

## Exhibit A

### CITY OF FRESNO RECORDS MANAGEMENT PROGRAM

#### **PURPOSE**

To establish a Records Management Program (Program) to apply efficient and economical management methods to the creation, utilization, maintenance, retention, preservation, and disposal of all City records used in the internal operations of City business.

#### **SCOPE**

The Program covers all City records, except Convenience Materials/Information, used solely for reference. All City records must be retained and destroyed pursuant to the City's Records Retention Schedules and records destruction procedures contained in this policy.

The Program serves all City departments. The scope of services includes: 1) taking an inventory of the City's records in each department; 2) updating the current Records Retention Schedule; 3) implementation of procedures to monitor and control the transfer and access of inactive records; 4) development of procedures for regularly scheduled destruction of information, which has passed its retention requirements, and 5) development of procedures for destroying hard copy records that have been preserved electronically.

#### **AUTHORITIES**

The following is a summary of the relevant legislative authorities.

1. Government Code Section 34090. City records may be destroyed with approval of the legislative body by resolution and written consent of the City Attorney and City Clerk, except those records affecting title to real property or liens, court records; records required to be kept by statute; records less than two years old; and minutes, ordinances or resolution of the legislative body or City board or commission.
2. Government Code Section 34090.5. City records may be destroyed without approval of the legislative body or written consent of the City Attorney or City Clerk if the following conditions are complied with: a) records have been photographed or electronically recorded in archival quality; b) the device used for reproduction is able to reproduce the records as accurately and legibly as the original; c) reproduced records are made as accessible for public reference as the original records; and d) media used to store reproduced records is kept in a safe and secure place

- with a true copy (backup copy) kept in a separate place that is also safe and secure.
3. Government Code Section 34090.7. The legislative body may prescribe a procedure under which duplicate records may be destroyed.
  4. Government Code Section 53921. With approval of the legislative body, the City Treasurer may destroy or cremate bonds and coupons that have been paid or canceled.
  5. Election Code Section 1700. Retention and Preservation of Election Records, commencing with Section 17000 et seq. addresses the retention and preservation requirements related to election documents.
  6. Health and Safety Code Section 19850. Plans for every building having a building permit issued shall be kept during the life of such building, except single or multiple dwellings not more than two stories in height and their garages and other appurtenant structures and one story building (except those of steel frame or concrete) where the span between walls does not exceed 25 feet.
  7. Government Code Section 6200. Every officer having custody of any record, map, book, or paper filed in a public office that is guilty of willfully destroying or removing the whole or part of such item is punishable by imprisonment of not less than one or more than fourteen years.

## **DEFINITIONS**

Active Records – Records that are referred to at least once a month.

Annual Destruction – Time period during the month of April of each year when City records are destroyed pursuant to the requirements of the Program and the Records Retention Schedules.

Archival (Vital) Records – Records with enduring value that reflect significant historical events, document the history and development of an agency, or provide valuable research data.

Convenience Materials/Information – Materials not kept in the ordinary course of business such as transitory documents, voicemail, copies of documents kept only for convenience or reference, working papers, stocks of publications and blank forms, rough notes, calculations or drafts assembled and created and used in the preparation or analysis of other documents, printouts, indexes, letters of transmittal, and personal materials.

Electronic Mail (Email) – May include non-interactive communication of text, data, images, or voice messages between a sender and a designated recipient by systems utilizing telecommunications links. It may also include correspondence transmitted and stored electronically using software facilities called email, facsimile, or messaging systems; or voice messages transmitted and stored for later retrieval from a computer system.

Inactive Records – Records that are accessed an average of less than once per month but that have not completed their full retention period. These records may be stored in a separate location from active files.

Litigation Hold – A temporary hold on destruction of any documents potentially relevant to reasonably anticipated, pending, or threatened litigation.

Non-Records – Identical copies of documents maintained in the same file, extra copies of printed or materials, superseded manuals and other directives which are maintained outside the office of record. Materials received from other agencies, people or businesses that require no action. Non-records do not require scheduling or destruction authorization.

