH-ASO network and/or devices.
- 3.16.5. Sensitive information including protected health information must not be sent by text message or through unencrypted email.

3.17. Signing of Documents. Authorization to sign contracts and other documents on behalf of Great Rivers BH-ASO is as set forth in the Bylaws. Signing of documents on behalf of Great Rivers BH-ASO by way of electronic signature is authorized when the process contained in the Laserfiche system is utilized. Great Rivers BH-ASO will recognize electronic signatures of other parties to contracts and agreements using electronic signature systems substantially the same as the Laserfiche system. Manual signatures may be required on certain documents as directed by the Governing Board.

- 3.18. Public Records Requests and Legal Holds: If a record or records covered by a public records request is scheduled for destruction, the record or records must be retained until the request is fulfilled. Records involved in litigation or reasonably anticipated or foreseeable litigation will be placed on legal hold and must be preserved until the legal hold is released by the Great Rivers BH-ASO Attorney.
- 3.19. Location of Records: Great Rivers BH-ASO records are those that are made or received by Great Rivers BH-ASO in connection with the transaction of public business. For this reason, Great Rivers BH-ASO records are required to be saved and retained in Great Rivers BH-ASO files or on the Great Rivers BH-ASO network and/or devices. Great Rivers BH-ASO records cannot be saved solely on a personal device or outside Great Rivers BH-ASO networks.
- 3.20. Contact Point: Questions about this policy may be directed to the Great Rivers BH-ASO Public Records Officer and/or the Records Manager.
- 3.21. Disciplinary Process: Violation of these policies may subject employees or contractors to disciplinary procedures up to and including termination.

POLICY SIGNATURE

DocuSigned by:

Edna J. Fund

3731C87058C2465

4/14/2020

Edna J. Fund, Chair
Great Rivers BH-ASO Governing Board,

Date