

**CLASSIFICATION: Business and Noninstructional
Operations****ADOPTED: 1/5/79
REVISED: 11/9/16
REVIEWED: 10/25/16****SUBJECT: Records Retention and Disposition****PAGE: 1 of 15**

The San Diego County Office of Education develops records to meet county, state, and federal requirements. Records are developed as necessary or convenient to the discharge of the official duties of the County Board of Education and the County Superintendent of Schools. Records are also developed in order to meet the daily operating requirements of the offices and school programs of the San Diego County Office of Education.

A procedure for records management is essential for the efficient administration of the San Diego County Office of Education. This includes meeting all legal requirements for retaining records, whether paper, microform, or electronically based. The administrator of each division of the San Diego County Office of Education is responsible for maintaining procedures for management of the diversified records developed and retained within his/her division, including records created and/or stored electronically. Procedures for the management of records shall:

1. Incorporate efficient and effective systems for classifying and retaining records
2. Provide for the recovery of records in the event of a disaster or emergency
3. Ensure confidentiality and security of public records exempt from disclosure
4. Provide for the systematic transfer of inactive records from high-cost office space or online computer storage to low-cost storage or electronic media
5. Provide for the prompt destruction of records that are no longer of significant value for administrative, legal, fiscal, historical, or research purposes upon expiration of the appropriate retention period and that are not legally required to be kept
6. Ensure the continuing accuracy, availability, security, and preservation of records with long-term or permanent value or required to by law to be retained in perpetuity
7. Comply with all state and federal laws regarding security of records, record retention and destruction, and response to record requests and litigation holds

**CLASSIFICATION: Business and Noninstructional
Operations**

**ADOPTED: 1/5/79
REVISED: 11/9/16
REVIEWED: 10/25/16**

SUBJECT: Records Retention and Disposition

PAGE: 2 of 15

DEFINITION OF RECORDS

Public records include any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any local agency regardless of physical form or characteristics.

Writing is defined as handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored. Included in this definition are all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

Records of the County Superintendent of Schools

Records of the County Superintendent of Schools are defined as all records, maps, books, papers, and documents, whether paper, microform, or electronically based, of the San Diego County Office of Education required by law to be prepared or retained or prepared or retained as necessary or convenient to the discharge of official duty. School and community college district and charter school records under the control of the San Diego County Office of Education or retained by the County Superintendent of Schools because they are necessary or convenient to the discharge of his/her official duty are public records.

Student Records

Student records are defined in part as any item of information directly related to an identifiable student, other than directory information, whether recorded by hand, print, video or audio device, film, microfilm, computer media, or other means.

Student records of the San Diego County Office of Education include records of an identifiable student who is or has been enrolled in the school programs operated by the County Superintendent of Schools. The assistant superintendent, Student Services

**CLASSIFICATION: Business and Noninstructional
Operations****ADOPTED: 1/5/79
REVISED: 11/9/16
REVIEWED: 10/25/16****SUBJECT: Records Retention and Disposition****PAGE: 3 of 15**

and Programs, shall be responsible for maintaining records of students in Outdoor Schools and the Migrant Education and Special Education programs. The program manager of the juvenile court and community schools, operating as Momentum Learning, shall be responsible for maintaining records of students currently or previously enrolled in those schools. (See also Administrative Regulation 5125, Records)

Student records utilized by the County Board of Education to render decisions on interdistrict attendance and expulsion appeals and other official actions requiring identifiable student information are records of the County Board of Education.

Student records of a school district, community college district, or a charter school, such as attendance, disciplinary information, grades, and test scoring, shall remain records of that district or school while being processed by, or maintained on, computer data systems of the San Diego County Office of Education.

Electronically Stored Information

Electronic technology has greatly expanded the methods of creating, editing, maintaining, transmitting, retrieving, and destroying records. Records can be created on microcomputers, minicomputers, or mainframe computers, regardless of storage media, in networks or stand-alone systems; small computers such as mobile phones, email devices, Web browsers, and organizers; and embedded systems. Electronically stored information can be created, manipulated, maintained, and disposed of on a computer with or without production of hard copy.

