

# NAPA VALLEJO WASTE MANAGEMENT AUTHORITY (AUTHORITY) RECORDS MANAGEMENT POLICY

## SECTION 1. GENERAL POLICY

### 1-1 PURPOSE

This policy addresses the management and retention of records for the Napa-Vallejo Waste Management Authority (Authority). The policies and procedures included herein are collectively intended to:

- Ensure the Authority is in compliance with State and Federal laws;
- Reduce the Authority's costs for records storage, handling, and management;
- Reduce the number of records held beyond legal retention requirements;
- Increase the security and safeguard the privacy of the information contained in confidential and sensitive records;
- Eliminate unnecessary staff time associated with filing, searching, losing, storing, and retrieving records of all kinds;
- Provide guidelines for the proper utilization of digital, optical, and other electronic technology to manage and, as appropriate, to store Authority records;
- Provide coordinated training of Authority staff as to effective records management principles and guidelines;
- "Clean house" by eliminating Authority storage of inactive, redundant, unnecessary, and outdated records and reducing the retention of records to only active records;
- Facilitate the effective use of active records and the efficient transport, storage, and destruction of inactive records;
- Reduce costs, including the cost of producing unnecessary and necessary records during discovery; and
- Reduce staff time required to respond to Public Records Act and discovery requests.

### 1-2 OPERATING DEFINITIONS

The following operating definitions characterize the elements of records management:

- A. A **Record** can be any writing containing information relating to the conduct of the public's business that is prepared, owned, used, or retained, regardless of physical form or characteristics.<sup>1</sup> This means a record can be *any* paper or electronic document, computer tape, film, or other form of documentation that **records** or **transmits any type of writing relating to the conduct of Authority business**. The information these records transmit or record may be administrative, financial, clinical, legal, or personnel-related.
- B. **Records Required to Be Retained**: Records that are required to be retained by the Authority include any record in the Authority's custody that constitutes a lasting indication of a writing, event or other information, and (1) is prepared or received pursuant to State or Federal statute, regulation, or case law, or (2) is required to be retained by a records retention schedule adopted by the Authority Board of Directors, or (3) is necessary or convenient to the discharge of a public officer's duties and was made or retained for the purpose of preserving

---

<sup>1</sup> Government Code §6252 through §6257.

its informational content for future reference. (64 Ops.Cal.Atty.Gen. 317, 324-26 (1981.)) The Authority should determine whether a record is required to be retained based on the content of the record, not the medium in which it is held.

- C. **Records retained by the Authority** pursuant to 1-2(B) fall into two categories:
1. **Active records**—those that are currently open, being actively used, or are subject to regular or frequent reference, that need to be retained in close proximity to their user(s); and
  2. **Inactive records**—those that are closed or are no longer being used or actively accessed and that are best retained offsite where storage can occur more economically, *but which still need to be retained for legal or practical purposes.*
- D. **Records retention** involves the managed storage of all records that need to be retained for legal or practical purposes, regardless of the format or medium in which they may exist. **Managed storage** means that all Authority records:
1. Shall be stored at the Napa County Records Center (“Records Center”), or Authority Board of Directors approved alternative;
  2. Have a specific approved lifetime (are retained for a specific number of years or permanently), and in the case of hardcopy (paper) records are maintained initially in the user department(s) and later at the Records Center; or approved alternative;
  3. Are maintained over their lifetime in appropriate formats or media;
  4. Are housed appropriately, ensuring privacy and security;
  5. Are indexed and stored in a manner that records can be located quickly, completely, accurately, and efficiently if they are needed throughout their lifecycle;
  6. Are accessed/retrieved as needed via protocols and procedures ensuring the privacy and security of the information contained in the records; and
  7. Are ultimately purged (destroyed) once they are superannuated according to approved protocols and procedures.

### **1-3 RESPONSIBILITY FOR RECORDS AND RECORDS MANAGEMENT**

A. Any Authority officer or employee having custody or control of any Authority records shall maintain records under their control in a manner consistent with this policy and shall not destroy any records without the proper authority as set forth under section 1-4 of this policy. At the expiration of an officer or employee’s term of office, appointment, or employment, the officer or employee shall deliver custody and control of all records kept or received by them to their successor or supervisor.

