

Understanding the Records Retention Schedule



Session Agenda

- What are Records?
- Public Records
- Convenience Information
- Reading the Retention Schedule
- Applying the Retention Schedule Requirements
- Steps You Can Take Today



What are City "*Records*"?

City "*Records*" are communications, documents, data or information that support or provide evidence of the City's business operations, regardless of media or format.

- May be in physical or electronic form
- Must be retained to:
 - Comply with regulations
 - Enable City activities
 - Support the City in litigation and audits
 - Provide public information to citizens

Public Records

The California Public Records Act (CPRA) is covered by CA Government Code §§ 6250 – 6276.48

- Gives people the right to have access to public information concerning the conduct of the people's business
- Requests require a response within ten (10) days

City Email

- CPRA applies to all media and methods of transmission, including email
- Emails conducting public business, even on personal devices or using private email accounts, are considered public records (California Supreme Court ruling, 3/2/2017)

What Is Not a Public Record?

Not all information is public; exemptions may include:

- Records containing private information about individuals, (e.g., social services records, taxpayer information, medical information)
- Attorney client privilege or work product
- Drafts of documents or notes
- Information collected in confidence
- Closed session information

Is All City Information a "*Record*"?

Not all documents, data or information will be a "*Record*".

Some of the information created or received by the City does not have long term value, and can be referred to as "*Convenience Information*"

What is "*Convenience Information*"?

"*Convenience Information*" generally has only short term or reference value. It includes things like:

- Preliminary drafts, notes
- Transitory communication
- Publications from outside sources, e.g., vendors, other agencies
- Samples used as templates
- Extra copies created for a short-term purpose

Convenience Information should only be kept while active and useful, then disposed of; there is no requirement to retain



Reading and Using the Retention Schedule

What is the Retention Schedule?

The Retention Schedule is the rule for how long to keep City Records.

The Retention Schedule shows:

- The categories of City Records
- How long records in each category are to be retained
- The legal citations for each category

A category can be shared by multiple departments

Retention Schedule Snapshot

ACRONYMS USED IN LEGAL CITATIONS					
AC = While Active		FR = Final Resolution		LA = Limitation on Action	
MA = Maturity		MAINT = Maintain Records		PR = Permanent	
				LI = Life (of program, asset)	
				M = Month	
				S = Superseded	
				T = Termination	
				Y = Year	
Record No.	Record Name and Description	Example Records	Department/Office of Record	Retention	Legal Citations and Comments
007	Employee Training All documents related to general and specialized technical education and training taken by officials, paid employees and unpaid volunteers, including: - Ethics - Fire Extinguisher - First Aid/CPR - Privacy - Safety - Specialized Equipment	Attendance Certification Records Compliance Training Individual Education, Development	All Departments	Termination+3Y	CA - 8 CCR 3203 - (CU+1) CA - GOV 34090 - (2Y) CA - GOV 53235.2b - (5Y) US - 29 CFR 1602.14 - (FR+1Y) US - 29 CFR 1602.31 - (T+2Y)
008	Employee Training Materials, Courses, Schedules, and Other Documents Documentation regarding the content of training materials, courses, schedules, and other documents related to employees, officials and volunteers.	AB1234 Attendance Lists Employee Development Presentation Materials PowerPoint Slide Decks Rosters Sign-in Sheets Testing Training Bulletins	All Departments	2Y	CA - GOV 12946 - (2Y) US - 29 CFR 1602.14 - (FR+1Y) US - 45 CFR 164.530 (j) - (CU+6Y)
009	Fuel Management Records related to the purchase, tracking and management of fuel for City vehicles.	California Air Resources Board Certificate Fuel Card Authorizations Fuel Pump, Fuel Tank Maintenance Fuel Reports, Billing Reports, Journals, Fuel Tickets	All Departments	Audit Closure+7Y	CA - GC 34090 - (2Y)
010	Historical Documents, Events, Memorabilia, Collections, Artifacts Records and information documenting the history and significant milestones of the City as determined by the City Manager or City Clerk	Biographies of City Officials Census Information City Seal City Generated Historical Studies / Reports City Incorporation City Publications Demographics Elections (<i>historic, significant</i>) Executive, City Official Communications, Speeches, Videos Historic Districts Historical Events, Artifacts, Architecture, Designations, Projects Historical Parks, Facilities Media Releases Memorial Programs News, Press Releases Newspaper Clippings Picture Collections Publicity Photographs Registered Logos Significant News Clippings, Releases	All Departments	Permanent	CA - GOV 34090 - (2Y) US - 24 CFR 91 Subpart C - (MAINT)