When electronically stored information, including email, is classified as an official record, it must be retained according to this administrative regulation. Guidelines for identifying email messages that constitute official records and are subject to requirements for retention and possible disclosure under the California Public Records Act (CPRA) are presented in Exhibit 1.

**CLASSIFICATION: Business and Noninstructional
Operations****ADOPTED: 1/5/79
REVISED: 11/9/16
REVIEWED: 10/25/16****SUBJECT: Records Retention and Disposition****PAGE: 4 of 15**

Information Security

Users are expected to take all reasonable precautions to protect electronic records, as well as hard-copy and microform records, from unauthorized disclosure, alteration, or loss.

The San Diego County Office of Education will maintain reasonable security procedures and practices appropriate to the nature of the information to protect personal information from unauthorized access, destruction, use, modification, or disclosure. Unauthorized acquisition of computerized data that compromises the security, confidentiality, or integrity of personal information maintained by the San Diego County Office of Education may require immediate notification of the affected persons and action to restore the reasonable integrity of the data system.

As a measure to protect the San Diego County Office of Education against exposure to privacy risks, the assistant superintendent, Integrated Technology Services, shall ensure that any digitally encoded records stored on electronic components such as tapes, disks, and hard drives are properly wiped clean of confidential information prior to the disposition of capital property or equipment identified as surplus or not suitable for use according to Administrative Regulation 3440, Capital Property, Inventory.

ACCESS TO RECORDS

Access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in the state. Court decisions have supported the concept of freedom of information and public access to information in possession of public agencies. The CPRA was intended to provide public access to nonexempt governmental records while protecting the individual's right to privacy.

An elected officer of a local agency may access public records of that agency on the same basis as any other person. This does not limit the ability of elected officers to access public records permitted by law in the administration of their duties.

**CLASSIFICATION: Business and Noninstructional
Operations****ADOPTED: 1/5/79
REVISED: 11/9/16
REVIEWED: 10/25/16****SUBJECT: Records Retention and Disposition****PAGE: 5 of 15**

Section 3 of Article I of the California Constitution grants any person the right to access information concerning meetings and writings of state and local government bodies, officials, and agencies as long as the constitutional rights of privacy and due process are protected. Agendas of public meetings, agenda packets, and any other writings, when distributed to all or a majority of the members of the County Board of Education or Personnel Commission by a person in connection with a matter subject to discussion or consideration at a public meeting are disclosable public records available upon request.

Public Records Request, Subpoena, or Court Order for Record

Regulations for inspecting and/or receiving a copy of public records of the San Diego County Office of Education are presented in Exhibit 2. The executive director, Internal Business, is responsible for procedures related to requests for public records. If a request for public records is received by an employee of the County Superintendent of Schools, it shall be delivered to the executive director, Internal Business.

A lawfully issued subpoena duces tecum (subpoena) or a court order may be served on an employee requiring the production of specified records. The exact records to be produced must be identified in the subpoena or in the affidavit or declaration served with the subpoena. A subpoena or court order shall be delivered to the executive director, Internal Business. Civil subpoenas or a discovery request that specifies intent to request records, including electronically stored data, will be referred to legal counsel.

Exemption of Particular Records from Disclosure

Any agency shall justify withholding any record by demonstrating that the record is exempt under express provisions of the California Public Records Act, or that on the facts of the particular case, the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

The following records are expressly exempted from disclosure under the *California Public Records Act*. Refer to the CPRA for additional exemptions.

