Metadata and Public Records Requests

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PRA: Subject matter is broad

"Public record" includes any (1) **writing** containing (2) **information relating to the conduct of government or the performance of any governmental or proprietary function** that is (3) **prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics**. RCW 42.56.010

PRA: Application is broad

"All state agencies and all local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency." RCW 42.17.020(1)

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PRA: Exemptions are narrow

This chapter shall be liberally construed and its exemptions narrowly construed to promote this public policy and to assure that the public interest will be fully protected. RCW 42.56.0300

PRA: Exemptions are narrow

Exempt:

- Personal information
- Employment/employee records
- Investigative records
- Research data or IP
- Deliberative process
- Litigation

Not exempt: "**Private**" information

1) Would be highly offensive to a reasonable person, *and*

2) Is not of legitimate concern to the public. *King County v. Sheehan*, 114 Wn. App. 325, 344 (2002)

WA primary authority on metadata

Caselaw: *O'Neill v. City of Shoreline*, 170 Wn.2d 138 (2010)

WAC 434-662 (Preservation of electronic public records)

Local Government Common Records Retention Schedule (CORE)

State Government General Records Retention Schedule (SGGRRS)

KCC 2.12, 2.14

What are/is metadata per WA SCT?

"Metadata" is most clearly defined as "data about data" or hidden information about electronic documents created by software programs.

*O*ʾ*Neill v. City of Shoreline*, 170 Wn.2d 138, 143 (2010)

What are/is metadata per WAC ?

"Metadata" means data used to describe other data. Metadata describes how, when, and by whom particular content was collected, how the content is formatted, and what the content is. Metadata is designed to provide a high level of categorization to aid in the storage, indexing, and retrieving of electronic records for public use.

WAC 434-662-020; *see also* 434-662-110 (categorize, search, retrieve)

What be metadata per Sedona?

Metadata is information about the document or file that is recorded by the computer to assist the computer and often the user in storing and retrieving the document or file at a later date. The information may also be useful for system administration as it reflects data regarding the generation, handling, transfer, and storage of the data within the computer system. Much metadata is not normally accessible by the computer user.

The Sedona Principles, at 5
http://www.thesedonaconference.org

Metadata – who needs it, anyway?

Who wrote it?

When did she write/edit/send/read/delete it?

What did earlier drafts say?

Who received it?

Metadata under the PRA

O`Neill v. City of Shoreline, 170 Wn.2d 138 (2010)

What does *O'Neill* really stand for?

Metadata can be a record under PRA

Personal computers used for agency business are targets for searches, *with permission*

Metadata may not be destroyed once request is made

Metadata must be specifically requested

Questions

Saving and producing metadata?

Document retention?

Ediscovery?

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