




# RECORDS MANAGEMENT PROCEDURE MANUAL

September 2020



	Orange County Sanitation District	Procedure Number: 00
	<b>RECORDS MANAGEMENT POLICY &amp; PROCEDURE MANUAL</b>	Effective Date: <b>TBD</b>
		Supersedes: 7/28/2010
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**POLICY CONTACT:**

Clerk of the Board (Custodian of Records)


**REGULATORY REFERENCES:**

Resolution No. OCSD 20-XX


California Government Code §34090 (How Long Records are Held-Records Retention)

California Government Code §6250 (California Public Records Act)

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## 1.0 POLICY STATEMENT


- 1.1 The Board of Directors shall annually adopt a Resolution updating the Records Management Procedure Manual as presented by the Custodian of Records (Clerk of the Board). The Orange County Sanitation District (Sanitation District) is committed to effective records management including but not limited to:
- A. Meeting legal requirements for records retention,
  - B. Identifying and protecting all records,
  - C. Managing record holds,
  - D. Protecting privacy,
  - E. Optimizing the use of space,
  - F. Minimizing the cost of records retention,
  - G. Providing open access to public records, and
  - H. Disposing of outdated records properly.

## 2.0 PURPOSE

- 2.1 The purpose of the Records Management Program Policy is to establish a Records Management Program (the Program) that will develop a systematic method for managing the Sanitation District records. The Program ensures that all Sanitation District records are created, received, maintained, and dispositioned in a cost-effective manner, in accordance with operating requirements for Sanitation District business and applicable statutes and regulations. Failure to follow the Records Management Program may result in excessive costs, litigation, loss of productivity, etc.

## 3.0 PROGRAM RESPONSIBILITY

- 3.1 Under the authority of the Sanitation District's Board of Directors, the General Manager and the Executive Management Team oversee the Records Management Program. The Clerk of the Board is responsible for oversight, implementation, administration, and operation of the Sanitation District's Records Management Program.
- 3.2 A Record Retention Schedule Review Committee (RRSRC), made up of the Sanitation District's Assistant General Managers, Administration


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Manager, Clerk of the Board, Risk Manager, IT Manager and Records Management Specialist will meet as needed to review Record Retention Schedule change requests and approve changes which are then presented to the Board of Directors.

- 3.3 Departments/Divisions that maintain Agency records are responsible for understanding appropriate records management procedures and practices. Each Department/Division Manager, or a designee must:
- A. Ensure compliance with the approved Record Retention Schedule.
  - B. Be familiar with the Agency's Records Management Policy;
  - C. Develop the department's procedures and practices, consistent with this policy;
  - D. Educate staff within the department about sound record management practices;
  - E. Coordinate the disposition of records as provided in the Sanitation District's Retention Schedule; and
  - F. Restrict access to confidential records and information appropriately.

#### **4.0 APPLICABILITY**

- 4.1 This Policy applies to all Sanitation District and Contract staff who create, receive, or maintain Sanitation District records. The Sanitation District requires the maintenance of Agency records in a consistent and logical manner so that the Agency:
- A. Meets legal standards for public examination, protection, storage and retrieval;
  - B. Protects the privacy of customers, ratepayers and staff;
  - C. Optimizes the use of space;
  - D. Minimizes the cost of record retention; and
  - E. Disposes of outdated records in accordance with the Agency's Retention Schedule applicable statutes.
- 4.2 Record policies apply to all records, whether they are maintained in hard (paper) copy, electronically, or in some other fashion. Each Department/Division shall appoint a Records Coordinator/s who serves as a liaison to Records Management to assist in the development,


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implementation, maintenance, and adherence to a records management plan appropriate for the particular records it maintains, in cooperation with the Clerk of the Board.

- 4.3 The Division Records Coordinator facilitates program compliance within their respective Divisions in applying the Records Management Program policy.
- 4.4 The Sanitation District is subject to a range of statutes and rules regarding record retention and disclosure. All Sanitation District employees are responsible for complying with the requirements of the Records Management Program policy and the Sanitation District's Record Retention Schedule.

#### **4.0 HISTORY OF PROGRAM**

- 4.1 The Sanitation District, through an outside consultant, conducted the initial records inventory from February through August of 2000. The inventory consisted of a physical inventory of records stored in active office work areas and various storage areas within the Plant No. 1 and Plant No. 2 facilities. The purpose of the inventory was to describe, identify, locate, and quantify Sanitation District records. To supplement the data gathered during the physical inventory, the consultant conducted interviews with staff members from each Division who were most familiar with records creation and maintenance.
- 4.2 Based on the physical inventory of records and the data gathered during the interviews, the initial RRS was developed. Files were identified by their record titles and classified into record series based on having similar business functions (purposes) and retention requirements.
- 4.3 Extensive legal research was performed to ensure that all legal requirements were met in assigning the records retention periods to each records series. Other attributes were also assigned to each records series to ensure that vital, historical, and confidential records are properly protected and processed for retention.


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## 1.0 INTRODUCTION

- 1.1 The Orange County Sanitation District-wide Records Management Program (the Program) is intended to effectively identify, manage, store, and destroy records that have been created and received by the Sanitation District.
- 1.2 Records received and created by the Sanitation District in fulfillment of its responsibility to the public and in compliance with government regulations are identified in the Record Retention Schedule (RRS), and accurate retention periods are assigned.
- 1.3 Sanitation District records that are no longer needed to be in the immediate office of each Division for convenient access, are processed for storage, retrieval, or disposition in accordance with the guidelines established by the Program.
- 1.4 Records that have met the retention requirements identified in the RRS are processed for destruction in accordance with this Program.
- 1.5 Historical and vital records are identified and processed in accordance with the guidelines established by the Program.
- 1.6 Records management activities are completed in a cost-effective manner.
- 1.7 The Program promotes an increase in productivity by decreasing the volume of obsolete records stored; thus, reducing the amount of time necessary for document retrieval.
- 1.8 The Program contributes to industry best practices by ensuring accountability, efficiency, and compliance in a cost-effective manner.

## 2.0 PURPOSE

- 2.1 Identify Sanitation District records to facilitate access to information required to conduct Sanitation District business and to provide appropriate access by the public.

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- 2.2 Maintain Sanitation District records for the duration of the approved retention period.
- 2.3 Provide access to Sanitation District records for operational, legal or public access requirements.
- 2.4 Protect Sanitation District records.
- 2.5 Ensure compliance with legal statutes and governmental regulations regarding recordkeeping and public access requirements.
- 2.6 Destroy Sanitation District records in accordance with the approved RRS or process those deemed historical records for long-term retention.


### **3.0 SCOPE**

- 3.1 Create, receive, maintain, and dispose of Sanitation District Records.
- 3.2 Maintain approved RRS.
- 3.3 Ensure use of appropriate technology in facilitating records and information storage and retrieval.
- 3.4 Provide systematic control of all Sanitation District records through processing, distribution, maintenance, retrieval, and disposition.

### **4.0 RECORDS**

- 4.1 Sanitation District records must be managed throughout their "life cycle".
- 4.2 The life cycle of a record is the time period from the creation or receipt of a record to its final disposition.
- 4.3 Final disposition can be either destruction or perpetual retention.



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4.4 Life cycle of a record is inclusive of five (5) stages:

- Stage 1 – Creation or receipt of records
- Stage 2 – Use or distribution
- Stage 3 – Storage or maintenance
- Stage 4 – Retention or disposition
- Stage 5 – Archival preservation

4.5 Some records do not require managing throughout their “life cycle”. Such records are termed “transitory records”. The value of transitory records is limited to a very short time, i.e., a day, a week, or no more than three months.

4.6 Transitory records do not carry the requirement to retain the documentation of any transaction. Transitory records include:

- Extra copies of publications, pamphlets, blank forms. These are considered “supplies” rather than records.
- Reference materials not produced by the District.
- Working copies of documents used solely until the finished record is declared or declined.
- Notices of meetings, events, office or holiday gatherings, or employee meetings which do not relate directly to the functional responsibility of the organization.
- Informational copies of widely distributed District materials.
- Preliminary drafts of documents such as letters, memoranda, reports, and worksheets, which do not represent significant steps in the preparation of District records, and **which do not record decisions**. Once the completed record is included in the filing system (in the appropriate medium), the working materials (drafts) are considered transitory records.
- Catalogs, trade journals, and other published materials received from other organizations, commercial firms, vendors, or private institutions, which require no action and are not needed for documentary purposes. These materials are usually considered “reference materials” and should be controlled as such but **are not Sanitation District records**.

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- Incorrect versions of documents, forms, or reports that had to be regenerated in order to correct errors in typing, data entry, spelling, grammar, or format.

## 5.0 RECORD RETENTION SCHEDULE

- 5.1 The Record Retention Schedule (RRS) is a list of Sanitation District records organized by record series to which are assigned retention periods and other attributes.
- 5.2 The retention periods identified in the RRS have been established after extensive legal research of all government regulations applicable to the Sanitation District.
- 5.3 The RRS has been reviewed and has received concurrence of the various Sanitation District Divisions, Clerk of the Board, Records Management Specialist, Executive Management, Legal Counsel, (Review Team) and the Administrative Committee, as well as the approval of the District Board of Directors for implementation.
- 5.4 The RRS has been developed to ensure that each Department maintains its records for the duration of the period legally required by applicable legal statutes and government regulations, and until all the operational business functions are met.

