



Electronic Records Management: Are Generative AI Interactions Public Records?

Purpose: Provide guidance to state and local government agencies on whether generative artificial intelligence (AI) interactions are public records for the purposes of records retention (chapter 40.14 RCW).

Are generative AI interactions public records?

YES – If a generative AI interaction (input and output) relates to public business, then it is a public record under RCW 40.14.010 (emphasis added):

*The term "public records" shall include any paper, correspondence, completed form, bound record book, photograph, film, sound recording, map drawing, machine-readable material, compact disc meeting current industry ISO specifications, or other document, regardless of physical form or characteristics, and including such copies thereof, that have been **made by or received by any agency of the state of Washington in connection with the transaction of public business.***

What if I interact with a generative AI using a personal account?

If you use a personal AI account to conduct business for your agency, you are creating public records.

It doesn't matter if you use a personal account or an agency account. Any public records created using generative AI must be retained accordingly.

What about public records requests for generative AI interactions?

For guidance on public records requests for generative AI interactions, consult your agency's legal counsel or the Office of the Attorney General's Open Government Program.

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

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