Record #

Retention Category Name and Description

Department/ Office of Record

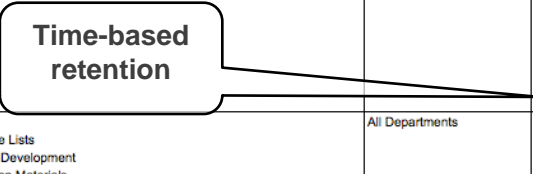
Retention Requirement

Examples Within Category

Legal Citations

Time-Based Retention

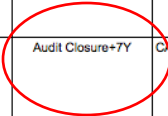
ACRONYMS USED IN LEGAL CITATIONS					
AC = While Active		FR = Final Resolution	LA = Limitation on Action	LI = Life (of program, asset)	M = Month
MA = Maturity		MAINT = Maintain Records	PR = Permanent	S = Superseded	T = Termination
Record No.	Record Name and Description	Example Records	Department/Office of Record	Retention	Legal Citations and Comments
007	Employee Training All documents related to general and specialized technical education and training taken by officials, paid employees and unpaid volunteers, including: - Ethics - Fire Extinguisher - First Aid/CPR - Privacy - Safety - Specialized Equipment	Attendance Certification Records Compliance Training Individual Education, Development	All Departments	Termination+3Y	CA - 8 CCR 3203 - (CU+1) CA - GOV 34090 - (2Y) CA - GOV 53235.2b - (5Y) US - 29 CFR 1602.14 - (FR+1Y) US - 29 CFR 1602.31 - (T+2Y)
008	Employee Training Materials, Courses, Scheduling Documentation regarding the content of courses and schedules for training offered to employees, officials and volunteers.	AB1234 Attendance Lists Employee Development Presentation Materials PowerPoint Slide Decks Rosters Sign-in Sheets Testing Training Bulletins	All Departments	7Y	CA - GOV 12946 - (2Y) US - 29 CFR 1602.14 - (FR+1Y) US - 45 CFR 164.530 (j) - (CU+6Y)
009	Fuel Management Records related to the purchase, tracking and management of fuel for City vehicles.	California Air Resources Board Certificate Fuel Card Authorizations Fuel Pump, Fuel Tank Maintenance Fuel Reports, Billing Reports, Journals, Fuel Tickets	All Departments	Audit Closure+7Y	CA - GC 34090 - (2Y)
010	Historical Documents, Events, Memorabilia, Collections, Artifacts Records and information documenting the history and significant milestones of the City as determined by the City Manager or City Clerk	Biographies of City Officials Census Information City Seal City Generated Historical Studies / Reports City Incorporation City Publications Demographics Elections (<i>historic, significant</i>) Executive, City Official Communications, Speeches, Videos Historic Districts Historical Events, Artifacts, Architecture, Designations, Projects Historical Parks, Facilities Media Releases Memorial Programs News, Press Releases Newspaper Clippings Picture Collections Publicity Photographs Registered Logos Significant News Clippings, Releases	All Departments	Permanent	CA - GOV 34090 - (2Y) US - 24 CFR 91 Subpart C - (MAINT)



