(6)

BPC Policy No. 371

SUBJECT: RECORDS RETENTION POLICY

PURPOSE: To establish the policy for identifying, receiving, retaining, storing, protecting and disposing of District records.

POLICY STATEMENT: The Records Management function in the District is to provide management with the information necessary for problem solving and decision making, to find solutions for operating problems that develop during phases of records creation and to assist in controlling the life cycle of all of the District's records.

1. General Guidelines

1.1 Governing Statute:

California and Federal Regulations set forth the rules regarding the disposition of records, including when the District may destroy records, papers, or documents and the procedure for their disposition. Any policy regarding the destruction or retention of records must incorporate these statutes and be approved in a formal action by the San Diego Unified Port District Board of Port Commissioners.

1.2 Scope:

This policy is applicable to the District and all its departments and divisions. The objectives of the Records Retention Policy are:

- To ensure that all legal, historical, fiscal and administrative requirements are satisfied before records are destroyed.
- To conserve District resources, such as space and staff time, by managing records and removing inactive or obsolete material from office files.
- To maintain a regular, controlled flow of records from offices to destruction or archive storage.

1.3 Definitions:

(a) Public Record - Any writing as set forth in California Government Code Section 6252, but generally shall include any writing containing information relating to the conduct of the public's business prepared, owned, used or retained by the District, regardless of physical form or characteristics.

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Filed APR 18 2008
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(b) Records Management – The planned and systematic control of business records from their creation or receipt, through final disposition.

(c) Records Retention Schedule – The document that outlines how long a document must be kept by law, or longer, if needed for District operations.

(d) Official Record – The records to which retention schedules apply.

(e) San Diego Unified Port District – Hereafter referred to as the "District", is a public corporation formed by the California State Legislature in 1962.

(f) Board of Port Commissioners – Hereafter referred to as the "Board", are the individuals appointed by the City Councils of the cities that comprise the Port District.

(g) Senior Management – The decision making employees responsible for the daily operation and long range planning functions of the District.

(h) E-mail - Informal messages produced via a computer.

(i) Retention Period – The length of time a record needs to be maintained to satisfy the purposes for which it was created, and to fulfill legal, fiscal and administrative requirements of the District and interested external agencies.

(j) Department of Record – The department which is designated as the primary repository for a record, and has the primary responsibility for producing the records for an audit or other purposes. The department of record is not necessarily the department of origin. An example would be confidential records kept by the Harbor Police Department, financial records kept by the Finance Department etc.

(k) Records Management – The section of the Office of the District Clerk that is responsible for coordinating records management for the District.

(l) Indefinite Records – These are records that are vital to the ongoing operation of the District and should be retained indefinitely (sometimes referred to as permanent records).

(m) Transitory Records – These records are informal communications produced via a computer, posted note or other temporary medium. They are designed to have a limited retention period and as such, are not considered records in and of themselves unless they are saved in relation to another document or project.

(n) Digital Record Images – These are records that have been photographed, microphotographed, or electronically preserved on any medium which does not permit additions, deletions, or changes to the original document in compliance with the minimum standards or guidelines, or both, as recommended by the American National Standards Institute (ANSI) or the Association for Information and Image Management (AIIM).

(o) American National Standards Institute (ANSI) - ANSI is a private, non-profit organization (501(c)3) that administers and coordinates the U.S. voluntary standardization and conformity assessment system.

(p) Association for Information and Image Management (AIIM) - AIIM is a neutral global records industry organization that helps users connect with suppliers of records technology.

(q) Abbreviations - The following abbreviations are used in the Records Retention Schedule:

AC = Active. For example, while the contract is active or while the employee is still working for the company.

AD = Adoption. Date that the Board either awards or authorizes the document.

Appt. = Appointment Date. Date that the Commissioner was appointed to the Board.

AU = Audit. Date of last completed audit. For example, the current budget and the two previous years are kept for the current year until the audit is completed.

CL = Closed/Completion. For example, claims are retained for five additional years after the case is closed.

CU = Current Year.

"+" = Plus sign. For example, the records would be kept for the current year, plus 2 past years.

L = Life. For example, Certificates of Compliance or Occupancy would be kept for the life of the building.

I = Indefinite. These records are vital to the continued operation of the District and should be maintained indefinitely.