**CLASSIFICATION: Business and Noninstructional
Operations**

**ADOPTED: 1/5/79
REVISED: 11/9/16
REVIEWED: 10/25/16**

SUBJECT: Records Retention and Disposition

PAGE: 6 of 15

1. Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business, if it is determined that the public interest in withholding such records clearly outweighs the public interest in disclosure.
2. Records pertaining to pending litigation to which the public agency is a party, or to respond to certain claims until the litigation or claim has been finally adjudicated or otherwise settled.
3. Personnel, medical, similar records, the disclosure of which would constitute an unwarranted invasion of personal privacy.
4. Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination, except as provided by law.
5. The contents of real estate appraisals, engineering or feasibility estimates and evaluations made for or by the local agency relative to the acquisition of property, or to prospective public supply and construction contracts, until such time as all of the property has been acquired or all of the contract agreement obtained.
6. Records the disclosure of which is exempted or prohibited according to provisions of federal or state law, including, but is not limited to, written communications that are privileged.
7. Petitions for school district reorganization or for filling governing board vacancies.
8. Patron use records of any library supported by public funds including, but not limited to, any written or electronic record used to identify a patron or any written or electronic transaction that identifies a patron's borrowing information or use of library information resources.
9. Computer software developed by the San Diego County Office of Education.

**CLASSIFICATION: Business and Noninstructional
Operations**

**ADOPTED: 1/5/79
REVISED: 11/9/16
REVIEWED: 10/25/16**

SUBJECT: Records Retention and Disposition

PAGE: 7 of 15

10. The home addresses and home telephone numbers of employees of school districts and the San Diego County Office of Education.
11. The residential street address, work address, or school address of participants in the Secretary of State's *Safe at Home* program for victims of domestic violence, sexual assault, or stalking.
12. The minute book of closed sessions of the County Board of Education.

Access to Student Records

The provisions of the Education Code shall prevail over the provisions of the *California Public Records Act* to the extent that they may pertain to access to student records. Access to pupil records shall be in accordance with Education Code sections in order to ensure the confidentiality of the records. The procedure for accessing pupil records is specified in the California Code of Regulations.

Access to records of students currently or previously enrolled in the school programs operated by the San Diego County Superintendent of Schools and requests for student directory information shall be processed in accordance with Administrative Regulation 5125, Records.

RETENTION AND DESTRUCTION OF RECORDS

The administrative value of almost all records generally decreases rapidly when transactions are completed. Some should be destroyed as soon as possible after their usefulness has ended. Other records have continuing legal, fiscal, or historical value for years after their administrative value has ended. Other records are designated by state regulation to be maintained in perpetuity.

All records should be classified for disposition. Whenever the destruction of records of the County Superintendent of Schools is not otherwise authorized or provided for by law, records shall be retained, transferred, or destroyed only as provided in the California Code of Regulations, Title 5.

**CLASSIFICATION: Business and Noninstructional
Operations****ADOPTED: 1/5/79
REVISED: 11/9/16
REVIEWED: 10/25/16****SUBJECT: Records Retention and Disposition****PAGE: 8 of 15**

The administrator of each division of the San Diego County Office of Education shall maintain procedures for the classification, retention, and destruction of the records under his/her control in accordance with the Records Disposition Program Guidelines presented in Exhibit 2. (See "Management Resources" for information on retention requirements.)

Classification, retention, and deletion of email messages, with associated information (metadata) and any attachments sent or received through the San Diego County Office of Education email system under normal operating conditions shall conform to the standards presented in Exhibit 3.

Classification of Records

1. Prior Year Records

Before January 1, the administrator of each San Diego County Office of Education division shall review documents and papers under his/her control originating during the prior fiscal year and classify them as Class 1—Permanent, Class 2—Optional, or Class 3—Disposable.

2. Continuing Records

Records of a continuing nature, i.e., active and useful for administrative, legal, fiscal, or other purposes over a period of years, shall not be classified until such usefulness has ceased. A pupil's cumulative record, if not transferred, is a continuing record until the pupil ceases to be enrolled in a school program operated by the County Superintendent of Schools.

An inventory of equipment shall be subject to classification for retention or destruction when the inventory is superseded or when the equipment is removed from San Diego County Office of Education ownership. Otherwise, it shall be a continuing record.