## 6.0 HISTORICAL RECORDS

- 6.1 Historical records are identified and preserved.
- 6.2 The program ensures that records with permanent historical value are identified, documented, and preserved for the life of the Sanitation District.
- 6.3 The Records Management Specialist, prior to processing records for destruction, shall identify records having historical significance.
- 6.4 Historical records are retrieved, prepared, and processed for preservation in accordance with Procedure 7.0.


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## 7.0 VITAL RECORDS

- 7.1 Vital records are those documents identified by each Division as necessary to enable the Sanitation District to continue vital operations in the event of a disaster or major interruption to business.
- 7.2 Vital records enable the Sanitation District to reconstruct its legal obligations and rights.
- 7.3 Vital records enable the Sanitation District to reconstruct its financial position.
- 7.4 Vital records enable the Sanitation District to satisfy the District's obligations to its employees.
- 7.5 Vital records enable the Sanitation District to protect employee and public health and safety.
- 7.6 Vital records enable the Sanitation District to reconstruct its assets and ownership.

## 8.0 CONFIDENTIAL RECORDS

- 8.1 Records containing proprietary or sensitive information to which access must be restricted are considered confidential.
- 8.2 Confidential information must be protected and preserved to avoid unauthorized disclosure that could be harmful to a person, to the Sanitation District, or to a Sanitation District business process.
- 8.3 Confidential records shall be managed, controlled, and disposed of separately from records containing non-confidential information.
- 8.4 Confidentiality of information shall be protected until it is destroyed or until the Sanitation District has changed the status of the confidentiality of information.

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## 1.0 INTRODUCTION


- 1.1 The Records Management Program is a decentralized administrative program. As such, Program activities are carried out by the Sanitation District Clerk of the Board (Custodian of Records); Records Management Specialist; and by Sanitation District staff in each Division. The Sanitation District Records Management Specialist is responsible for coordinating and managing the Program and Program procedures, and Division staff is responsible for complying with the Program requirements for records in their respective Divisions. In the procedures that follow, the individual responsible for running the daily operations of the Program is identified as the Records Management Specialist.

## 2.0 PURPOSE:


The purpose of this procedure is to describe the roles and responsibilities of Records Management and Sanitation Division Staff.

## 3.0 STAFFING AND RESPONSIBILITIES


Responsibility	Action
<b>CLERK OF THE BOARD</b>	Custodian of Records of the Sanitation District
<b>ASSISTANT CLERK OF THE BOARD</b>	<p><b>Under the direction of the Clerk of the Board:</b></p> <ul style="list-style-type: none"> <li>• Serve as the Public Records / Freedom of Information Officer and coordinate public requests for information. Maintain Public Records Act Log and PRA information in the Records Management Software.</li> </ul>

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Responsibility	Action
<b>RECORDS MANAGEMENT SPECIALIST</b>	<p><b>Under the direction of the Clerk of the Board:</b></p> <ul style="list-style-type: none"> <li>• Oversee the Records Management Program and act as a liaison between Division Records Coordinators, the Record Retention Schedule Review Committee, General Counsel, and the Sanitation District's Board of Directors.</li> <li>• Act as an advisor on all records and information management issues and related projects.</li> <li>• Maintain the Record Retention Schedule.</li> <li>• Develop and conduct training sessions on appropriate Records Management Program activities, including the Records Management Software.</li> <li>• Maintain the Records Management Procedure Manual and update as needed.</li> <li>• Coordinate record destruction suspension ("holds") and destruction resumption ("releases") with legal counsel, auditors, and the Office of Record to ensure that records are available as required.</li> <li>• Manage the record retention, offsite transfer, and destruction activities of the Program.</li> <li>• Conduct periodic audits of the Program to</li> </ul>

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Responsibility	Action
	<p>ensure compliance.</p> <ul style="list-style-type: none"> <li>• Coordinate Vital Record protection and ensure that the Vital Records Program supports the Integrated Emergency Response Plan.</li> <li>• Serve as Administrator for the Record Management Software, manage the program database and content for the Intranet site.</li> </ul>
<b>DIVISION RECORDS COORDINATORS</b>  A list of <a href="#">Division Records Coordinators</a> can be found in the above link.	<ul style="list-style-type: none"> <li>• Review Division records and the Record Retention Schedule periodically to ensure compliance with the Program. Forward any requests for changes to the Record Retention Schedule to the Records Management Specialist.</li> <li>• Ensure that records are maintained and protected in compliance with the Program.</li> <li>• Coordinate preparation of records for transfer to offsite storage.</li> <li>• Coordinate managing pertinent records after receipt of a Records Hold or Records Release.</li> <li>• Coordinate records disposition activities, including the preparation of a Records Disposition Form and obtaining approvals to destroy records in any format (hard copy or digital).</li> </ul>

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## 1.0 INTRODUCTION

1.1 Record retention activities of the Records Management Program (RMP) control the maintenance and storage of Orange County Sanitation District records. Following the retention procedures ensures compliance with pertinent statutory, regulatory, operating, and administrative recordkeeping requirements. In addition, it ensures that records needed to conduct Sanitation District business are protected and accessible. The Record Retention Schedule (RRS) is the foundation of the Program and defines the period required to maintain Sanitation District records.

### 1.2 Record Management Terms:


Term	Definition
<b>Active</b>	Records that are required for current day-to-day business and are subject to frequent use; generally located near the user (if hardcopy); can easily be accessible on a networked server (if electronic); generally referred to more than once per month.
<b>Administrative Value</b>	A record that assists in the operation of the business, and ensures administrative consistency and continuity, serving a particular purpose for that office at that particular time. In appraisal, the usefulness of records for the conduct of current or future administrative business needs.
<b>Appraisal</b>	The process of determining the value and thus the disposition of records based on their current administrative, fiscal, and legal value; their evidential and informational value; their arrangement and condition; their intrinsic value; and their relationship to other records.
<b>Archival Records</b>	Records identified as having archival value or potential archival value and designated as Historical on the OCSD Records Retention Schedule.
<b>Audit</b>	Review for acceptance of records relating to operations, policies and procedures, financial documentation, and historical documents by regulating agencies.
<b>Closed / Completed</b>	A file or record on which action has been completed and to which an audit or further action is not likely to occur.
<b>Copy</b>	A reproduction of the contents of an original document which is not the official file copy of the agency. Copies are usually identified by




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	their function, i.e., action copy, reading file copy, tickler file copy, etc. In most instances, copies will have a shorter retention than the official file copy (see Official Copy) of a record series.
<b>Current</b>	When specified as the “minimum retention period” means that superseded, rescinded, expired, or no longer useful records may be removed from the files and may be destroyed.
<b>Disposition</b>	The predetermined action taken with regard to inactive records including form of retention (hardcopy or image), period of time retained (archive or destroy), where to store (on-site or off-site), and method of destruction (recycle, burn, or shred).
<b>Duplicate</b>	A document that is a copy of the original or official version of a record. A duplicate may be a paper version or an electronic version of the official record.
<b>Evidential Value</b>	In appraisal, the value of a record that documents the activities of an organization or agency.
<b>File Integrity</b>	Accuracy and completeness of the file or records collection.
<b>Fiscal Value</b>	Documents and accounts for receipt of or expenditure of public funds; such as budget, ledgers of accounts receivable and payable, payrolls and vouchers. Documents availability of funds for operational purposes. In appraisal, records required until a financial audit is completed, or financial obligations are fulfilled.
<b>Historical Value</b>	In appraisal, the value attributed to a record which preserves documentation on significant historical events including the City's operations, origin, policies, authorities, functions, and organizations, as well as significant administrative decisions.
<b>Legal Value</b>	In appraisal, value attributed to a record series which documents business ownership, agreements, and transactions.
<b>Life</b>	The retention period assigned to a record that has continuing value to the organization throughout its existence.
<b>Minimum Retention Period</b>	The least amount of time a record must be kept determined by assessment of administrative, legal, fiscal, and historical values.
<b>Office of Record</b>	The Division that created or is responsible for retaining the official copy until it is dispositioned.
<b>Official Copy</b>	The original or official copy of a record maintained by the Office of Record
<b>Record</b>	Any documentary material, regardless of physical form or characteristic, made, or received by an organization in pursuance of law or in connection with the transaction of business and used by



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	that organization as evidence of activities or because of informational value.
<b>Records Retrieval</b>	Locating records and delivering them for use.
<b>Retention Period</b>	The period of time that records must be kept according to legal or organizational requirements.
<b>Retention Schedule</b>	A list describing the record series, the length of time records are retained (may include active and inactive storage detail), the Office of Record, and the final disposition.
<b>Supersede</b>	The replacement of an existing document.
<b>Termination</b>	Designates the end of a specific term, e.g., appointed, elected official's terms; employment; training, course, program; use or ownership.
<b>Transitory Records</b>	Documents retained for a short time having no long-term administrative, fiscal, legal, or archival value. These records are kept for a very short time and are not necessary to document the completion of a business transaction.
<b>Vital Records</b>	Those records containing information necessary to continue the operation of government, affirm the powers and duties of government and to protect the rights and interest of persons.

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### 1.3 Event Codes

The records retention schedule provides information to guide the organization in maintenance of business records. Some retention periods are assigned a number representing the length of time (stated in years) for which the records must be maintained and accessible (retrievable). Others are based on the occurrence of an event or a transaction, or a combination of both. The following table describes the meaning of each **event** as it pertains to records retention and disposition.


