

## **CHAPTER 17.02 RECORDS MANAGEMENT POLICY**

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### **17.02.02 Introduction**

A. A Records Management Program is designed to “...apply efficient and economical management methods to the creation, utilization, maintenance, retention, preservation, and disposal of County records”. Effective records management ensures that records are kept **only** as long as they have some administrative, fiscal, or legal value.

B. When records no longer fulfill the value for which they were created, they should be destroyed unless they also have some historic or research significance. If that is the case the records should be preserved. Staff should realize that an effective records management program is not only cost effective, it will also make their jobs easier.

### **17.02.04 Purpose**

This policy provides general guidelines to be followed by departments in the retention and destruction of records, specific procedures for the protection of records containing personal and confidential information and records that are considered of historical significance.

### **17.02.06 Intent**

The intent of this policy is to require all County departments to comply with the following general guidelines on records retention and specific procedures pertaining to the protection of Glenn County records.

### **17.02.08 Records Retention – General Information**

A. The Records Management Policy’s primary concern is the efficient, effective and economical management of information. The guiding principle of records management is to insure that information is available when and where it is needed, in an organized and efficient manner, and in a well-maintained environment.

B. In today’s litigious society records management is more important than ever but unfortunately is still overlooked and under-funded at all levels of government. In court an astute attorney can discredit the County in the eyes of a judge or jury by attacking the way the County handles its records. The fact that the records may refute or support a particular position is obscured by the attack on how the County accounts for and handles those records. The County’s legal position in the litigation may be influenced by how well or how poorly they comply with accepted records management practices.

C. **A sound records management policy doesn’t cost – it pays.** It pays by improving customer service, increasing staff efficiency, allocating scarce resources, and providing a legal foundation for how the County conducts its daily mission. It helps identify and justify opportunities for new technology. Microfilm, optical disk, optical character recognition, workflow, e-mail, bar code, and other related technologies cannot be adequately evaluated and cost justified without a good records management policy. Other benefits of effective records management include:

- Space Savings
- Reduced expenditures for new filing equipment
- Increased efficiency in information retrieval
- Compliance with legal, administrative, and fiscal retention requirements
- Identification and protection of vital records
- Control over creation of new records

- Identification of records with research value
- Identification of records with historical value

D. A records management program is more than retention schedules and the disposition of records; records management also encompasses all the record-keeping requirements that allow the County to establish and maintain control over information flow and administrative operations. A records management program seeks to control and manage records through the entirety of their life cycle, from their creation to their final disposition.

#### 17.02.10 Informational Definitions

**Active Records** – Records that are referred to at least once a month. Also – As a retention period for a Perpetual Record that remains “active” until some event occurs to change its status, at which time it has fulfilled its function. (See also **Perpetual Record**)

**Administrative Records** – Records commonly found in all offices and typically retained only for short time periods – less than five years. Examples include subject, chronological, budget, and policy files.

**Archival Records** – Records with enduring value because they reflect significant historical events, document the history and development of the County and/or a department, or provide valuable research data.

**Confidential information** – Information that is sensitive, proprietary or personal to which access must be restricted and whose unauthorized disclosure could be harmful to a person, process or to the County.

**Discovery** – The pretrial disclosure of pertinent facts or documents by one or both parties to a civil action or proceeding. Anything requested during discovery must be disclosed if it exists – even non-records and records that should have been destroyed earlier. Discovery effectively freezes selected holdings until released by opposing attorney or the court.

**Local Government** – Government Code, Section 6252 states: “‘Local Agency’ includes a county; city, whether general law or chartered; city and county; school district; municipal corporation; district; political subdivision; or any board, commission or agency thereof; other local public agency; or nonprofit entities that are legislative bodies of a local agency pursuant to subdivisions (c) and (d) of Government Code, Section 54952.”

**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, and library or museum material intended solely for reference or exhibition. Also, documents such as rough notes, calculations or drafts assembled or created and used in the preparation or analysis of other documents. (See also **Discovery**)

**Permanent Records** – Records that are required in perpetuity, usually identified by statute or other written guidance. Examples include original birth certificates, death certificates, Spanish land grants, etc.

**Perpetual Records** – Records retained for an indefinite period of time and then stored or destroyed after some event takes place. Examples include office personnel files which are kept until a person leaves the office, policy files kept until the policy is changed, contract files kept until the contract terminates, etc.

**Personal information** – Any information maintained by a department that identifies or describes an individual including, but not limited to, his or her name, social security number, physical description, home address, telephone number, education, financial matters, and medical or employment history.

**Program Records** – Records that relate to the primary function of a department in response to its daily mission. Examples include lien files, recorders files, election files, probate records, medical records, etc.

