

RESOLUTION NO. 18-028

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERCULES APPROVING A RECORDS MANAGEMENT PROGRAM

WHEREAS, the City has an obligation to maintain and store records in accordance with government laws and regulations and accepted records management practices; and

WHEREAS, on January 28, 1992 the City Council adopted Resolution No. 92-16, amending the City's Records Retention Schedule and approving a Records Management Manual; and

WHEREAS, due to advancements in technology more and more records are being created and retained in an electronic format and records management policies and retention schedules should reflect this; and

WHEREAS, the Records Management Manual approved in 1992 primarily addresses the destruction of paper records; and

WHEREAS, the Records Management Manual approved in 1992 does not address the management of records in electronic format and stored on other media; and

WHEREAS, the Records Management Manual approved in 1992 does not provide guidance for the administration of records per the Public Records Act; and

WHEREAS, to be effective, the City of Hercules Records Management Program needs to include policies and procedures for the efficient and economical management of the creation, utilization, maintenance, retention, preservation and disposal of City records, in all formats, based on State statutes governing public records.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Hercules adopts the City of Hercules Records Management Program, **Exhibit A, which is attached herein and made a part hereof.**

The foregoing resolution was duly and regularly adopted at a regular meeting of the City Council of the City of Hercules held on the 24th day of April, 2018 by the following vote of the Council.

AYES: COUNCIL MEMBERS: G. Boulanger, M. de Vera, R. Esquivias, Vice Mayor Romero, and Mayor Kelley

NOES: None

ABSTAIN: None

ABSENT: None


Chris Kelley, Mayor



CITY OF HERCULES



RECORDS MANAGEMENT PROGRAM FOR THE PRESERVATION, PROTECTION, RETENTION AND LEGAL DISPOSITION OF THE CITY'S RECORDS

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PURPOSE

Records management encompasses all the record-keeping requirements that allow an organization to establish and maintain control over information flow and administrative operations, seeking to control and manage records through the entirety of their life cycle, from creation to final disposition.

A well-implemented records management program improves customer service, increases staff efficiency, allocates scarce resources, and provides a legal foundation for how an agency conducts its daily mission. Other benefits include:

- Timely access to accurate information and records for use by the public, staff, appointed and elected officials;
- Improved decision making by staff, appointed and elected officials as a result of access to accurate and complete information;
- Increased efficiency in retrieval of information and documents;
- Preservation of vital and historical records and records essential for the conduct of business;
- Demonstration of compliance with legal retention requirements established by federal, state and local authorities;
- Development of standards to manage records, in all formats, throughout their life cycle;
- Orderly retirement and destruction of records no longer required to be retained as set forth in the records retention schedule;
- Elimination of duplicate and non-records;
- Proper administration of records not subject to disclosure;
- Protection in litigation, audits and other disputes;
- Limiting legal liability and ensuring fiscal accountability;
- Savings in records storage and retrieval costs; and
- Ability to evaluate and identify cost savings, efficiencies, and use of technologies in the program.

For a records management program to be effective it must include policies and procedures for the efficient and economical management of the creation, utilization, maintenance, retention, preservation, and disposal of City records, in all formats, based on state statutes governing public records. It must also provide for the education of staff on its importance and training of staff in all aspects of the program.

This document provides an overview, guidelines and policies related to all components of the City's records management program. It should be used in conjunction with the City's records retention schedule as adopted by the City Council and specific procedure manuals and forms developed by the City Clerk for each component of the program.

AUTHORITIES

The following is a summary of the relevant legislative authorities.

Election Code Sections 17000 - 17506

Retention and Preservation of Elections Records - addresses the retention and preservation requirements related to election documents.

Government Code 6200

Every officer having custody of any record, map, book, or paper filed in a public office who is guilty of willfully destroying or removing the whole or any part of such item is punishable by imprisonment of not less than one or more than 14 years.