Event Code	Event	Definition
AR	Annual Review	Maintain records for at least one year. At the end of that and each subsequent year, review the records to determine whether or not they have continuing value to the organization. If so, retain the records for one more year. If not, destroy the records in accordance with procedures.
AA	After Audit	Maintain records until the audit, inspection, examination, or investigation is complete. Then destroy in accordance with procedures.
CL	Closed, Complete	Maintain records until the transaction or the terms of the activity, the project, assignment, contract, etc. is closed or completed. Then destroy in accordance with procedures.
CL + A	Closed plus Term of the Agreement	Certain agreements, particularly grants, have a specified retention time built into the agreement. Keep according to term of the agreement.
EX	Expired	Maintain records until the term, period, permit, or license is expired. Then destroy in accordance with procedures.
LO LP	Life of Organization Project	Maintain records for the "life" of the organization, project, physical plant or building, a building system or sub-system, asset, piece of equipment, or component. Then destroy in accordance with procedures.
RE	Revised	Maintain records until the record is changed or modified. Then destroy in accordance with procedures.
SU	Superseded	Maintain records until record is superseded or made obsolete by a newer version or edition. Then destroy in accordance with procedures.
TE	Terminated	Maintain records until activity is concluded or employee is terminated, retires, or otherwise leaves the employ of the organization. Then destroy in accordance with procedures.

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#### 1.4 Characteristic Codes

Some retention periods are assigned a "characteristic" to identify any special handling required for documents classified in that records series. The following table describes the meaning of each "**characteristic**" as it pertains to records retention and disposition.

Code	Characteristics	Definition
V	Vital	Vital Records are required to be available in the event of an emergency or major interruption to normal business operations to continue to provide safe treatment of wastewater during the event. Vital Records may protect the Sanitation District's rights and interests, ensure that it can continue to effectively protect the environment, the public, and meet its obligation to its employees. Identifying records as "vital records" ensures that they are handled in a manner that protects them and makes them readily accessible during the time period that the information is vital. This characteristic does not affect the length of the retention period.
H	Historical	Historical Records potentially have historical significance. Records may document the formation of OCSD, annexations, consolidation, major projects, and strategic direction. Historical Records may have intrinsic value due to their age, author, or special nature. Identifying records as "historical records" ensures that they are handled in a manner that protects them and preserves them for long-term storage and research purposes. This characteristic may affect the length of the retention period as historical records are usually maintained for the life of the Sanitation District.
C	Confidential	Confidential Records contain confidential, sensitive, or proprietary information that would be harmful to an employee or would harm the District's business if assessed by unauthorized individuals. Confidential Records may be confidential throughout their useful life, or only during a portion of their useful life. Identifying records as "confidential records" ensures that they are handled in a manner that protects them from unauthorized access. This characteristic does not affect the length of the retention period.

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## 2.0 RECORDS CLASSIFICATION

- 2.1 Records are classified into Records Series to facilitate assignment of retention times, legal citations, and the overall maintenance of Sanitation District records.
- 2.2 Classifications contain like records grouped together based on similar business function, usage, and retention time.

## 3.0 RECORDS RETENTION SCHEDULE MAINTENANCE

- 3.1 The Record Retention Schedule is a list of Sanitation District records organized by record series to which are assigned retention periods and other attributes.
- 3.2 A record series is comprised of similar or related record titles that have a similar business function (purpose), are normally used and filed as a unit, and are retained for a similar time period.
- 3.3 Following the retention standards of the schedule ensures that the Sanitation District maintains appropriate records of Sanitation District transactions and meets its legal obligations cost effectively, by storing records as long as is operationally and legally required. The RRS shall be reviewed, evaluated, and updated periodically by Clerk of the Board, Records Management Specialist, OCSD Management, and General Counsel (RRS Review Team).
- 3.4 The retention periods assigned to each record series shall be maintained and updated as needed, to meet changing business, legal, and regulatory requirements.

Responsibility	Action
Records Management Specialist	<ul style="list-style-type: none"> <li>Coordinate the periodic update of the Record Retention Schedule and Record Series Definitions. Provide training on RRS use and maintenance.</li> </ul>


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Division  
Records Coordinator

- Periodically (but not less than annually) review the RRS associated with records in the Division.
- Match the RRS against records stored in the office, shop, field, and other storage locations.
- Mark for deletion any records that are no longer maintained by the Division.
- Note any new records that are not represented. Include a description of the record, the business function, the operating record retention requirements, and special records characteristics (vital, historical, or confidential).
- Using a Record Retention Schedule Change Form (Exhibit A), identify any updates or changes requested and forward to the Records Management Specialist for presentation to the Record Retention Schedule Review Committee.

Records  
Management Specialist

- Review the Record Retention Schedule Change Form completed by the Division Records Coordinators. Determine in which records series the record titles logically belong.
- Create a new Record Series if the record title does not logically belong to an existing series. In cooperation with the requesting Division, develop a definition for the Records Series.
- Assign to the new Record Series the applicable characteristics (if any): vital, historical, or confidential, as indicated by the Division Records Coordinator.


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- Determine legal retention requirements by reviewing pertinent legal citations.
- Provide direction to the Division Records Coordinators for proper management of historical, vital, and confidential records.


#### 4.0 RECORD RETENTION SCHEDULE CHANGES

- 4.1 The Division Records Coordinator may request a change to the RRS at any time.
- 4.2 Examples of changes that may initiate a change to the RRS include:
  - Change in the assigned Office of Record due to reorganization.
  - Change in the characteristics associated with the records: vital, historical, or confidential.
  - Change in the retention event associated with the records, for example: closed, complete, expired, or superseded.
  - Change in the legal and administrative requirements.
  - New record types that are generated or used in performing business functions.
  - Change in the definition of the record series that applies to Division records.

Responsibility	Action
Division Records Coordinator	<ul style="list-style-type: none"> <li>• Complete Record Retention Schedule Change Request Form (Exhibit A). Use one form for each records series to be amended. For a change to the legal retention period, provide</li> </ul>

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Responsibility	Action
	the text of the applicable statute or regulation.
Records Management Specialist	<ul style="list-style-type: none"> <li>Secure the Division Manager's approval.</li> <li>Forward the approved Record Retention Schedule Change Request Form to Records Management.</li> <li>Review the completed and Division-approved Record Retention Schedule Change Request Form and ensure that required information is provided.</li> <li>For a change to the legal retention period of an existing record series, ensure that the legal retention requirements of the record series are met and secure the approval of Legal Counsel.</li> <li>If management does not agree with the change request, return the change request to the Division Records Coordinator with an explanation.</li> <li>For a change to add a new Record Series, ensure that an appropriate definition of the Record Series is provided, that the retention periods are identified, and that an applicable legal citation is identified, if applicable.</li> <li>For a change to the official or duplicate retention periods, ensure that the change is in accordance with the District's RMP policies and applicable legal requirements.</li> <li>Update the RRS and prepare a revised RRS for approval by the RRS Review Team at their next meeting.</li> <li>When approved by the RRS Review Team, annually send a copy of the newly revised RRS for review and concurrence by</li> </ul>


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Responsibility	Action
	<p>the Administrative Committee and Board of Directors.</p> <ul style="list-style-type: none"> <li>Periodically review the text of the statutes and regulations governing recordkeeping requirements of the District and update the RRS as required.</li> <li>Update the Program database and intranet site as required.</li> <li>Distribute the updated Record Retention Schedule (RRS).</li> </ul>

## 5.0 RECORDS PURGE

- 5.1 Eliminate records from active files and facilitate their timely destruction after all legal and business requirements have been met.
- 5.2 Only records that are useful in current business activities are retained, enabling timely retrieval of frequently used records.
- 5.3 Records with research or historical value are preserved in a controlled environment.
- 5.4 Records stored offsite are reviewed semi-annually and a list of retention expired records prepared by the Records Management Specialist for each Division.




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Responsibility	Action
Records Management Specialist	<ul style="list-style-type: none"> <li>Issue a report of records stored offsite that are eligible for destruction to all Division Records Coordinators with the following information specific to each Division: <ul style="list-style-type: none"> <li>Records Series &amp; Definitions</li> <li>Retention Period</li> </ul> </li> </ul>
Division Records Coordinator	<ul style="list-style-type: none"> <li>Review the report received from the Records Management Specialist.</li> <li>Match the active (in office) files with the record definitions listed in the report and the Records Series assigned to it.</li> <li>If there are records identified that have met their established retention periods, these are now considered obsolete records. Follow the instructions described in Procedures 5.0 for disposition of obsolete records.</li> <li>If there are records identified that have not met their retention period but are no longer required to be maintained in the immediate office area, complete Disposition form for transfer to the offsite storage facility.</li> <li>Records may be transferred to offsite storage at any time during their mandated retention period. Determining when, if ever, to transfer records, is based on the amount of storage area in the office or work area, and the type and frequency of access required.</li> </ul>

## 6.0 INACTIVE RECORDS TRANSFER AND STORAGE

- 6.1 Inactive records are those records that have not met their required retention periods but are no longer current or frequently referenced.

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6.2 Inactive files management standards are established by the District to ensure that District records remain accessible and protected throughout the duration of their required retention periods.

6.3 Active files are periodically reviewed to identify those records that are inactive.


6.4 Inactive records that are identified during the review are purged from active file areas and processed for offsite storage.

6.4 Systematic control of inactive records consists of:

- Properly packing the records in records storage boxes obtained from the warehouse, that are properly labeled
- Preparing an index of the contents of the box using a Disposition Form.
- Contacting the Records Management Specialist for a barcode.
- Follow the guidelines below when packing the records:
  - Each box shall only contain official inactive records. **Non-records and duplicate records should not be transferred to offsite storage.** They are destroyed in the active office area as appropriate.

