## 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 14<sup>th</sup>, 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 14<sup>th</sup> 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- Superseded drafts or manuals and other directives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
  - 3<sup>rd</sup> 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 14<sup>th</sup>

DNR: Does not retain.

<sup>\*</sup>If a text or IM is received that is a public record, the user should save and segregate the record.

# 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 16<sup>th</sup>, 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?