

## Records Retention

### SCOPE:

This Records Retention Policy applies to offices and facilities maintaining records and information of the Mark Twain Health Care District (the “District”).

This Document does not constitute the District’s policy with regard to public access to its records. The District’s policy entitled Records Retention Policy provides procedures and principles governing the public’s right to access public records.

### PURPOSE:

The purpose of this policy is to provide requirements and guidelines for managing the life cycle of all District records and information. The policy establishes a records retention program to apply efficient and economical management methods to the creation, utilization, maintenance, retention, preservation and disposal of all records used in the operations of District business.

All District records and information shall be retained and disposed of only in accordance with the retention periods specified in the District’s Records Retention Schedule. The Records Retention Schedule is the District’s official policy for information retention and disposal, and it is developed in accordance with all applicable state and federal laws and regulations, as well as good business practices.

### EXCLUSIONS:

The District recognizes certain documents have an historical significance and should be retained indefinitely. The District Chief Executive Officer is authorized to retain those documents.

### DEFINITIONS:

**Non-Records** – Material not usually included within the definition of records, such as unofficial copies of documents kept only for convenience or reference, working papers, appointment logs, stocks of publications and processed documents. Also, documents such as rough notes, calculations or drafts assembled or created and used in the preparation or analysis of other documents.

**Original Record** – The Original Record is a document on file in the District’s office. Every reproduction of an electronically stored document maintained by the District shall be deemed to be an Original Record pursuant to Government Code Section 34090.5.

**Public Records** – Any 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.

**Records** – Any handwriting, typewriting, printing, photo stating, 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.

## **RESPONSIBILITIES:**

The Chief Executive Officer Shall

- Appoint a person or persons to serve in the capacity of Records Retention Coordinator, with overall responsibility for implementing the Records Retention Policy for the District.

## **ADDITIONAL RETENTION POLICY GUIDELINES:**

### **A. Copies of Original Records**

Copies of Original Records may be maintained by the District's employees and Board Members in their own offices or elsewhere for convenient reference or other purposes. Such additional copies may be in the same format (paper, photographic, or electronic) or in a different format as the Original Record. In either case, they are considered duplicate records for retention purposes.

Employees and Board Members are cautioned, however, that on some occasions a duplicate record can become a "new" record and would, therefore, be subject to the records retention program. For example, when annotations of substantive value are made to a duplicate record, that record may attain value as a separate record, which may be considered a new "official" record for purposes of retention.

### **B. Long-Term Document Retention**

It is the District's policy to minimize the storage of documents in paper format for long-term retention periods. A long-term retention period is generally defined as a period of ten (10) years or more. For these retention periods, electronic media should be utilized as the primary means for storage. For those records with an established long-term retention period, the records should be electronically imaged immediately, or at the earliest time practical, and the paper copy should be destroyed. Under some circumstances, the Board of Directors may make the determination that the paper copy of a record should be kept for a period up to, but not exceeding, the retention period. In addition, where electronic storage is impractical for a particular record, long-term retention will be in the appropriate format.

### **C. Non-Records**

Non-records are not kept in the normal course of business, therefore, they may be disposed of at any time. However, if a non-record is retained as an integral part of a file or in conjunction with Original Records, then it shall be retained in accordance with the appropriate retention schedule.

### **D. E-mail Communications**

Electronic communications, including e-mail, are generally considered transitory in nature, and are not customarily kept or retained by the District as the primary means for preserving information for future reference. Personal e-mail messages and announcements are not related to District business,

copies or extracts of documents e-mailed for convenience or reference, internal e-mails created by employees on work-related topics which do not facilitate action (i.e., cover notes, etc.), and e-mails containing drafts, notes or inter-office memoranda that are not retained by the District in the ordinary course of business are examples of such transitory communications.

However, e-mails created or received by District employees and Board Members in connection with District business, or e-mails that facilitate action, such as initiation, authorizing or completing a transaction in connection with District business may constitute a public record and should be retained.

E-mails which do not constitute a public record may be periodically or routinely purged from the system without any necessary action of the sender or the recipient of the communications. If the content of an e-mail message constitutes a public record, employees and Board Members are required to migrate the document from the e-mail system to another platform or in another format for storage and retention, to be kept in accordance with the Records Retention Schedule.

#### **E. Electronic Data Retention**

All retained information must be stored in a manner designed to ensure its accessibility, integrity, confidentiality, authenticity, and legibility sufficient to ensure the integrity of the records for the specified retention period. Conversion from one storage medium to another will include adequate controls to support these requirements.

#### **F. Destruction/Disposal of Records**

Action by the Board of Directors of the District is not required for the destruction of documents in accordance with the Board-approved Records Retention Schedule. However, no records may be destroyed or otherwise disposed of except as provided in this policy and in compliance with the Records Retention schedule.

Pursuant to the provisions of Government Code §§60200 through 60203, and the guidelines prepared by the State Controller's Advisory Committee for Special Districts, the following qualifications will govern the retention and disposal of records of the District.