Permanent Records – Records that are required to be kept in perpetuity, usually identified by statute or other written guidance. Examples include, but are not limited to, original minutes, ordinances, resolutions and land grant deeds.

Public Records/Record – Includes any writing containing information relating to the conduct of the public's business prepared, used, or retained by the City regardless of physical form or characteristic (Government Code Section 6262(e)). This includes both hard copy records and electronic records.

Records Center – A designated area for storage of inactive records, which is well-organized to allow for efficient retrieval of records as needed from the department. Departments shall maintain custody and control over their records, and ensure prompt and efficient handling and destruction of records pursuant to the Records Retention Schedules.

Records Coordinator – Each department should identify a person who serves as the department's primary Records Coordinator. This person should coordinate the department's record program, coordinate the disposition of the department records, and serve as the liaison between the City Clerk's Office and the department.

Records Custodian/Record Owner - The person designated to be responsible for compliance with the records retention requirements. The person understands the record systems of the office. The person is able to make decisions on retention and disposition of the record. This is the office of record.

Record Inventory – An inventory of a department's records where the following information is recorded: the type of record (record series), the date range of the records, the volume of the records, and the format of the record (paper, microfilm or electronic). An inventory helps build the Records Retention Schedule.

Records Retention Schedule – Lists all records produced or maintained by the City, organized by City department, which specify the length of time a record must be retained to fulfill its administrative, fiscal, historical, and/or legal function. A record

should be disposed of as soon as possible in accordance with the approved Records Retention Schedules. The retention periods in the Records Retention Schedules apply to all City records whether in hard copy or electronic form.

Record Series – Units of files or documents kept together because they: relate to a particular subject or function; result from the same activity; or document a specific kind of transaction. Examples include personnel files, procurement files, or financial transactions (accounts payable and accounts receivable). Records should be organized and maintained by series while they are in the active office areas and when they are transferred to storage.

Transitory Records – Records which are required for a limited time to complete a routine action, are used in the preparation of final records, or are retained as information or convenience copies by individuals who do not have primary responsibility for them. Transitory records can be paper or electronic.

Trusted System – Means a combination of techniques, policies, and procedures wherein there is no plausible scenario in which a document retrieved from or reproduced by the system could differ substantially from the document that is originally stored.

## **PROGRAM OVERVIEW**

The City Clerk's Office manages the Program and is also responsible for managing the Annual Destruction of records pursuant to the Records Retention Schedules. The City Clerk's Office must approve all requests for records destruction.

No City official or employee has, by virtue of his or her position, any personal rights to City records even though he or she may have created or compiled them. The unauthorized destruction, removal, or use of such records is prohibited.

The benefits of the Program include:

1. Protection of vital information
2. Availability of information to the public when requested
3. Reduction in the number of records maintained by the City
4. Timely transfer of information from office to the Records Center
5. The systematic disposal of materials in accordance with approved Records Retention Schedules to promote government efficiency

## **RECORDS MANAGEMENT**

1. Records Inventory – Each department must create an inventory of records maintained by the department to identify the different types of records and whether the records are active, inactive, permanent, or non-records. All inactive records may be transferred to the Records Center, and non-

records should be destroyed in accordance with this Program. The inventory should indicate the types of records maintained, whether the records are in hard copy or electronic form, time period or years covered by the records, volume of records in each category, and date records are scheduled for destruction pursuant to the Records Retention Schedules. The Program and Records Retention Schedules apply to all City records whether in hard copy or electronic form.