**CLASSIFICATION: Business and Noninstructional
Operations****ADOPTED: 1/5/79
REVISED: 11/9/16
REVIEWED: 10/25/16****SUBJECT: Records Retention and Disposition****PAGE: 9 of 15****3. Records Filed by Districts**

Any record other than an original record required to be filed by a school or community college district or charter school shall be classified as Class 3—Disposable or as Class 2—Optional. Copies of district invoices, warrants, ledger sheets, attendance reports, and correspondence are examples of records that may be so classified.

4. Microfilm Copy

Photographic, microfilm, or electronic copies of any records may be made. Whenever an original record is photographed, microphotographed, or otherwise reproduced on film or electronic media, the copy thus made is classified as Class 1—Permanent. The original record, unless classified as Class 2—Optional, may be classified as Class 3—Disposable and may then be destroyed in accordance with the California Code of Regulations, Title 5, if the following conditions have been met:

- A. The reproduction is accurate in detail and, for microfilm copies, on film of a type approved for permanent, photographic records by the United State Bureau of Standards.
- B. The administrator of the division has attached to or incorporated in the copy a signed and dated certification of compliance with the provisions of Evidence Code section 1531.
- C. The copy has been placed in an accessible location, and provision has been made for preserving permanently, examining, and using the copy.

**CLASSIFICATION: Business and Noninstructional
Operations****ADOPTED: 1/5/79
REVISED: 11/9/16
REVIEWED: 10/25/16****SUBJECT: Records Retention and Disposition****PAGE: 10 of 15**Period of Retention of Records1. Class 1—Permanent Records

The original of each of the types of records in California Code of Regulations, Title 5, section 16023, or one exact copy, when the original is required by law to be filed with another agency, is a Class 1—Permanent record. It shall be retained indefinitely, unless a photographic, microfilm, or electronic copy is made. Permanent records include, but are not limited to:

- A. Annual reports, such as the official budget, audit reports, and other major annual reports
- B. Official actions, including the minutes of meetings of the County Board of Education, the County Superintendent's call of election, and records related to school district reorganization
- C. Personnel records, including employee assignments, dates of service rendered, terminations or dismissals of an employee, sick leave records, rates of compensation and salaries or wages paid
- D. Mandatory permanent pupil records as defined in California Code of Regulations, Title 5, section 432
- E. All records pertaining to any accident or injury involving a minor for which a claim for damages has been filed, including any related policy of liability insurance, shall be classified as Class 1—Permanent, except that these records shall cease to be so classified one year after the claim has been settled or the statute of limitations has expired.
- F. When a pupil transfers to a school district or to a private school, a copy of the pupil's mandatory permanent pupil record shall be transferred upon request from the district or private school. The original or a copy must also be retained permanently by the San Diego County Office of Education.

**CLASSIFICATION: Business and Noninstructional
Operations**

**ADOPTED: 1/5/79
REVISED: 11/9/16
REVIEWED: 10/25/16**

SUBJECT: Records Retention and Disposition

PAGE: 11 of 15

G. Property records, including all detailed records relating to land, buildings, and equipment

2. Class 2—Optional Records

Any record worthy of temporary preservation but not classified as Class 1—Permanent, may be classified as Class 2—Optional. It shall then be retained until reclassified as Class 3—Disposable. If the County Superintendent of Schools and County Board of Education agree that classification of prior year records should not be made before January 1, all records of the prior year may be classified as Class 2—Optional, pending further review and classification within one year.

3. Class 3—Disposable Records

All records not classified as Class 1—Permanent or Class 2—Optional, shall be classified as Class 3—Disposable. These include, but are not limited to detailed records basic to audit and periodic reports as defined in California Code of Regulations, Title 5, section 16025.

A Class 3—Disposable record shall not be destroyed until after the third July 1 succeeding the completion of any legally required audit, or after the ending date of any retention period required by any agency other than the State of California, whichever date is later.

A continuing record shall not be destroyed until after the fourth year after it has been classified as Class 3—Disposable.

