

## RECORDS MANAGEMENT

### I. PURPOSE

To ensure the efficient and cost effective management of District records in compliance with applicable federal, state, and local laws and regulations.

### II. SCOPE

This policy applies to all District departments and records created and/or received by the District.

### III. DEFINITIONS

**Custodian** – person appointed by the Superintendent to be responsible for overseeing the retention and disposal of District records.

**District record** - information, regardless of physical form or characteristic (e.g., paper, electronic, audio, microfilm), that is created or received by the District in pursuance of legal obligations or in transactions of Shelby County Schools. District records may include, but are not limited to (1) student records; (2) personnel records; (3) administrative records (e.g., reports, correspondence); (4) financial records (e.g., purchase orders, bids, invoices); and (5) Board/committee minutes.

**Non-record** – information, regardless of physical form or characteristic (e.g., paper, electronic, audio, microfilm) that does not document the legal obligations or specific transactions of Shelby County Schools. Non-records include, but are not limited to, drafts, records retained only for informational purposes, personal materials and emails, extra copies of original documents and publications kept only for convenience or reference, and blank forms.

**Retention** –retaining a record for a specified period of time to satisfy statutory or regulatory requirements and District operational needs.

**Disposal** – destruction of records, including electronic formats, by shredding or other means of modification rendering the record unreadable, irretrievable and/or unusable.

**Transfer** – movement of records from an onsite location to an offsite storage or disposal location.

**Electronically Stored Information (ESI)** - information created, manipulated, communicated, stored, and best utilized in digital form, requiring the use of computer hardware and software including writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations in any medium from which information can be obtained, translated, if necessary, by the respondent through detection devices into reasonably usable form.

**Litigation Hold** – preservation of relevant records, including electronic data, beyond the prescribed retention period as a result of current or anticipated litigation, audit, government investigation or other such matters.

#### **IV. POLICY STATEMENT**

Shelby County Schools (SCS) is committed to complying with applicable legal requirements governing the management of District-owned records, including electronically stored information (ESI), and shall adhere to established procedures for the maintenance, retention and disposal of such records.

All records created, transmitted, or received by any authorized user for the transaction of academic and/or operational business for the District, including ESI (e.g., e-mails) and other documented information regardless of physical form or characteristics, shall be considered the property of SCS. Communications, messages and documents transmitted by electronic mail (e-mail) shall be subject to this policy. The District, however, regards its e-mail system as a tool to facilitate daily communications of a transitory nature relative to current business matters and not as a platform for the long-term retention of official, mission-critical, or vital records. More specifically, the District's e-mail system is not authorized for purposes of the retention of stored records.

##### **A. Maintenance**

District records shall be maintained for the time necessary to meet regulatory specifications and/or for the time required to ensure efficient District operation. In the absence of business and regulatory need, the District shall retain and dispose of the record in accordance with guidelines outlined in the District Records Retention and Disposal Plan (The Plan). The Plan shall be developed by Custodians of records identified by the Superintendent or designee. The Plan, audited at least on an annual basis, shall adhere to the following general principles:

- District records shall be managed in a manner that ensures timely, efficient, and accurate retrieval of information.
- District records shall be organized and filed according to standards approved by the District.
- District records shall be maintained in a secure environment to protect District-wide operational practices, including information resources, which allows for the recovery of records affected by an emergency or disaster.
- District records shall be retained and disposed of in accordance with authorized records retention schedules; applicable federal, state, and local laws; and provisions set forth in this policy and established guidelines.

Unauthorized modification and/or disposal of records identified in the Plan without prior authorization by the Superintendent or his/her designee is prohibited.

### Exceptions

Information classified as a non-record shall not be managed under the District Records Retention and Disposal Plan and in the absence of a Litigation Hold may be disposed of when no longer of immediate value.

## **B. Retention and Disposal of Records**

Each department, in collaboration with General Counsel, shall develop a records retention and disposal schedule to govern the records under their purview. Schedules for the retention and disposal of records shall be catalogued in a District Records Retention and Disposal Plan. With consideration given for business, legal, fiscal, operational, and historical requirements, District-owned records shall be retained for the time necessary to meet regulatory specifications and/or for the time required by the District to ensure efficiency in operational practices. In the absence of business and regulatory needs, the District shall retain and dispose of records in accordance with guidelines established by the Superintendent or designee. Nothing in this policy shall prohibit the retention of records beyond any assigned period of time to satisfy specific District circumstances.

### 1. Retention

- a. Retention periods set forth in the schedule shall be a part of the Records Retention and Disposal Plan specific to the department.
- b. A retention schedule, at a minimum, shall provide the record name; brief description (i.e., function and purpose); length of retention period; governing regulations; official record medium; and disposal instructions.
- c. District records shall be securely stored to protect the record against alteration, loss, destruction, and/or unauthorized access. Such records may be securely

stored at the current location, transferred to another location, or converted to a digital/electronic format.

2. Disposal

- a. The disposal of District records shall be prohibited unless authorized in a disposal schedule approved by the Superintendent or designee.
- b. The disposal of District records shall be performed in accordance with procedures approved by the Superintendent or designee.
- c. District records shall be disposed of upon the expiration of the required retention period except when the schedule is suspended due to a Litigation Hold or as deemed appropriate by the Custodian for the record with approval from the Superintendent or designee. Records with a permanent retention shall not be disposed.

**C. Suspending/Amending Retention and Disposal Schedules-Due to Litigation Hold or Approved Waiver**

1. Litigation Hold

The disposal of records, regardless of their format, which may be relevant to an actual or potential litigation or subject to a claim, audit, agency charge, investigation or enforcement action affecting the District, shall be suspended upon notification by the Office of General Counsel. Records subject to a Litigation Hold shall be preserved in accordance with specifications outlined in the notification. A Litigation Hold may be applicable to District records and non-records.

2. Waiver

The District, in consultation with the Office of General Counsel and upon approval of the Superintendent or designee, may grant waivers to amend approved retention and disposal schedules for sufficient cause. Such cause may include, but shall not be limited to revisions in statutes/regulations.

**D. Sanctions**

The intentional destruction or alteration of District records, including ESI, under Litigation Hold is strictly prohibited and may result in disciplinary measures up to and including termination from employment with the District.

**V. RESPONSIBILITY**

- A. Custodians are responsible for their respective department's records inventory and for maintaining and annually updating the Records Retention Schedule.
- B. Custodians are responsible for ensuring that record retention and disposal schedules for their departments are followed and that appropriate steps are taken to preserve records under Litigation Hold.

C. The Superintendent or designee shall be accountable for the governance of information and shall assign responsibility to appropriate Custodians for the management, retention, and disposal of records.