**Do not pack different record series in the same box. Record series packed together should have the same destruction date.**

Schedule the pick-up and transfer of the box(s) to the offsite storage by contacting the Records Management Specialist.

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## 7.0 PURGING TRANSITORY RECORDS

- 7.1 Transitory records can be purged from file storage equipment and destroyed as soon as their usefulness in the performance of business functions are met.
- 7.2 **Do not send transitory records to offsite storage.**

## 8.0 RETRIEVING BOXES FROM OFFSITE STORAGE

- 8.1 Inactive records may be retrieved from the offsite storage center at any time by contacting [Records Management](#).
- 8.2 Records may be retrieved only by staff from the Division designated as "owner" of the records.
- 8.3 In the event that staff from a Division other than the owner, requires access to the records, the retrieval request shall be approved by the Records Management Specialist and the Division that owns the records.
- 8.4 Boxes retrieved from the offsite storage center shall be returned to the center with the same records and in the same order as when they were received.
- 8.5 Records should not be removed, nor should additional records be added.
- 8.6 If the box contents must be altered, complete a new Disposition Form, and contact the Records Management Specialist.

## Procedure 4.0.1

### Records Retention Schedule Change Form

#### Exhibit A

# OCSD Record Retention Schedule Change Request Form

Date: \_\_\_\_\_ Submitted by: \_\_\_\_\_

Division # & Name: \_\_\_\_\_ Approved by: \_\_\_\_\_

Check One:

☐ Add ☐ Change ☐ Delete

Approved by: \_\_\_\_\_

Manager

Dept Head

Record Series Number: \_\_\_\_\_ Name: \_\_\_\_\_

Definition: \_\_\_\_\_

Official Retention: \_\_\_\_\_ Office of Record: \_\_\_\_\_

Format: \_\_\_\_\_ Confidential: \_\_\_\_\_ Vital: \_\_\_\_\_ Historical: \_\_\_\_\_

## **REASON FOR ADDITION OR CHANGE:**

## **ACTION TAKEN:**

Date of Action: \_\_\_\_\_

Approved: \_\_\_\_\_

New Record Series Number and Name : \_\_\_\_\_

New Definition : \_\_\_\_\_

New Official Retention: \_\_\_\_\_ New Office of Record: \_\_\_\_\_

Modified Approval: \_\_\_\_\_

Explain Change : \_\_\_\_\_

Denied: \_\_\_\_\_

Reason for Denial: \_\_\_\_\_

## **Record Retention Review Committee:**

Added to RRS: \_\_\_\_\_  
(Date)

Clerk of the Board: \_\_\_\_\_ Records Management: \_\_\_\_\_ Board Approval: \_\_\_\_\_

(Date)

AGM: \_\_\_\_\_ Risk Management: \_\_\_\_\_ Legal: \_\_\_\_\_

## Procedure 4.0.2


### Records Retention Schedule Exhibit B

## Procedure 4.0.3

### Records Retention Schedule Definitions

#### Exhibit C

PLACEHOLDER

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## 1.0 INTRODUCTION

- 1.1 Records disposition is specific set of actions taken with regard to inactive records as determined through records appraisal.
- 1.2 Records disposition includes determining whether Sanitation District records are eligible for destruction (records have been determined to be retention expired) or for long-term preservation (records have been determined to be historical records).


## 2.0 PURPOSE

- 2.1 The purpose of this procedure is to describe the procedures for dispositioning retention expired and historical Sanitation District records in an organized and efficient manner.
- 2.2 This procedure ensures that appropriate review and approval are completed prior to destruction or long-term storage of Sanitation District records.
- 2.3 This procedure ensures that records that have been designated retention expired but that are subject to legal or audit holds, are maintained until resolution of the legal matter or conclusion of the audit.

## 3.0 PROCEDURES

- 3.1 Records are periodically reviewed in order to identify those records that have met the required retention periods established in the Records Retention Schedule (RRS).
- 3.2 The review activity usually groups records into three disposition groups:
  - 3.2.1 Retention Expired Records: Records that have met the required retention are considered obsolete and are processed for destruction.



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3.2.2 Inactive Records: Records that have not met their retention periods but are no longer required to be in the immediate office area, are considered inactive and are processed for offsite storage. See Procedure 4.0.

3.2.3 Historical Records: Records that have met their business function retention requirements, but have historical or intrinsic value, are considered historical records, and are processed for long-term storage. See Procedure 7.0.


#### 4.0 PROCESSING OFFICIAL DISTRICT RECORDS FOR DESTRUCTION

4.1 Destruction of the official version of District records requires the approval of the following:


- Records Coordinator
- Division Manager
- Records Management Specialist
- Legal Counsel

4.2 Procedures to process retention expired records for destruction are included in the following chart:


Responsibility	Action
Records Management Specialist	<ul style="list-style-type: none"> <li>• Semi-annually, at the start of the calendar year and the fiscal year, issue a call to all Records Coordinators requesting a review and purge of their active records</li> </ul>
Division Records Coordinators	<ul style="list-style-type: none"> <li>• Review existing records currently maintained in the office area or stored offsite. Check the definitions for the Records Series listed in the RRS. Calculate destruction dates using the example in the chart below. <b>Cross-reference records with any Requests for Record Hold on file.</b></li> </ul>

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Responsibility	Action
	<ul style="list-style-type: none"> <li>Purge the files in accordance with Procedure 4.0. <b>Do not purge any documents subject to a Record Hold.</b></li> <li>If there are records identified that have met the required retention periods, and are not subject to a Record Hold, complete a Request for Authorization to Destroy Records (Exhibit A). Note: If the volume of records to be destroyed requires a multi-page listing, use Request for Authorization to Destroy Records as an approval coversheet and attach the listing to the coversheet. Approval signatures are required only on the coversheet.</li> <li>Secure the approval of the Division Manager.</li> </ul>
Division Manager	<ul style="list-style-type: none"> <li>Review the completed forms and authorize approval to destroy District records by signing the forms.</li> <li>If you do not approve, state the reason, and return the forms to Division Records Coordinator.</li> </ul>
Division Records Coordinator	<ul style="list-style-type: none"> <li>If the request for destruction has been authorized by Division management, return the approved Request for Authorization to Destroy Records to Records Management for further processing.</li> <li>If the request for destruction has not been approved, contact the Records Management Specialist. Reasons for postponing scheduled destruction may include ongoing or pending audits, investigations, or litigation.</li> </ul>
Records Management Specialist	<ul style="list-style-type: none"> <li>Review the approved forms and determine if these records have historical value or are subject to an existing Record Hold.</li> </ul>

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Responsibility	Action
	<ul style="list-style-type: none"> <li>• If there are records identified that contain historical value to the District, process the records as detailed in RMP Procedure 7.0, Historical Records Program.</li> <li>• If there are no historical records identified, and none of the records are subject to an existing Record Hold, sign the forms approving destruction.</li> <li>• Provide to Legal Counsel for review and approval.</li> </ul>
Legal Counsel	<ul style="list-style-type: none"> <li>• Determine whether to approve or disapprove the request for destruction of records.</li> <li>• If approved, sign and return the form to the Records Management Specialist.</li> <li>• If not approved due to a Legal Hold: <ul style="list-style-type: none"> <li>• State the reason for the Legal Hold (pending audit, investigation, or litigation)</li> <li>• Provide an estimated length of time to hold the records</li> <li>• Complete "Request for Record Hold" portion of Record Hold and Release Form.</li> </ul> </li> <li>• Return the completed forms, along with any special instructions, to the Records Management Specialist.</li> </ul>
Records Management Specialist	<ul style="list-style-type: none"> <li>• If approved, send a signed copy of the approved forms to the Division Records Coordinator.</li> <li>• If the request for destruction of records is disapproved: <ul style="list-style-type: none"> <li>• Advise the Division of the decision.</li> <li>• Resolve any problems.</li> </ul> </li> </ul>
Division Records Coordinator	<ul style="list-style-type: none"> <li>• If approved, proceed with destruction procedures.</li> </ul>

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Responsibility	Action
	<ul style="list-style-type: none"> <li>• If not approved due to Legal Hold, maintain records until notification of the release of the records from Legal Hold is received.</li> <li>• If not approved due to Historical Records designation, box records and transfer to the Records Management Specialist.</li> </ul>
<b>Records Management Specialist</b>	<ul style="list-style-type: none"> <li>• Coordinate destruction of records. If the records are confidential, arrange for destruction that will protect the confidentiality of the information.</li> <li>• After destruction, ensure that a Certificate of Destruction is properly completed and signed.</li> <li>• Maintain the Certificate of Destruction in the appropriate files.</li> <li>• Update the RMP database if applicable.</li> </ul>

## 5.0 PROCESSING DUPLICATE RECORDS FOR DESTRUCTION

- 5.1 Duplicate records are the record series maintained by Divisions that are **not** identified as the Office of Record in the RRS.
- 5.2 Retention periods of duplicate files are identified in the RRS. These are the **maximum** retention periods allowed for the duplicate records.
- 5.3 Duplicate records may be destroyed at any time during and up to the end of the assigned duplicate retention time.
- 5.4 Duplicate records should **not** be transferred or stored offsite. They are destroyed when the retention requirements of these records are met as established in the RRS.
- 5.5 Duplicate records are destroyed in the office or work area.

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5.6 No formal destruction authorization is required to destroy duplicate records.