Government Code 6250 - 6270.5

The Public Record Act – sets forth time limits, fees, records not subject to disclosure, information relating to the conduct of the public's business prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

Government Code Section 12168.7

The Secretary of State has adopted uniform statewide standards established by the American National Standards Institute for the purpose of storing and recording permanent documents in electronic media. These standards require that a trusted system be utilized.

Government Code Section 34090

City records may be destroyed with approval of the legislative body by resolution and written consent of the City Attorney except those records affecting title to real property or liens thereon; court records; records required to be kept by statute; records less than two years old; and minutes, ordinance or resolutions of the legislative body or City board or commission.

Government Code Section 34090.5

City records may be destroyed without approval of the legislative body or written consent of the City Attorney if the following conditions are complied with: a) records have been photographed or electronically recorded in archival quality on a medium that is a trusted system and that does not permit additions, deletions, or changes to the original document in compliance with Government Code Section 12168.7; 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) a true copy of archival quality of the reproduction is kept in a safe and separate place for security purposes.

Government Code Section 34090.6

The head of a department, after one (1) year, may destroy recordings of routine video monitoring, and after 100 days may destroy recordings of telephone and radio communications

maintained by the department with approval of the legislative body and the written consent of the City Attorney.

Government Code Section 34090.7

The legislative body may prescribe a procedure under which duplicate records may be destroyed.

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.

Government Code Section 81009

This section defines the length of time campaign statements and statements of economic interests must be retained.

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 buildings except those of steel frame or concrete where the span between walls does not exceed 25 feet.

DEFINITIONS

Active Record

A record that relates to a current activity and is referred to on a regular basis.

Archives

A repository for storing historical records, no matter what the media format, which should be protected or preserved.

Disposition

The length of time a record is kept, which may be permanent.

Electronic Document Management System

A computer system or suite of programs designed to store and track electronic documents and other media.

Electronic Mail (E-mail)

Electronic mail 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 e-mail, facsimile, or messaging systems; or voice messages transmitted and stored for later retrieval from a computer system.

Historical Record

A record with enduring value that reflects a significant historical event, documents the history and development of an agency, or provides valuable research data.

Inactive Record

A record that is accessed on an average of less than once a year, but that must be maintained until it reaches its disposition date.

Litigation Hold

A temporary hold on destruction of any document potentially relevant to reasonably anticipated, pending or threatened litigation.

Original Record

A public record that is the final version of a document, not a draft version. If the final version requires signatures to be effective, the signed document is the original record. All prior versions are working papers.

The department listed as the record custodian on the records retention schedule is responsible for maintaining the original record in accordance with the records retention schedule. Any copy of the original record maintained by the record custodian or any department is considered a "duplicate" and may be destroyed once it is no longer useful to the department.

If a document is created electronically and then printed out and kept in hard copy, the department will need to make a determination whether the electronic or hard copy is the "original" and should dispose of the "duplicate" once it is unnecessary.

Non-Record

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, punch cards, printouts, indexes, letters of transmittal, and personal materials. These materials are not public records and should not be retained any longer than they are useful. When they are no longer useful, they should be destroyed by the department director or designee.

Non-records are subject to legal discovery and legal holds even if they should have been destroyed earlier.

Permanent Record

A record that is 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, records related to land ownership, restrictions, conveyances, and vital records.

Public Record

Any writing containing information relating to the conduct of the City's business prepared, owned, used or retained by the City regardless of physical form or characteristics. This includes hard copies and electronic records.

Records Center

One or more physical locations, on or off site, designated by the City Clerk as a location for the storage of physical records that are no longer active and are awaiting their final disposition.

Records Coordinator

A staff person, appointed by the department director in each department, who coordinates with the City Clerk and department staff in the management of the departments records. The records coordinator assists staff in: 1) classifying documents; 2) setting up and maintaining a file inventory; 3) maintaining file structures and naming conventions for files stored both in hard

copy and electronically; 4) preparing records for inactive storage; 5) preparing records for destruction; and 6) preparing records for scanning into an electronic document management system.