**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** – All papers, maps, exhibits, magnetic or paper tapes, photographic films and prints, punched cards, and other documents produced, received, owned or used by an agency, regardless of physical form or characteristics, which pertains to all forms and all media, including: handwritten, typed or printed documents on paper, electronic documents (e.g., e-mail, websites/URL addresses, diskettes, CDs), video, audio, network servers and document management systems.

**Records Retention Schedule** – A list of all records produced or maintained by each department and the actions taken with regards to those records. A retention schedule is the County's legal authority to receive, create, retain, and dispose of official public records. It assists departments by documenting which records require office or temporary storage, which records have historic or research value, and which records should be destroyed because they no longer have any administrative, fiscal, or legal value. In the event of litigation, courts accept a retention schedule as establishing an agency's “normal course of doing business”.

**Retention Period** – The length of time a record must be retained to fulfill its administrative, fiscal and/or legal function. After which a

record should be disposed of as soon as possible in accordance with an approved Records Retention Schedule.

#### **17.02.12 Record Retention Schedules and Guidelines**

A. Each County Department shall prepare a Records Retention Schedule for the specific records pertaining to their office. Each schedule will be placed on the Board of Supervisors agenda for consideration and approval. Once retention periods have been established for all records, a countywide Records Retention Schedule shall be developed and added as an Exhibit to this policy. This schedule will formalize the retention and disposition of the County's records and will establish a guide to comply with "normal course of doing business" practices.

B. The Clerk of the Board Office will be responsible for creating and monitoring a master file which will include the General Retention Schedule and all Department Specific Retention Schedules adopted by the Board of Supervisors.

C. The Clerk of the Board Office will be responsible to review and update the General Retention Schedule on an annual basis.

D. Department Heads will be responsible to review and update Department Specific Retention Schedules and forward any revisions to the Clerk of the Board Office.

E. The General Retention Schedule shall be the minimum standard for all Departments.

#### **17.02.14 Record Retention Authority**

A. The approval authority for disposition of County records is the Board of Supervisors.

B. The Board of Supervisors shall approve the General Retention Schedule for common administrative records, which will be applicable to all County departments and Department Specific Schedules maintained by a particular department. Thereafter, each department must follow the General Retention Schedule, its specific Retention Schedule; and any policies and procedures approved by the Board of Supervisors regarding records management practices.

C. Upon approval by the Board of Supervisors and as indicated in the records retentions schedules, County departments shall retain records that are useful and/or are required by law (including State or Federal law) to be filed and preserved. However, County departments may destroy any common record, paper or document that is described under Government Code § 26202 – 26205, as follows, but not limited to:

1. Copies of documents which are in the possession of a County department, and the original or the permanent photo reproduction (microfilm/microfiche) of which is maintained in the files of another County officer or department, may be destroyed at any time with the authorization of the Board of Supervisors. [Government Code § 26201]
2. Any record, paper, or document which is more than two years old and which was prepared or received in any manner other than pursuant to a state statute may be ordered destroyed by a majority vote of the Board of Supervisors. [Government Code § 26202]
3. Any record, paper or document which is more than two years old, which was prepared or received pursuant to state statute and which is not expressly required by law to be filed and preserved, may be destroyed if the Board of Supervisors determines by 4/5s vote that the retention of any such record, paper or document is no longer necessary or required for county purposes. [Government Code §26202]
4. Original documents which are not specifically required by law to be preserved may be destroyed upon authorization of the Board of Supervisors at any time if all of the following conditions are satisfied:
  - a. The records are photographed, microphotographed, electronically recorded, recorded on optical disk or reproduced on any permanent medium;
  - b. The recording method does not permit additions, deletions or changes in the text of the document; and
  - c. The recorded documents are made conveniently accessible to persons wishing to inspect the same. [Government Code § 26205]

D. Original, nonjudicial public records, documents, instruments, books, and papers in the custody of a County officer and required to be preserved may be destroyed upon authorization of the Board of Supervisors at any time if all of the following conditions are satisfied:

1. The Board of Supervisors adopts a resolution authorizing records destruction pursuant to this section; and
2. The officer having custody of the records maintains for the use of the public a permanent photographic or microphotographic film, electronic record, tape or disk reproduction of the original document which does not permit additions, deletions or changes in the text of the document. [Government Code § 26205.1]

E. Original documents dealing with the administration of federal or state funded programs and which are not otherwise required to be preserved by state law may be destroyed only with the consent of and under the records retention regulations of the federal or state agency funding the program, and with the authorization of the Board of Supervisors, utilizing the procedures set out in B or C above.

