

**City of Pacific Grove
Council Policy**

Subject	Policy Number	Effective Date
Records Management and Records Retention Schedule	000-19	January 18, 2012

Implementation

The purpose of this policy is to provide for the management of the City of Pacific Grove's records in an efficient manner, to streamline paper flow, provide for document archiving, minimize the temporary storage constraints, and remain in compliance with the California Public Records Act and the California Government Code.

This Policy establishes the practice to be followed with respect to records retention and records management.

Definitions

- **Active Records** - Records that are referred to at least once a month per cubic foot of records. 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 **Perpetual Record**)
- **Administrative Records** - Records commonly found in all offices and used in the conduct of daily business. These are typically retained for short time periods, i.e., fewer than five years. Examples include subject, chronological, work plans, and policy files.
- **Archival Records** - Records with enduring value because they reflect significant historical events, document the history and development of the City, or provide valuable research data.
- **Damaged Records** - Records that have been damaged by water, fire, and other forms of contamination during natural and man-made disasters. Dependent on the severity of the damage, records may be recovered or may need to be declared unrecoverable and destroyed.
- **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 the opposing attorney or the court.
- **E-mail** - The transmission of messages over communications networks. The messages can be notes entered from the keyboard or may include attachments of electronic files stored on disk.
- **Inactive Records** - Records that are accessed an average of less than once per month per cubic foot of records, but that have not completed their full retention period. These records may be stored in a separate location from active files. Also, a Perpetual Record that has fulfilled its function. (See **Perpetual Record**)

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- **Local Government** - Government Code § 6252 provides: “‘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 or kept in the ordinary course of business, such as transitory documents, voicemail, e-mail, unofficial copies of documents kept only for convenience or reference, working papers, appointment logs, stocks of publications and blank forms, 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. NOTE: A draft that contains substantive comments from a project applicant, an applicant’s attorney, consultant or agent, should be treated as a record of comments received from that source, and the draft or portions showing the substantive comments should ordinarily be retained accordingly. (See **Discovery**)
 - **Permanent Records** - Records required to be kept in perpetuity, usually identified by statute or other written guidance. Examples include original minutes, ordinances, resolutions, land grant deeds, etc.
 - **Perpetual Records** - Records retained as active files for an indefinite period of time and then stored or destroyed after some event takes place. Examples include office personnel files which are active until a person terminates employment; policy files kept until the policy is changed; contract files that are active until the contract terminates, then destroyed a fixed number of years later; current database information until it is superseded; etc.
 - **Program Record** - Record that relate to the primary function of the City in response to its daily mission. Examples include lien files, recorders files, election files, probate records, medical records, etc.
 - **Public Record** - For purposes of the California Public Records Act, any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by the City regardless of physical form or characteristics.
 - **Record** - A thing that constitutes an objective, lasting indication of a writing, event, or other information that is in the custody of a public officer and has been kept because it is necessary or convenient to the discharge of the public officer’s duties and was made or retained for the purpose of preserving its informational content for future reference. Substantive written communications from individuals or entities who are not City employees, officials, or contractors are ordinarily not considered records.
 - **Records Retention Schedule** - A list of all records produced or maintained by the City and the actions taken with regards to those records. A retention schedule is the City’s legal authority to receive, create, retain, and dispose of official public records. It assists the City 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, historical, or legal value. In the event of litigation, courts accept a retention schedule as establishing the City's "normal course of doing business." The Schedule is attached hereto and incorporated herein by reference.

- **Retention Period** - The length of time a record must be retained to fulfill its administrative, fiscal historical and/or legal function. Then a record should be disposed of as soon as possible in accordance with an approved Records Retention Schedule.
- **Software** - any system, program, application, instruction, or protocol designed to store, control or process data.
- **Vital Record** - record required for daily operations and to resume those operations after a disaster. A Vital Records program protects records from the effects of the disaster and assists in recovery from the event.

General Records Management

Official records are comprised of a collection of documentation, including legislative, historic, legal, fiscal, and administrative documents, as well as vital records. Records management entails administering various document formats such as correspondence, mail, e-mails, faxed material, historical reference, and electronic media.

Records management archiving is a conventional method of safeguarding history for the benefit of education, accessibility to research and preservation of valuable fiscal, legal and administrative information. As the records management system for the City includes a vast array of elements; it is incumbent upon each department to ensure proper safekeeping and destruction pursuant to the criteria set forth herein.

Statutory references are legal citations setting forth the retention and destruction guidelines. These guidelines ensure that the records are maintained legally and efficiently. Records that are not appropriately maintained or improperly destroyed expose the City to potential liability.

In all instances that documentation of destruction is required, an Authorization to Destroy Obsolete Records must be completed and signed by the program manager and City Attorney. This form serves as a permanent record, and would be utilized in any legal proceedings as evidence of proper destruction.

California Government Code Section 34090.5 provides that if a record series can be produced electronically and proper archival methods are set in place, the original may be destroyed, with the exception of those documents that are required to be kept permanently in their original format as outlined in the retention schedule.