5.7 If the records contain confidential information, they should be shredded to protect the confidentiality of the information. If the records are not confidential, they may be recycled or discarded.

## **6.0 PRESERVATION, PROTECTION AND DESTRUCTION OF CONFIDENTIAL RECORDS**

6.1 Confidential records are those records containing information that is proprietary or sensitive, and to which access must be restricted. This includes recorded information about an identifiable individual including:

- The individual's name, home, or business address or home or business telephone
- The individual's race, national or ethnic origin, color or religious or political beliefs or associations
- The individual's age, sex, marital status, or family status
- An identifying number or symbol assigned to the individual
- The individual's fingerprints, other biometric information, blood type, or genetic information
- Information about the individual's health and health care history, including information about a physical or mental disability
- Information about the individual's educational, financial, employment or criminal history, including criminal records where a pardon has been given

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- 6.2 Confidential information must be protected and preserved to avoid unauthorized disclosure that could be harmful to a person, to the Sanitation District, or to a Sanitation District business process.
- 6.3 Confidential records shall be managed, controlled, and disposed of separately from records containing non-confidential information. All confidential records disposed of by the District must be shredded.
- 6.4 The Office of Record for records designated as confidential shall destroy the official copy of confidential records following the approved destruction procedures. The Records Disposition Form (Exhibit B) should be clearly marked as confidential records. Any duplicate copies of records designated as confidential will also be shredded, when these records are no longer needed, to ensure their confidentiality.
- 6.5 Confidentiality of information shall be protected until it is destroyed or until the Sanitation District has changed the status of the confidentiality of information. It is suggested that:
- Active confidential records should be maintained in Red folders.
  - Confidential records should be distributed in sealed Red Envelopes or those that specify confidential material.
  - Confidential records sent to offsite storage must be in securely taped boxes, or safes, and designated as confidential on the Records Disposition Form. Red Confidential labels should be placed on the outside of the box.
  - The Disposition Form should also indicate **who** is allowed to retrieve and review the confidential boxes. Escrow records usually require that both parties to the escrow are present when the material is reviewed. Both parties must also sign off on the destruction notice.

# Request for Authorization to Destroy Records



## Instructions

1. Identify records that are eligible for destruction.
2. Fill in the fields below and be as descriptive as possible in the Record Description field (add rows as necessary).
3. Print Request for Authorization to Destroy Records & attach Disposition Form detailing records for destruction.
4. If not the submitter, obtain the Records Coordinator's signature. Also obtain the Department/Division Manager's signature. Submit **original** to Records Management.
5. Records Management will obtain Legal Counsel's approval & finalize request for destruction. Records Coordinators will receive a copy for reference.

Please contact Tina Knapp at ext. 7190 for questions/assistance or you may send an email to [RecordsManagement@OCSd.com](mailto:RecordsManagement@OCSd.com).

Division Number	Dept. of Record	Record Type	Record Description	From Year	To Year	GRM Barcode	Retention Length	Retention No.
							<b>Total Boxes:</b>	<b>1</b>

Attach Disposition Form further detailing records for destruction.

## Complete this section for authorization to destroy records

I certify that these OFFICIAL RECORDS AND COPIES are past the retention period specified by OCSd's Records Retention Schedule and that all audit, business, and administrative requirements have been satisfied. Further, I certify that no HOLD has been placed on these OFFICIAL RECORDS AND COPIES due to any litigation, claim, negotiation, audit, or public records request and all legal, business, and administrative requirements have been satisfied. I certify that all information on this form is accurate and true to my knowledge by providing my signature.

## Required Approval

Submitter's Name & Signature:

Name (Print)	Signature	Date
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Records Coordinator Name & Signature:

Name (Print)	Signature	Date
--------------	-----------	------

Department/Division Manager Name & Signature:

Name (Print)	Signature	Date
--------------	-----------	------

Legal Counsel Name & Signature:


Name (Print)	Signature	Date
--------------	-----------	------

Records Management Name & Signature:

Name (Print)	Signature	Date
--------------	-----------	------

<div>2019 Records Management Disposition Form</div> <div>Board Services</div> <div>Please send completed form to: <a href="mailto:recordsmanagement@ocsd.com">recordsmanagement@ocsd.com</a></div> <div><div>*SAVE FORM TO YOUR COMPUTER BEFORE ENTERING DATA</div><div>*Document prints on legal size paper</div></div>													<div>These Fields Are For Reference Only</div> <div>Auto-population is Based on Record Type, "To Year" and Trigger Date</div>				
Required Fields												If Applicable		Retention Information			
Division Number	Media Format	Record Type <small>(Select the Applicable Category From the List)</small>	Record Description <small>(Project Number, Name, Specific Date Ranges, Specific Record Type, Any Details to Aid in Clear identification of Records)</small>	From Year <small>(xxxx-Do Not Leave Blank)</small>	To Year <small>(xxxx-Do Not Leave Blank)</small>	Trigger Date (If Applicable) <small>Year Terminated, Superseded, Expired, Closed, etc.</small>	User Box Number <small>(1, 2, 3, or 1 of 2, 2 of 2, etc.)</small>	Submitted By <small>(First and Last Name)</small>	Date Submitted	Disposition <small>(Select From List Below)</small>	Historical <small>(Select Yes/No)</small>	Confidential <small>(Select Yes/No)</small>	GRM Barcode	Retention Number	Retention Length <small>(Years)</small>	Eligible for Destruction <small>(January 1)</small>	



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## 1.0 INTRODUCTION


- 1.1 Vital records are those documents that contain information that enables the Orange County Sanitation District (Sanitation District) to continue vital and critical operations in the event of a major interruption to business.
- 1.2 Such interruptions could be natural disasters (for example, earthquake, pandemic, sudden and severe energy shortage, or flood) or man-made disasters (for example, accidental fire, cyberterrorism, arson, or civil unrest) which result in the loss of the normal means of access to vital records.
- 1.3 In most organizations, vital records comprise between two and five percent of the total record volume. During the initial records inventory, vital records titles were identified and assigned to Records Series. Vital records are identified with a "V" on the Record Retention Schedule.

## 2.0 PURPOSE

- 2.1 The purpose of the vital records management is to ensure that vital records are identified, protected, and accessible during or shortly following a disaster or major interruption to business.

## 3.0 SCOPE

- 3.1 Vital records are either irreplaceable or very difficult to replace.
- 3.2 Absence of vital records, or the inability to locate or translate vital records (in the case of machine-readable or digital records) means that the Sanitation District could not provide critical services to the public and its employees during a disaster or shortly thereafter.

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3.3 Vital records are maintained and protected in the format (paper, digital, Bold Planning, etc.) that is most appropriate for efficient retrieval.

3.4 Vital records include records that enable the Sanitation District to:

3.4.1 Provide required Sanitation District safety and health services during and immediately following a disaster or other major interruption to business.

3.4.2 Meet the obligations to Sanitation District employees and retirees.

3.4.3 Reconstruct legal obligations and rights.

3.4.4 Establish the financial position of the Sanitation District.

3.4.5 Reconstruct the Sanitation District's assets and ownership.

## 4.0 PROCEDURES

<b>Responsibility</b>	<b>Action</b>
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**Clerk of the Board/  
Records  
Management  
Specialist**

Develop procedures for protecting vital records, either by storing them onsite in fire-resistive equipment or by sending copies offsite.

Identify viable onsite or remote storage sites for records protection.

Coordinate vital records protection procedures with the Sanitation District's Integrated Emergency Response Plan.

Develop procedures for retrieving vital records within the identified time requirements following a disaster.

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Coordinate, identify, and develop agreements with vendors to provide records retrieval or recovery services required following a disaster.

Work with the Risk Manager to ensure the Vital Records Management Program meets the Sanitation District needs.

#### **Risk Manager**

Review the vital records procedures to ensure that the Sanitation District interests are protected and to ensure minimum exposure to risk in the event of a disaster.

#### **Division Records Coordinator**

Identify vital records based on an evaluation of division business functions.

Comply with procedures that protect vital records.

Determine the frequency with which vital records must be stored both onsite and offsite.


Routinely copy and forward vital records to onsite or offsite protective storage facilities.

## **5.0 VITAL RECORDS CATEGORIES**

- 5.1 The following is a list of the record categories that are usually considered vital. The Records Series containing vital records are identified as such on the Records Retention Schedule.

#### **Financial**

Accounts Receivable  
Fixed Asset Inventories  
General Ledger  
Loan Payments  
Registers Proving Payment  
Statements  
Stock Certificates  
Tax Returns

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**Negotiable  
Instruments**

Benefits  
Bonds  
Checks  
Claims  
Notes  
Payroll  
Retiree Benefits

**Ownership**

Capital Investments  
Deeds  
District Charter  
or Formation Records  
Leases  
Titles

**District  
Administration**

Board Meeting Minutes  
Delegation of Authority  
Ordinances  
Resolutions

**Contracts/  
Agreements**

Major capital improvements or construction contracts  
or other major agreements

**Insurance**


Policies and Endorsements

**Engineering**

Drawings  
Maps  
  
Specifications


**Computer  
Software  
Applications**

Code  
Manuals (if created by District)  
Software Licenses

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## 6.0 VITAL RECORDS FORMAT

- 6.1 Select the format for protecting and maintaining vital records that ensures accessibility and usability during a disaster or emergency response:
  - 6.1.1 Source document (original or designated official version, regardless of format).
  - 6.1.2 Distributed copy (copy of record that is routinely distributed).
  - 6.1.3 Reproduced copy (hard copy of record that is copied for Vital Records Program needs).
  - 6.1.4 Scan (Scanned for Vital Records Program needs).
  - 6.1.5 Magnetic Tape (digital version of vital record).
- 6.2 Select Vital Records Protection Methods
  - 6.2.1 Select the method most appropriate to protect the vital record.
  - 6.2.2 Verify existing dispersal of record, ensure that vital records are available in multiple, geographically separate locations as part of normal business activities.
  - 6.2.3 Improve dispersal by initiating distribution of copies of vital records to a secure location at the time of document creation.
  - 6.2.4 Duplicate records by reproducing copies of vital records in a medium appropriate to efficient storage and use and send to a secure location.


