

Public records in the age of AI

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Background

- Last summer, published two-part series on how local government workers had been using ChatGPT.
- The series was based on public records requests for ChatGPT conversation logs. It focused on Bellingham and Everett, largely because those cities were most responsive to records requests



Request language

Pursuant to the Washington Public Records Act, I am requesting the following records:

Chat histories of all ChatGPT sessions conducted by city employees on city-owned devices or used in job-related functions in the following departments: Budget & Finance, City Attorney, City Clerk, City Council, Human Resources, Library, Mayor's Office/Administration, Parks Department, Planning, Purchasing/Procurement The timeframe for this request is 6/1/2023 to the date this request is filed. The requested documents will be made available to the general public and this request is not being made for commercial purposes.

AI chatbot records are considered public records:

In 2024, Washington State archives issued guidance clarifying that generative AI interactions *are* public record.

This includes both inputs and outputs



WASHINGTON
Secretary of State
Washington State Archives

Records Management Advice
Issued: June 2024

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.***

AI chatbot records are considered public records:

- Records laws also apply to personal chatbot accounts when used for government 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.

“Shadow AI”

If ChatGPT or other chatbots aren't authorized tools, that doesn't necessarily mean that some staff aren't using them.

- Reporting found that many employees were using ChatGPT for city business on their personal accounts, not necessarily with their supervisors' knowledge.
- This created redaction issues and problems with locating records
- Most jurisdictions responded to my request by emailing all city staff asking for ChatGPT conversation logs.

Response format

- Some city staff responded to the records request with screenshots of their chat history.
- This often caused legibility problems:

Responses

- Others respondents copied their chat history into PDFs.

do you recall our conversation about a firehouse subs grant for fire equipment?

ChatGPT said:

I don't have memory of past conversations unless it's within this current chat. If you previously talked to me about the Firehouse Subs grant for fire equipment, feel free to remind me or paste any relevant details, and I can pick up from there.

Would you like help with information about the Firehouse Subs Public Safety Foundation grant, such as how to apply or what equipment it covers?

You said:

can you give me a background history of the Everett, Washington city fire department?

ChatGPT said:



Exporting chat history:

- Many respondents exported their chat history into .json files. This seems like the easiest file format for everyone:
- The .Json file includes:
 - HTML text file
 - Any photos or images the user uploaded to ChatGPT
 - Date and timestamps

Follow-up Email Draft

User

help me write a follow up email to see if there is interest in a urban and community forest program

ChatGPT

Of course! Here's a professional but friendly follow-up email you can use to gauge interest in your Urban and Community Forest Program:

Subject: Following Up: Urban and Community Forest Program Opportunity

Hi [Recipient's Name],

I hope you're doing well.

I wanted to follow up on my previous message regarding the Urban and Community Forest Program. We're excited about the potential to collaborate with [their organization/community name] to support local environmental goals and strengthen community engagement through urban forestry initiatives.

If you're interested, I'd love to schedule a brief call to discuss how the program could align with your needs and explore potential next steps. Of course, I'm happy to provide more information or answer any questions you might have as well.

Please let me know if this would be of interest – I'd be glad to work around your schedule.

Looking forward to hearing from you!

Best regards,
[Your Full Name]
[Your Position]
[Your Organization]
[Phone Number] | [Email Address] | [Website, if applicable]

Would you also like a second, slightly more casual version depending on the tone you're aiming for?

Export instructions for ChatGPT (copied from ChatGPT)

On the ChatGPT website

1. Open [https://openai.com](#) and sign in.
2. Click your profile icon in the lower-left corner.
3. Go to **Settings** → **Data Controls**.
4. Click **Export Data**.
5. Confirm the export request.

OpenAI will email you a download link for a ZIP file containing:

- Your conversations ([chat.html](#) and/or JSON files)
- Account information
- Other stored data

The download link expires after 24 hours, and exports can sometimes take hours or a few days if your history is large.

Redactions

Some chatlogs had to be redacted because the user had imputed sensitive data. This included internal city computer code, personnel info and info from active police investigations

standing on the front door of the apartment complex.

8. ****Kristina Salavar (R3)**** - Neighbor who also called 911 regarding a male yelling outside the apartment complex.

9. ****Multiple responding officers**** - Several officers, including Officer Edgar, Officer Billie, Investigator Danke, and CSI personnel, documented evidence, conducted interviews, and processed the crime scene.

Would you like any further modifications or additions?

LE information

Transitory?

But that doesn't mean they don't exist. Lund, the Bellingham mayor, said she has used both ChatGPT and Claude in her role. Asked why her chat history wasn't released in response to the records request, Lund said she wasn't logged in while using the chatbot, so her chats weren't saved.

While Washington law requires government officials to retain most types of records, Lund maintains that the work she used ChatGPT for was "transitory," and that she now makes sure she's logged in.

Lund said generative AI has been "helpful for standard email communications, proclamations, supporting public speaking."

Lingering questions:

- Many local governments are now instructing staff to stop using tools like ChatGPT, and to only use Microsoft CoPilot.
 - What tools does CoPilot have to track and retain conversation logs?

Lingering questions

- What systems can records officers put in place to capture and classify the large volume of data produced by AI chatbots?
- How to navigate redaction with large volumes of data?

Questions?

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