B. While records management ultimately involves every Authority employee that interacts with Authority records, the Authority Executive Director may designate an individual, or individuals, to assist with and be responsible for implementing this policy and develop policies and procedures to ensure efficient management of the records maintained by the Authority and ensure, where appropriate, the transfer of inactive records to Managed Storage.

C. Responsibility for the management of all storage, retrieval, and purging activity involving hardcopy records falls under the Napa County Records Management Department, however, no records will be purged without sign off from the Executive Director.

D. The rights of custody and control of records that the Authority chooses to store remain with the Authority and the Authority is responsible for granting access to members of the public in

accordance with all applicable statutes, regulations, policies, and procedures. Any and all legal restrictions regarding access to records shall remain in effect while stored on behalf of the Authority.

#### **1-4 AUTHORITY TO DESTROY RECORDS**

While many records are not subject to retention because they do not fall under the scope of 1-2(B) above, an Authority official may only authorize destruction of those records required to be retained when the appropriate authority exists under this Policy and the Records and Retention Schedule. There are four categories of such records. Those categories are below:

- (1) Category 1: Records not prepared or received pursuant to State statute or the Authority Joint Powers Agreement. These records can be destroyed without duplication by a majority vote of the Authority Board of Director or by an officer with delegated Board authority to destroy these records.
- (2) Category 2: Records prepared or received pursuant to State statute or Authority Joint Powers Agreement, but not required to be filed and preserved. These records can be destroyed only if duplicates are made consistent with the conditions set forth in Government Code Section 26205(a)-(c) and 26205.1<sup>1</sup>, or without duplication if they are not subject to a litigation hold or a Public Records Act request and have been retained for the time period set forth in retention schedule approved by a majority of the Authority Board of Directors.
- (3) Category 3: Records that are required by law to be filed and preserved. The Authority has no power to authorize the destruction of this class of record.
- (4) Category 4: Duplicates of any record. The Authority can authorize the destruction of almost all duplicates at any time.

In addition to the four categories above, which only apply to records that are required to be retained, there are two additional categories typically known as **transitory records** and **non-records**, which are not required to be retained for any specified period of time. Accordingly, category 5 and 6 records can be destroyed at any time.

- (5) Category 5: Transitory records. Transitory records include those records not retained in the ordinary course of business. Examples include preliminary drafts, notes, most interagency or intra-agency memoranda and emails, telephone messages, meeting room reservation schedules, logs, source records entered into a computer system that qualifies as a “trusted system”, and other records having only transitory value.
- (6) Category 6: Non-records. Non-records include documents, studies, books and pamphlets created by outside agencies for some general purpose (i.e. not prepared specifically for the Authority’s benefit).

#### **Authority Delegated to the Executive Director**

The Authority Board of Directors has delegated authority to the Executive Director to destroy records

---

<sup>1</sup> Section 26205.1 does not technically apply to the Authority. However, the Authority elects to utilize the conditions set forth in this section to the extent it can apply to the Authority. Hence, any references to the “board of supervisors” in this section shall be replaced with Board of Directors of the Napa Vallejo Waste Management Authority, (“Authority”) for the purposes of this policy. And any reference to a position within the County shall be replaced with the appropriate person/position in the Authority to the extent possible.

under Categories 1 and 4. Specifically, the Executive Director is authorized to (1) destroy original records of any record if an appropriate copy/reproduction<sup>2</sup> is created for the use of the public, and (2) destroy an original record without the requirement of creating a copy where the record has been maintained for two years and was not a record prepared or received pursuant to a state statute or a record expressly required by law to be filed and preserved. Category 4 records can also be destroyed at anytime.

The Authority Board has also delegated authority to destroy those records under Category 2 where the record falls within a category of record set forth by a record retention schedule approved by a majority of the Authority and the record has been retained for the time required therein.