2. Filing System Guidelines

- a. Transfer older (inactive) records to the Records Center to ensure maximum capacity is available for active records.
- b. File folder labels should have a consistent style, not a mixture of different styles. This makes reading labels easier and increases access rates. File labeling should be consistent for the entire group of records.
- c. Choose a single filing system for primary and secondary indexing levels, and remain consistent. For example, after establishing primary file sections, select an alphabetical, alpha-numeric, or subject classification to control the sub-group files.
- d. Keep records' series together so that permanent records are separate from records with shorter retention requirements. When preparing files for a new year, set up files by retention period, and add files to the department inventory list including destruction dates.
- e. Label confidential files with obvious notations to alert staff members to the special handling requirements.

3. Active Records – Shall remain in the department's files unless the volume of a given record, such as warrants and building plans, is beyond reasonable allocations of office space. Exceptions must be within the limitations of inactive storage space. Each department shall destroy non-record documents in accordance with this Program.

4. Inactive Records – Shall be transferred as needed to the Records Center where they will be protected from unauthorized removal, perusal, or destruction. Identify and transfer inactive records to the Records Center on a yearly basis, at a minimum, before the Annual Destruction of records in accordance with the Records Retention Schedules.

5. Convenience Information – Duplicate and other forms of information kept merely for convenience are not official records, should not be retained any longer than they are useful, and when they are no longer useful, they should be destroyed. Convenience information should not be stored in the Records Center.

## **RECORDS RETENTION AND DESTRUCTION**

1. Administration – The City Clerk's Office oversees and administers the Program, Records Retention Schedules, and Annual Destruction of records, which applies to both hard copy and electronic records.
2. Request for Authorization to Destroy/Shred Records – Departments will create, retain, and dispose of records in accordance with the Program and Records Retention Schedule. Each department must identify records scheduled for destruction and prepare a Records Destruction Request Form (available on the City Portal), which shall list all documents to be shredded and the corresponding retention periods pursuant to the Records Retention Schedule. The Department Director or designee must approve and sign the Records Destruction Request Form (Authorization), and submit it to the City Clerk's Office.
3. City Clerk's Office – Approval of Request – Upon receipt of the Request, the City Clerk's Office will evaluate whether records can be properly destroyed pursuant to the Records Retention Schedule. Prior to approval by the City Clerk's Office, the City Clerk's Office will check with the City Attorney's Office for any litigation holds.
4. Annual Destruction – Departments may request authority to destroy records at the annual destruction held in April of each year or any time during the year. However, Departments must complete the above process at least once each calendar year. Departments must identify all records eligible for destruction pursuant to the City's Records Retention Schedules and submit a form to the City Clerk's Office by December 31st of each year. The City Clerk's Office is responsible for reviewing and approving or denying all requests by February 1<sup>st</sup> of each year.

## **ELECTRONIC RECORDS**

1. Email Retention Policy

It is the City's policy that City emails and email systems are intended to be a medium of communication. City email systems are not intended to be and may not be used for the electronic storage or maintenance of City records. The email system, to function as intended, anticipates or requires that employees regularly delete communications from the system.

Routine email messages, comparable to telephone communications, are considered Convenience Information. They are not intended to be retained in the ordinary course of City business, and the informational content of such communications is neither necessary nor intended to be

preserved for future City use or reference. An email is considered destroyed as soon as it has been deleted from a user's mailbox, even though it is temporarily stored in the trash folder before being purged from the email system.

Email messages and attachments comparable to hard copy documents should be retained and placed in the appropriate subject file, either electronically or in hard copy. Such email messages will be subject to the City's Records Retention Schedules and may become public records unless exempt from disclosure under other applicable provisions of the Public Records Act (e.g., personnel files or attorney-client communications). Regardless of the record format (electronic or hard copy), proper procedures must be followed prior to the destruction of any record.

2. Destruction of Hard Copy Records that are Preserved Electronically

Hard copy records required to be maintained by the City pursuant to the Records Retention Schedules may be destroyed when the record is properly preserved electronically in a Trusted System (LaserFiche). When proper electronic preservation protocols are followed, the electronic record is deemed to be an original record. See the Trustworthy Electronic Document or Record Preservation Guidelines adopted by the California Secretary of State, which are on file with the City Clerk.