

## **Email Retention Guidelines**

On July 25, 2017, the Board of Education adopted BP 3580 and AR3580, pertaining to the maintenance of District records, including emails. The following is intended to assist staff in determining whether an email constitutes a District “record” that we are required by law to maintain. Such records should *not* be maintained on District email servers; but, rather, saved to a local drive on a District computer or an electronic device owned by the District, or printed and placed in a paper file.

### **What is a “record?”**

Records are defined under 5 CCR 16020 as:

- Anything you are required to create or keep by law; and
- Anything that is necessary or convenient to you in performing your work and created or kept by you to preserve its informational content for future reference.

### **When is an email a “record?”**

An email is a record if it falls under one of the categories of records we are required by law to prepare or retain, or because you subjectively determine that it meets both of the following criteria:

- 1) keeping it is necessary or convenient for you in the discharge of your job duties; and
- 2) you created or maintained it to preserve the information it contains for future reference purposes.

All records are defined as either Class 1 (Permanent Records), which must be kept indefinitely; Class 2 (Optional Records), which must be kept until reclassified as a Class 3; and Class 3 (Disposable Records), which must be kept as specified below.

Permanent Records include annual reports, recordings of official actions by the Board of Education, personnel records, property records, student enrollment records and records pertaining to any accident or injury involving a minor for which a claim has been filed, as well as the other types of records enumerated in California Code of Regulations, title 5, section 16024.

Optional Records are any record you deem worthy of temporary preservation, but not classified as Class 1-Permanent. These records should be retained until reclassified as Class 3-Disposable.

Disposable Records are any record other than Permanent or Optional Records. Disposable Records should be retained until the third school year following their creation. However, if a Disposable Record is subject to an audit required by Education Code Section 41020 or of any other legally required audit, the record should be retained until after the third July 1 succeeding the completion of the audit. Please see Exhibit A for a comprehensive definition of Permanent, Optional, and Disposable Records.

In addition, records that are active and of continuing use for administrative, legal, fiscal or other purposes over a period of years must be kept and may not be classified until they are no longer needed, after which time they must be classified and kept for the time period applicable to their classification.

These include a student's cum file during the period of enrollment, and equipment inventories. Continuing records must be kept until the fourth year after it has been classified as disposable.

An email that falls into one of the above categories must be kept for the time period associated with its classification.

However, an email transmitting one of the above categories of records is not itself a record unless you determine you need the information in it for future reference purposes, such as the date it was sent. Similarly, emails discussing one of the above categories of records are not themselves records unless you determine you need the information in it for future reference purposes, such as what decisions were made and/or why.

**How do I know whether a record is necessary or convenient for me in performing my job or if I will need it later for future reference?**

That is a subjective determination you must make based on your knowledge at the time you decide to keep it. Examples of emails you may want to consider saving are:

- Communications with parents on substantive issues affecting their child
- Substantive communications with your supervisor or other staff members
- Emails summarizing a developed plan of action where the plan itself is not otherwise in writing
- Substantive directives to your staff
- An email to or from another public agency that memorializes an official public transaction

**Aren't all emails "public records?"**

All records that are maintained by the District, including emails, are public records subject to the California Public Records Act. However, many emails are not "records" to begin with and need not be maintained. For example, personal emails, notices of past events, junk email, or emails that you no longer need for future reference purposes.

Again, however, any of these may be records if you choose to retain them because you need the information they contain for future reference connected to your job duties.

**Where should I save the emails I need?**

You may print email records and place them in a file, or save them on a district computer, either in a file created for that purpose or in archives.

**How often should I archive emails for retention?**

Employees should regularly audit their emails for retention. Emails will only be retained on the District's server for one year. Accordingly, employees should audit their emails at least monthly to determine which emails should be retained as "records."