Record Custodian

The record custodian is the department that has responsibility for the retention and final disposition of the original and/or final record. This is generally the department that created the record. However, at times custodial responsibility may be assigned in the retention schedule to the department that maintains the record after its creation by another department.

Records Management

The systematic control of the creation, processing, use, protection, storage and final disposition of all public records pursuant to federal, state and local laws and regulations.

Records Retention Schedule

A document, adopted by resolution of the legislative body, which identifies the length of time a record is retained prior to disposition based on legal requirements. The retention periods listed in the schedule apply to all records whether maintained in hard copy or in an electronic format.

A department may identify a specific document or series of records to be retained longer than legally required if identified on the retention schedule as a record that has been determined, by department policy, as a record that has value beyond its legally required retention period.

Trusted System (GC12168.7)

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.

A cloud computer storage service that complies with International Organization for Standardization ISO/IEC 27001:2013, or other applicable industry standard relating to security techniques and information security management, and provides administrative users with controls to prevent stored records from being overwritten, deleted, or altered shall be considered a trusted system. Cloud computing is defined by the National Institute of Standards and Technology Special Publication 800-145 or a successor publication, and includes the service and deployment models referenced.

A trusted system shall comply with applicable standards articulated in the State Administrative Manual and the Statewide Information Management Manual. Local government entities may adopt applicable standards articulated in the State Administrative Manual and Statewide

Information Management Manual for purposes of utilizing a trusted system.

Municipal Uniform Functional Filing System (MUFFS)

A widely used, standardized filing system adopted by many municipalities and used by the City of Hercules. The file numbers listed in the City of Hercules records retention schedule are consistent with this system.

Vault

A fire proof room with a locking mechanism designated for the storage of resolutions, ordinances, minutes, bonds and vital records.

Vital Record

A record that contains information that is essential for the resumption of operation after a disaster or the reestablishment of the legal and financial status of the organization.

Writing

Any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing, any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

ROLES AND RESPONSIBILITIES

City Attorney

The City Attorney reviews and approves requests by departments to dispose of records in accordance with the City's records retention schedule and provides legal guidance to departments in establishing retention periods. The City Attorney may also put legal holds on specific documents.

City Clerk

The City Clerk is the records manager for the City and is responsible for the proper and efficient management of the City's records and the records management program. The City Clerk: 1) maintains and updates the records retention schedule and records management program manual; 2) prepares procedures and trains staff on how to manage records from cradle to grave; 3) oversees designated record centers; 4) oversees an annual review of City records eligible for destruction; and 5) administers any electronic document management systems.

City Council

The City Council sets policies for the management of the City's records through adoption of the records retention schedule and the policies related to the records management program.

Department Directors

Each department director is responsible for establishing and maintaining an active, continuing program for the economical and efficient management of the public records of that department including: 1) effective control over the creation, maintenance and use of public records; 2) maintenance and security of records deemed appropriate for preservation; 3) segregation and disposal of records of temporary value; and 4) designating a records coordinator to assist department staff in this endeavor.

Department directors shall ensure that their staff follows the procedures established by the City Clerk related to: 1) naming conventions and file structures for electronic and paper records; 2) maintaining a file inventory of all records; 3) proper storage of records; 4) destruction of records, both in hard copy and in an electronic form, that have reached their final retention period; 5) approved indexing standards and retention periods for records entered into a document management system; and 6) ensuring records are easily accessible and that staff provides timely and accurate response to request for information by members of the public.

Employees and City Officials

Each employee of the City has the duty to protect, preserve, store, transfer, destroy or otherwise dispose of, use and manage public records in accordance with applicable state regulations, or such rules as may be approved by the City Council and such procedures as prepared by the City Clerk.

No employee, City official, agent or contractor has, by virtue of his or her position or employment, 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.