Event-Based Retention

ACRONYMS USED IN LEGAL CITATIONS					
AC = While Active		FR = Final Resolution		LA = Limitation on Action	
MA = Maturity		MAINT = Maintain Records		PR = Permanent	
		LI = Life (of program, asset)		M = Month	
		S = Superseded		T = Termination	
				Y = Year	
Record No.	Record Name and Description	Example Records	Department/Office of Record	Retention	Legal Citations and Comments
007	Employee Training All documents related to general and specialized technical education and training taken by officials, paid employees and unpaid volunteers, including: - Ethics - Fire Extinguisher - First Aid/CPR - Privacy - Safety - Specialized Equipment	Attendance Certification Records Compliance Training Individual Education, Development	All Departments	Termination+3Y	CA - 8 CFR 3203 - (CU+1) CA - GOV 34090 - (2Y) CA - GOV 53235.2b - (5Y) US - 29 CFR 1602.14 - (FR+1Y) US - 29 CFR 1602.31 - (T+2Y)
008	Employee Training Materials, Courses, Scheduling Documentation regarding the content of courses and schedules for training offered to employees, officials and volunteers.	AB1234 Attendance Lists Employee Development Presentation Materials PowerPoint Slide Decks Rosters Sign-in Sheets Testing Training Bulletins	All Departments	7Y	CA - GOV 12946 - (2Y) US - 29 CFR 1602.14 - (FR+1Y) US - 45 CFR 164.530 (j) - (CU+6Y)
009	Fuel Management Records related to the purchase, tracking and management of fuel for City vehicles.	California Air Resources Board Certificate Fuel Card Authorizations Fuel Pump, Fuel Tank Maintenance Fuel Reports, Billing Reports, Journals, Fuel Tickets	All Departments	Audit Closure+7Y	CA - GC 34090 - (2Y)
010	Historical Documents, Events, Memorabilia, Collections, Artifacts Records and information documenting the history and significant milestones of the City as determined by the City Manager or City Clerk	Biographies of City Officials Census Information City Seal City Generated Historical Studies / Reports City Incorporation City Publications Demographics Elections (historic, significant) Executive, City Official Communications, Speeches, Videos Historic Districts Historical Events, Artifacts, Architecture, Designations, Projects Historical Parks, Facilities Media Releases Memorial Programs News, Press Releases Newspaper Clippings Picture Collections Publicity Photographs Registered Logos Significant News Clippings, Releases	All Departments	Permanent	CA - GOV 34090 - (2Y) US - 24 CFR 91 Subpart C - (MAINT)

Event-based retention with years



Retention Applies to:

- Hardcopy records
- Archival media, microfilm, CDs, and DVDs
- Records or documents on desktops and laptops (*i.e. Word, Excel, PowerPoint*)
- City information on portable data devices (*i.e. iPhone, Android*)
- Information stored on file and mail servers (*i.e. email*)



Applying the Retention Schedule Requirements

Information Disposition Process

Annually:

- Review documents and information against the Retention Schedule
- For information on Legal Holds, follow direction of the City Clerk or City Attorney
- Prepare remaining obsolete information for disposal in accordance with established procedures

Destruction Procedure

1. List records to be destroyed using the form - *"Destruction of Obsolete Records Inventory"*
2. Complete the form - *"Request for Authority to Destroy"* and send to the City Clerk and City Attorney for approval
3. When the "Destruction Certificate" is complete, the records may be destroyed

Managing Electronic Information

- Retention rules in the retention schedule apply to ALL records, whether paper or electronic
- When applying retention, staff should apply to information in:
 - Shared drives
 - Personal drives
 - Email

Retention Exception: Legal Holds

If you receive a Legal Hold Notice:

- Will come from either the City Clerk or the City Attorney
- Follow explicit directions in the Hold Notice
- Stop all routine disposal procedures
- Collect and segregate all Records and Information subject to the hold, including Convenience Information
- Failure to comply may result in adverse legal consequences, including disciplinary action
- If you're unsure, contact the City Clerk

Applying Retention: Summary

- Apply retention consistently, routinely and repeatably
- Apply retention rules to all media, including email, electronic documents and database data
- Understand that retention rules can be halted as part of a Legal Hold
- When a Hold is lifted, the retention rules are again in effect

Steps You Can Take Today

- Get familiar with the Retention Schedule
- Review your records to be sure they are included on the Retention Schedule
 - If changes are needed to the Retention Schedule, contact the City Clerk's office
- Apply retention rules to your paper and electronic information
- If you have questions, contact the City Clerk's Office

Upcoming Activities

- Complete the Assessment of City Information Management practices
- Develop Records Management Policy
- Provide a Strategic Roadmap for the City to implement policy requirements and assessment recommendations over the next few years

For More Information/Help

- Lisa Blackmon, City Clerk, Ext. 8011
- Marie Weber, Deputy City Clerk, Ext. 8013



Questions?

THANK YOU!