

Retention of Electronic Records and Information

Policy

The Board of Education (the "Board") complies with all state and federal regulations regarding the retention, storage and destruction of electronic information and records. The Superintendent or his/her designee shall be responsible for developing and implementing administrative regulations concerning the retention, storage, and destruction of electronic information and the dissemination of such administrative regulations to all employees.

I. USE OF E-MAIL AND ELECTRONIC COMMUNICATIONS

Electronic communication is transmittal of a communication between two or more computers or electronic devices, whether or not the message is converted to hard copy format, whether or not the message is viewed upon receipt or stored for later retrieval, and whether or not the transmittal is through a local, district or global computer network.

Electronic communications, including records made with software and sent in e-mail, which are sent or received by the Board of Education or District employees pertaining to the business of the schools may be subject to disclosure and inspection as public records under the Connecticut Freedom of Information Act and discovery in litigation as evidence in support of a claim.

E-Mail messages sent by school officials and employees as part of their work and/or by using the district's computer network are not private communications and are potentially subject to disclosure. Employees must understand that the Board has reserved the right to conduct monitoring of these computer systems and may do so despite the assignment to individual employees of passwords for system security. Any password systems implemented by the District are designed solely to provide system security from unauthorized users, not to provide privacy to the individual system user. The system's security aspects, message delete function and personal passwords may be bypassed for monitoring purposes. Therefore, employees must be aware that they should not have any expectation of personal privacy in the use of these computer systems. This provision applies to any and all uses of the District's computer systems, including any incidental personal use permitted in accordance with the Board's policy and regulations regarding computer use by employees.

Any retained messages may be retrieved as part of routine monitoring by the Board, an employee investigation or a formal discovery process as part of litigation. Employees should bear in mind that e-mail messages may be retained at different locations within the computer network and that these messages are subject to retrieval. Consequently, employees should use discretion when using computers or other electronic technology to send, record or retain electronic communications and information.

II. RETENTION OF ELECTRONICALLY STORED INFORMATION

Electronic communications on District computers or electronic communication systems shall be retained only as long as necessary. The same record retention policy that applies to paper records applies to electronically stored information, including e-mail communications. Therefore, like paper records, the content and function of an electronic record, including e-mail communications, determines the retention period for that document. The District will comply with all of the minimum standards set forth in the Municipal Records Retention Schedules, as issued by the Office of the Public Records Administrator for the State of Connecticut.

In addition to the retention guidelines established by the Board and used by school district officials and employees, all school officials and employees have a duty to preserve all records and electronic information, including records and electronic information that might otherwise be deleted or destroyed, that relate to any matter that is currently in litigation or may be anticipated to involve future litigation.

Administrative Regulations

I. RECORDS CUSTODIAN

These regulations are designed to assist in implementation of Board Policy No. 2032 regarding the retention of electronic records and information. These regulations supplement and do not replace District policy relating to student records.

The Superintendent of Schools shall designate a Records Custodian who will be responsible for implementation of District policies and regulations for the retention of records including e-mails and electronically stored information. The Superintendent may also designate the administrator who supervises the technicians to be the Electronic Records Custodian.

II. DEFINITIONS

a. E-mail is a means of sending messages between computers using a computer network or over a modem connected to a telephone line. This information consists primarily of messages, but may also include attachments such as calendars, directories, distribution lists, sound recordings, photographs, images, word-processing documents, spreadsheets, and other electronic documents. E-mail is stored in a digital format rather than on paper and is retrievable at a future date.

b. Electronically stored information is information that is fixed in a tangible form and is stored in a medium from which it can be retrieved and examined. It can consist of writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations stored in any medium from which information can be obtained into useable form.

c. Public Records are any recorded data or information relating to the conduct of the public's business prepared, owned, used, or received by a public agency, whether such data or information is handwritten, typed, tape-recorded, printed, Photostatted, photographed or recorded by any method.

III. E-MAIL CLASSIFICATION

The same record retention policy that applies to paper records applies to electronically stored information, including e-mail communications. Therefore, like paper records, the content and function of an electronic record, including e-mail communications, determines the retention period for that document. The District will comply with all of the minimum standards set forth in the Municipal Records Retention Schedules, as issued by the Office of the Public Records Administrator for the State of Connecticut.

Further guidance on the retention of e-mail messages sent and received by school officials is provided by classifying e-mails into one of three categories. Retention guidelines for each of these categories are as follows: Transitory messages are not essential to the fulfillment of statutory obligations or to the documentation of District functions. Employees and Board elected officials who receive or retain transitory communications may delete them at will without obtaining prior approval from the Records Custodian.

Less than Permanent Messages other than transitory may fall into the category for less than permanent retention. The retained record must be in hard copy or in an electronic format which can be retrieved and interpreted for the retention period. When there is doubt over the retrievability of an electronic record during the duration of that record's retention, the record should be printed out. Electronic records falling into the "Less than Permanent" category may be deleted only after making and retaining a hard copy or after obtaining signed approval from the Office of the Public Records Administrator. Either the hard copy or the electronically stored information must be retained for the minimum retention period as set out in the Municipal Records Retention Schedules.

Permanent Records must be retained permanently. The electronic record may be deleted after a hard copy printout is made or after it is stored in a medium that is readable without further decoding.

IV. RETENTION OF ELECTRONIC RECORDS

E-mail and electronically stored information will be archived by the District for their required retention period using method(s) approved by the Records Custodian or designee, which may include the following:

- a. Print message or record and stored in hard copy file
- b. Place in computer folders and save on hard drive
- c. Save to a removable disk which is then stored in an appropriate location
- d. Transfer to an automated records management software application
- e. Manage at the server by an automated classification system

The Records Custodian or designee will be responsible for working with the District Systems Administrator to implement a schedule and system for reviewing electronically stored information. This review shall occur at least annually. No system wide process for automatic deletion of electronic

information will be implemented without notice to any individual who may have such information and each such individual will verify that they have reviewed and archived information that must be retained. Following this review, all e-mails and/or electronically stored information that have not been archived according to District policies and procedures shall be designated for deletion or archiving, and the affected District employees will be notified about the procedures to be followed to implement this process. The Records Custodian or his/her designee shall follow up with notified employees to ensure compliance.

Additionally, the Records Custodian, working with the District Systems Administrator, shall ensure that any process for automatic deletion of electronic information from the system will not delete information stored in folders and/or system locations that have been designated as appropriate for archiving electronically stored information.

Legal References:

Conn. Gen. Stat. §§1-200(5); 1-211; 1-213(b)(3)

Conn. Gen. Stat. §7-109

Conn. Gen. Stat. §11-8 et. seq.

General Letters 98-1, 96-2 and 2001-1 of the Public Records administrator
Record Retention Schedules Towns, Municipalities and Boards of Education