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**2014 Open Government Trainings Act
Supplemental Information – 2017 Amendment**

The Open Government Trainings Act was enacted by the 2014 Washington State Legislature, effective July 1, 2014. Chap. 66, 2014 Laws ([Engrossed Senate Bill 5964](#)). It was codified at RCW 42.56.150 (records training for local elected and statewide elected officials), RCW 42.56.152 (records training for public records officers), and RCW 42.30.205 (open meetings training for governing bodies). In March 2014, the Attorney General's Office provided an "Open Government trainings Act Q & A" guide on the office's [Open Government Training web page](#), describing the training requirements.

The Legislature amended the training law in 2017 for public records officers, to include additional training on electronic records and technology. Section 2, Chap. 303, 2017 Laws ([Engrossed Substitute House Bill 1594](#)). Here is information about that new law, supplementing the 2014 Q & A guide. The 2014 Q & A guide ended with Question # 22. Therefore, this supplement begins with Question # 23.

23. Why did the Legislature enact this new law in 2017 to amend the training that is required for public records officers?



Answer: The 2017 State Legislature revised many public records laws as part of an update of public records laws generally and in particular to address electronic records. Section 2 of Engrossed Substitute House Bill 1594 similarly amended the training requirement for public records officers in RCW 42.56.152.

24. What is the additional new training requirement for public records officers?



Answer: RCW 42.56.152 requires:

- (1) Public records officers designated under RCW 42.56.580 and records officers designated under RCW 40.14.040 must complete a training course regarding the provisions of this chapter, and also chapter 40.14 RCW for records retention.
- (2) Public records officers must:
 - (a) Complete training no later than ninety days after assuming responsibilities as a public records officer or records manager; and
 - (b) Complete refresher training at intervals of no more than four years as long as they maintain the designation.
- (3) Training must be consistent with the attorney general's model rules for compliance with the public records act.

(4) Training may be completed remotely with technology including but not limited to internet-based training.

ESHB 1594 [Section 2] amended RCW 42.56.152, adding a **new subsection (5)**:

(5) Training must address particular issues related to the retention, production, and disclosure of electronic documents, including updating and improving technology information services.

Therefore, the answer to Question # 11 in the 2014 Q & A guide is hereby revised to add this information.



25. When is the new training requirement effective?

Answer: July 23, 2017. This means:

- New public records officers **hired on or after July 23, 2017** need to receive training covering the Public Records Act and records retention laws [subsection (1) of RCW 42.56.152] and the electronic documents/technology information services training [subsection (5) of RCW 42.56.152]. They must receive this training no later than 90 days after assuming their responsibilities as a public records officer or records manager.
- Public records officers **hired before July 23, 2017 but who do not yet need refresher training** will need to receive training on electronic documents/technology information services training [subsection (5) of RCW 42.56.152].
 - If they have already received the training required in subsection (5) of RCW 42.56.152, they have complied with the new law. See question # 26 below for more details on what is required in subsection (5).
 - If they have not yet received all the training required in subsection (5) of RCW 42.56.152, they should obtain this training as soon as they can. See question # 26 below for more details on what is required in subsection (5). *Note:* Even if these public records officers have received training on this topic prior to July 23, they should review new laws covering electronic records in both ESHB 1594 (linked above) as well as [Engrossed House Bill 1595](#) (Chap. 304, 2017 Laws) (effective July 23, 2017), if they have not already done so. A summary of both ESHB 1594 and EHB 1595 will be made available on the Attorney General's Office Open Government Training web page (linked above).
- Public records officers **hired before July 23, 2017 and who are now due for refresher training** need to receive training covering the Public Records Act and records retention laws [subsection (1) of RCW 42.56.152] and the electronic documents/technology information services training [subsection (5) of RCW 42.56.152]. They must receive this training no more than four years after they received their initial training that was required under the 2014 law.



