

Record Retention Policy

PURPOSE

This policy provides guidelines for the record retention practices of the Citizens Redistricting Commission (Commission). This policy applies to all records created and received by the Commission, Commissioners, and Commission staff, including paper, digital and electronic records, relating to the Commission's redistricting work.

BACKGROUND

The State Records Management Act, Government Code Sections 14740 – 14769 (Act), requires the Commission to establish and maintain a program for the economical and efficient management of its records. (Gov. Code, Sec.14750, subd. (a).) For this purpose, the Commission establishes this record retention policy.

The Act defines records as follows:

“[A]ll 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. Library and museum materials made or acquired and preserved solely for reference or exhibition purposes, and stocks of publications and of processed documents are not included within the definition of the term ‘record’ or ‘records’ as used in this chapter.”

(Gov. Code, § 14741.) In other words, the definition of records for purposes of the State Records Management Act includes all records, regardless of their form, made or received by the Commission in connection with the performance of its public duties.

POLICY

Executive Director Responsibilities

The Executive Director is responsible for overseeing the Commission's compliance with all applicable statutes, regulations, and other legal requirements related to record retention, and has the following duties: records inventory, records review and appraisal, and renewal and updating of schedules as required.

Appraising Record Values

Records that are required to be retained cannot be destroyed by the Commission unless the Department of General Services has determined that the records have no further administrative, legal, or fiscal value, and the Secretary of State has determined that the records lack sufficient research, historical, or archival value justifying preservation in the state archives. Development of effective record schedules and proper retention periods requires careful evaluation of these factors, which are summarized as follows.

Administrative Value. A record's administrative value is measured by how much it assists the Commission in performing current or future work. The primary administrative value of most records is exhausted, and thus should be destroyed, when the transactions to which they relate are completed. However, some administrative records contain important facts concerning the Commission's policies and functions; and, therefore, may be appropriate for longer retention to document the Commission's operations.

Legal Value. Records have legal value if they are relevant to a legally enforceable right or obligation of the state or the Commission. Once that right or obligation is conclusively resolved, the legal value of such records is exhausted. Examples of records with legal value include: legal decisions and opinions; fiscal documents; public input regarding redistricting; and draft and final redistricting maps.

Fiscal Value. Records of fiscal value pertain to the financial transactions of the Commission, such as budgets, ledgers, allotments, payrolls and vouchers. After records have served their basic administrative functions, they may still have sufficient fiscal value to justify extended retention to protect the Commission against court action or audits.

Research, Historical, or Archival Value: Some records have enduring value because they reflect significant historical events or document the history and development of the Commission. The California State Archives identifies such records in the Commission's schedules and reviews them prior to authorizing their destruction.

Categories of Records

The Commission's record retention policies apply equally to paper, digital and electronic records, including word processing documents, databases and email. Digital and electronic records must be retained for the same time period as corresponding paper records. To ensure that the Commission develops consistent and appropriate record retention schedules that allow the Commission to operate as effectively and efficiently as possible, the following categories of records are established:

1. **Permanent and Vital Records.**

Description: Permanent records are records that are required to be permanently preserved pursuant to state or federal law, regulations, or at the direction of the Commission.

Retention Period: Permanent. However, duplicate copies of permanent and vital records may be destroyed whenever they are no longer necessary for the efficient and effective operation of the Commission.

2. Active and Current Records.

Description: These are records maintained in an office or computer system for ready access because they are frequently referred to and necessary for effective and efficient performance of Commission responsibilities.

Retention Period: Retention period specified by law or regulation. Where state or federal law prescribes a definite period of time for retaining certain records, the schedule must provide for retention of those records for the prescribed period. Examples of such records include the Conflict of Interest Form 700 , which must be retained for seven years pursuant to Government Code section 81009, subdivision (e), and employment records, most of which must be retained for four years pursuant to federal and state law.

