

RECORDS RETENTION



San Diego County Office of Education
Tyree Dorward, Best Best & Krieger
Guiselle Carreon, SDCOE

What is Records Management?

- ▶ Records Management refers to a set of activities required for systematically controlling the creation, distribution, use, maintenance, and disposition of recorded information maintained as evidence of business activities and transactions. (ISO Standard 15489)

What are SDCOE's Obligations in Relation to Records?

- ▶ To retain and dispose of records in compliance with the law.
- ▶ To secure records properly.
- ▶ To make them available upon request. (Records requests are to be forwarded to the Executive Director, Internal Business.)
- ▶ To know where and how records are stored.
- ▶ To know who is responsible for records.

Custodians of Records

- ▶ The Superintendent is the custodian of records pursuant to Title 5 California Code of Regulations (CCR) 16022.
- ▶ The Superintendent or their designee shall establish procedures for the classification, retention, and destruction of the records for the district.

What are your Districts's Obligations in Relation to Records?

- ▶ Incorporate efficient and effective systems for classifying and retaining records
- ▶ Provide for the recovery of records in the event of a disaster or emergency
- ▶ Ensure confidentiality and security of public records exempt from disclosure
- ▶ Provide for the systematic transfer of inactive records from high-cost office space or online computer storage to low-cost storage or electronic media
- ▶ 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
- ▶ 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
- ▶ Comply with all state and federal laws regarding security of records, record retention and destruction, and response to record requests and litigation holds

Definition of Records

- ▶ The California Code of Regulations (CCR), Title 5, Division 1, Chapter 16 governs how records are classified within school districts. The definition of a Record per the 5 CCR 16020 is as follows:

“records” means all records, maps, books, papers, and documents of a school district required by law to be prepared or retained or which are prepared or retained as necessary or convenient to the discharge of official duty.

- ▶ Records may be handwritten, typed, printed, photocopied, emailed, or recorded in any other manner.
- ▶ The courts have also ruled that electronic messages, including email and texts are “records” for purposes of disclosure and retention. (*City of San Jose v. Superior Court (Smith)*, decided March 2, 2017, S218066.)

What is NOT a Record?

- ▶ Material not kept in the ordinary course of business, such as transitory documents, voicemail, certain types of email¹, unofficial copies of documents kept only for convenience or reference, working papers, stocks of publications and blank forms. Also, documents such as rough notes, calculations or drafts assembled or created and used in the preparation or analysis of other documents².

¹Some types of email are official records. This will be discussed later in the presentation.

²Some drafts or notes may qualify as records when filed.

CCRs in a Nutshell

5 CCR 16022

- ▶ Before January 1 of each year, the District Superintendent shall review documents and papers and classify them as follows:
 - ▶ Class 1: Permanent
 - ▶ Class 2: Optional
 - ▶ Class 3: Disposable

Continuing Records

- ▶ Continuing records will not be classified until their usefulness has ceased.
 - ▶ e.g. A pupil's cumulative record is a continuing record of the district until the records are transferred or the pupil ceases to be enrolled in the district.