Unless otherwise specified, all Class 3—Disposable records shall be destroyed during the third school year after the school year in which they originated, for example, 2015-16 records shall be destroyed after July 1, 2019.

Unless forwarded to a district, mandatory interim pupil records may be adjudged to be disposable when the student leaves the school program or when usefulness

**CLASSIFICATION: Business and Noninstructional
Operations****ADOPTED: 1/5/79
REVISED: 11/9/16
REVIEWED: 10/25/16****SUBJECT: Records Retention and Disposition****PAGE: 12 of 15**

ceases. Special education records shall be retained for a minimum of two years after the student reaches the age of 22 years. Destruction shall be in accordance with provisions for Class 3—Disposable records during the third school year following such classification.

Permitted pupil records may be destroyed when their usefulness ceases. They may be destroyed after six months following the pupil's completion or withdrawal from the educational program. The method of destruction shall ensure that records are not available to possible public inspection in the process of destruction.

Statute of Limitations

In addition to periods of retention required by the State Superintendent of Public Instruction, the San Diego County Office of Education may desire, for its own benefit, to maintain some records beyond the statutory period for bringing suits upon these records. Any doubt should be resolved in favor of the longer retention period.

1. Purchase Orders, Written Contracts

Any purchase orders, contracts or other documents of this type should be retained for at least five years from the date the last performance becomes due. This is done because any contract in writing may be the subject of a suit within four years after final performance of any act under the contract becomes due.

2. Financial Records

Any records involving financial transactions for which a public officer would become liable for malfeasance or misfeasance of duty should be retained for a period of at least four years. This applies unless otherwise required inasmuch as any criminal action may be brought against such person for up to three years after the act occurred. Financial records that might be the basis for an action for embezzlement should be retained as permanent records inasmuch as there is no limitation for bringing an action against an officer for such an act.

**CLASSIFICATION: Business and Noninstructional
Operations**

**ADOPTED: 1/5/79
REVISED: 11/9/16
REVIEWED: 10/25/16**

SUBJECT: Records Retention and Disposition

PAGE: 13 of 15

Destruction of Records

The administrator of each San Diego County Office of Education division shall develop procedures for the destruction of records under his/her control to facilitate the orderly removal of Class 3—Disposable records after the expiration of the established retention periods. The administrator responsible for the records shall provide written authorization of the destruction of records. Exhibit 4 presents a sample memo authorizing the destruction of records.

Records of confidential information shall be shredded or otherwise destroyed to preserve privacy and ensure against unauthorized disclosure of information.

Upon conclusion of the established period of operational usefulness, inactive electronic records may be transferred to computer-output media for long-term storage, and the original media may be properly wiped clean of confidential information and reused. A “non-record” generally can be destroyed at the discretion of the user after a short period of time, or after the official agency record is produced.

Electronic communications, including electronic mail (email), may be deleted without creating a hard copy or otherwise preserving the informational content of such communication unless either: (1) a law expressly requires the communication to be kept, or (2) preservation of the communication is necessary to the discharge of the public officer’s or employee’s duties and such communication was made or retained for the purpose of preserving its information content for future San Diego County Office of Education use or reference. (See Exhibit 1)

LITIGATION HOLD

In instances of pending or threatened litigation against the County Superintendent of Schools, he/she is required by law to retain, either in a backup system or in printed form, all documents and records that may be relevant to the lawsuit or reasonably anticipated lawsuit. This is referred to as a “litigation hold.” A litigation hold suspends the San Diego County Office of Education retention and destruction procedures specified in this administrative regulation for certain documents related to the dispute,

CLASSIFICATION: Business and Noninstructional
Operations

ADOPTED: 1/5/79
REVISED: 11/9/16
REVIEWED: 10/25/16

SUBJECT: Records Retention and Disposition

PAGE: 14 of 15

including electronically stored information, such as emails, and information stored off-site or by third parties.

The County Superintendent of Schools or his/her designee shall determine which documents and records are subject to a litigation hold.

