

Destroying Non-Archival Records: Are Agencies Required to Destroy Their Non-Archival Records?

Purpose: Provide guidance to state agencies and local government entities on whether they are required to destroy non-archival records after the applicable minimum retention period has been met.

Are agencies required to destroy their non-archival records after they have met retention?

NO—Records retention schedules:

1. Establish the minimum time period an agency must retain different types of records, and
2. Authorize an agency to destroy records designated as non-archival when that time period has been met. There is no statutory penalty for keeping records longer than their minimum retention period.

Is it recommended to destroy non-archival records that have met retention?

YES—The State Archives recommends routinely destroying non-archival records that have met retention and are no longer actively needed for agency business because doing so:

- Enables staff to find accurate and up-to-date information more efficiently;
- Reduces physical and electronic storage costs;
- Reduces time spent fulfilling public records requests;
- Decreases legal discovery fees.

When are agencies PROHIBITED from destroying non-archival records that have met retention?

1. If records are subject to an existing public records request in accordance with chapter 42.56 RCW. Existing public records requests must be fulfilled before the related records can be destroyed.
2. If records are subject to ongoing or reasonably anticipated litigation. Litigation must be resolved before the related records can be destroyed.

**Additional advice regarding the management of public records is available from
Washington State Archives:**

**www.sos.wa.gov/archives
recordsmanagement@sos.wa.gov**