



## **Board Policy No. 651** **Records Retention Policy**

**ADOPTED:** 3/9/2022  
**RECENT AMENDMENT:** N/A  
**SEE ALSO:** N/A

**SUBJECT CATEGORY:** SECTION 600 – LEGAL MATTERS  
**SUBSECTION:** RECORDS  
**CONTROL DEPARTMENT:** GENERAL COUNSEL

### **I. PURPOSE**

The purpose of this Policy is to provide for the management of District Records, to ensure compliance with legal requirements, and to apply efficient and economical management methods to the creation, utilization, maintenance, retention, preservation, and disposal of District Records.

### **II. PERSONS AFFECTED**

This Policy applies to all District Board Members, Board Officers, employees of all departments and divisions, as well as any consultants, contractors and agents that create or maintain District Records.

### **III. DEFINITIONS**

**“Record”** means any recorded, written, or printed material, regardless of medium, characteristic, or location, made or received by the District, including its employees, agents, directors and officers, that serves to document the District’s policies, procedures, functions, actions, operations, and decisions. It includes, without limitation, documents, drafts of documents that are required to be kept in the regular course of business and that are stored separately from the final versions, correspondence, emails, electronically stored materials, memoranda, analyses, audio and video recordings, notes, photos, reports, contracts, and any communications regarding same. Unless otherwise required by law or regulation, an electronic copy will be considered the official record.

**“Non-Record”** means any recorded, written, or printed material, regardless of medium, characteristic, or location, made or received by the District, including its employees, agents, directors and officers, that is not usually included within the definition of Records and is of short-term value and made for the convenience of the author; such as copies kept for convenience or reference by non-custodians; temporary notations; routine voicemail, text or instant messages, rough drafts or notes that do not serve to further the District’s policies, procedures, functions, actions, operations, and decisions; and reference materials that are later incorporated or referenced in the District’s business records. Non-records also include library or museum material intended solely for reference or exhibition and non-business-related personal communications kept in District offices or email. Unless otherwise required, Non-Records may be disposed of as needed in the usual course of business.

**“Confidential Record”** means Records containing information that would be considered private (such as personnel or medical Records); business or proprietary information that is not subject to public disclosure; records protected by the attorney-client privilege and/or the work product doctrine; and records prohibited from disclosure by law.

**“Historical Record”** means Records with enduring value because they reflect significant historical events, document the history and development of the District or the community it serves, or provide valuable research data. Notwithstanding the Records Retention Schedule, Historical Records shall be maintained in perpetuity.

**“Record Custodian”** means the designated department responsible for maintenance and destruction of the official or original record pursuant to this Policy. Custodians shall be identified in the Records Retention Schedule. The Records Retention Schedule shall identify the Record Custodian for each category of records. Typically, the Record Custodian is the department that originates or owns the record, however, exceptions may be noted on the Records Retention Schedule.

**“Permanent Record”** means Records that are required to be kept in perpetuity, usually identified by statute or other written guidance as identified in the District’s Records Retention Schedule.

**“Records Retention Schedule”** means the schedule that is attached to this Policy, which identifies and describes the District’s records, identifies the Record Custodian for each category of records, and defines the District’s legal and compliance record keeping requirements.

#### IV. POLICY

##### A. Objectives

1. Safekeeping of District Records in compliance with applicable laws and regulations.
2. Promote the efficient and economical use of physical and electronic storage space, equipment and labor in the creation, use, maintenance, and disposition of Records; and
3. Dispose of Records no longer required for business or legal purposes.

##### B. Roles & Responsibilities

1. Each Executive Staff Team member shall designate a staff member(s) to coordinate the compliance with and the enforcement of this Policy within their department. Each Executive Staff member is ultimately responsible for compliance with this Policy.
2. The General Counsel’s Office shall develop and maintain the Records Retention Schedule, conduct legal review of changes in law and recommend changes to this Policy and the Records Retention Schedule, as well as conduct and facilitate the initial and continuous training regarding the responsibilities of Records Custodians under this Policy. Prior to submission to the Board for authorization to destroy records, the General Counsel’s Office shall review recommendations for the destruction of records.
3. The Department of Innovation and Technology shall implement the District’s enterprise data management system in accordance with this Policy.

4. Consultants and contractors with the District are responsible for maintaining District records in accordance with this Policy, until such time said records are turned over to the District.

### **C. Records Retention Schedule**

1. The Records Retention Schedule shall list the retention periods applicable to each category of Records, and when, if ever, Records are to be disposed of in the normal course of business.
2. Each Record Custodian is responsible for managing Records in accordance with adopted policies and administrative regulations.

### **D. Records Management**

Records shall be retained according to the Records Retention Schedule. Executive Staff Team members and their designees shall ensure that Records under their scope of responsibility are maintained in an orderly and accessible manner. Confidential Records, as defined in this Policy, shall be maintained in a secure location with access limited to designated staff.

### **E. Records Destruction**

Records subject to destruction that are not subject to a litigation hold shall be destroyed in accordance with the Records Retention Schedule. Executive Staff Team members and their designees shall oversee the destruction of Records. Except as provided in this Policy, no Records shall be destroyed without a Board resolution authorizing the Records destruction.

### **F. Non-Records**

Non-Records do not have a retention period and do not need to be retained past their useful life. Non-Records may be disposed of at the discretion of the custodian or the creator of the document, as applicable, unless they are subject to a litigation hold.

### **G. Security Video Recordings**

Unless subject to a litigation hold, incident investigation, public records request, subpoena or a court order, security video recordings shall be automatically overwritten based on the District's economic and technological feasibility and capacity. Board approval is not required for such routine overwriting of security videos.

### **H. Email**

Where an email message constitutes a Record, the email shall be retained in a project team site (e.g. OneDrive, SharePoint) or electronic Records management system, or as a last resort, as a

paper document, and shall be retained in accordance with the Schedule. Routine auto-destruction of email messages that do not constitute a Record is not subject to Board approval.

**I. Text and Instant Messages**

Board Members, Board Officers, and employees should avoid using text or instant message platforms for the creation of District Records.

**J. Litigation Holds**

The Office of the General Counsel is responsible for the issuance and release of litigation holds. No Records or Non-Records may be destroyed, even if to do so would otherwise be compliant with the Records Retention Schedule, if the Office of the General Counsel has issued a legal hold. All questions regarding whether Records and Non-Records should be retained for litigation purposes should be directed to the Office of the General Counsel.

**V. AUTHORITY**

**A. Board Authority**

Any modification of this Policy, including authorizations to destroy records, shall be approved by the Board.

**B. General Manager's Authority**

The Board of Directors authorizes and directs the General Manager to take all actions necessary to implement this Policy, including the development of any necessary Administrative Regulations.

**VI. ATTACHMENTS**

None.