# **ETHICS AND PUBLIC RECORDS TIPS FOR REMOTE WORK**

## **Using University Devices and Equipment**

* University devices and equipment may certainly be used for activities reasonably related to your official employment duties.  However, personal use of these items, beyond *de minimis* use, is likely a violation of the state ethics laws and University policy and considered a misuse of state resources for your private benefit or gain. Allowable *de minimis* use means brief, infrequent, of little or no cost to the state, is not disruptive, does not support a private business, organization or group, campaign or ballot measure. A short email to your child’s school is an example of *de minimis* use. More details and additional examples can be found in [Western’s Ethics Guide](https://www.wwu.edu/internalaudit/ethicsGUIDE.shtml).

* The [Executive Ethics Board (EEB)](https://ethics.wa.gov/) is the state agency that administers the state ethics laws. The EEB has the statutory authority to investigate and levy fines against state employees in response to complaints. While an ethics violation is related to your employment activities, you are personally responsible for paying any fines. Fines can exceed $5,000.

* With respect to our current environment of remote working and increased use of electronic devices, the EEB has taken the position that [the state ethics laws still apply](https://ethics.wa.gov/faq-questions-top).

## **Public Records on Personal Devices**

* [Public records](https://rcps.wwu.edu/public-records-2/) are any records that are prepared, owned, used, or retained by the University which contain information that relates to the conduct or performance of the University’s function.  This includes records generated from your official employment duties.  Public records can be located on University or personal devices or accounts. Regardless of their location, you may be asked to provide them since they are subject to disclosure under the public records act.
* Applications on your personal phone that connect to a University account (e.g. Outlook) are not creating public records on your phone, unless you download and save a record. The original public records remain with the University account.
* Text messages on a personal phone are public records, if they were sent or received as part of your official employment duties.
* Call logs from your personal phone are not public records, unless they were provided to the University for some official purpose, like an investigation.
* Your personal device will not be confiscated and searched as part of a public records request. Our Public Records Officer will merely ask you for the records that have been requested.

## **Safe Practices**

* To follow the state ethics laws and the public records act, a safe practice is to use University devices and equipment only for your official employment duties. And public records should be maintained on University devices and accounts, and personal records maintained on personal devices and accounts. University records that happen to be collected on a personal device or account can be moved as soon as practical to a University device or account.

## **Contacts**

Contact Dolapo Akinrinade x2728 for public records questions and Paul Mueller x3065 for state ethics questions.