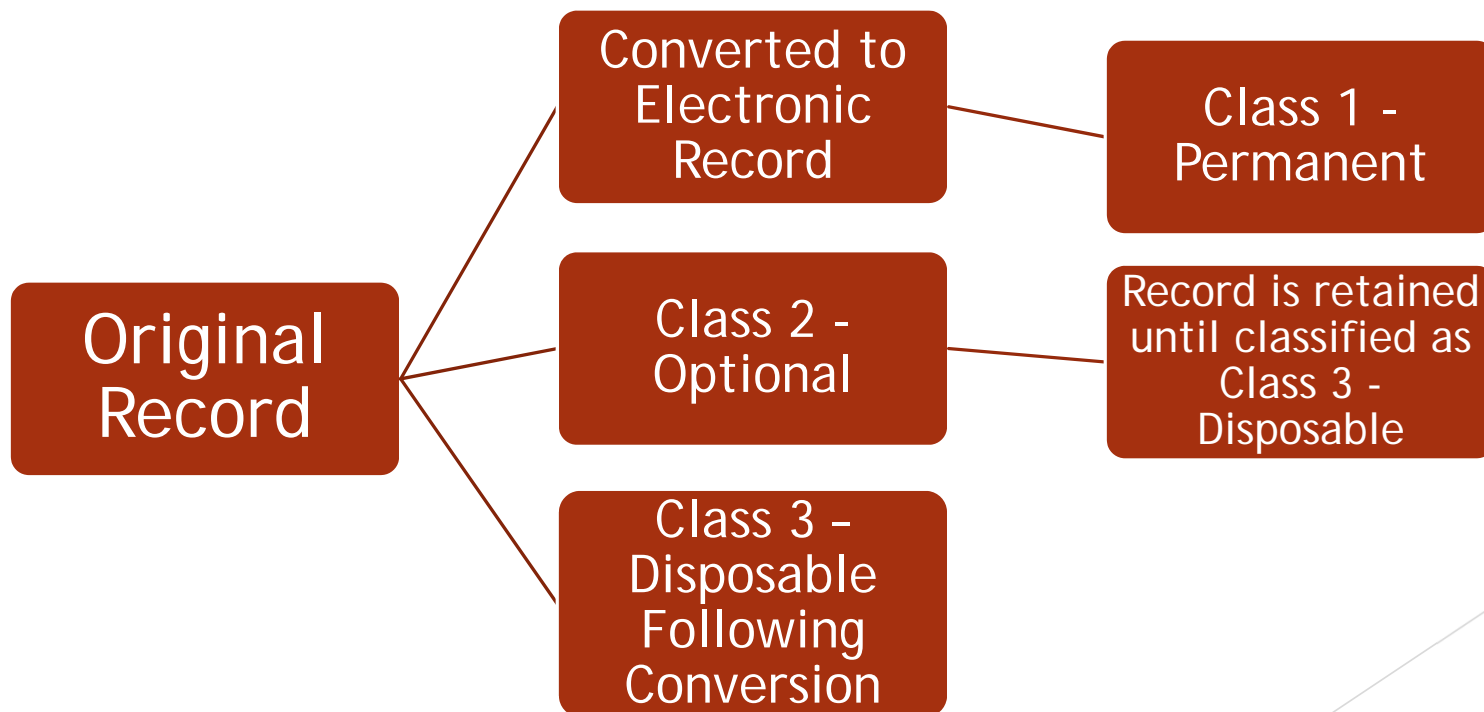
Electronic Duplication of Records

▶ Microfilm Copy

▶ Photographic, microfilm, or electronic copies of any records may be made. Whenever an original record is photographed, micro-photographed, or otherwise reproduced on film or electronic media, the copy thus made is classified as Class 1, Class 2, or Class 3 records. Records shall meet the following conditions:

- A. The reproduction is accurate in detail and, for microfilm copies, on film of a type approved for permanent, photographic records by the United States Bureau of Standards.
- B. The custodian of records or their designee 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 of Records



Examples

Student Record

1. Continuing Record until Student ceases to be enrolled.
2. Record is converted to electronic file through scanning.
3. Scanned Record is Classified as **Class 1 - Permanent**
4. Original (Paper Record) is classified as **Class 3 - Disposable** (3-year retention)

Purchase Order

1. Continuing Record until Purchase Order expires.
2. Following expiration, Original Record is classified as **Class 2 - Optional**.
3. Original (Paper Record) is stored for recommended period of retention (3 years)
4. Original Record is disposed of in accordance to policy.

Sample Process for Destruction of Records

- ▶ Each Administrator shall have written procedures for records under his/her control.
- ▶ Records that are confidential in nature shall be shredded or otherwise destroyed to preserve privacy.
- ▶ Upon completion of the established period of usefulness, records may be transferred to computer-output media for long-term storage. (IT Department may need to be involved in this process.)
- ▶ Non-records may be destroyed at the discretion of user.
- ▶ Electronic media may be deleted in accordance with each District's policy.
- ▶ Written authorization must be obtained prior to destruction of records.

Public Records Act Requests

- ▶ Establish a procedure for handling public records requests.
 - ▶ District's may want to designate a point-of-contact for all PRA requests to ensure timely response and notification to board of potential issues.
- ▶ Litigation Hold:
 - ▶ The law requires records subject to pending litigation to be retained either in a backup system or in printed form. A litigation hold suspends the retention periods for documents related to the dispute.

Records Retention Resources

The period of retention will vary according to the type of record and classification. Please use the following resources to determine how to classify a record and assign a retention period.

- ▶ CASBO Records Retention Manual - 2015, 6th Edition
- ▶ SDCOE Resource:

Guiselle Carreon

Commercial Warrants & AP Manager

guiselle.carreon@sdcoe.net

858-292-3602