Before the Board of Supervisors
County of Placer, State of California

In the matter of:

A Resolution approving an updated Record Management, Retention, and Destruction Policy for the Placer Administrative Manual, record retention schedules, and related matters.

Resolution No.: 2016-179

The following Resolution was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held September 27, 2016, by the following vote on roll call:

Ayes: DURAN, HOLMES, UHLER, MONTGOMERY

Noes: NONE

Absent: WEYGANDT

Signed and approved by me after its passage.

Chair, Board of Supervisors

Attest:

Clerk of said Board

WHEREAS, Government Code 26200 et seq. contains legal standards governing retention and destruction of county records;

WHEREAS, Government Code 26200 et seq. authorizes the Board of Supervisors to provide for the adoption of record retention schedules which set forth the duration that county records must be retained and authorizes the destruction or disposition of any records at the conclusion of the record retention period specified in the schedule;

WHEREAS, Government Code section 12168.7 directed the California Secretary of State to establish the Local Government Records Program to set published guidelines for local government records retention, and the Secretary of State has done so;

WHEREAS, Government Code section 12236 directed the California Secretary of State to establish published standards for storage of certain electronic media regarding certain local government records, and the Secretary of State has done so;

WHEREAS, state and federal law has established that destruction, deletion, or other disposal of records must be suspended if the records are identified as potentially relevant to pending or reasonably anticipated litigation, a current public records request, and some types of investigations;

WHEREAS, Placer County Charter Section 503(g) authorizes the County Executive Officer to provide and implement systems of adequate checks and controls to safeguard County property;

WHEREAS, State law authorizes a county board of supervisors to make a limited delegation of its authority where the board retains control over fundamental policy decisions, including budget approval, and the scope of the delegation has adequate safeguards;

WHEREAS, A cross-section of state and federal laws govern record retention and destruction as applied to specific county elected officials, departments, programs, and record types; and

WHEREAS, record retention schedules and records management procedures will protect vital records, historically valuable records, legally mandated records, confidentiality obligations, and assure the prompt and systematic disposal of records that no longer have some administrative, fiscal, legal, historic or research value;

BE IT RESOLVED, by the Board of Supervisors, County of Placer, State of California, that this resolution supersedes any prior resolution(s), policies and schedules pertaining to records management, retention or destruction. For records destroyed or otherwise not retained prior to the adoption of this resolution, the retention or destruction resolution, policy, or schedule applicable at the time of destruction shall apply to those records. All current record management retention and destruction schedules as maintained by the County records management coordinator are hereby authorized and re-approved as Approved Schedules until modified pursuant to the terms of this resolution. Creation or modification of an Approved Schedule will now be made pursuant to the approval process contained in the Policy set forth below.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby makes a limited delegation of its authority over County record retention and destruction to the Placer County Executive Officer. The scope of this delegation is set forth in the Policy below, and is additionally subject to other action taken by the Board which speaks to record retention or destruction, including resolutions adopted after the date of this resolution and ordinances adopted at any time.

BE IT FURTHER RESOLVED, that the following Policy will govern County records management, retention and destruction, and will apply to all County of Placer Departments and Employees and all County records. No County record may be destroyed except as set forth in this Resolution. This policy may be reformatted, numbered or renumbered, and subsections titled or re-titled at the discretion of the County Executive Officer.

Placer County Record Management, Retention and Destruction Policy

1. Definitions. For purposes of this policy only, (a) "County Departments" includes any and all County of Placer departments and offices. (b) "County Employees" includes all County of Placer elected officials, charter officers, department heads, employees, Extra Help, and temporary help, and co-located contractors. (c) "County Records" are those types of records identified at law as records of a California county, created or maintained upon something tangible, and regardless of the format in which they are maintained. County Records subject to this Policy include originals, reproductions, electronic information or data, paper, audio or visual recordings, metadata, and successor technologies to these. County Records include public records, confidential records, employee working files, and information contained on computers, servers, websites, voice mail, portable devices, the cloud, and successor technologies. See also, Cal. Public Records Act section 6252 and California Evidence Code section 250. (d) "Legal Hold" is the process used to suspend the destruction, deletion, or other disposal of County records that are identified as potentially relevant to pending or reasonably anticipated litigation, a current public records request, or some types of investigations.

2. Approved Schedules. Approved record retention schedules will govern record retention and destruction for all County Records regardless of the record format. County Departments and Employees are authorized to retain County Records pursuant to the Approved Schedules, and thereafter to destroy or otherwise dispose of Records that exist beyond the time periods specified in the Approved Schedules, except as otherwise provided herein. A County records management coordinator will be responsible for coordinating the creation, amendment, and maintenance of the Approved Record Retention Schedules, and will maintain and publish the Approved Schedules as appropriate. Destruction of County Records is only authorized pursuant to an Approved Schedule maintained by the County records management coordinator. A copy of all historical retention schedules will be maintained by the County records management coordinator as a permanent record.

3. Data Communications Systems. Placer County email systems, voicemail systems, messaging systems, websites, and certain project management tools, whether cloud based or residing on County servers, and their successor technologies, are not records but are Data Communications Systems used for creating and transmitting information and records. These Data Communications Systems are not intended as mechanisms for storing and retaining County Records that are created on or transmitted through them. County Records created on or transmitted through the County's Data Communications Systems shall be retained by action of the County Departments for the

period of time contained in a Department's Approved Schedule based on the type of record it is. A Department may retain County Records created on or transmitted through County Data Communications Systems by printing to a paper copy or by saving an electronic or digital copy to some approved location, device, or storage media that is owned or controlled by the County, other than the County's Data Communications Systems. Placer County Administrative Services and its divisions will set automatic deletion/ purge schedules for records residing on County Data Communications Systems based on identifiable business standards and security needs.

