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## **Records Management Policy**

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### **1.0 PURPOSE**

The purpose of the Santa Clara Valley Open Space Authority (Authority) Records Management Policy is to establish an efficient records management program that supports creation, identification, retention, and disposition of Authority records in accordance with California Government Code, and other applicable law.

An effective program will organize records based upon how they are used during the course of business to balance operational needs and public accessibility, as well as preserve records for the benefit of historical value.

### **2.0 AUTHORITY**

This policy will adhere to the provisions of California Government Code §7931.000 et seq. (California Public Records Act), and other federal and state laws, if applicable.

The Authority may destroy or dispose of any record that is not expressly required by law to be filed and preserved if the Authority adopts by resolution and complies with a record retention schedule that complies with guidelines provided by the Secretary of State pursuant to California Government Code Section 12236, that classifies all the Authority's records by category, and that establishes a standard protocol for destruction or disposition of records. The Board of Directors' approval is required prior to the destruction of official records. The Authority is not required to photograph, reproduce, microfilm, or make a copy of any record that is destroyed or disposed of pursuant California Government Code section 60201(c).

All records, as defined by California Government Code section 7920.530 will be retained for the minimum periods stated in the Records Retention Schedule as approved by the Board of Directors.

### **3.0 DEFINITIONS**

- a) **Active Records** – Documents that are used during the regular course of business or accessed more than once a month.

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- c) **Administrative Records** – Records commonly found in all offices and used in the conduct of daily business. These are typically retained for short time periods or when the transactions to which they relate have been completed. Examples include work plans, and forms.
- d) **Archival Records** – Records with enduring value because they reflect significant historical events, document the history and development of an agency, or provide valuable research data.
- e) **Damaged Records** – Physical records that have been damaged by water, fire, and other forms of contamination during natural and man-made disasters, or electronic records that have been corrupted due to hardware failure, software bugs, power outages and other forms of electronic corruption. Dependent on the severity of the damage, records may be recovered or may need to be declared unrecoverable and destroyed.
- f) **Electronic Records** – A record that requires a computer to read and translate the information for people to read.
- g) **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.
- h) **Local Government** – California Government Code, Section 7920.510 states: "'Local Agency' includes a county; city, whether general law or chartered; city and county; school district; municipal corporation; district; political subdivision; or any board, commission or agency thereof; other local public agency; or an entity that is a legislative body of a local agency pursuant to [subdivision \(c\)](#) or [\(d\) of Section 54952](#)."
- i) **Non-Records** – Materials not kept in the ordinary course of business such as external magazines, bulk mailers, newspapers, business cards, flyers, advertisements, bulk solicitations, non-historic photographs, etc. that have limited value to the Authority and retention would be burdensome.
- j) **Permanent Records**  
In accordance with California Government Code Section 60201(d), the Authority may not destroy or dispose of any record that is any of the following:
  - (1) Relates to formation, change of organization, or reorganization of the Authority.
  - (2) An ordinance adopted by the Authority. However, an ordinance that has been repealed or is otherwise invalid or unenforceable may be destroyed or disposed of pursuant to this section five years after it was repealed or became invalid or unenforceable.
  - (3) Minutes of any meeting of the legislative body of the Authority.
  - (4) Relates to any non-discharged debt of the Authority.
  - (5) Relates to the title to real property in which the Authority has an interest.

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- k) **Program Records** – Records that relate to the primary function of the agency in response to its daily mission. Examples include lien files, recorders files, election files, probate records, medical records, etc.
- l) **Records** – Any writing, including all papers, maps, exhibits, electronic media, tapes, photographs, and other documents, containing information relating to the conduct of the public's business prepared, owned, used, or retained by the Authority, regardless of physical form or characteristics, and kept in the ordinary course of business.
- m) **Records Destruction Request Form** – Form used to attain approval for destruction of official records.
- n) **Records Manager** – The employee charged with managing and maintaining the Authority's records management program.
- o) **Records Retention Schedule** – A list of all records produced or maintained by an agency and the actions taken with regards to those records. A 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 because they no longer have any administrative, fiscal, historical, or legal value.
- p) **Retention Period** – The length of time a record must be retained to fulfill its administrative, fiscal historical and/or legal function. Then a record should be disposed of as soon as possible in accordance with an approved Records Retention Schedule.
- q) **Vital Records** – Records required for daily operations and to resume those operations after a disaster. Records which, because of the information they contain, are essential to one or all the following:
  - (1) The resumption and/or continuation of operations;
  - (2) The recreation of legal and financial status of the Authority, in case of a disaster;
  - (3) The fulfillment of obligations to bondholders and employees.

## **4.0 RESPONSIBILITIES**

- a) The Clerk of the Board is the Records Manager and is charged with managing and maintaining the Records Management Program.
- b) Each department is responsible for retaining its records in accordance with the requirements of this policy.
- c) The Board of Directors' approval is required for all requests for destruction of official records submitted by staff on the Records Destruction Request.

## **5.0 RECORDS RETENTION SCHEDULE**

The Records Retention Schedule provides a categorized list of records and required periods of retention for those records and should include all formats (electronic or hard copy). The schedule may be revised periodically to include new record types, to change retention periods, or to delete a record series no longer useful. The retention schedule is not intended to be a permanently fixed document, but flexible in nature to accommodate legal, administrative, or fiscal policy changes. Board approval is required for any such revisions.

All records are to be kept for the minimum retention periods stated in the Records Retention Schedule. Notwithstanding such minimum retention periods, records must be maintained until required audits involving those records are completed, and relevant records should be retained beyond the listed retention periods when litigation is initiated prior to expiration of the retention periods or where litigation is reasonably anticipated either involving those relevant records or requiring their use.

In most cases, records not addressed in the Record Retention Schedule should be considered routine in nature and are to be identified as General Information under a specific record series. Retention for those files is two (2) years unless otherwise required by law.

## **6.0 ELECTRONIC RECORDS**

Documents may be maintained for the prescribed minimum retention periods in electronic format. Official records kept only in electronic format must be identified in the Records Retention Schedule as such.

### **6.01 Email**

Email messages and attachments comparable to hard copy documents that would be retained under this policy should be retained as follows: The document must be categorized in the appropriate record series and converted to the appropriate electronic format or printed in hard copy and retained for the required time as outlined in the Records Retention Schedule.

### **6.02 Databases**

Databases consist of electronic files and fields of data that provide useful information to the Authority. For records retention purposes, a database is an official record of the Authority. The retention period is established as "Current (C)" to reflect that only the current version needs to be maintained.

### **7.0 DESTRUCTION**

California Government Code Section 60203 sets forth that if a record is not expressly required by law to be filed and preserved and it can be produced electronically, the original may be destroyed.

For destruction of official records, documentation of destruction is required. The Records Destruction Request Form is to be completed by the Clerk of the Board or Deputy Clerk of the Board and must be approved by the Assistant General Manager and Board of Directors prior to destruction. This form serves as a permanent record and would be utilized in any legal proceedings as evidence of proper destruction.

A record may not be destroyed if any litigation, claim negotiation, audit, open records request, administrative review, or other action involving the record is initiated before the expiration of the retention period for the record series in the approved Records Retention Schedule, or where in the judgment of Authority staff litigation is reasonably anticipated. Otherwise, records may be destroyed in accordance with the approved retention periods shown in the Records Retention Schedule.