

# DELAWARE VALLEY SCHOOL DISTRICT

SECTION: OPERATIONS

TITLE: RECORD RETENTION  
POLICY

ADOPTED: DECEMBER 13, 2012

REVIEWED: NOVEMBER 15, 2012

<b>800. RECORD RETENTION POLICY</b>	
1. Purpose	It is the policy of the Delaware Valley School District that its records, including both paper and electronic, be retained only as long as determined necessary to meet legal, audit and management requirements. In each case, the official retention periods shall be as short as possible in order to minimize the use of valuable space, promote efficiency, assist in the day-to-day operations of the School District, and reduce the cost of storage for unneeded records inventory.
2. Authority	The Record Retention Policy and Schedule has been formulated and approved by the Board of School Directors.
3. Delegation of Responsibility	The Record Retention Policy and Schedule shall be under the day-to-day supervision of the Superintendent, who may delegate responsibilities to others while maintaining the ultimate authority to enforce the Policy and Schedule.
4. Guidelines	<p><b>1. <u>Training</u></b></p> <p>Employees will be provided a copy of the Records Retention Policy and Schedule and periodically receive training on how it should be applied. Litigation hold requirements must be a predominant topic in the training sessions.</p> <p><b>2. <u>Litigation Hold</u></b></p> <p>When the School District has been given notice that a legal action is either pending or imminent or a government investigation will occur, destruction of records (documents) must be suspended immediately. Notice could occur before the filing of a Complaint, and assumes that the School District is previously aware of an incident or event that is subject to a suit.</p> <p>The Superintendent must be made aware of events or incidents that are likely to lead to legal action. Counsel must be notified immediately. Counsel will be responsible for evaluating the defenses available to the School District, identifying the records (documents) that may be relevant to a legal action, and responding to the suspension of the retention and destruction policies and schedule.</p>

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### 3. Interpretation

The Superintendent will be responsible for interpreting any portions of this Policy statement or the School District Records Retention Schedule as they may apply to specific situations. Any communication involving specific records retention requirements should be checked against the School District's required ethical conduct.

### 4. Exceptions

Requests for exceptions from this Policy should be submitted to the Superintendent. In order to obtain an exception from this Policy, there must be a program that will assure compliance with the basic objectives stated above, at least as effectively as the School District's Records Retention Schedule.

### 5. Review

Suggested changes should be submitted to the Board of Education. Changes in the Records Retention Schedule made necessary by changes or additions to the law must be communicated directly by the Superintendent who must cause appropriate changes to be made in the Records Retention Policy and Schedule.

### 6. Audit

The Superintendent is responsible for auditing the existence and content of the written records retention program and schedule. The Superintendent is responsible for auditing the actual implementation of the Policy and Schedule.

### 7. Storage

Designating appropriate storage is an important consideration. Documents must be preserved, and be reasonably accessible. A storage system should permit the necessary records to be easily located, managed, searched, retrieved, and produced.

Storage is a critical consideration in responding to subpoenas, discovery requests, investigations, regulatory requests, educational and business needs. Accessibility can also facilitate the document destruction component of the records retention program.

Security of the records is critical for confidential records, particularly records pertaining to some transactions, financial and tax records; employee records such as

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personnel files, medical records, compensation records and insurance forms; student records; and government records designated as confidential and having restricted accessibility and protected privacy.

Preservation is an important storage consideration. A proper environment conducive to maintaining the integrity of the records is critical. This includes, but is not limited to, secure software, electronic security protections, acid-free folders, climate control, anti-magnetic interference, and fire protection. Off-site storage of vital records is permitted. Anti-virus, anti-spyware, anti-spam, and other software should be maintained and updated regularly.

### **8. Disaster Recovery**

The Document Retention Program seeks to identify and preserve documents for disaster recovery where the informational value to the School District is so great, and the consequence of loss is potentially so severe to the continuity of the School District, that special protection is warranted. Records that qualify as disaster recovery records are:

- a. Legal, financial, tax and organizational status records;
- b. Obligations to employees, vendors, and students;
- c. Ownership of assets and inventory;
- d. Intellectual property and achievements not recognized elsewhere; and information on critical decision-making.

### **9. Archival Records**

Records that have value beyond their original purpose because they document significant business activities, or services should be safeguarded as a permanent resource. The following considerations should apply to the preservation of records:

- a. An archival collection should be prepared that includes, among other things, the minute books, each annual auditor's report, each annual financial report, trademarks, copyrights, deeds, financial records, and photographs.
- b. Special consideration should be made to evaluate whether in-school or outside protection is best.
- c. Loaned or gifted archival materials to other sources should be maintained by Superintendent.

### **10. Records Retention Due to Pending Litigation**

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The School District records that need to be retained due to pending litigation or government investigations must be reviewed frequently. Contact must be made with the Superintendent to verify possession of the most current list of records that should be considered protected (i.e. not to be destroyed) due to pending litigation or in litigation or subject to government investigation. Be aware that the court considers all recorded information as a record regardless of the medium of storage of the information. All records that relate to pending litigation or regulatory proceedings must be retained during the pending litigation and/or proceeding.

**11. Destruction**

Proper disposal or destruction of paper and electronic records is required. Records must be destroyed by shredding, erasing, or otherwise modifying the information of the record to make the record unuseable, unreadable, indecipherable or non-reconstructable through generally available means. Protected Health Information must be destroyed pursuant to the National Institute of Standards and Technology (“NIST”) security standards. See Destruction Policy, # 800.1.

HIPAA,  
HITECH Act,  
and HHS  
Regulation 45  
C.F.R. Parts  
160 & 164