4. Schedule Approval Process.
The County records management coordinator will give County archives, County Counsel, the County Information Technology division, and the department head(s) for the affected department(s) a reasonable opportunity to review and comment on all proposed schedules and time frames. After the period of review, the final proposed schedules will be forwarded for approval and adoption by the County Executive Officer. The Adopted Record Retention Schedule(s) shall govern retention and destruction for the Records and/or Departments identified therein until the time that any schedule is amended or modified through the use of this same process. The version of an Approved Schedule applicable at the time of destruction will apply to the destruction of those records.

5. Standards for Determining Retention and Destruction Time Frames.
Determination of a particular record retention timeframe to be included in an Approved Record Retention Schedule shall be based on the applicable law and where allowable, a best practices analysis. (a) Duplicate Records. Unless otherwise expressly required by law to be preserved for a certain period of time or in a certain format, duplicate records may be destroyed at any time, as long as an accurate paper or electronic reproduction is otherwise maintained in the custody of a County officer or department, and the reproduction is subject to an Approved Retention Schedule. (b) Specific Subject Matter Law Applies. Where a subject matter specific statute, regulation, or ordinance speaks to a particular record or the records of a particular County Department or program, then an Approved Retention Schedule may not provide for a retention period that is less than the minimum time frame contained in the subject matter specific law. (c) California Secretary of State Local Government Records Program. Where a specific subject matter law does not control the retention period, an Approved Retention Schedule may not provide for a retention period that is less than the minimum time frame contained in the California Secretary of State Local Government Records Program published guidelines and attachments regarding that record type. (d) Minimum Retention Otherwise. Where a specific subject matter law nor the California Secretary of State Local Government Records Program published guidelines apply to a record, an Approved Retention Schedule may not provide for a retention period that is less than two years from the date the record was initially created or received unless the lesser period is expressly approved by action of the Board of Supervisors.

6. Standards for Maintaining and Storing County Records.
(a) County Records should be maintained in a fashion that reflects their status as a vital record, a historically valuable record, a legally mandated record, a record containing

confidential information, or a record otherwise necessary to the County's business. (b) County Records, whether considered permanent or nonpermanent, may be maintained solely in an electronic format so long as the format provides substantially the same or a greater level of availability to the public and the format meets the California Secretary of State's minimum Standards for Preservation of Documents in Electronic Media. If a permanent record or other important or historical record is to be maintained solely in an electronic format, the storage location for the electronic formatted record shall be a location that is subject to an automatic and regular back-up process that is authorized by the County Information Technology division. (c) Records should be maintained based on standards recommended by the California Secretary of State Local Government Records Program and industry best practices. (d) Record storage facilities, whether County facilities or private commercial facilities, should provide appropriate conditions considering the type of record being stored. The County records management coordinator will be responsible for inspecting and recommending approval for the proposed or continued use of a storage facility to store County Records that are in a physical format such as paper. The County Information Technology Division will be responsible for reviewing and approving the proposed or continued use of a product or facility, including the "cloud", to store County Records that are in a digital or electronic format. Where a facility is proposed to store both physical and electronic County Records, such as paper and diskettes, the County records management coordinator will coordinate the review with the County Information Technology Division.

7. Procedures Manual.
The County records management coordinator may prepare, maintain, and amend a written procedures manual to implement the policies set forth in this resolution and the record retention and destruction practices for the County of Placer. The procedures manual will govern record retention and destruction procedures for all County Departments and Employees and all record types, including paper and electronic records. The County records management coordinator will coordinate with the County Information Technology Division to include procedures applicable to electronic records and the County Counsel to include procedures applicable to Legal Holds. The Records Retention and Procedures Manual shall be approved and amended using the same process set forth in the provision regarding "Record Retention Schedule Approval Process".

8. Document Preservation and Suspension of Destruction Schedules- Legal Hold.
Upon notice given by the Office of the Placer County Counsel, the intended, incidental, or actual, destruction, deletion, or other disposal (collectively "Destruction") of identified Records shall be immediately suspended and all records subject to the notice shall be preserved until further notice. When requested, a County Department or division must designate Legal Hold personnel to serve as a liaison with County Counsel's Office to put a Legal Hold in effect in that department. All County Departments and Employees have an obligation to take steps to prevent the Destruction of County Records that may be relevant to pending or potential litigation or claims, public record requests, governmental investigations, or other preservation situations compelled at law. This obligation to suspend destruction and to preserve documents applies to all County Records regardless of their nature and format. The County Counsel, in consultation with the County Information Technology Division and the County records management

coordinator, will be responsible for creating, overseeing and coordinating any Legal Hold and record preservation process and procedures. Digital Forensic and data collection services authorized or ordered by a court of law, including discovery orders related to eDiscovery, shall be performed by the County Information Technology Division or a contractor approved jointly by the County Counsel and the Information Technology Division, where the services would implicate any aspect of a Placer County network, core technology system, security system, and related hardware, including computing and communication devices, and infrastructure and emerging technology related to these, or which might make otherwise confidential information vulnerable to disclosure without prior review by appropriate County personnel or the Court.