F. Departmental records concerning employee performance, assignments or discipline, the originals of which are not lodged with the Personnel Department shall be retained for at least two years and may not be destroyed while there is any investigation pending concerning discrimination charges filed by or concerning that employee. [29 CFR 1602.14]

G. Records retention statutes establish the minimum time periods for retention. Departmental practices, internal and external audit requirements, the investigation of complaints, the existence or likelihood of litigation or administrative enforcement actions, or other business needs may compel a longer records retention period.

H. As a “rule of thumb,” it is recommended that original business records (or accurate copies thereof) be maintained for at least five years after the close of the fiscal year to which the records pertain. If there is any doubt as to the need for longer retention of a particular record, please consult with the County Counsel’s Office.

#### **17.02.16 Protection of Records Containing Personal or Confidential Information**

A. County departments shall secure and appropriately dispose of all records, papers or documents with personal or confidential information.

B. Paper documents that contain personal or confidential information such as social security numbers, health-related information, or financial information must be properly stored and secured from view by unauthorized persons.

C. Secure measures must also be employed by all departments to safeguard personal or confidential data contained on all information technology assets in the custody of the County.

#### **17.02.18 Disposition of Records**

A. Once records have fulfilled their administrative, fiscal, or legal function they should be disposed of as soon as possible in accordance with their Records Retention Schedule. A properly completed schedule provides the County with the legal authority to dispose of records entrusted to its care. Disposition may include sending appropriate records to the Historical Records Commission and/or a storage facility, recycling unneeded records, and/or destroying unneeded confidential records.

B. Departments should not keep records beyond the record’s administrative, fiscal, or legal value “just in case” the records may be desired for future purposes. This practice creates excess records, which will over-burden staff, slow response times to public requests, and extend the agency’s legal liability. In the event of litigation the court will want to know what the agency does in the normal course of doing business. Your Records Retention Schedule spells out the normal course of business for how the County handles and disposes of its records. A court cannot demand the County to produce documents that have been destroyed in accordance with accepted and documented (your retention schedule) business practices.

#### **17.02.20 Electronic Mail (E-mail) Retention Instructions**

A. **E-mail records that are classified as official records** are subject to the individual department’s records retention schedules and must be retained for the same period of time as the records series that most closely matches the subject matter contained within the new e-mail message. If there is no entry that resembles or matches the subject matter of the e-message, the “record” should be added to the appropriate retention schedule as a separate series of records.

B. **Transitory E-mail** consists of electronic messages that are created primarily for the communication of informal information as opposed to the perpetuation or formalization of knowledge. Destroy transitory e-mail when they have served their purpose.

#### **17.02.22 Disposition of Records Containing Personal or Confidential Information**

A. When records containing personal or confidential information are ready for destruction, departments shall destroy the information completely to ensure that the information cannot be recognized or reconstructed. In addition, any personal or confidential data contained on computer media must be obliterated and/or made indecipherable before disposing of the tape, diskette, CD-ROM, zip disk, or other type of medium.

B. Each department must provide appropriate methods and equipment to routinely destroy personal or confidential information. The safeguards listed are in priority order with the most highly recommended safeguard listed first. At the minimum, one of the following safeguards must be implemented:

- Conduct due diligence and hire a document destruction contractor to dispose of material either offsite or onsite.
- Require that the disposal company be certified by a recognized trade association.
- Review and evaluate the disposal company's information security policies and procedures.
- Review an independent audit of a disposal company's operations and/or its compliance with operations.
- Secure and utilize shredding equipment that performs cross-cut or confetti.
- Secure and utilize erasing equipment.
- Modify the information to make it unreadable or indecipherable through any means.

#### **17.02.24 Disposition of Old Records with Historic or Research Significance**

A. Archival review may be sought from the Historical Records Commission.

B. Some records will have enduring value because they reflect significant historical events or document the history and development of the County. Others contain accumulated data that can be useful for both scientific and genealogical research. The Historical Records Commission may be able to assess this potential value for the agency and determine if the need for retention exists.

**CHAPTER 17.04**  
**BOARD ACCESS TO CONFIDENTIAL INFORMATION**

*17.04.02 Access by Board Members to Confidential Information Maintained by the County Counsel*

**17.04.02 Access by Board Members to Confidential Information Maintained by the County Counsel**

A. Each member of the Board of Supervisors has equal and individual access to the Glenn County Counsel and through the County Counsel to the information contained in County Counsel records and files to which the Board as a whole has access.

B. Any individual Board member desiring access to information in County Counsel records or files shall provide reasonable notice to the County Counsel and make an appointment to review the desired information.