RECORDS RETENTION SCHEDULE

Evaluating a Records Retention Period

There are only four reasons to keep a record. Those reasons are:

Administrative Value

The administrative value of a record is determined by the period during which an organization uses a record to perform its primary function and the need to carry on the daily business of the organization.

Legal Value

The legal value of a record is determined by the records required to be kept by law, or those that may be required in case of litigation or government investigation.

Fiscal Value

The fiscal value of a record determines which records relate to the financial transaction of the municipality, especially those required for audit or tax purposes.

Historical Value

The historical value of a record pertains to those records with long-term value and include organizational and administrative history, policies, and general social, economic or other conditions.

A records retention schedule is an agency's legal authority to receive, create, retain and dispose of official public records. It assists the agency by documenting which records require office or temporary storage, which records have historic or research value, and which records should be destroyed after a specific time period because they no longer have any administrative, fiscal, legal or historical value.

In the event of litigation, courts accept a records retention schedule as establishing an agency's normal course of doing business. The records retention schedules and certificates of destruction authorizing the destruction of specific records are kept on file with the City Clerk and are maintained as permanent records.

Process to Adopt or Amend the Records Retention Schedule

The City Council provides the authority for the retention and disposition of records by adopting the City of Hercules' Records Retention Schedule. This schedule should be reviewed and amended as needed. The most current records retention schedule was adopted by Resolution No. 18-028 on April 24, 2018 which also rescinded the prior schedule adopted by Resolution No. 92-16.

At the time of preparing the most current records retention schedule, departments had not yet prepared file inventories for their records. The City Clerk met with each department to

determine the types of records created and maintained by the department and the department's recommended retention period based on its administrative value. The City Clerk, in consultation with the City Attorney, reviewed the proposed retention periods to ensure they met the legal requirements for retention. If a department has determined that there is an administrative, legal, fiscal or historical value in keeping a specific type of record beyond the legally required time, the schedule indicates that the record is being retained for a specific period as a matter of "department policy". For efficiency, effectiveness, and cost savings purposes, departments have been encouraged to limit the amount of time records are kept beyond their legal retention period.

The City Clerk will meet with departments at least once every two years to review each department's file inventory and the records retention schedule to determine if the schedule requires any amendments.

Using the Records Retention Schedule

The records retention schedule applies to all original records regardless of format. In the case of outgoing correspondence and documents, whenever the original of the public record is sent to a location outside the custody of the City, one copy of the record is retained by the department sending the record as if it were the original of the record.

Retention is based on the subject matter of the record, whether it is a paper document, single e-mail, trail of e-mails, an electronic document, such as a Word, Excel, Power Point, web page, audio or video recording, cell phone and voice mail recordings, tapes/discs as well as all attachments.

The records retention schedule includes a legend that provides: 1) a listing of all departments that may be the records custodian for specific records; 2) retention description codes to be used in conjunction with a retention period; 3) record categories – either by department or type of record.

The City uses the Municipal Uniform Functional Filing System (MUFFS). Each record description, or records series, has been assigned a file number based on this system.

Within a record category, there may be multiple sub-categories. Each record series within a sub-category has been assigned a file number, a records custodian, a retention period, and either a reference to a legal citation or a statement that the record is being retained per "department policy". Records retained per "department policy" are being retained beyond the legal retention period based on the department's determination that the record has either administrative, legal, fiscal or historic value that requires a longer retention period.

The department director is the records custodian for records listed on the records retention schedule. The records custodian is responsible for ensuring that original records listed on the records retention schedule, with the department listed as records custodian, are maintained

until eligible for destruction and that no original record is destroyed without first obtaining authorization to do so. Duplicate records and non-records should be destroyed as soon as reasonably possible.

If a document is created electronically and then printed out and kept in hard copy, the department will need to make a determination whether the electronic or hard copy is the "original" and should dispose of the "duplicate" once it is unnecessary.