S = Supersede. Keep these records until more current ones replace them.

T = Termination. For example, certain personnel records would be kept for five years after the termination of the employee.

1.4 Responsibility:

(a) The Office of the District Clerk has the overall responsibility for implementing and maintaining the District-wide Records Management policy. This includes:

- Ensuring the Senior Management and/or their designated representatives are knowledgeable regarding their responsibilities and the provisions/requirements of the records management process;

- Maintaining records retention guidelines in conjunction with legal requirements/considerations in cooperation with the Port Attorney's Office.

(b) The respective Senior Management or their designated representatives are responsible for ensuring that accurate and complete records for their Departments are identified, retained and disposed of in accordance with the District's Records Retention Schedule. At least once a year, the Records Retention Schedule is to be reviewed by each Department. Any new Records Series (Category) that needs to be placed on the Schedule should be so noted

and a request to revise said Schedule should be coordinated with Records Management.

2. Record Classifications

2.1 Indefinite Records

An "I" in the "Retention" column shall mean that the document is to be retained indefinitely in original form in the District's records. Examples of records that would not be destroyed include:

1. Public records affecting the title to real property, or liens thereon
2. Public records required to be kept by statute
3. The minutes, ordinances and resolutions of the Board

2.2 Transitory Messages (E-mail)

E-mail means informal communications produced via a computer.

E-mails that determine policy or procedures of the department, terms and conditions of contracts and other business related functions are considered records and must be maintained with the specified retention period of the subject area record series. Please refer to Administrative Procedure #124-100

2.3 Adding New Records Series

The Records Schedule may be modified as needed at the direction of the Executive Director or his designee.

3. Retention of Records

3.1 Digital Record Images

As a matter of policy, the District will continue to retain original administrative, legal, fiscal and/or historical records with continued value, such as records for long-term transactions, pending litigation and/or special projects. (Govt. Code Section 14755(a)).

However, except as otherwise directed by the Board, Records Management staff are authorized at any time to destroy or dispose of any records, as long as the record is photographed, microphotographed, or electronically preserved on mediums which meet American National Standards Institute (ANSI) or the Association for Information and Image Management (AIIM) standards.

For the purposes of this section, every reproduction as described above shall be

deemed to be an original record. In the event of any conflict between the Government Code provisions and this policy, the Government Code provisions shall take precedence.

4. Destruction Policy

4.1 Records Without A Retention Period

All records not identified in the Records Retention Schedule shall be retained in original form in the District offices or at offsite storage for at least 2 years and thereafter for the number of years indicated in the Records Retention Schedule.

Except where a longer retention period is required hereunder, after two years, the District, with the proper approvals, may destroy or dispose of any original document without retaining a record or copy of these documents.

4.2 Destroying Records

The destruction of any record shall be by burning, shredding or other effective method of destruction and shall be witnessed by authorized records personnel or their agents.

CITATIONS

B & P	-	**Business and Professions**
CAC	-	**California Administrative Code**
CCP	-	**Code of Civil Procedures**
CCR	-	**Code of California Regulations**
CEQA	-	**California Environmental Quality Act**
CFR	-	**Code of Federal Regulations**
EC	-	**Election Code**
FMLA	-	**Family & Medical Leave Act, 1993**
GC	-	**Government Code**
H & S	-	**Health & Safety**
HUD	-	**Housing and Urban Development**
OSHA	-	**Occupational Safety & Health Act**
PC	-	**Penal Code**
POST	-	**Police Officers Standards Training**
UFC	-	**Uniform Fire Code**
USC	-	**United State Code**
WIC	-	**Welfare & Institutions Code**

RESOLUTION NUMBER AND DATE: 2008-26, dated March 4, 2008 (Supersedes BPC Policy 371, Resolution 2007-55, dated April 10, 2007; and Resolution 2002-127, dated June 4, 2002)

(1)

REFERENCE COPY

Re Amendment of BPC Policy No. 371,]
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Records Retention Policy . . . . .]
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53301

RESOLUTION 2008-26

BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District, as follows:

That Board of Port Commissioners Policy No. 371, Records Retention Policy, as amended, (formerly entitled Records Retention Policy and Records Schedule) a copy of which is on file in the office of the District Clerk, is hereby adopted.

ADOPTED this 4th day of March, 2008.

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3/4/08