Note that no authority exists in any Authority employee or official to destroy any records under Category 3, subject to a current litigation hold, or a subject to an ongoing Public Records Act request.

The Executive Director may delegate his or her authority to destroy records in Categories 1, 2, and 4; however, such delegation shall only be effective after the Executive Director has signed a document delegating this authority to a specific position or individual and a copy of that document has been provided to the Records Center or approved records management alternative.

## **1-5 GENERAL RECORDS MANAGEMENT POLICY**

The policies set forth below govern Records Management for the Authority:

1. The Authority shall perform an inventory of the types of records that it creates and maintains and determine the appropriate retention period for each category or type record. Where a record falls within the scope of Category 2, the Authority shall determine whether the record falls within a category already listed on the approved records retention schedule before purging the record. If the record is not already provided for on the approved retention schedule, the Authority shall bring a records retention schedule amendment to the Authority's Board to ensure the Authority has the necessary authority to purge the record.
2. All *inactive* Authority hardcopy records that require continued retention according to approved retention schedules shall be stored at the Records Center or approved records management alternative.
3. *Active* records shall be organized and filed to facilitate eventual transfer to the Records Center, or approved records management alternative, for purging and disposal.
4. All email shall be presumed to be a preliminary draft not retained in the normal course of business and will be automatically deleted off the County's servers after 60 days if the account holder does not take action to retain the email. If the content of the email makes it a record required to be retained, it shall be the responsibility of the individual account

---

<sup>2</sup> Pursuant to Government Code Section 26205.1, the copy maintained for the use of the public can be photographic or micro photographic film, electronically recorded video production, a record contained in the electronic data processing system, a record recorded on optical disk, a record recorded by any other medium that does not permit additions, deletions, or changes to the original document, or other duplicate of the record, document, instrument, book, or paper destroyed.

holder to transfer the email to such folder or application designated by ITS for the storage and retention of such correspondence.

5. Original records exist in different formats—electronic, digital, optical, etc., in addition to or instead of hardcopy. Records *in all formats* shall be treated the same with respect to retention. That is, if the approved retention period for a given document is five years, it is to be purged and destroyed following five years, regardless of the format(s) in which it exists.
6. Copies of an original record may exist in multiple formats. When a record becomes inactive, the Executive Director or his/her designee of the Authority that originated the record will make a determination in to which medium the record should be stored. Once this determination is made, all redundant copies or versions of the document should be destroyed by the Authority, preserving the integrity of the “original” record or document.
7. Purging of Authority records: Records retained by the Authority shall be reviewed *at least* annually (or more often, depending on activity). All inactive hardcopy records shall be either 1) purged if the record’s retention period has been reached according to the adopted retention schedules or Executive Director’s authority as delegated by the Board of Directors and described above; or 2) transferred by the Authority to the Records Center, or approved records management alternative.
8. Superannuated records (obsolete records that have exceeded their retention period) retained in the Records Center shall be purged at least annually under the direction of the ITS Staff Services Manager and Supervising Mail/Records Clerk and in compliance with Authority policies and procedures (see Section 2, herein, policies and procedures for purging of records).
9. Authority for authorizing routine purges of superannuated records (both from the Records Center as well as from the Authority) according to approved retention schedules and purge policies rests with the Executive Director.
10. All records housed in the Records Center shall be treated as though they are confidential by Records Center staff. No release of information contained in any records housed in the Records Center shall be released without the prior written consent of the Authority or the Authority’s counsel.
11. Secured purging and destruction of confidential records (bulk volumes, not individual files) held at the Records Center, or approved alternative, shall be accomplished under the direction of the Information Technology Services (ITS) Staff Services Manager and Supervising Mail/Records Clerk by contracting with a professional paper management service providing secured bulk shredding and a Certificate of Destruction certifying and witnessing as to the verity and date of said destruction.
12. Legal documents or any other records or files involved in litigation of any kind shall be retained by the Authority as open or active files until such time as the litigation process is completed and the files are closed. The closed files may then be transferred to the Records Center, or approved records management alternative, where they shall be retained for an additional ten (10) years.

