

Records Management Workshop

April 25, 2019

Background

- Resolution 2008-243 established a City Records Retention Schedule
- Resolution 2017-339 set standards for electronic media retention and production of public records stored electronically
- On March 14th, resolutions were brought forward to:
 - Clarify electronic media retention policies, replacing 2017-339
 - Create roles and responsibilities for a Citywide Records Management Program
- Council wished to have further discussion of this topic, requested a workshop and placed the March 14th resolutions on hold

What is a Public Record?

A Record is:

- Any writing or recording that contains information related to the conduct of the public's business prepared, owned, used, or retained by the City regardless of physical form or characteristics
- Public records are defined by their content
- Some records, because of their enduring administrative, fiscal, legal or historical value, should be permanently retained

A Record is not:

- Identical copies of documents maintained in the same file, blank forms
- Extra copies of printed or processed materials
- Superseded drafts or manuals and other directives
- Materials received from other agencies, people, or businesses that require no action
- Transitory communications

Types of Records

- Records can be in Electronic and/or Paper form (sometimes both) or Video or Audio Recordings
 - Email
 - Temporary electronic (texts, IMs, voicemails)
 - Routine documents (letters, memos, contracts)
 - Permanent official records (permits, plans, resolutions, ordinances)
 - Video of incidents (PD, FAX, etc..)
 - Laserfiche archives

Legal Requirements and Confidentiality

- City Charter
- State and Federal Law
 - Public Records Act
 - SB 1421
- Mandatory Retention
 - Council approved records
 - Police records (see next slide)
 - Personnel records
 - Contract records
 - Grant project files
 - Financial records
 - Program records
- Confidentiality covers:
 - Attorney Client privileges
 - Other privileges
 - Proprietary
 - 3rd party privacy
 - Employee privacy

Senate Bill 1421 – Police Records

- Effective January 1, 2019, certain previously exempt police personnel records must now be produced pursuant to a PRA request.
- In response, several California police and sheriff agencies have sought court injunctions, arguing SB 1421 does not apply retroactively.
 - Court orders in those cases are inconsistent, many cases remain on appeal.
- California Attorney General issued a Notice declaring DOJ will not release peace officer records created prior to January 1, 2019, until the issue of retroactivity is resolved.

Electronic Media – What do Other Cities do?

City/County	Email	Voice Mail	IM/Web Chat	Browser History	Text Messages
Sacramento	2 years	None Indicated	DNR	None Indicated	2 years
Los Angeles	2 years	None Indicated	DNR	None Indicated	DNR
Phoenix	2 years	None Indicated	DNR	None Indicated	DNR
San Francisco	3 years	None Indicated	DNR	None Indicated	DNR
County of San Diego	60 days	None	DNR	6 months	DNR
Fresno (proposed)	7 years	30 days	6 months*	6 months	30 days*

- This is the scope of the resolution brought before Council on March 14th

*If a text or IM is received that is a public record, the user should save and segregate the record.

DNR: Does not retain.

Records Management Program

- Nuts and Bolts of Records Management
 - Conduct an inventory of records in all formats
 - Implement filing and indexing systems
 - Store inactive records in a cost-effective and secure location
 - Identify and preserve vital and permanent records
 - Develop a disaster preparedness plan to protect and recover records
- Destroy records at the end of their retention period and document the destruction
- Develop policies and procedures for records management
- Conduct records management training to staff

Benefits of Strong Records Management

- Reduce risk of litigation
- Reduced expenses for filing equipment
- Increased efficiency of information retrieval which expedites responding to PRAs
- Compliance with records retention requirements
- Identification and protection of vital records
- Control over creation of new records
- Identification of historical records
- Space savings

Next Steps

- On May 16th, staff will bring back the resolutions:
 - Clarifying electronic media retention policies
 - Email
 - Voice Mail
 - IM/Web chat
 - Browser history
 - Text messages
 - Creating roles and responsibilities for a Citywide Records Management Program

Questions?