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6.2.5 Move vital records from active use areas when no longer needed for active reference and send to a secure location.

6.2.6 Store vital records onsite in a secure location, such as the vault, that meets NFPA standards for fire-resistance.

### 6.3 Select Vital Records Update Frequency

6.3.1 Determine how often it is necessary to update vital records to ensure that the information is current.

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		Supersedes: 7/28/2020
<b>SUBJECT:</b>	<b>HISTORICAL RECORDS</b>	Approved by: OCSD Board of Directors

## **1.0 INTRODUCTION**

- 1.1 It is the policy of the Orange County Sanitation District (Sanitation District) to identify and preserve records that have historical significance for the Sanitation District.

## **2.0 PURPOSE**


- 2.1 The purpose is to ensure that all Sanitation District records are reviewed for historical value prior to destruction through the application of well-accepted appraisal criteria.
- 2.2 Historical records are processed according to standard archival practice to ensure their preservation.

## **3.0 RESPONSIBILITY**

- 3.1 The identification and review of Historical Records is administered under the authority of the Sanitation District's Records Management Program.
- 3.2 Both the Office of Record and the District's Records Management Specialist have a direct role in the implementation of identifying Historical Records.

## **4.0 OBJECTIVES**

- 4.1 The objectives are:
  - 4.1.1 Identify Sanitation District records of historical value.
  - 4.1.2 Process Sanitation District records of historical value in a manner that will ensure that they are properly preserved.
  - 4.1.3 Prepare a finding guide to the Sanitation District's historical records to facilitate access to the records by Sanitation District staff and outside researchers.

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- 4.1.4 Promote the use of the Sanitation District's historical records in such areas as agency planning, management, development, public relations, and litigation support.

## 5.0 SCOPE

- 5.1 The scope includes the identification of records designated as historical on the retention schedule, the application of standard appraisal criteria at the end of the official retention period, and the processing and arrangement of historical records.


- 5.1.1 Processing and arrangement for paper records include:

- 5.1.1.1 Removal of hardware (staples, brads, and other fasteners)
- 5.1.1.2 Placing documents in acid free folders and boxes that meet the standards for archival preservation.
- 5.1.1.3 Preparation of inventories and finding guides to the historical records.

## 6.0 PROCEDURE

- 6.1 The policy applies to all Sanitation District and contract staff who create, receive, or maintain Sanitation District records.



	Orange County Sanitation District	Procedure Number: 8.0
	<b>RECORDS MANAGEMENT PROCEDURE MANUAL</b>	Effective Date: <b>TBD</b>
		Supersedes: 7/28/2010
<b>SUBJECT:</b>	<b>RECORDS MANAGEMENT PROGRAM AUDIT AND COMPLIANCE REVIEW</b>	Approved by: OCSD Board of Directors

## 1.0 INTRODUCTION

- 1.1 The Records Management Program Compliance Audit reviews and monitors compliance with the Orange County Sanitation District's (Sanitation District) Records Management Program.
- 1.2 Periodically, the Records Management Specialist conducts a compliance audit with several Divisions.
- 1.3 All Divisions should complete the audit process every two years.

## 2.0 PURPOSE

- 2.1 The purpose of the Records Management Program Compliance Audit is to ensure that all Sanitation District records are created, received, maintained, and disposed of in accordance with the Board of Directors approved Records Management Policy and Procedure.

## 3.0 PROGRAM PROCEDURES

<u>Responsibility</u>	<u>Action</u>
<b>Records Management Specialist</b>	<p>Review how Division records are kept, where they are located, in what format (hardcopy or electronic), and security (who has access).</p> <p>Compare records eligible to be destroyed with those actually destroyed by the Division. Note any records series destroyed prematurely or that have been retained beyond the approved destruction date.</p> <p>Review with staff, their knowledge and understanding of the Sanitation District Records Management Program, particularly the Records Retention Schedule and Records Disposition Policy.</p> <p>Write a summary report of findings with recommended corrective action, if necessary, such as additional training or revisions to</p>

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existing documentation. Submit the report to the Division Manager and Department Head.

**Division  
Records  
Coordinator**

Assist Records Management Specialist in conducting the records compliance review in the designated Divisions.


Respond to the summary audit report findings by identifying which corrective actions are planned or have been completed.

Inform Records Management of changes within the Division and business practices that potentially may have an effect on the Records Management Program.

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	<b>RECORDS MANAGEMENT POLICY &amp; PROCEDURE MANUAL</b>	Effective Date: <b>TBD</b>
		Supersedes: 7/28/2010
<b>SUBJECT:</b>	<b>RECORD HOLD AND RELEASE</b>	Approved by: OCSD Board of Directors

## 1.0 INTRODUCTION

- 1.1 At any time during the life of a record or record series, there may be circumstances that require the “holding” or suspension of destruction of certain record series or types of records from being disposed of due to reasons specified by the legal counsel, auditors, or department managers.
- 1.2 Destruction suspension is a hold placed on the scheduled destruction of records that may be relevant to foreseeable or pending litigation, governmental investigation, audit, special organizational requirements, or other business needs not contemplated when the records were originally scheduled for disposal.
  - 1.21 The five types of holds are:
    - A. RIM Hold – used when there is cause for Records Management to research records for inconsistent, missing or incorrect information
    - B. Legal/Regulatory Hold - Financial Audits and Anticipated or Pending Litigation
    - C. Department Hold – Request from a department with justification
    - D. Historical Hold – Preservation with justification
    - E. Retention Schedule Change Hold – used when a change, addition, or deletion is required until the time the RRS can be changed
- 1.3 Depending upon the circumstances, a “Record Hold” may require the retention of all documents of a certain kind, whether they are hard copy records, electronic records, or non-records, as defined in Procedure 4.0.

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- 1.4 Once a “Record Hold” has been placed on particular records or record series, the records will not be disposed of until a “Record Release” has been issued by a Record Hold Requestor.

## 2.0 PURPOSE

- 2.1 The purpose of this procedure is to describe the procedures for suspending destruction or placing a hold on the destruction of records that may be relevant to foreseeable or pending litigation, governmental investigations, audits, or other special Sanitation District requirements, and for releasing the hold when it is no longer necessary.
- 2.2 This procedure requires that the Clerk of the Board, Records Management Specialist, and Division Records Coordinators be notified when holds on the destruction of certain records are necessary.
- 2.3 This procedure ensures that records subject to holds for any purpose, are maintained until resolution or conclusion of the matter.


## 3.0 SCOPE

- 3.1 This Procedure documents the process of suspending destruction or placing a hold on the destruction of records.
- 3.2 This Procedure applies to **any record, non-record, or transitory record, in any format, at any time** during the life of the record or transitory record.

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#### 4.0 PROCEDURES FOR REQUESTING RECORDS DESTRUCTION HOLD

Responsibility	Action
Legal Counsel Division Managers	<ul style="list-style-type: none"> <li>Upon becoming aware of the need for the suspension of destruction of certain Sanitation District records that may be relevant to <u>foreseeable</u> or <u>pending</u> litigation, governmental investigations, audits, other special District requirements, or other business reasons, notify the Clerk of the Board.</li> </ul>
Clerk of the Board/Records Management Specialist	<ul style="list-style-type: none"> <li>Review all documentation submitted by Record Hold Requestor. Contact Record Hold Requestor to clarify scope of requested Hold if necessary.</li> <li>Upload all information to GovQA Legal Holds to reflect the Hold and the Estimated Date of Release.</li> <li>Route Legal Hold to EMT, IT, Manager, and Records Coordinators in <u>all</u> affected Divisions along with any specific instructions.</li> </ul>
Division Records Coordinators	<ul style="list-style-type: none"> <li>Review and file all Record Hold &amp; Release Forms forwarded by GovQA portal.</li> <li>Prior to purging files in accordance with Procedure 4.0 or completing a Request for Authorization to Destroy Records, cross-reference records identified to be purged or destroyed against Record Hold Requests on file. Identify documents subject to a Record Hold. <b>Do not purge or request destruction of any documents subject to a Record Hold.</b></li> <li>The EDMS Administrator (IT) will place a Legal Hold on relevant records in the EDMS System.</li> </ul>


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## 5.0 PROCEDURES FOR REQUESTING RELEASE OF RECORDS DESTRUCTION HOLD