In the event of a litigation hold, the County Superintendent of Schools or designee shall notify affected employees as soon as possible about the requirements and procedures for retaining relevant documents.

Board Policy Nos.: 3560, 3600
Administrative Regulation Nos.: 3600, 4005.1, 4010, 5125

Derivation: Former Administrative Regulation No. 2135.1, Adopted 1/5/79. Amended, Renamed, and Renumbered 3560, 9/13/95. Amended 11/18/02, 10/20/16.

Legal References: Civil Code
1798.82
Code of Civil Procedure
337 et seq., 1985.8, 2016.020, 2031.010 – 2031.060, 2031.210 – 2031.320
Education Code
1246, 35145, 35163, 44031, 35253 – 35254, 44421.1, 48904 – 48905, 49060 – 49079, 51504, 76244 – 76245, 99150 et seq.
Evidence Code
250, 1531
Family Code
3025
Government Code
6205 – 6211, 6250 – 6270, 54954.1, 54956.9, 54957.2, 54957.5
Labor Code
1198.5
Penal Code
135, 799 et seq.
California Code of Regulations, Title 5
430 – 438, 16020 – 16028, 16035, 17401 – 17404

SAN DIEGO COUNTY OFFICE OF EDUCATION

**ADMINISTRATIVE
REGULATION NO. 3560**

CLASSIFICATION: Business and Noninstructional
Operations

ADOPTED: 1/5/79
REVISED: 11/9/16
REVIEWED: 10/25/16

SUBJECT: Records Retention and Disposition

PAGE: 15 of 15

United States Code, Title 5

552

United States Code, Title 18

2511

United States Code, Title 20

1232g et seq., 7908

United States Code, Title 26

152

Code of Federal Regulations, Title 29

1602.14

Code of Federal Regulations, Title 34

99.1 – 99.8

Federal Rules of Civil Procedure

26, 37

Federal Record Retention Guide, Federal Register, Vol. 42, 109,
Tues., June 7, 1977

Legal Opinions

27 Ops. Cal. Atty. Gen. 161 (1956)

Best Best & Krieger, 2/23/2000, 7/17/2007

Management Resources: Department of General Services, *Records Management Handbook*
and *Electronic Records Management Handbook*:
www.dgs.ca.gov/dgs/home.aspx
California Association of School Business Officials (CASBO), *Records
Retention Manual*, 6th Edition, February 2016: www.casbo.org/resources

Electronic Mail (Email) — Public Records Act Quick Reference Guide

The California Public Records Act (CPRA) defines “public records” as any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency *regardless of physical form or characteristics*. The CPRA contains many exemptions from disclosure; therefore, not all public records are required to be disclosed. This Guide refers to the public records that are subject to disclosure under the CPRA as “official records.” Presented below are some general guidelines for identifying electronic mail (email) messages that constitute an official record that is subject to retention and potentially subject to disclosure.

An email message with associated information (metadata) and any attachments sent or received is a document. Information transmitted by email or facsimile is a record, regardless of the format in which the record has been stored. If the information content of an email is used for official business, that particular email is subject to retention under the CPRA.

The end user is responsible for evaluating the content of email to determine whether it is a public record. If an email message is not a public record, it can be deleted at any time. If an email is a public record, the end user should determine the required retention period and archive it within the email system, make a hard copy, or copy the email to a hard drive before deleting the email message. Employees may consult with the division administrator for assistance with determining whether an email message is a public record and for guidance on the appropriate retention period.

Email Messages that Generally Constitute “Official Records”

- Email created or received by employees in connection with official public business.
- Email that documents the formulation and execution of basic policies and decisions and the taking of necessary actions.
- Email that facilitates action, such as initiating, authorizing, or completing a transaction in connection with official public business.

Email Messages that Generally Do Not Constitute “Official Records”

- Personal messages and announcements not related to official public business.
- Copies or excerpts of documents distributed for convenience or reference.

