

# DELAWARE VALLEY SCHOOL DISTRICT

SECTION: OPERATIONS

TITLE: RECORD DESTRUCTION  
POLICY

ADOPTED: DECEMBER 13, 2012

REVIEWED: NOVEMBER 15, 2012

<b>800.1 RECORD DESTRUCTION POLICY</b>	
1. Purpose	The proper disposal of information and data is important to minimize the use of valuable space, promote efficiency, assist in the day-to-day operations of Delaware Valley School District, reduce the cost of storage for unneeded records, and reduce the risk of identity theft and/or breaches of privacy, computer fraud and related harms. The School District employees must take reasonable measures to protect against unauthorized access to or use of records and information/data, and properly dispose of paper and electronic records, information and data.
2. Authority	The Records Destruction Policy has been formulated and approved by the Board of School Directors.
3. Delegation of Responsibility	<p>The Superintendent is responsible for the destruction of the School District records. Delegation of responsibilities may be made by the Superintendent if clear guidance is provided to those with delegated responsibility while maintaining the ultimate authority to enforce this policy.</p> <p>The Superintendent must use due diligence when hiring a document destruction contractor to dispose of material. Due diligence could include (a) reviewing an independent audit of a disposal company's operations and/or compliance with various defined destruction laws; (b) obtaining information about the disposal company from references; (c) requiring that the disposal company be certified by a recognized trade association; and (d) reviewing and evaluating the disposal company's information security policies and/or procedures.</p>
4. Guidelines	<p><b>1. <u>Destruction</u></b></p> <p>a. Destruction of all paper and electronic records must be by shredding, erasing, or otherwise modifying the information of the record to make the record unuseable, unreadable, indecipherable or nonreconstructable through generally available means. Other means include, but are not limited to, burning or pulverizing the records.</p>

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

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Information that is stored electronically must be made irretrievable before disposal.

Protected Health Information must be destroyed pursuant to the National Institute of Standards and Technology (“NIST”) security standards.

Records include discarding and abandoning information, as well as the sale, donation, and/or transfer of computers or other media where that information is stored.

b. Records must be destroyed within seven (7) days of the period designated in the Delaware Valley School District Retention Schedule, unless an exception is granted by the Superintendent, or a litigation hold is relevant.

c. Destruction of the records (original and copies) may not occur without the approval of the Superintendent.

d. Electronic records that are retained must be retained in a preserved record-keeping system along with the transmission data. In this case, e-mail messages in users mailboxes have little or no continued value and may be deleted. The records in the preserved record-keeping system are governed by this policy and the School District Record Retention Policy and Schedule.

### 2. Training

Training employees to ensure compliance with this policy, and the proper disposal methods for information, data, media and hardware is necessary.

### 3. Litigation Hold

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.

Groups or classes of records must be destroyed in the ordinary course of business under the approved School District Records Retention Policy and Schedule, which is designed to meet the legitimate needs of the School District. Selective destruction of records (documents) in

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anticipation of litigation is forbidden.

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.

### **4. Consequences for Violation**

Employees must be aware that violations of this policy may result in a variety of disciplinary actions, including but not limited to, warnings, loss of privileges, position reassignment, oral and written reprimands, suspensions (with or without pay), dismissals and/or legal proceedings.

Violations of this policy may be reported to appropriate legal authorities, whether local, state, or federal law enforcement. The School District will cooperate to the extent legally required with authorities in such investigations.