13. All electronically stored records will be purged (at automatically designed schedules) accordingly to preset retention periods of those, 'pre-classified' records.
14. Tape (and other media) backups of servers and data (including E-mail, data on 'shared drives', and enterprise systems) of the Authority are scheduled and kept for a ninety (90) day cycle. Tapes are rotated for re-use every ninety (90) days and are used for disaster recovery purposes only or as prescribed by law such as a court order. The backup process combines full backups with differential backups on an appropriate schedule.

The purpose of enterprise backups on tape or other media is reserved for recovery from a massive hardware failure, a disaster event rendering existing data and servers useless, and other such calamity requiring a rebuild of major systems. Users shall not rely on backup media to perform recovery of deleted data. Authority employees are encouraged to store important data and information in the designated shared location resources and not on the user's PC hard drive as local PC hard drives (as well as other 'local' storage media) are not backed up by ITS. Authority users are not allowed to back up their own data or that of assigned PC's and other computing devices onto 'Cloud' or other Internet backup services.

#### **1-6 PROCESS FOR PURGING RECORDS**

In general, no records should be retained longer than the law requires or good business practice mandate, unless they are subject to a litigation hold or current Public Records Act request.

**Records purges** of physical records should occur *at least annually* in the Authority, as well as at the Records Center. These purges should be driven by the **approved retention schedules** for the records involved, and should include destruction of all copies regardless of the format (i.e. all electronic, digital, and hardcopy (paper) copies should be destroyed as well). Records requiring no further retention should be purged and destroyed by shredding. Inactive records that must be retained for a year or more should be boxed and transferred to the Records Center, or approved records management alternative.

## **SECTION 2. GUIDELINES FOR AUTHORITY RECORD RETENTION SCHEDULES**

### **2-1 GENERAL PRINCIPLES**

In updating the Authority's record retention schedule, the Authority should consider the following and update records retention schedules periodically as required by statute or good practice:

- Federal, State, County, and other local laws and regulations;
- Accreditation standards, where they apply;
- Existing Authority policy;
- Established government or industry "good practice";
- Authority need;
- Historical significance; and
- Common sense.

Using the above as a framework of consideration, the Authority must prepare and update their record retention schedule consistent with this policy.

## 2-2 COPY OF CURRENT RECORDS RETENTION SCHEDULES

Records Management shall maintain a copy of all records retention schedules approved by the Authority Board as well as a copy of a certified minute order or signed resolution adopting each schedule. Records Management shall make copies of these schedules readily available to Authority officials, employees, and the public upon request. An updated copy of current records retention schedules shall be attached to this policy and shall be accessible as part of this policy.

## 2-3 RECORDS RETENTION CATEGORIES

In order to ensure consistency that will assist in the efficient purging of records, this policy sets forth **retention categories** that the Authority should utilize in developing and updating records retention schedules. Most Authority records fall under one of these retention categories, depending on the nature and content of the record itself and the applicable considerations listed above. **Where no retention category fits, the Authority should simply list a number in the retention schedule denoting the retention period in years.**

Of all the records required to be maintained in today's government settings, only a limited number have retention requirements specifically stipulated by legal or administrative statute, or accreditation standard. It is easy to determine retention for records that are so governed.

Many other records are required to be maintained on some statutory or administrative level, but without a specific legal or accreditation retention requirement. For these records, it is left to the Authority to develop retention schedules based on established good practice, Authority need, and common sense.

The retention categories set forth below are each defined as specifically as possible, with examples of the types of records that fall into that category.

**Categories A** and **KC** are based on established good practice and experience, and on common sense. **Categories AU, B, CL, CU, and P** are based on various federal, state, and accreditation statutes and standards from the following sources as they apply:

- Code of Federal Regulations (CFR)
- United States Code (USC)
- California Code of Regulations (CCR) California
- Law (various state codes)

### **CATEGORY –A – DISCRETIONARY / COPIES, PRELIMINARY DRAFTS, NOTES, NON-RECORDS (SHORT-TERM)**

**Examples:** Most email; preliminary drafts and notes; *copies* of minutes; *working copies* of any documents where someone else owns the original, such as contracts or agreements; and records from other agencies or businesses (non-records).