- Internal documents created by employees on work-related topics that do not facilitate action, such as cover notes that merely facilitate the flow of a document from one party to another.
- Drafts, notes, or interagency or intra-agency memoranda that are not retained by the San Diego County Office of Education in the ordinary course of business.

Email Messages that May Constitute “Official Records”

- Email providing key substantive comments on a draft memorandum if the email adds to a proper understanding of the formulation or execution of official action.
- Email messages providing documentation of significant official decisions and commitments reached orally (person-to-person, by telecommunications, or in conference) and not otherwise documented in official files.

Points to Remember about Email

- Employees are authorized to use online resources of the San Diego County Office of Education, including the email system, in accordance with user obligations and responsibilities specified in Administrative Regulation 3600, Use of Technological Resources.
- Email is not confidential. Always assume any email message may be read by an unknown or unintended third party to the original electronic communication.
- Email messages that constitute official records must be classified and kept for the minimum retention period established by the division administrator and must comply with the requirements of Administrative Regulation 3560 for the destruction of obsolete records.
- Requests from the public for email messages that are public records must be honored in the same manner as for other public records. Email that is an official record must be accessible and should be maintained in a manner that permits timely retrieval during its entire retention period.

San Diego County Office of Education E-mail System Standards

Delivery, retention, and deletion of email messages with associated information (metadata) and any attachments sent or received through the San Diego County Office of Education email system under normal operating conditions shall conform to the following standards:

- Email determined by the user to be a Class 1–Permanent Record must be copied from the user mailbox and retained off-system by recipient of the document.
- Class 2 and Class 3 emails must be flagged by the user with the appropriate retention hold in the email system. Properly flagging the email records will prevent them from being purged automatically.
- Non-official business emails will be purged automatically after two years.
- Emails deleted by the user will remain in the deleted items retention folder for 30 days.
- Email classified as possible spam (unsolicited junk mail) will not be automatically delivered to user mailboxes. Possible spam will be kept in a quarantine system for 14 days for review by the intended recipient before automatic deletion.
- Email detected as infected or containing objectionable content will be automatically deleted.

In the event of an information request under pending or active litigation, the County Superintendent of Schools or his/her designee may suspend normal operating procedures of the email system in accordance with advice from legal counsel.

Regulations for Inspecting and/or Receiving a Copy of an Identifiable Public Record of the San Diego County Office of Education

A person may inspect or receive a copy of any public record not exempted by provisions of the California Public Records Act. [Government Code section 6250 et seq.]

Requesting a Public Record

All requests to inspect or receive a copy of a public record shall be directed as follows:

Executive Director, Internal Business
San Diego County Office of Education
6401 Linda Vista Road, Room 501
San Diego, CA 92111
(858) 467-1059
Email: communications@sdcoe.net

If the request is for directory information or student records of an identifiable student in the school programs operated by the County Superintendent of Schools, the request will be processed by the Assistant Superintendent, Student Services in accordance with Administrative Regulation 5125, Records.

It is preferred that the request be made in writing, either by email, fax, or hand delivery, but a request may be made orally, by phone or in person. The request should include as much information as possible to facilitate identification and location of the public record, e.g., date(s), topic, name(s), page, and must include a return address or other means for providing notification of the determination on the request. The Executive Director, Internal Business will coordinate the response.

Staff shall make a reasonable effort to assist a requester to identify the record(s) and/or information that is responsive to the request or to the purpose of the request and shall provide suggestions for overcoming any practical basis for denying access to the records or information sought.

Within 10 days after receipt of a request for a public record, the Executive Director, Internal Business, will send official notification of the determination whether to comply with the request and specifying any conditions and the amount of the direct cost or statutory fees required. If unusual circumstances create a need for an extension of time (maximum 14 days) reasonably necessary for the proper processing of the particular request, the Executive Director, Internal Business, will send the requester written notice of the reasons for the extension and the date a determination is expected to be sent. Any notification of denial of a request for records shall include the name and title or position of the person(s) responsible for the denial.