If systemically followed, a retention schedule preserves only official records for the period needed while eliminating all other non-records as soon as they are no longer useful.

The City Clerk will review the records retention schedule at least once every two years to determine if any amendments are needed. The City Clerk will also provide training to all staff that has responsibility for creating and managing records on how to use the schedule.

RECORDS MANAGEMENT

An effective records management program manages records from cradle to grave. In addition, the program needs to provide guidelines and standards for the creation of records; evaluation of where and how the records should be stored; and current inventories of records whether they are active, inactive or have been destroyed.

Records Inventory

Each department shall create and maintain an inventory of active and inactive records in a format provided by the City Clerk. These records can be of varying media including paper, computer printout, tape, microforms, engineering drawings and plans, computer files, etc.

This inventory is used as a tool in: 1) periodically updating the records retention schedule; 2) identifying records eligible for destruction; 3) evaluating physical and computer storage needs; 4) assessing which records should be stored in an electronic document management system; and 5) responding to request for public records.

Filing System Guidelines

The City Clerk will work with departments to develop filing system guidelines including naming conventions and a filing structure for paper and electronic records.

Active Records – Paper Documents

Active records, in paper format, shall remain in the department unless the volume of a given record is beyond reasonable allocations of office space. Active records may not be transferred to the Records Center without approval of the City Clerk.

Records should be maintained in a manner so that staff is easily able to separate records with different retention periods. Departments are discouraged from keeping duplicate copies of a record and should destroy non-records in accordance with this program.

Active Records - Electronic Documents

Documents born digitally, i.e. produced electronically on software such as Word, Excel, PowerPoint, Access, GIS/ArcView, SQL Server, Navline, pdf documents, databases, etc., must also be classified as records or non-records. Electronic documents classified as records must be on a common searchable drive such as a department drive. Confidential records should be placed on a common drive with restricted access.

The City's U drive (citywide shared drive) should be used only for those records that need to be accessed by staff across departments. Staff should consult with the City Clerk and the IT Administrator prior to setting up new folders on the U drive.

Isolated, local computer hard drives, such as C drives, are not to be used for any record storage because access would be limited to only the PC user and data could be permanently lost if that PC crashes because these local storage drives are not backed up.

The volume of electronic files and the need for organization-wide accessibility requires that each department develop a file structure and naming convention standards for its electronic records. The City Clerk will work with each department to develop a file plan that meets each department's needs and allows for ease of transfer to an electronic document management system, if appropriate, and destruction, when applicable.

Laptops, PDAs, Cell Phones and other Non-Network Devices

All digital and audio information on these devices related to City business is potentially a public record. The City's records retention schedule applies to public records stored on these devices and should be managed in the same manner as all public records.

Electronic Mail

The City's e-mail system is intended as a medium of communication only. Therefore, e-mail should not be used to store or maintain records. E-mail SENT and INBOX volumes should be kept to a minimum to keep the system running at optimum speed and efficiency. Individuals are responsible for management of their e-mail documents.

Proper management involves frequent (ideally at first reading) classification of SENT/INBOX items. This critical step requires the determination as to whether a document is a public record or non-record. Staff should not convert the electronic file to a paper file unless there is a compelling reason to do so. If the e-mail is determined to be a record, it should be moved out of the SENT/INBOX to a common searchable drive such as a departmental drive or citywide common drive. This permits those responsible for complying with the California Public Records Act or subpoenas to search all departmental data from their own computer, without requiring Information Systems to perform a system-wide search. If an e-mail is sent or copied to multiple parties, the primary recipient or responder to the e-mail is responsible for determining if the e-mail needs to be saved and moving the e-mail to a common searchable drive.

If an e-mail is determined to be a copy, draft or other non-record, it may be left in the SENT/INBOX to be deleted automatically in 180 days; or it can be moved to the DELETED folder to be automatically deleted in 30 days.