This category is specifically designed for records and files of a transient nature. These records are considered a preliminary draft not retained in the normal course of business. Such documentation should normally not be retained longer than one (1) year; in many cases they may be discarded or destroyed within days or even hours, once they are of no further use to the user. No records or files in this class should be transferred to any records retention facility.

## **CATEGORY —AU — AUDIT PLUS (X) YEARS**

**Examples:** most A/P, GL, and payroll documentation.

Intended for all records subject to financial audit, in whatever format (electronic, digital, hardcopy, etc.). This class, with the post-audit extension of a specified number of years satisfies statutes of limitation relating to financial records, but not code-action lawsuits or other litigation. Records in Category AU should be filed by years in separate or divided folders, drawers, cabinets, etc., encouraging purging of the entire grouping. Purge once closed or inactive (appropriate scenario is to maintain current year plus two most recent years in the department). Whenever past-year documents are reactivated, re-file them in the current year.

## **CATEGORY —B — TWO (2) YEARS**

**Examples:** All records specifically or typically required to be kept two years, e.g., correspondence.

For records legally required to be kept for two (2) years, or for records which are retained at the discretion of the department and become subject to the general two (2) year retention requirements.

## **CATEGORY —CL — (UNTIL) CLOSED OR COMPLETED, PLUS (6) YEARS**

**Examples:** **Contracts, leases, agreements, franchise agreements,** etc. Retain for the life (until expiration) of the contract, lease, etc., then transfer to the Records Center, or approved records storage alternate, and retain an additional six (6) years before final destruction.

Designed for records with a specific life or duration, as determined by the terms of the agreement or contract documented by the record. These records should be maintained as active records in Category CL until the term of the agreement or contract is closed or completed or terminated. The records should then be retained an additional six (6) years to cover any relevant statutes of limitation that may apply to the now-closed agreement or contract.

## **CATEGORY —CU — CURRENT YEAR, PLUS (X) YEARS**

**Examples:** Any *non-financial* records or files that have particular relevance to the current or fiscal year, like activity reports and operations indicators. **NOTE:** financial records that are valid for the current fiscal year and are then retained for a number of years thereafter should be classified in Category AU. In the same way, agreements and contracts should be classed in Category CL.

This Category is intended for the many *non-financial* records that need to be retained for the current or fiscal year, plus a determined number of years beyond. In the retention tables, the retention period is shown as "CU + x", where "x" is the number of years of retention after the close of the current or fiscal year.

## **CATEGORY —KC — KEEP CURRENT**

**Examples:** Payroll documents reflecting pay period and YTD information; user copies of policy and procedure manuals from other sources (owner department or source retains original copy of policy and procedure manual according to Category CL). Also all types of outside resource or reference information (e.g., operating manuals, catalogs, rate or fee structures, etc.) where each new issue supersedes all previous issues.

Category includes cyclical printouts and other materials that update themselves with each issue; also internal and external source and reference documentation. Only the most recent



issuance should be kept.

**CATEGORY —P — PERMANENT**

**Examples:** Bylaws; original Authority Board of Directors and steering committee minutes; audits; annual financial statements; logs of clinical activity; and various other files as designated.

Category includes all records documenting the *official status* and *direction* of the Authority as a jurisdiction, from its beginning through its existence and beyond; includes Board of Directors, administrative and other steering committee *original* minutes, agendas, and reports. Also includes original Authority budgets, certain files as designated and other records that in the judgment of the Authority or Authority Counsel should prudently be maintained on an indefinite or permanent basis. Records considered to be of historical significance may be placed in this category.

**2-4 RECORDS RETENTION SCHEDULE**

Attached as Exhibit A is the retention schedule that sets forth the format and additional information to provide for the efficient management and purging of physical and electronic records.

**[The remainder of this page is left blank intentionally]**

**EXHIBIT "A"**

**Appendix-Records Retention Schedule**