**RULES FOR CLASSIFICATION, RETENTION AND DESTRUCTION OF RECORDS**  
 (All references are to sections of Title 5, California Code of Regulations)

<b>SCHOOL RECORDS</b>		
<p align="center">[§ 16022]</p> <p align="center"><i>Before January 1, the Superintendent shall review and classify all records originating in the prior school year as Class 1, 2, or 3 (Exception: all "continuing records active and useful for administrative, legal, fiscal, or other purposes over a period of years" are classified after their "usefulness has ceased." E.g.: student's cumulative file.)</i></p>		
<p align="center"><b>CLASS 1</b> [§ 16023]</p> <p align="center"><b>Permanent Records</b> <i>Retained "indefinitely"</i></p> <ul style="list-style-type: none"> <li>• Annual reports</li> <li>• Official actions</li> <li>• Personnel records</li> <li>• Property records</li> <li>• Re: Pupils – Enrollment and scholarship records per § 432, and accident or injury records up to one year after claim settled or running of statute of limitations</li> </ul>	<p align="center"><b>CLASS 2</b> [§ 16024]</p> <p align="center"><b>Optional Records</b> <i>"Worth of temporary preservation"</i></p> <ul style="list-style-type: none"> <li>• Non-Class 1 records may be classified as Class 2 and retained until classified as Class 3</li> <li>• "Default" class for all of the prior year's records to be kept for <i>one add'l</i> year beyond Jan. 1 deadline if Supt. and Board agree</li> </ul>	<p align="center"><b>CLASS 3</b> [§ 16025]</p> <p align="center"><b>Disposable Records</b> <i>Not Class 1 or 2</i> <i>"May be destroyed after their usefulness has ceased"</i></p> <ul style="list-style-type: none"> <li>• All records not classified as Class 1 or 2</li> <li>• Including "Detail records"</li> <li>• Class 1 originals that have been copied per CCR requirements</li> </ul>
<b>PUPIL RECORDS</b>		
<p align="center">[§ 430(d)]</p> <p align="center"><i>(Information relative to an individual pupil gathered within or without the school system, regardless of the physical form in which it is maintained. Essential in this definition is the idea that any information which is maintained for the purpose of second party review is considered a pupil record.)</i></p>		
<p align="center"><b>Mandatory Permanent</b> [§ 430(d)(1); § 432(b)(1)]</p> <p align="center"><i>Maintained "in perpetuity" and which schools have been directed to compile by statute, reg, or administrative directive</i></p> <ul style="list-style-type: none"> <li>• Legal name and sex</li> <li>• Date and place of birth</li> <li>• Method of verification of date of birth</li> <li>• Name and address of parent</li> <li>• Entering and leaving date of each school year, summer, or extra session</li> <li>• Subjects taken each session</li> <li>• The mark or number of credits toward graduation allowed for work taken</li> <li>• Verification or exemption from required immunizations</li> <li>• Date of high school graduation or equivalent</li> </ul>	<p align="center"><b>Mandatory Interim</b> [§ 430(b)(2), (d)(2); § 437(c)]</p> <p align="center"><i>Compiled and maintained for stipulated time periods "Disposable" when student leaves district or "when their usefulness ceases." May be destroyed third year after such classification.</i></p> <ul style="list-style-type: none"> <li>• Log of persons (except authorized school personnel) requesting/receiving info on pupil records</li> <li>• Health information</li> <li>• Special ed participation, incl. docs to establish eligibility for admission or discharge</li> <li>• Language training records</li> <li>• Progress slips or notices</li> <li>• Parental restrictions re access to directory information</li> <li>• Rejoinder(s) to challenge records or disciplinary action</li> <li>• Parent authorizations or prohibitions for particular programs</li> <li>• Standardized test results within past 3 years</li> <li>• Expulsion records</li> </ul>	<p align="center"><b>Permitted</b> [§ 432(b)(3); § 437(d)]</p> <p align="center"><i>Clearly important only to "current educational process" of the student</i> <u>May be destroyed after 6 months following pupil's completion of or withdrawal from the educational program.</u></p> <ul style="list-style-type: none"> <li>• Objective counselor or teacher ratings</li> <li>• Standardized test results more than three years old</li> <li>• Routine discipline data</li> <li>• Verified reports of relevant behavior patterns</li> <li>• All disciplinary notices</li> <li>• Attendance records not covered in § 400 (e.g. records for apportionment of state funds; and, to insure general compliance with compulsory education law)</li> </ul>