No retention period specified by law or regulation. Where state or federal law does not prescribe a retention period, the records schedule shall specify a retention period based on a careful evaluation of the record's administrative, legal, fiscal, and historical value. Absent unusual circumstances, active and current records maintained in a Commission office should be immediately disposed of or sent to storage when they are no longer necessary for the effective performance of Commission business. Transitory email consists of electronic messages that are created primarily for the communication of informal information as opposed to the perpetuation or formalization of knowledge. Transitory email should be destroyed once it has served its purpose.

3. Storage Records.

Description: Storage records include permanent records, active or current records that need not be readily accessible, and inactive or noncurrent records where it is administratively, legally, or fiscally prudent to retain the records for a prescribed period of time. Storage records may be located in personal offices, Commission storage, private storage, or stored electronically (such as on Commission computers or other electronic storage device/equipment.).

Retention Period: Paper Records. Only active, current, or permanent records that are frequently referred to and necessary for effective and efficient performance of commission responsibilities should be stored in Commission offices. Permanent records may be sent to storage.

Digital and electronic Records: Active and current digital and electronic records must be stored in secure location for the same time as their corresponding paper records. Reference, working, or informational copies of digital and electronic records and notes should be destroyed when no longer needed.

Retention Period: No Retention Required.

4. Documents and Other Material

Description: Documents and other material that need not be retained for any minimum period of time include: reference, working, or informational copies of records; phone messages; transitory email; informal notes; rough drafts of letters, memoranda or reports; copies of correspondence; and library and reference material.

Retention Period: Documents and other materials within this category (including originals and copies) should be destroyed when no longer needed unless they are otherwise required to be retained, are necessary to the functioning or continuity of the Commission, or have legal significance. According to the Department of General Services, computer back-up tapes and other duplicate computer files are not records that must be retained for purposes of the State Records Management Act.

Designating the “Record Copy.”

Because records can be maintained in multiple locations, the Executive Director should identify a secure location for the retention of “record copies” to be kept for the full retention period. All remaining copies should be destroyed as appropriate.

Public Records Act.

Notwithstanding the planned destruction of records pursuant to a record retention schedule, upon being informed of a Public Records Act request, the Executive Director shall take reasonable steps to ensure that no record that may be responsive to that request is destroyed until the request has been satisfied by informing the Commission and staff of the request and asking them to refrain from destroying requested records. Upon complying with the Public Records Act request, any records not otherwise required to be retained need not be retained.

Litigation Holds.

Records relevant to pending litigation must, at a minimum, be retained until the litigation is finally concluded.

RECORDS RETENTION SCHEDULE

Category of Records

Retention Schedule

Personnel and Payroll Records

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|------------------|-------------------------------------------------------------------------------|
| Payroll Records | Four years from the end of the pay period. |
| Health Benefits | Retain until superseded. |
| Employee Records | Retain until employee separates from state service, and then for five years. |
| Job Descriptions | Retain until superseded, and then retain as required for historical purposes. |

Fiscal Records

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|----------------------|--------------------------------------------------------|
| Budget and Ledgers | Four years. |
| Reimbursement Claims | Four years from the end of fiscal year in which filed. |

Correspondence

Letters

Discard when no longer needed, unless required to be kept permanently as part of the redistricting process.

Transmittals without significant information as to material transmitted.

Discard when no longer needed.

Transitory e-mail, created to transmit informal information.

Discard when no longer needed.

E-mail consisting of records that, if not transmitted by e-mail would be required to be retained.

Retain for the same period as would be required if not transmitted as e-mail.

Redistricting Records

Commission agendas and minutes.

Keep permanently.

Records of public input, including by letter, e-mail, or by other means if not transmitted as an e-mail would be.

Keep for 10 years after redistricting completed or transcripts of public testimony, and until any litigation is concluded, whichever is later.

Reports from consultants.

Keep for 10 years after redistricting completed or until any litigation is concluded, whichever is later.

Draft redistricting maps.

Keep for 10 years after redistricting completed or until any litigation is concluded, whichever is later.

Final redistricting maps.

Keep permanently.