



Board Policy No. 221
Record Retention

SUBJECT CATEGORY: SECTION 200,
ADMINISTRATION, RECORD RETENTION

221: Record Retention

221.1 Purpose: The purpose of this Records Retention & Destruction Policy (Policy) is to establish comprehensive and uniform guidelines for cost-effective and efficient records management for the East Contra Costa Fire Protection District (District). The Policy will assist District efforts to streamline and organize its records by establishing procedures (Procedures) for the destruction of those records no longer required to be retained for business purposes or legal reasons.

221.2 Policy: It is the Policy of the District to maintain and dispose of records and information in accordance with accepted records management practices and standards, and all applicable state and federal laws.

221.3 Definition of "Record": The term "record" as used in this Policy shall mean: handwriting, typewriting, printing, photocopying, photographing, video recording, e-mail, and every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds, or symbols, or a combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

221.4 Delegation of Authority to Implement Policy: By adopting this Policy, the Board of Directors grants to the Fire Chief, or his/her designee, the authority to interpret and implement this Policy, and to retain and destroy all District records as specified in this Policy and in the Procedures implementing this Policy.

221.5 General Guidelines:

- a) All District records must be retained in their original form for a minimum of **two years**, unless otherwise provided for in the Procedures implementing this Policy. The Fire Chief may authorize the destruction of any **duplicate** records, including duplicates less than two years old, if no longer needed.
- b) The District reserves the right to retain records longer than the recommended minimum retention period. Authority regarding retention periods for the records referenced herein is derived from the California Government Code, and from the Local Government Records Management Guidelines (February 2006) issued by the California Secretary of State.
- c) Except where a longer retention period is required hereunder or in the Procedures implementing this Policy, after two years, the District, with the Fire Chief's approval, may destroy any original document without the District retaining a record or copy of these documents.

- d) The District must retain **indefinitely** original records that are essential to:
1. Resume and/or continue operations;
 2. Re-create the legal and financial status of the District in case of a disaster; or
 3. Fulfill obligations to District residents, businesses, other service recipients and/or employees.
- e) The District must retain any record that is the subject of a pending request made pursuant to the California Public Records Act, whether or not the District has concluded that the record is exempt from disclosure, until the request has been granted or two years have elapsed since the District provided written notice to the requester that the request has been denied. (Gov't Code § 60201(d)(5).)

221.6 Implementing Procedures: The Board of Directors directs staff to follow the attached Procedures (Attachment A) in carrying out this Policy. These Procedures may be amended from time to time by the Fire Chief as laws and regulations change; as District needs evolve; and as records not addressed therein are created. Any amendments to the Procedures must be consistent with State and federal law and this Policy, and must further the intent of this Policy.

Adopted as: Policy 1-9 on February 6, 2017

Renumbered: December 12, 2018



Clerk of the Board



Board President

**ATTACHMENT A:
PROCEDURES IMPLEMENTING
EAST CONTRA COSTA FIRE PROTECTION DISTRICT
RECORDS RETENTION & DESTRUCTION POLICY**

PURPOSE

These procedures (Procedures) implement District Policy 221, Records Retention & Destruction Policy adopted by the East Contra Costa Fire Protection District (District). These Procedures provide guidance for the retention of records and may be amended from time to time by the Fire Chief in accordance with applicable law and in furtherance of District policies.

A. LEGAL HOLDS

Under certain circumstances, the District's Legal Counsel determines that destruction of records in accordance with the Retention Schedule must be suspended for certain individuals (including their emails) and/or certain categories of records. Legal holds are most often implemented in the following circumstances:

A lawsuit filed by or against the District;

Threatened or anticipated litigation known to the District;

A government investigation conducted in connection with the District;

Protection or enforcement of the District's legal rights; or Tax audits, assessments or other investigations.

Regardless of whether the Legal Counsel has issued a formal legal hold, no records may be destroyed, even if to do so would otherwise be compliant with the Retention Schedule, if they reasonably relate to ongoing or reasonably anticipated litigation, audits or governmental investigations. District personnel must immediately report to the Fire Chief any issues, claims, or disputes where litigation is threatened or reasonably foreseeable. Prompt reporting is critical in order for the District to take appropriate steps to impose a legal hold, to suspend destruction of relevant records (including pertinent emails), and to ensure the District's compliance with a legal obligation to preserve potential evidence. All questions regarding whether records or writings should be retained for legal or litigation purposes should be directed to the Fire Chief and Legal Counsel.

In case of a legal hold, Legal Counsel will coordinate with the Fire Chief to suspend automatic deletion of email for affected District personnel. Legal Counsel will disseminate instructions to affected District personnel to inform them what emails and other records must be retained. Although automatic email deletion will be suspended, affected District personnel must nevertheless take care not to manually delete email that are subject to the legal hold, and must not destroy relevant email or other records until Legal Counsel has notified them in writing that the legal hold has been lifted.