**Documents must be shredded in a manner which ensures confidentiality.**

#### **G. Records Retention Schedule**

The "Records Retention Schedule" is attached to this policy as Attachment. "A" and is incorporated herein by reference. This policy and the records Retention Schedule comply with the records retention guidelines provided by the California Secretary of State and may be updated from time to time.

# RECORDS RETENTION SCHEDULE

Title and Description of Records	Retention Period	Comments
<b>CORRESPONDENCE</b>		
General Public	3 years	
Reports	Active +3 yrs.	
<b>FINANCIAL</b>		
Non-Discharged Debt of the District and Related Documents	Permanent	Cal. Gov't Code 60201
Non-Personnel Expense Reports	4 years	Or until audited, which ever is first
Budgets	Permanent	
Billing/Accounting Reports	4 years	Or until audited, which ever is first
Budget Change Reports	4 years	Or until audited, which ever is first
Audits	4 years	Or until audited, which ever is first
Invoices (non fixed assets)	4 years	Or until audited, which ever is first
Fees/Receipts	4 years	Or until audited, which ever is first
Check Registers	4 years	Or until audited, which ever is first
General Ledgers	Permanent	
Grants	Active +2 yrs.	Active until end of grant year
<b>EQUIPMENT/SUPPLIES/SPACE/CONSTRUCTION</b>		
Pending construction that the district has not accepted or as to which a stop notice claim legally may be presented	Permanent	Cal. Gov't Code 60201
Unaccepted bid or proposal for the construction or installation of any building, structure, or other public work	2 years	Cal. Gov't Code 60201
Construction Stop Notice	Active +2 yrs.	Cal. Gov't Code 60201
Purchase Request/Order	Active +4 yrs.	Active until items received (4 years if subject to audit)
Service Orders/Authorizations	Active +2 yrs.	Active until services performed
Vendor Information	Active +2 yrs.	Active until revised
Building Maintenance/Leases	Active +2 yrs.	Active until lease terminates
Inspection Reports/Moves/Space	Active +2 yrs.	Active until revised/rescinded/superseded
Equipment Maintenance	Active +2 yrs.	Active until maintenance completed
Hardware/Software Documentation	Active +2 yrs.	Active until revised/rescinded/superseded
Invoices for Fixed Assets (non real property)	Active +2 yrs.	Active until disposed of

## RECORDS RETENTION SCHEDULE

<b>PERSONNEL</b>		
Employee Records/Attendance Records/Applications	Active +7 yrs.	Active until employee leaves/terminates**
Compensation paid to District Employees, Officers or Independent Contractors	Active +7 yrs.	Active until employee leaves/terminates** Cal. Gov't Code 60201
Expense Reports of District Employees and Officers	Active +7 yrs.	Active until employee leaves/terminates** Cal. Gov't Code 60201
Employee/Officer Credit Card/Travel Expenses	Active +7 yrs.	Active until employee leaves/terminates** Cal. Gov't Code 60201
<b>POLICY/PROCEDURE/ ORGANIZATION</b>		
Documents Relating to: Formation/ Change of Organization/ Reorganization of the District	Permanent	Gov't Code 60201 requires that these records be permanently retained.
Ordinance adopted by the District	Permanent (5 Years for repeal ordinances)	Gov't Code 60201 requires that these records be permanently retained. However, an ordinance that has been repealed or is otherwise invalid or unenforceable may be destroyed 5 years after it was repealed or became invalid or unenforceable
Policies (All)	Active	Active until revised
Procedures (All)	Active	Active until revised
Mission Statements	Active	Active until revised
Meeting Minutes/Agendas/Resolutions	Permanent	See Gov't Code 60201
Audio Tapes of Meetings		Minimum 30 days/optional beyond that
Request for Proposals	3 yrs.	
Contracts	Active +4 yrs.	Active until contract is discharged (+4 if subject to audit). Cal. Gov't Code 60201
Plans and Goals	Active	Active until revised/rescinded/ superseded/Complete
Records subject to any pending request under PRA, regardless of whether the District maintains that the record is exempt from disclosure	Unless governed under another category, records should be retained until the request has been granted, or 2 years have elapsed since the District provided written notice to the requester that the request has been denied.	See Gov't Code 60201

# RECORDS RETENTION SCHEDULE

<b>RECORDS MANAGEMENT</b>		
Records Retention Schedule	Active	Active until revised
Records Destruction Authorization	4 yrs.	
<b>LEGISLATION/ REGULATIONS/ LEGAL</b>		
Legal Opinions	Permanent	
Law Suits/Small Claims	Active +2 yrs.	Active until litigation complete
Legal Opinions	Permanent	
FPPC Opinions	Permanent	
Conflict of Interest Forms	7 Years	
<b>MISCELLANEOUS</b>		
Title/Documents relating to Real Property Owned by the District	Permanent	Cal Gov't Code 60201