

Business

Non-instructional Operations

Retention of Records

CREC complies with all state and federal laws and regulations regarding the retention, storage and destruction of electronic and paper records.

General administrative, financial and educational records, including electronic records, shall be maintained and retained according to the standards and schedules published for the guidance of municipal offices and boards of education by the Public Records Administrator for the State of Connecticut.

All paper and electronic records, including records that might otherwise be deleted or destroyed, that relate to any matter that is currently in litigation or may be anticipated to involve future litigation shall be preserved.

The Executive Director or his/her designee shall be responsible for developing and implementing administrative regulations in accordance with this policy.

Legal Reference: Connecticut General Statutes

Conn. Gen. Stat. §§ 1-200(5); 1-211; 1-213(b)(3)

Conn. Gen. Stat. § 7-109

Conn. Gen. Stat. § 11-8 et seq.

Policy adopted: April 18, 2018

CAPITOL REGION EDUCATION COUNCIL
Hartford, Connecticut

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This regulation is designed to assist in the implementation of CREC policy regarding the retention of paper and electronic records. It supplements, and is not intended to replace CREC's student records policy.

I. Records Custodian

The Executive Director shall designate a Records Custodian who will be responsible for the implementation of CREC policies and regulations for the retention and preservation of paper and electronic records, including e-mails and electronically stored information; the coordination of the district's response to requests for access to records, in accordance with the Connecticut Freedom of Information Act; and the collection, coordination, and retention of documents that are subject to a litigation hold.

II. Definitions

E-mail is a means of sending messages between computers using a computer network or over a modem connected to a telephone line. This information consists primarily of messages, but may also include attachments such as calendars, directories, distribution lists, sound recordings, photographs, images, word-processing documents, spreadsheets, and other electronic documents. E-mail is stored in a digital format rather than on paper and is retrievable at a future date.

Electronically stored information is information that is fixed in a tangible form and is stored in a medium from which it can be retrieved and examined. It can consist of writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations stored in any medium from which information can be obtained into useable form.

Public Records are any recorded data or information relating to the conduct of the public's business prepared, owned, used, or received by a public agency, whether such data or information is handwritten, typed, tape-recorded, printed, photocopied, photographed or recorded by any method.

III. Retention guidelines

Public records must be retained for the period of time specified in the retention schedule adopted by the Connecticut State Library, Public Records Administrator.

The same record retention policy that applies to paper records applies to electronic records, electronically stored records, including e-mail communications and electronically stored information. The content and function of the records, whether paper or electronic, determines their retention period.

E-mail messages sent and received by district personnel are classified into one of three broad categories:

1. Transitory messages, including copies posted to several persons and casual and routine communications similar to telephone conversations. These are not essential to the fulfillment of statutory obligations or to the documentation of district functions. Examples include, but are not limited to:
 - a. Messages that address routine administrative and curricular matters, announcements of meetings, schedules of events, etc.
 - b. Messages that take the place of informal discussion and which if they were printed would not be retained in school records.
 - c. Messages that transmit generic information and are not specific to a student's educational program.
 - d. Messages that address personal matters unrelated to the district.

Transitory messages may be deleted at will, without obtaining prior permission from the Public Records Administrator.

Note: Voice mail messages are generally transitory in nature and may be deleted at will. However, there are times when such messages may require a longer retention period, such as in cases where they may be potentially used as evidence – for example, a message relating a bomb threat, or some other illegal activity; or where they relate to existing or potential litigation.

2. Less than Permanent messages. Examples include, but are not limited to:
 - a. Messages that address significant aspects of a specific student's educational program including, but not limited to, health, discipline, special education program, interaction with DCF, and communication with parents relating to aspects of the student's interaction with the school district.
 - b. Messages that address and/or provide information used in making policy decisions, concerning curricular or co-curricular activities, personnel actions, or that relate to the business transactions of CREC.
 - c. Messages that address activities of significant interest in the community relating to CREC.

Less than permanent messages follow retention schedule for equivalent hard copy records. The records must be in hard copy, or electronic format which can be retrieved and interpreted for the duration of the retention period. When there is doubt about the retrievability of such records during the retention period, the records should be printed out.

These records may be deleted or destroyed only after making and retaining a hard copy or after receiving signed approval from the Public Records Administrator.

3. Permanent or Permanent/Archival Records. Examples include, but are not limited to:
 - a. Policy and Procedures manuals
 - b. Physician's standing orders
 - c. Nursing protocols

These records must be retained permanently.

E-mail and electronically stored information will be archived for their required retention period using method(s) approved by the Records Custodian, which may include the following:

1. Print message or record and store in appropriate hard copy file.
2. Place in computer folders and save on hard drive.
3. Save to a removable disk which is then stored in an appropriate location.
4. Transfer to an automated records management software application.
5. Manage at the server by an automated classification system.

The Records Custodian will be responsible for working with the systems administrator to implement a schedule and system for reviewing electronically stored information. This review shall occur at least annually.

No system-wide process for automatic deletion of electronic information will be implemented without notice to any individual who may have such information and each such individual will verify that (s)he has reviewed and archived information that must be retained. Following this review, all e-mails and/or electronically stored information that have not been archived according to CREC policies and procedures shall be designated for deletion or archiving, and the affected CREC employees will be notified about the procedures to be followed to implement this process. The Records Custodian or his/her designee shall follow up with notified employees to ensure compliance.

Additionally, the Records Custodian, working with the systems administrator, shall ensure that any process for automatic deletion of electronic information from the system will not delete information stored in folders and/or system locations that have been designated as appropriate for archiving electronically stored information.

IV. Holds on the Destruction of Paper and Electronic Records

Upon receipt of notice that CREC is involved in litigation as a party to a lawsuit, grievance or complaint; CREC is issued a subpoena by a party to a lawsuit in which CREC is not a party; or upon receipt of information that would lead a reasonable person to anticipate the possibility of litigation, the Records Custodian shall immediately take steps to ensure that paper and electronic records related to the litigation or potential litigation are preserved from deletion or destruction.

The Records Custodian shall issue a “litigation hold” memorandum that specifically describes the types of documents and information that must be preserved and describes how those materials are to be identified, maintained and stored. The memorandum shall specifically state that the duty of preservation is ongoing and that it is the responsibility of employees to continue to identify and preserve relevant documents until notified via a subsequent memorandum that the “litigation hold” is no longer in effect. All employees who are sent a “litigation hold” memorandum are to acknowledge receipt and understanding of the memorandum in writing, which may be in the form of an e-mail response. A copy of any “litigation hold” memorandum shall to be sent to Information and Educational Technology Services.

The Records Custodian shall be responsible for the collection and coordination of the retention of documents that are subject to the “litigation hold”. He/she shall work with CREC’s Information and Educational Technology Services personnel to ensure compliance with the “litigation hold.”

The Records Custodian shall determine the types of paper and electronically-stored documents that exist and where they are maintained; determine where the identified documents will be stored; and implement procedures to ensure that CREC employees are complying with the “litigation hold.”

No system-wide process for automatic deletion of electronic information will be implemented while a “litigation hold” is in effect without prior notice to the Records Custodian and verification by the Records Custodian that the deletion process will not destroy documents or information that is subject to a “litigation hold.”

The Records Custodian shall reissue the “litigation hold” memorandum, as deemed necessary, and will ensure that the memorandum is provided to new employees who may have access to relevant information. The Records Custodian shall ensure that all steps taken to identify and preserve relevant information are documented.

Regulation adopted: February 21, 2018

CAPITOL REGION EDUCATION COUNCIL
Hartford, Connecticut