26. **What kinds of training sessions satisfy the new training requirement in subsection (5) of RCW 42.56.152?**

Answer: The new law requires that public records officers' training must address particular issues related to three components: (a) **retention** of electronic documents, (b) **production and disclosure** of electronic documents, and (c) **updating and improving technology information services**.

The new law is otherwise flexible; public records officers should look for trainings that best fit their agencies and their training needs. And, as with the 2014 law, trainings can also be taken in person, online, by video, or through other formats.

To illustrate, if a public records officer has already received training on records retention (and he/she is not scheduled for a refresher training), but not on production and disclosure of electronic records then he/she will want to look for opportunities to obtain that training component. If a public records officer has already received training on updating and improving technology information services (and he/she is not scheduled for a refresher), but needs training on redaction of electronic records (production and disclosure of electronic documents) then he/she will want to look for opportunities to obtain that training component.

Here are a few examples of trainings that address these components. These examples are illustrative only; other trainings could also satisfy the requirements. In addition, a training session may satisfy more than one component.

- **(a) Retention.** The [Secretary of State – State Archives](#) has several training seminars and advice sheets on management and retention of electronic records.

Attending these types of trainings plus reviewing the advice sheets will satisfy the retention component.

- **(b) Production and Disclosure.** Various sponsors may provide trainings on records production and disclosure of electronic records including but not limited to those addressing electronic records generally, as well as those addressing production and disclosure of texts, social media records, and records provided through portals. Another training may also cover new provisions regarding production and disclosure of electronic records in 2017 laws.

Attending these types of trainings will satisfy the production and disclosure component.

- **(c) Updating and Improving Technology Information Services.** Various sponsors may provide trainings on how agencies can update and improve technologies that also assist public agencies in the management and production of their public records.

Examples of trainings that cover updating and improving technology include presentations on obtaining and improved use of: portals (GovQA and NextRequest and similar technologies), electronic redaction tools (Adobe Acrobat X Pro, Informative Graphics Redact-it, RapidRedact and similar technologies), e-discovery

software (Exterro and similar technologies), texting/social media/website retention and capture software programs (SMARSH and similar technologies), and the like.* Another example is a training session covering information governance and enterprise content management technologies.

Other training programs may cover best practices for improving the use of *current* agency technologies, to make them more robust. Those trainings might cover, for example, topics such as improving the function of agency websites and enabling public records requests to be made through the website, posting more commonly requested agency records on the website, and improving search functions to assist the public and requesters find posted records more quickly and easily.

Attending these types of trainings will satisfy the updating and improving technology information services component.

*(*The Attorney General's Office is not endorsing or recommending a specific product; these are illustrative examples only. An agency's public records officer may want to consider training on other relevant technologies, or on improving uses of the agency's current technology.)*



27. Where can a public records officer obtain the new training?

Answer: See questions # 12 and # 13 in the 2014 Q & A guide. In sum, the law does not require a public records officer to receive training from only one source, and, for example, training may be taken in-person, online, by video, or via a webinar. The law remains flexible in how a public records officer receives the training.

The Attorney General's Office, the Secretary of State – State Archives and the Municipal Research and Services Center anticipate providing more information on their web sites on trainings that cover the components of the new law, as training opportunities become available. In addition, agencies or organizations can arrange their own training sessions. For example, a public records officer in Agency A seeking training on obtaining and using a portal may arrange to obtain such training from a public records officer in City B because City B is currently using a portal. Or, the Association of Washington Cities or the Washington State Association of Counties might arrange for a webinar for cities'/counties' public records officers, or the Washington Association of Public Records Officers might offer training for state and local public records officers. Or, there may be other examples.

28. Who can we contact for more information?



Answer: You may contact the Attorney General's Office:
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(360) 586-7842
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Attorney General's Office Open Government Training Page:
<http://www.atg.wa.gov/OpenGovernmentTraining.aspx>

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Information about State Archives records management and retention training
for state and local agencies is available at:
<http://www.sos.wa.gov/archives/RecordsManagement/>
Agencies can contact the State Archives by email at recordsmanagement@sos.wa.gov
or by telephone at (360) 586-4901.