Any public records containing personal information, including, but not limited, to an employee's home address or Social Security number, shall be redacted before being disclosed to the public.

Inspecting a Public Record

Nonexempt public records are open to inspection at all times during the office hours of the San Diego County Office of Education, which are 8 a.m. to 5 p.m., Monday through Friday, except holidays. To inspect a public record, persons are requested to schedule an appointment with the Executive Director, Internal Business, to enable staff to locate the desired record(s) and schedule necessary assistance. No fee shall be charged to a person who wishes to inspect but not receive a copy of a record.

Receiving a Copy of a Public Record

A person may receive a copy of any nonexempt identifiable public record upon payment of a fee for direct costs of duplication or applicable statutory fee, if any, and the cost of postage or delivery, if requested. The minimum cost of standard paper copies is established at 10 cents per page plus applicable sales tax. The County Superintendent of Schools may update the fee if actual costs change. Upon receipt of the required payment, an exact copy of the record will be made unless it is impractical to do so.

An identifiable public record that is in an electronic format shall be made available in an electronic format when requested by any person, subject to restrictions specified in Government Code section 6253.9. The County Superintendent of Schools or his/her designee shall make the information available in any electronic format that holds the information. The cost of duplication shall be limited to the direct cost of producing a copy of a record in an electronic format.

The requester shall bear the full cost of producing a copy of an electronic record, including the cost to extract information to construct a record and the cost of programming and computer services necessary to produce a copy of the record when either of the following applies:

1. The County Superintendent of Schools would be required to produce a copy of an electronic record and the record is one that is produced only at otherwise regularly scheduled intervals.
2. The request would require data compilation, extraction, or programming to produce the record.

If a record is no longer available in an electronic format, the County Superintendent is not required to reconstruct it in an electronic format.

If the request is for information in other than electronic format, and the information also is in electronic format, the Executive Director, Internal Business, may inform the requester that the information is available in electronic format.

Records Disposition Program Guidelines

Inventory of all Records

1. Describe the quantity and form of specific San Diego County Office of Education records (e.g., original, copy, paper, microform, or electronically based).
2. Determine which records are maintained in office space by site and which are located in storage facilities or on electronic media.
3. Determine how frequently each record is used and who needs access to each specific record (e.g., school and community college districts, county administration, internal operations).
4. Specify the classification of each record from prior fiscal years.
5. Specify the scheduled retention period for each record and the frequency of its review.
6. Estimate the approximate cost of records management.

Classification of Records

Classify documents and other paper or electronically based records originating during the prior school year according to California Code of Regulations and Administrative Regulation No. 3560.

Appraisal of Records

1. Establish retention periods for all records.
2. Identify records requiring limited accessibility that may be transferred from office space or electronic media to storage.
3. Determine feasibility of microfilming Class 1--Permanent records, or putting records into permanent electronic media format.

Development, Approval, and Application of Disposition Schedule

1. Retain current records in office space, electronic media, or accessible storage location. Back up records off-site for critical operations in a disaster preparedness plan. Document locations of all records.
2. Transfer inactive records to storage space. ~~Microfilm records~~ or electronic media as appropriate. Document locations of all records.
3. Destroy Class 3—Dispose of records according to normal approved procedures unless records are required to be retained pursuant to a litigation hold. Disposal shall be upon the written authorization of the division administrator responsible for the records (see Exhibit 4).

San Diego County Office of Education

INTEROFFICE MEMORANDUM

Date

To: _____ [Division Administrator]

From: _____ [Originator]

Re: Request to Destroy Records

The following records have been retained by this office for the period required by [insert legal authority]. The records shall be destroyed as soon as practicable. No litigation hold has been placed on these records.

[List of records to be destroyed]

Your authority to destroy these records is requested in accordance with Administrative Regulation 3560.

APPROVED:

Date

[Signature]
Name
Title
Division

Records listed above destroyed by recycling, shredding or burning, or wiping clean the electronic media in which they reside to preserve confidentiality.

Date

[Signature]

[Title]