

# 5.1 RECORDS MANAGEMENT AND RETENTION POLICY

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Revised:

## Purpose

- To establish accountability for records management and retention.
- To define certain terms relevant to records management and retention.
- To strengthen safeguards against the unauthorized or accidental disclosure of confidential information.
- To establish the length of time certain categories of records are required to be maintained and stored.
- To establish appropriate record destruction practices.

## Policy

It is the policy of Delaware County Community College to comply with applicable laws and best business practices with regard to the records it maintains, and to apply those laws and practices consistently across College departments.

## Definitions

- **Confidential Records** - The following types of Records are considered confidential:
  - Education Records: as defined by the Family Educational Rights and Privacy Act of 1974.
  - Individual employment records, including records which concern hiring, appointment, promotion, tenure, salary, performance, termination or other circumstances of employment.
  - Records that include "protected health information" as defined by the Health Insurance Portability and Accountability Act of 1996 (HIPAA).
  - All administrative records of the College, with limited exceptions as defined by the College Solicitor, including those which must be open in conformance with law; and
  - Records which might expose the College to legal liability if treated as non-confidential.
  - Records the use of which has been restricted by contract.
- **Duplicate Records** – A copy of a Record maintained by a College Department other than the Responsible Office
- **Electronic Records** – A Record that is created, received, maintained, and/or stored on College local workstations, or central servers, regardless of the application used to create that Record. Electronic Records are recorded information produced or received in the initiation, conduct, or completion of an institutional or individual activity and that comprises content, context, and structure sufficient to provide evidence of the activity. Electronic Records include, but are not limited to word-processing documents, spreadsheets, electronic mail, and databases. Electronic Records that are included in the scope of this policy can be found in the associated Records Retention Schedule.

- **Paper Record** – Any Record maintained in a hard copy paper format, regardless of whether the Record was originally created on paper or an Electronic Record.
- **Records** – As used in this Policy, "Records" refer to Electronic and Paper Information and Data.
- **Required Retention Period** – The retention period set forth in the College's Records Retention Schedule.
- **Responsible Office** – The College office responsible for ensuring that a particular Record is maintained for the Required Retention Period.

## Electronic Mail

E-mail is a vehicle for electronic communication and transfer of business records and falls into a special category of "electronic records." All staff e-mail incoming to or outgoing from a dcc.edu address will be retained as set forth in the Records Retention Schedule. E-mail may be retrieved only by authorized College staff, in conjunction with legal discovery, open records requests, or other investigative requirements. The initiator or recipient of the e-mail may elect to maintain specific e-mail and/or attached documents beyond the minimum retention period for personal reference or unique Record retention requirements. In those cases, these Records will be archived and the owner will be responsible for adhering to the College's Records Retention policy.

## Electronic Records

Unless otherwise specifically set forth in this Policy, maintenance and disposition of Electronic Records shall proceed on the same basis as Paper Records.

## Safeguards Against Unauthorized or Accidental Disclosures

Until Records are properly disposed, each department of the College is accountable for securing and maintaining its Records regardless of format or location. Each department is accountable for ensuring that employees, and others, are only granted access to Confidential Records as necessary and essential to the performance of their duties. Further, each department must ensure that those granted access are trained and employ reasonable safeguards to protect the Confidential Records.

## Records Retention Schedule

The Records Retention Schedule sets forth the length of time Records should be maintained by the Responsible Office. The Schedule will be maintained by the President's Office and updated at least annually.

The College Solicitor should be notified of any Records not encompassed within the Records Retention Schedule. The College Solicitor will determine, in consultation with the appropriate department personnel, whether to destroy the Records in question or add those Records to the Records Retention Schedule. Recognizing that the Responsible Office must maintain Records in accordance with the Records Retention Schedule, duplicate Records should be destroyed as early as practical.

## Extended Retention Period

Records which are retained beyond the Required Retention Period should be destroyed and disposed of, in accordance with this Policy, as early as practical.

## Destruction Authorization

Destruction of Electronic Records will be a coordinated effort between the Responsible Office and the Office of Information Technology. When the Required Retention Period for Electronic Records expires, the

Responsible Office will initiate the process for the Records' destruction and disposal.

When the Required Retention Period for a Paper Record expires, senior management of the Responsible Office shall initiate the process for disposal. The destruction of those Records shall be authorized by senior management of the Responsible Office.

In the event of any dispute regarding the authorization of the destruction of documents by senior management of the Responsible Office, destruction will be stayed pending review and final determination by the Vice President for Finance and Administration, and/or the Provost, in consultation with the College Solicitor.

### **Safe and Secure Disposal**

All Paper Records covered by the Records Retention Schedule shall be destroyed by shredding. All Electronic Records covered by the Records Retention Schedule shall be destroyed by or under the supervision of the Office of Information Technology.

### **Destruction Record**

A destruction record is an inventory describing and documenting those Records, in all formats, authorized for destruction, as well as the date, agent, and method of destruction. The destruction record itself shall not contain confidential information. If a Paper Record is the subject of destruction, the destruction record shall be retained in the Responsible Office. If an Electronic Record is the subject of destruction, two copies of the destruction record shall be retained: one in the Responsible Office and one in the Office of Information Technology. The destruction record may be retained in paper, digital, or other format.

### **Suspension of Records Retention Schedule**

When litigation involving the College or its employees is filed or threatened, the law imposes a duty upon the College to preserve all Records that pertain to the issues involved. Once aware that litigation exists or is likely to be filed, the College Solicitor will issue a litigation hold directive. The litigation hold directive overrides the Records Retention Schedule that may have otherwise called for the destruction of the relevant Record, until the hold has been lifted by the College Solicitor. The suspension applies equally to Paper and Electronic Records, including duplicate copies. No College employee who has been notified by the College Solicitor of a litigation hold may alter or destroy a Record that falls within the scope of that hold. Violation of the hold may subject the individual to disciplinary action, up to and including dismissal, as well as personal liability for civil and/or criminal sanctions.

Any College employee who becomes aware of litigation or threatened litigation prior to receiving a litigation hold shall inform the College Solicitor and shall suspend the Records Retention Schedule until a litigation hold, defining the scope of the suspension, is issued by the College Solicitor.