Inactive Records – Electronic Documents

Every department, at a minimum of once a year, should review its records inventory to identify those records that are no longer active. If a record is in an electronic format, a determination should be made, based on the length of time the record must be retained and the expectation of how often the record will need to be accessed, whether the record should be stored in an electronic document management system. This decision should be made in consultation with the City Clerk. The City Clerk must approve all records series and the indexing structure for all records entered into the document management system.

The department should also determine if a hard copy of this record exists. Inactive records should not be maintained in both hard copy and electronic format. A determination should be made as to whether the hard copy or the electronic copy is the duplicate record and the duplicate should be destroyed.

If the electronic record is the original record and must be retained for period of time, but it is no longer an active record, it should be moved to an electronic folder on a citywide shared drive set up for future destruction for a date certain. The City Clerk will provide instructions on this process.

Inactive Records – Paper Documents

Every department, at a minimum of once a year, should review its records inventory to identify records which are no longer active. If a record is in hard copy, a determination should be made, based on the length of time the record must be retained and the expectation of how often the record will need to be accessed, whether the record should be moved to the records center or should be scanned into the electronic document management system. This decision should be made in consultation with the City Clerk. The City Clerk must approve all records moved to the Records Center and all records entered into the document management system.

The department should also determine if an electronic copy of this record exists. Inactive records should not be maintained in both hard copy and electronic format. A determination should be made as to whether the hard copy or the electronic copy is the duplicate record and the duplicate should be destroyed.

Records Center – Paper Documents

The City maintains a records center located at City Hall. The records center is managed by the City Clerk's Office. The City Clerk shall maintain a database of all boxes stored in the records center. This database shall include a description of records within each box, the time period of the records, the destruction date, and the location of the box. If the box is to maintained permanently, that information should be included on the inventory.

Paper records that are inactive but must be retained either permanently or for a period of time as stated in the City's records retention schedule should be moved from a department's active file location to the records center.

Each department is required to prepare a *Records Center Storage Request Form* and an inventory of records contained within each box in a form prescribed by the City Clerk for transfer of records to the records center. Records will only be accepted into the records center if they have been identified as inactive. All files contained within each box must have the same retention period and the contents must be identified on the *Records Center Storage Request Form*. Partially filled boxes will not be accepted.

Any request for removal of a box of records from the records center must be submitted to the City Clerk using the *Request for Retrieval from Records Center Form*.

RECORDS DESTRUCTION

Paper Records

At a minimum of once a year, each department will review its file inventory in conjunction with the City's records retention schedule and identify those records eligible for destruction.

In most cases, paper records that are eligible for destruction, have already been identified as inactive and have been inventoried, boxed and moved to the records center. Each department will provide the City Clerk with a *Request for Authorization to Destroy Form and Records Destruction Certificate* along with the inventory list for each box eligible for destruction. The City Clerk will provide the form and instructions.

Once the form is completed, the form, along with the records inventory, must be reviewed and approved by the Department Director (records custodian), City Attorney and City Clerk. When the records have been approved for destruction, the City Clerk will make arrangements for the records to be destroyed. Records containing any sensitive or confidential information will be shredded using a reputable records shredding firm.

The *Request for Authorization to Destroy Form and Records Destruction Certificate* will be retained permanently by the City Clerk. This form is an official record and is confirmation of the City's legal right to have destroyed the records attached to the form.

Electronic Records

At a minimum of once a year, each department will review its file inventory in conjunction with the City's records retention schedule and identify those records eligible for destruction.

In most cases, electronic records that are eligible for destruction, have already been identified as inactive and have been moved to the common drive in folders labeled for records destruction - by department and a date certain. Each department will provide the City Clerk with a *Request for Authorization to Destroy Form and Records Destruction Certificate* along with a detailed inventory list of electronic records eligible for destruction. The City Clerk will provide the form and instructions.