It is the goal of the City to move toward an electronic imaging program. Until an electronic system is in place, a concerted effort will be made to adhere to the retention schedule and to destroy all appropriate records that are being stored in various facilities throughout the City, and prepare archival material for electronic filing. Preparation of archival material will include indexing according to the City's Filing System. Once an electronic imaging or other acceptable system has been installed, and training has been provided, all departments will manage the backlogged materials and proceed with proper archiving or destruction pursuant to the requirements in the retention schedule under the leadership of the City Clerk's Office. This process will eliminate a large number of storage boxes and release space for other uses, as well as bring our records management program into full compliance.

In most cases, records not addressed in the attached schedule should be considered routine in nature and identified as general information under a specific record series. Retention for those files would be two years unless specific laws, decisions or opinions apply to that record series. Transitory correspondence files, consisting of correspondence, routine transactions, memoranda, or e-mails holding no administrative, fiscal, historical, or legal value should not be filed in working files. Examples of transitory documents may be, but are not limited to transmittal letters, forms, e-mails (see section on e-mail below), requests for routine information or publications, announcements, and other documents not requiring action by the receiving office.

Documents that are not transitory in nature, not addressed in this schedule, and for which there are legal requirements or the record is essential either for legal, historical, fiscal, or administrative value, shall have a record series number and title assigned to them and added to the retention schedule. The retention schedule is not a permanently fixed document, but flexible in nature to accommodate legal, administrative, or fiscal policy changes. Contact the City Clerk for review of any requested changes.

E-mail Retention Policy

It is the City's policy that City e-mail and e-mail systems are intended to be a medium of communication. City e-mail systems are not intended to be and may not be used for the electronic storage or maintenance of City records. The email system, to function as intended, anticipates or requires that employees regularly delete communications from the system.

E-mail messages and attachments comparable to hard copy documents that would be retained under this policy should be retained as follows: The document must be categorized in the appropriate record series and converted to the appropriate electronic format or printed in hard copy and retained for the required time period as outlined in the City's Records Retention Schedule. No matter what form in which the record is retained, proper procedures as outlined in City's Records Retention Policy must be followed prior to the destruction of any record.

Routine e-mail messages comparable to telephonic communications are non-records. They are not intended to be retained in the ordinary course of City business, and the informational content of such communications is neither necessary nor intended to be preserved for future City use or reference. Each user will have the responsibility to remove such non-records from folders within

the City's electronic mail system on a rolling 2 year schedule. This includes items in "received" and "sent" folders as well as any folders set up by individual users. Upon removal from the City's email system, the non-records will be disposed of in the City's ordinary course of business. An e-mail is considered destroyed as soon as it has been deleted from a user's mailbox, even though it is temporarily stored in the trash folder before being purged from the e-mail system. This action is analogous to throwing a paper document into an office trashcan. Digital e-mail back-up tapes are destroyed on a regular basis.

Each e-mail user will be trained in the application and implementation of this policy. This policy does not prohibit employees from maintaining temporary working files or folders to allow for quick reference to recent e-mails.

Retention of Other Electronic Data

With the increased use of electronic data, attention to the retention requirements for electronic records becomes extremely important. Other than Internal Revenue Service Revenue Procedure 91-59, which recognizes electronic data interchange records and specifies that these records may be retained in electronic form unless a visible record is requested by a tax auditor, no other law at this time requires an organization to maintain both the electronic and hard copy form of the same information. You may, therefore, maintain records in any form unless the law either specifies the form or restricts the forms that can be used.

Databases

Databases consist of electronic files and fields of data that provide useful information to the organization. Typically, databases are modified over time through the addition, deletion, or modification of records. Reports are periodically prepared to reflect information from the databases that may be useful for specific purposes. Due to the large volume of information maintained in databases, reports rarely reflect all the information found in the database. Backups of databases, which are stored on City servers, are performed daily and would be used to restore the databases in case of accidental erasure or disaster.

Databases maintained by the City could include financial information, mailing lists, customer information, employee information, work order tracking, marketing information, records management information, etc. Since reports typically do not reflect the entire content of the database, the electronic form of the database contains different information than the visible reports. Electronic databases are often more useful than the paper reports, so visible reports are not equivalent to electronic databases.

For records retention purposes, a database is an official record of the organization. The retention period is established as 'until superseded (SUP)' to reflect that only the current version needs to be maintained. Daily digital backup tapes are destroyed after four days; weekly backup tapes are destroyed every three weeks; and monthly backup tapes are destroyed on a rolling twelve-month cycle. Periodic reports, which are produced in hard copy format from a database and used for administrative, fiscal, legal or historical purposes, may be official records. These reports must be maintained for the requisite retention period according to the particular records series they are

assigned. For example, the City's annual Budget Report is a "snapshot" of our financial position at the end of the fiscal year, and is used to inform Council (legal), staff (administrative) and citizens (legal & historical). That snapshot must be retained for its designated retention period to reflect operational needs.

Disaster Prevention and Damaged Records Recovery Policy

It is the policy of the City to ensure that its records are identified and protected as much as humanly possible from natural and man-made disasters. This policy applies to all employees who create, receive, and maintain City records. The administrative procedures described below afford the City the most efficient and cost effective method for protecting City records and recovering records when disasters occur.

Adopted: October 5, 2011 (Resolution No. 11-079)

Revised: January 18, 2012 (Resolution No. 12-003)

Revised: August 15, 2018 (Resolution No. 18-028)