

General Guidance for Telecommuting: Public Records

For Elected Officials and City Employees

All records related to City business (public records, including email) should be retained only on City of Portland systems

The records you create or use as a City employee are public records and can be requested by the public or required for legal purposes. If you use personal devices* to conduct City work, your devices may be subject to a legal hold or a public records request.

This guidance will help you take steps to keep your personal devices safe from these actions.

You don't have to worry if you:

- Use official City of Portland equipment (phones, computer)
- Use official City of Portland email from your work computer or via Office 365 on your personal device.
- Save work to Office 365, or other approved City of Portland system**

Only if you have no other choice:

- Use non-City of Portland device: delete transitory*** communications and transfer all other files to a City drive as soon as possible. Delete files on the non-City of Portland device immediately after transfer
- Use non-City of Portland email: cc your City of Portland email and delete the email from your personal account immediately.
- Jump drives: use only for moving files. Delete all files after transferring to City of Portland drive.

SUMMARY: Play it safe and get anything work-related off your personal devices

Best Practice in Extreme Circumstances

IF Portland has a publicly declared emergency AND your City of Portland computer, City of Portland phone, or the City of Portland's email system is not available (including in the cloud), you will not be subject to Public Records requests if you do the following:

- 1) Delete any City of Portland-business-related voicemail on your personal phone (Voice mail isn't a public record, but it can be required in the event of litigation).
- 2) Forward any City of Portland-business-related and non-transitory*** texts to your City of Portland equipment as soon as possible and then delete **all** texts from your personal devices.
- 3) Transfer any City of Portland business-related documents to your City of Portland equipment as soon as possible and delete from your personal devices. Transfer via OneDrive is recommended.

Note: If you work with Criminal Justice Information, Payment Card Industry, Personal Health Information, Federal Tax Information, you **must** follow [BTS AR 2.18 Information Classification and Protection](#).

Public records questions

Contact the Archives and Records Management Division of the City Auditor's Office
503-865-4100 or parc@portlandoregon.gov

*Personal devices can include, but is not limited to phones, computers, tablets, email, texts, and social media.

**City of Portland systems are computers, cell phones, laptops maintained and secured by the City of Portland. However, if you are using Office 365 on your personal phone or computer and store all the information in Office 365, you are in compliance.

***[Definition of transitory and non-transitory \(written for email but applies to other public records\)](#).