Once the form is completed, the form, along with the records inventory, must be reviewed and approved by the Department Director (records custodian), City Attorney and City Clerk. When the records have been approved for destruction, the City Clerk will make arrangements with the department staff and Information Systems for the electronic records to be deleted from the computer system.

The *Request for Authorization to Destroy Form and Records Destruction Certificate* will be retained permanently by the City Clerk. This form is an official record and is confirmation of the City's legal right to have destroyed the records attached to the form.

Records Stored On Other Media

Records stored on a CD, DVD or portable media also follows the same records retention schedule and authorization procedure as for all other records. The destruction method for CDs, DVDS, and floppy discs is demolition by shredding or breaking apart. The destruction method for records on portable media, e.g. zip drives, is erasure and reuse.

ELECTRONIC DOCUMENT MANAGEMENT SYSTEM

A primary goal of the City's records management program is to reduce paper documents as much as possible and to better manage documents created and maintained electronically. The most effective means of accomplishing this is to invest in an electronic document management system (EDMS) and to establish policies and procedures for records stored within this system. Utilizing an EDMS for purposes of storing records that need to be retained for long periods of time and are accessed on a regular basis improves service, efficiency and productivity.

An electronic document management system:

- Improves active records management because of the ability to have large volumes of active records available online and to minimize many time-consuming filing and refiling operations common with paper record systems;
- Allows for simultaneous access to documents and records from multiple locations;
- Provides quicker and more reliable retrieval to assist decision-making;
- Provides the public with web-based access to public records 24/7;
- Requires standards for naming and indexing of records to make retrieval more accurate and effective;
- Increases security of confidential documents compared to paper filing because of electronic systems capabilities to restrict access to sensitive documents and to back up and protect vital records;
- Allows easier disaster recovery because with paper files, once the files are gone, they're gone for good, while digital systems can easily and economically be backed up in multiple geographical locations;
- Preserves records that are required to be maintained permanently;
- Results in centralization of citywide information and forms; and
- Reduces records storage costs; and
- Provides for quicker and more efficient response to requests for information from members of the public

At the time of adoption of this policy, the City does not have an electronic document management system that meets the definition of a trusted system per Government Code Section 12168.7.

As finances permit, the City will invest in such a system for all of the reasons articulated above. Once such a system is in place, the City Clerk, working in consultation with all departments, will identify those records that should be stored in the system and will develop specific procedures that are consistent with all other components of the City's records management program.

PUBLIC RECORDS REQUESTS

Public record requests are governed by the Public Records Act, Government Code Sections 6250 - 6270. The code sets forth time limits, fees, records not subject to disclosure, information to redact, etc. The full text of the Code is on file in the City Clerk's Office and available on line. The City strictly adheres to all the provisions of the Public Records Act.

Government Code 6152(e) defines a public record as "any writing containing information relating to the conduct of the public's business prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics."

Disclosure of records involves two (2) fundamental yet competing interests: 1) prevention of secrecy in government and 2) protection of individual privacy.

Inspection of Records

Government Code Section 6253(a) requires that routinely available public records be open to inspection at all times during normal business hours. The law does require requesters to make arrangements in advance for the inspection of voluminous records if staff cannot accommodate the request on the spot.

Inspection of records is permitted only in the presence of City staff. No original records are to leave the possession of the City.

Copies of Records

Government Code Sections 6253(b)(c) require prompt response to record requests, but no later than ten (10) days after receipt of the request. The City may invoke up to a 14 day extension under unusual circumstances. Unusual circumstances include the need to search or collect records from remote storage; review voluminous records; or consult with another agency. The exception is Fair Political Campaign Commission (FPPC) related documents, which must be opened for inspection or copies supplied, within two (2) business days of request.

The City's policy is to provide the requested information as soon as possible and to develop systems that allow for the efficient search and retrieval of documents. The City's policy is to also provide documents and information of general interest available through the City's website so that members of the public have access to this information 24/7.