Responsibility	Action
Clerk of the Board/Records Management Specialist	<ul style="list-style-type: none"> <li>Periodically review Record Hold &amp; Release GovQA portal and identify Estimated Dates of Release for previously placed Records Destruction Holds.</li> <li>If the Estimated Date of Release on a Record Hold has passed, contact the Record Hold Requestor to inquire whether release of the Hold is appropriate. If the Record Hold Requestor indicates that release of the Hold is appropriate, route a Release Form through GovQA to the Record Hold Requestor and request completion. If the Record Hold Requestor indicates that release of the Hold is not yet appropriate, obtain and note the new Estimated Date of Release.</li> </ul>
Legal Counsel and Division Managers	<ul style="list-style-type: none"> <li>Upon determining that a Hold on the destruction of certain District records is no longer needed, the originator of the Record Hold shall notify the Clerk of the Board and route an "Authorization for Release" through the GovQA portal with any specific instructions.</li> </ul>
Records Management Specialist	<ul style="list-style-type: none"> <li>Review Authorization for Release and update GovQA. Route release to Records Coordinators in all affected Divisions, along with any specific instructions.</li> </ul>

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<b>Responsibility</b>	<b>Action</b>
Division Records Coordinators	<ul style="list-style-type: none"> <li>• Review Authorization for Release forwarded by the Records Management Specialist.</li> <li>• Identify documents within scope of Authorization for Release and remove any notation of prior Hold. Any transitory records or records falling within the scope of the Authorization for Release may be purged or destroyed in accordance with Procedures 4.0 and 5.0, respectively.</li> <li>• The EDMS Administrator will manually release the Administrative Hold in the EDMS System.</li> </ul>

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## 1.0 STATEMENT OF POLICY AND LAW

The California Public Records Act (Government Code §6250 et seq.) (the “CPRA” or “Act”) declares that access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person. In furtherance of that policy, the Act mandates, with specified exceptions, that public records are open to inspection at all times during the office hours of state and local agencies. The Act, however, recognizes a number of specific statutory exemptions to the general rule of public disclosure. The Act also authorizes local agencies to adopt procedures for making records available and for recovering the direct costs of duplicating those records.

The spirit of the Act, and the policy of the Orange County Sanitation District (Sanitation District), is to permit access to all disclosable public records in the possession of the Sanitation District, unless doing so would constitute an unwarranted invasion of personal privacy or the request calls for the production of records that are exempt from disclosure under the Act. Other records may be kept confidential on a case-by-case basis only after a Sanitation District determination that the public interest served by non-disclosure clearly outweighs the public interest served by disclosure. An example of that type of record would be preliminary drafts of agreements prepared to facilitate discussion and/or negotiations, if disclosure prior to final agreement would have an adverse effect on the negotiation process. However, such analysis will usually involve the assistance of General Counsel.

In addition, California courts have also recognized that certain records need not be disclosed if disclosure would reveal the public agency’s decision-making process in such a way as to discourage candid discussion within the agency, which would thereby undermine the agency’s ability to perform its functions.




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## 2.0 PROCEDURE

- 1.1 The Clerk of the Board/Custodian of Records (PRA Team) receives and processes all Public Records requests in accordance with Government Code Section 6250 - 6270.7. California Public Records Act and Sanitation District Board approved Policy Resolution No. OCSD 18-22. The PRA Team interprets each public record request in accordance with Government Code Section 6253.1 and attempts to assist members of the public to identify the record that contains the information they request.
- 1.2 The Sanitation District uses the GovQA Public Records Request Management Software (GovQA) to receive, correspond, route, track, and respond to Public Records requests.
- 1.3 To ensure consistency with the process of records requests, if a Department/Division receives a request from the public or agency to provide public records, the Department/Division should direct the requestor to the [OCSD Public Records Portal](#) on the OCSD.com website so that the request may be routed and tracked in the GovQA portal for response. The PRA team should be notified and will be able to assist.

## 2.0 PROCESS

- 2.1 Requests are received by the Sanitation District and placed in GovQA by either the requestor or in a few cases the PRA Team; and the Sanitation District Staff users/approvers enter the portal to respond or upload documents to fulfill the request.
- 2.2 When a request is initially received, the PRA Team immediately responds to the requestor, via GovQA, with an email receipt of request that provides a legal explanation of the PRA process. The PRA Team determines if the request is complete or requires clarification (e.g., too broad; apparent typographical errors; etc.). If necessary, the PRA Team contacts the requestor for clarification.


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If the PRA Team and Department Head believe that employee rights or significant interests of the Sanitation District could be compromised by the requested disclosure, the PRA team and Department Head shall discuss the request with General Counsel prior to making such disclosure.

### 2.3 TIMELINESS.

Although Sanitation District policy encourages a quicker response, the CPRA requires that the person requesting copies of Sanitation District records be notified within ten (10) calendar days of the Sanitation District's determination as to whether the request, in whole or in part, calls for the production of disclosable, non-privileged records that are in the possession of the Sanitation District. Occasionally, where assistance of General Counsel is appropriate for example, the full ten (10) calendar days may be required in order to make the requisite determination. Under the Act, the Sanitation District may also be entitled to an additional fourteen (14) calendar days in which to make its initial determination under the following four (4) circumstances:

- 2.3.1. There is a need to search for and collect the requested documents from other offices, or offsite storage, separate from the office processing the request;
- 2.3.2. There is a need to search for, collect, and examine a voluminous amount of separate and distinct records which are demanded in a single request; or
- 2.3.3. There is a need to consult with another Agency or Department having a substantial interest in the determination of the request. This includes requests for Certified Payrolls from a Sanitation District Contractor or Sub-Contractor.
- 2.3.4. In the case of electronic records, there is a need to compile data, write programming language or a computer program, or to construct a computer report to extract data.

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If the additional fourteen (14) calendar days are needed, either the General Counsel or PRA Team must notify the Requestor, in writing, of the reason or reasons for the fourteen (14) day extension and the date on which the determination is expected.


If the final determination is to deny a request to inspect or copy Sanitation District records, the General Counsel or the PRA Team shall notify the Requestor, in writing, of the reasons for the denial.

#### 2.4 PARTIAL DISCLOSURE.

If portions of the requested record(s) are determined to be exempt from disclosure and those portions can be reasonably segregated from the rest of the record(s) by deletion, redaction or other means, the non-exempt portion shall be provided to the Requestor.

#### 2.5 COST OF COPIES.

Under the Act, the Sanitation District is entitled to be reimbursed by the Requestor for the direct costs of duplication. The Sanitation District has, however, made a policy determination to not charge the Requestor for the first ten (10) pages. If a Public Records Act request calls for the production of records in excess of ten (10) pages, then the Requestor shall be required to pay twenty-five cents per page for each additional page, which shall be reimbursement of the Sanitation District's direct costs for duplication. The reimbursement rate shall not include recovery of costs for staff time spent searching for, retrieving, reviewing, evaluating and/or handling of responsive records. At the sole discretion of the Sanitation District, the Sanitation District may require the Requestor to submit, in advance, a check based on the estimated direct duplication costs.

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Electronic records, which can easily be transmitted to the Requestor via GovQA will not be subject to the twenty-five cents per page copying charge.

At the sole discretion of the Sanitation District, and depending on the estimated number of responsive records, the Requestor or the Sanitation District may retain the professional reprographic services of a bonded copy service. The Requestor shall be required to pay for or reimburse the Sanitation District for the direct costs of duplication associated with the use of a bonded copying service. In the event the Sanitation District approves of the use of a bonded copying service, the Requestor may select and retain a bonded copying service; however, such selection shall be subject to the Sanitation District's approval.


## 2.6 COST OF VIDEOTAPES, AUDIOTAPES, COMPACT DISCS OR THUMB DRIVE.

The charge to the Requestor for copies of videotapes, audiotapes, compact disc, DVD recordings, or thumb drives shall be at the District's actual cost of reproduction.

## 2.7. MEDIA CONTACTS.

Employees are encouraged to refer all media contacts and media inquiries to the PAO Officer/Administration Manager. All information requests requiring production of records shall be processed in accordance with the terms of this Policy, and upon completion of the preparation of the copies, shall be delivered to the requesting media representative by the Administration Manager. Department Heads shall report any and all media contacts to the Administration Manager as soon as possible. The Administration Manager shall coordinate any action required by such contact with the Clerk and keep the appropriate Department Head, General Manager, and General Counsel informed.

## 2.8. FORMS.

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GovQA generated forms and letters shall be used by Sanitation District staff for purposes of complying with this administrative policy.

## 2.9 ACCESS TO FILES.

No member of the public and no Sanitation District employee, other than an employee of the Department processing records, shall enter GovQA or any file cabinets, record storage areas or containers that hold Sanitation District records, except when authorized by the PRA Team or Department head.


When a requestor is reviewing physical files, a member of the Sanitation District staff must be present during the entire file review. This may be the Clerk or staff member of the Department that owns the records. The Requestor may not remove any records during the file review.

## 2.10. REMOVAL OF RECORDS.

The unauthorized removal of any record of the Sanitation District is a violation of California Government Code Section 6201, and is punishable by imprisonment, or fine, or both.

## 2.11 LITIGATION DOCUMENTS.

The charge for all copies of any Sanitation District document or record produced pursuant to a subpoena or request for production of documents issued by a Court or an authorized administrative or regulatory agency or tribunal, shall be twenty-five (\$.25) cents per page to reimburse the Sanitation District for its costs of research, retrieval, examination, handling, copying, and certification of the documents.

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In the event, due to size or volume of the responsive records, special reproduction services are required, the person making the request shall pay the actual charges incurred for either the Sanitation District's in-house copy service, or an outside copy service.


For large records request, the Sanitation District shall require an advance deposit based on the estimated direct copying costs. Said deposit shall be paid by the Requestor prior to the Sanitation District commencing any work to obtain and copy the requested records.

Litigation document requests shall be handled by the General Counsel and the Clerk of the Board.

