

ADMINISTRATIVE REGULATION

Electronic Records Retention

It is the policy of the District to comply with state and federal laws with respect to the retention of electronic records. State law provides that all governmental records that are generated, received, or maintained electronically, including email or video surveillance recording, are records subject to the Public Records Law. These records must be retained in an accessible format, capable of being reproduced or printed. Much district information is maintained in electronic form, which includes email, and must be available for a designated period of time in order to meet the district's obligations under state and federal law. Certain emails, although ordinarily transitory and not a primary mode of record keeping, must also be maintained in a way that allows for easy retrieval of pertinent messages. All electronic records of any type (public or non-public) are district-owned and may be subject to disclosure as part of a lawsuit. Users are urged to refrain from saying things in an email that they would not want produced as part of a public record disclosure or lawsuit.

Electronic records, including email and documents stored on any district electronic device or in any district-sponsored account, that are relevant to an investigation, claim, or litigation that is pending or likely to occur are subject to discovery and may not be deleted under any circumstances. The Superintendent or Director of Personnel Services may put a litigation hold on any such records if necessary, in which case the Director of Information Technology will take appropriate steps to retain the information in a form that is searchable and safe from inadvertent or purposeful deletion.

Text messaging should not be used for district business.

Any document or email that contains information which is personally identifiable to a student may be part of that student's record and must be managed per the California Student Records Regulations and the Family Educational Rights and Privacy Act (FERPA) to ensure that the district complies with records retention, confidentiality and security requirements. Therefore, employees must establish files for electronic documents and emails in which to store any record pertaining to the student. These records may not be deleted when purging email or other records unless a paper copy is made and retained in accordance with district procedures.

Employees are provided a district email account, and are the custodians of, but not owners of, that account and, as such, have no right to privacy for messages sent or received.

To manage the retention of electronic files, the Director of Information Technology shall develop and implement procedures to:

- Retain and dispose of district records in a manner consistent with state and federal law;
- Maintain the safety and security of files from system or individual computer failure, tampering, hacking, or deletion;
- Coordinate backup and retention of electronic files until they are no longer institutionally useful or have reached the end of the retention period;
- Ensure that files are easily retrievable for investigations, claims, discovery, or other legal requirements;

- Ensure continuous access to electronic files and email whenever equipment or software is upgraded or modified;
- Ensure that users understand the provisions of this policy and their individual responsibilities under the policy;
- Maintain and update data breach response procedures;

District Emails - Retention Period 5 years

All sent or received emails are archived for at least five years. However, the length of time that an email message must be retained by the District depends on the content and purpose of the email and if there is a litigation hold or investigation.

Users should be aware that if they utilize personal email accounts to conduct district business, those email records will be considered public records subject to disclosure. The District discourages the use of school accounts for personal uses, but recognizes that this sometimes occurs. Such use should be limited to non-working time and with the understanding that these emails are not private.

Employees are provided with electronic storage space that has a limited capacity. As with email messages, electronic files such as documents, spreadsheets, videos, photographs, audio files, web history, etc. must be identified, preserved and disposed of in a manner consistent with the procedures established by the Director of Information Technology.

Users should be aware that social media sites which contain communications sent to or received by district employees are subject to the same electronic records requirements as other electronic records.

Web History - Retention Period 14 days

Subject to limited exceptions, web history generally need only be maintained on District servers until its administrative use ceases, currently 14 days.

Video Surveillance - Retention Period 14 Days

The district must retain all video surveillance recordings for a period of at least 14 days, however, if the recording relates to matters that may lead to or result in use of the recording for another purpose, such as an investigation or a disciplinary proceeding, the applicable record retention period is adjusted to reflect that new purpose.

Legal Reference: 5 CCR 16020-16027; 5 CCR 17401-17403

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