Guidance to Requester

Most members of the public do not know all the types of records cities keep, nor do they know the official names associated with the records they are seeking. With this in mind the Public Records Act requires public employees to guide requesters in the following ways:

- Assist the person in identifying records and information that are responsive to the request or to the purpose of the request, if revealed.
- Describe the information technology in which the record exist.
- Provide suggestions for overcoming any practical basis for denying access to the records or information sought.

A request for public records cannot compel the City to compile data, gather information, perform research, or otherwise create a record that does not exist or that is not maintained in the normal course of business.

Format of Response

State law specifies that if the records requested exist in electronic form, and the requester asks for them to be transmitted in electronic form, the government agency must comply. Copy fees cannot be charged for documents that already exist in electronic form and are e-mailed to the requester. However, if the documents requested only exist in paper form, the City may charge its copying charge as stated in the City's Master Fee Schedule for scanning the documents and then e-mailing it to the requester.

In keeping with the City's "green" policies, all copies should be 2-sided unless there is a compelling reason to use only one (1) side of the paper. To clarify, the City's copy charge is per page, not per sheet of paper. A two-sided document is two (2) pages.

Procedure for Responding to Requests

All requests for records, whether the request is in person, over the phone, or via e-mail, should be handled in the following manner:

The person receiving the request should determine: 1) does the request need clarification; 2) are the records requested in active status and easily accessible; 3) will there be a need to obtain part or all of the records from staff in another department; 4) will there be the need for legal review or redaction; and 5) how much time it will take to fulfill the request.

If the records requested are in active status, easily accessible by the person receiving the request, and there is no need for internal review of the records, the request should be filled as expediently as possible.

Staff should refer the request to the City Clerk if it is determined that the request will require: 1) coordination of records from more than one (1) department; 2) legal review or redaction; 3) involves a large volume of documents that must either be copied and/or scanned, or 4) a lengthy amount of time to fulfill the request.

The City Clerk will: 1) track the public records request to ensure compliance with legal timelines; 2) coordinate with the staff that will be responsible for retrieving the documents; 3) insure that the department that is the custodian of the records has obtained any required legal review and/or has performed any required redaction before releasing the records; and 4) correspond with the requester for clarification of the request, response time, and any charges.

Copyrighted or Proprietary Documents

Copyrighted or proprietary documents, such as architectural or engineering plans, literature not published by the City, may never be released to the public without first obtaining written authorization from the original author/designer. In most cases, it is best to refer the requester to the owner of the document to make arrangements directly. The exception to this is a subpoena for records, court order or district attorney investigation, where material is provided without the need to obtain the author's/designer's authorization.

Subpoena for Production of Business Records

The City Clerk's Office receives all subpoenas and related fees, associated with a subpoena for production of records. The department(s) serving as custodian of the records, will inform the City Clerk of the type and volume of records, any need for legal review, redaction, and the time necessary to provide the records.

The City Clerk will contact the attorney who issued the subpoena to discuss the best method of transmitting the records. Depending on the attorney's needs and the volume of records produced, the department that is custodian of the records will either copy their records and deliver them to the City Clerk's Office with a page count, or provide the originals to the Clerk's Office to monitor copying/scanning by a service hired by the attorney.

RECORDS MANAGEMENT EDUCATION AND TRAINING

The City Clerk is responsible for initial and ongoing staff training on records management policies and procedures. Training will be provided to all staff that has responsibility for: 1) creation of records; 2) filing and maintenance of records in hard copy and electronic format; and 3) research and retrieval of records.

The City Clerk will meet with new staff as part of an employee orientation to provide an overview of the records retention schedule, the records management program manual and any forms and procedure manuals that the employee may need. The City Clerk will also hold annual training meetings for all employees that have the responsibility for managing records.

The City Clerk will meet with department staff at least once every two years to review: 1) file inventories; 2) departmental retention schedules; and 3) compliance with policies and procedures related to the records management program.