

Record Retention Policy

No.

SECTION: OPERATIONS

TITLE: RECORD RETENTION POLICY

ADOPTED: February 14, 2018

REVISED:

Purpose: It is the policy of Naytahwaush Community Charter School 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.

Authority: The within Records Retention Policy and Schedule has been formulated and approved by the Board of School Directors.

Delegation of Responsibility: This Record Retention Policy and Schedule shall be under the day-to-day supervision of the Director, who may delegate responsibilities to others while maintaining the ultimate authority to enforce the Policy and Schedule.

Guidelines:

Training

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.

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.

The Director 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.

Interpretation

The Assistant 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.

Exceptions

Requests for exceptions from this Policy should be submitted to the Director. 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.

Review

The Director and Administrative Team must review this Policy and the Records Retention Schedule annually. Changes in the Records Retention Schedule made necessary by changes or addition to the law must be made in the Records Retention Policy and Schedule.

The Director is responsible for auditing the actual implementation of the Policy and Schedule.

The School District may hire an outside party to conduct an audit on compliance with this Record Retention Policy and Schedule and prepare a written audit report.

Storage

Designating appropriate storage is an important consideration. Documents must not only be preserved, they must 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 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.

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:

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

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:

- 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.
- Special consideration should be made to evaluate whether in-school or outside protection is best.
- Loaned or gifted archival materials to other sources should be maintained by the Director.

Records Retention Due to Pending Litigation

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 Director 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.

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 unreadable, undecipherable or nonreconstructable through generally available means.

Record Destruction Policy

No.

SECTION: OPERATIONS

TITLE: RECORD DESTRUCTION POLICY

ADOPTED: April 11, 2018

REVISED:

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 Naytahwaush Community Charter School, reduce the cost of storage of 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.

Authority: The within Records Destruction Policy has been formulated and approved by the Board of School Directors.

Delegation of Responsibility: The Director is responsible for the destruction of the School District records. The Director may make delegation of responsibilities if clear guidance is provided to those with delegated responsibility while maintaining the ultimate authority to enforce this policy.

The Director 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.

Guidelines:

Destruction

- Destruction of all paper and electronic records must be by shredding, erasing, or otherwise modifying the information of the record to make the record unreadable, undecipherable or nonreconstructable through generally available means. Other means include, but are not limited to, burning or pulverizing the records. Information that is stored electronically must be made irretrievable before disposal.

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.

- Records must be destroyed within seven (7) days of the period designated in the Naytahwaush Community Charter School's Retention Schedule, unless an exception is granted by the Director, or a litigation hold is relevant.
- Destruction of the records (original and copies) may not occur without the approval of the Director.

- 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.

Training

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

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 anticipation of litigation is forbidden.

The Director 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.

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.