### 3.0 ROUTINE REQUESTS

3.1 If the PRA Team determines the nature of the request to be routine (e.g., Site Assessments, stale check data requests, contract documents etc.), the team will then determine which Department should receive the request and route it accordingly via GovQA. The following types of requests route directly to the staff liaison that has been pre-designated by the Manager or Department head:

- A. Contracts and Purchasing If a request is made to either division, the entire division including the Supervisor and Manager are notified. The request is fulfilled, and the Supervisor or Manager approves prior to release. This prevents delays in turn around due to absenteeism. Routine requests include RFP/RFQ bidder information; cumulative purchase order lists; and contract compliance.
- B. Environmental Services requests for Site Assessment data are routed to a designated staff member in Environmental Services and is only escalated to a Supervisor or Manager when there is an underlying issue with the property or a permittee.

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- C. Finance Department routine requests for stale check data and Sewer Service Fees/Rebate requests automatically route to a designated staff member as determined by the Assistant General Manager/Director of Finance and Administrative Services.
- D. Planning/Engineering requests for Sewer connection/lateral maps and requests for Certified Payroll route to a designated staff member as determined by Assistant General Manager/Director of Operations and Maintenance.
- E. Human Resources requests are sent to a designated staff member as determined by the Human Resources Manager.


#### **4.0 NON-ROUTINE REQUESTS:**

- 4.1 Non-routine requests consist of a variety of things. Examples of these are: All emails/correspondence for a certain staff member, which requires IT assistance for E-Discovery, requests from law offices, or any request that the Clerk of the Board believes or determines is related to anticipated or current litigation.
- 4.2 Non-routine requests are sent to the affected Manager, Executive Management and/or General Counsel before beginning the process. Each department will assist with the process for research and retrieval and approval of what is released to the public.

#### **5.0 COMPLETION**


- 5.1 Once a request has been completed by the affected department/division, the request routes back to the PRA Team for final review before release. The review consists of checks for accuracy, confidentiality, or personal information, and redaction prior to its release.
- 5.2 The Clerk of the Board will provide a weekly summary containing the number of PRA's received and processed with assigned



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department detail to the Administration Manager and/or General Manager.



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## 1.0 INTRODUCTION

- 1.1 The Electronic Communications Policy of the Records Management Program controls the maintenance and storage of Orange County Sanitation District (Sanitation District) electronic mail records, text messages, instant messages, voicemail, and social media. Following the retention procedures ensures compliance with pertinent statutory, regulatory, operating, and administrative recordkeeping requirements. In addition, it ensures that records needed to conduct Sanitation District business are protected and accessible. The Records Retention Schedule (RRS) is the foundation of the Program and defines the periods required to maintain Sanitation District records, including all electronic communications. See Records Management Policy No. 4.0 for Records Classification.


## 2.0 PURPOSE

### 2.1 POLICY OBJECTIVES:

- 2.1.1 Provide clear and concise direction regarding use and retention of the Sanitation District's electronic communications systems, including electronic mail (email), text messaging, instant messages, and voicemail.
- 2.1.2 Comply with all applicable State and Federal laws and Sanitation District Personnel Policy 5.10 related to the use of email and all other forms of electronic communication.
- 2.1.3 Address the California Supreme Court's 2017 decision in *City of San Jose v. Superior Court of Santa Clara County*, holding that a Public Agency employee's communications related to the conduct of public business are subject to the California Public Records Act, even if they were sent or received using a personal account or personal device.

## 3.0 SCOPE/BACKGROUND

- 3.1 This policy applies to all persons (including employees, appointed officials, interns, and contractors) who are permitted to use the Sanitation District's

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computing or network resources, particularly the email functions of the system ("**Authorized Users**"). "**Email**" means any electronic communication to or from any Authorized Users using the Email System, including all information, data, and attachments to the electronic communication. "**Email System**" means the system of devices (including hardware, software, and other equipment) owned and controlled by the Sanitation District or the Authorized User for the purpose of facilitating the electronic transmission. "**Electronic Communications**" includes any and all electronic transmission, and every other means of recording upon any tangible thing in any form of communication or representation, including letters, words, pictures, sounds, symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored. Without limiting the nature of the foregoing, electronic communications include email, texts, instant messages, voicemails, and include communications on or within applications (apps) such as Facebook Messenger, Twitter, Microsoft Teams, etc.


## 4.0 POLICY

### 4.1 ROLES AND RESPONSIBILITIES

- 4.1.1 The Board Services and Information Technology (IT) divisions are responsible for administering this policy and procedure.
- 4.1.2 The Sanitation District Clerk of the Board and/or the Records Management Specialist or Designee (Clerk), with the advice of General Counsel, will monitor compliance and make the final determination of official records of the Sanitation District.
- 4.1.3 All Authorized Users are responsible for compliance with this policy and procedure.

### 4.2 DEFINITION OF "OFFICIAL SANITATION DISTRICT RECORD":

Under this Policy, the definition of "**Official Sanitation District Record**" is the same as the definition provided in the California Public Records Act (Cal. Gov. Code§ 6250 et seq.) (Public Records Act) for "public records" and "writing":

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*"... 'Public records' include any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics ..."*

*"... 'Writing' means any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored."*

#### 4.3 ELECTRONIC COMMUNICATION RELATED TO SANITATION DISTRICT BUSINESS IS AN OFFICIAL SANITATION DISTRICT RECORD

4.3.1 Email and other forms of electronic communication, such as voicemail, texts, instant messaging and social media posts, generate correspondence and other types of records that can be recognized as Official Sanitation District Records and may be subject to disclosure under the Public Records Act. In addition, any Official Sanitation District Record created through email and other forms of electronic communication must be protected and retained in accordance with records retention laws.

4.3.2 Messages transmitted using the Sanitation District's Email System or Sanitation District-owned equipment with capabilities for text messaging and/or voicemail, should be messages which involve Sanitation District business activities and contain information essential to accomplishment of business-related tasks, or can otherwise be recognized as Official Sanitation District Records. Any incidental (personal) email, text, instant message, or voice messages are not considered public records but may still be discoverable. All electronic communications are the property of the Sanitation District.

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#### 4.4 SANITATION DISTRICT EMAIL SYSTEM IS NOT FOR STORAGE


The Sanitation District reserves the right to retrieve and make proper and lawful use of any and all electronic communications transmitted through the Sanitation District's Email System and any Sanitation District-owned and subsidized equipment. Although the use of electronic communications is considered official Sanitation District business, the Sanitation District's communications systems, including email, text messaging, instant messaging, and voicemail, are intended as a medium of communication only. Therefore, the Email System and any Sanitation District-owned or subsidized equipment such as cell phones should not be used for the electronic storage or maintenance of documentation, including, but not limited to, Official Sanitation District Records. Regarding email, the system administrator performs regular electronic back-up of the Sanitation District's Email System; however, the back-up is not a copy of all Sanitation District email activity that occurred during any given period.

### 5.0 GUIDELINES FOR PROPER EMAIL USAGE

- 5.1 Authorized Users are responsible for managing their mailboxes, including organizing and deleting any non-Sanitation District related messages that do not constitute Official Sanitation District Records. Authorized Users are responsible for determining if emails contain substantive information regarding Sanitation District business or may later be important or useful for carrying out Sanitation District business, and thus could be considered as Official Sanitation District Records.

### 6.0 USE OF SANITATION DISTRICT ELECTRONIC COMMUNICATIONS VIA PERSONAL ACCOUNTS

- 6.1 Sanitation District accounts shall be used to conduct Sanitation District business. Authorized Users should not use personal accounts for the creation, transmission, or storage of electronic communications regarding Sanitation District business.
- 6.2 All Authorized Users shall, within 90 days following the adoption of this updated policy, search all private, non-governmental electronic messaging accounts to

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which they have user access and locate any electronic communications that might constitute an Official Sanitation District Record. All such communications shall be forwarded to the Authorized User's Sanitation District-provided account. To the extent the Authorized User believes that any part of such communications contains personal matter not related to the conduct of the public's business, the Authorized User shall provide a declaration, as set forth in Exhibit A.

- 6.3 If an Authorized User receives an electronic message regarding Sanitation District business on his/her non-Sanitation District electronic messaging account, or circumstances require such person to conduct Sanitation District business on a non-Sanitation District account, the Authorized User shall either: (a) copy ("**cc**") any communication from an Authorized User's personal electronic messaging account to his/her Sanitation District electronic messaging account; or (b) forward the associated electronic communication to his/her Sanitation District account no later than 10 days after the original creation or transmission of the electronic communication.
- 6.4 Authorized Users shall endeavor to ask persons sending electronic communications regarding Sanitation District business to a personal account to instead utilize the Authorized User's business account and, likewise, shall endeavor to ask a person sending an electronic communication regarding non-Sanitation District business to use the Authorized User's personal or non-Sanitation District electronic messaging account.

## **7.0 ELECTRONIC COMMUNICATIONS AND PRIVACY**

### **7.1 NO EXPECTATION OF PRIVACY**

- 7.1.1 Personnel Policy 5.10 states that Sanitation District Electronic Communication devices are the exclusive property of the Sanitation District. Authorized Users have no right or expectation of privacy or confidentiality in any message created, sent, received, deleted, or stored using the Sanitation District Email System or any Sanitation District-owned or subsidized communication devices. All messages and any attachments on the Sanitation District's computer network, Email System, Sanitation District-owned system or device, or Sanitation

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District subsidized communication device are subject to Sanitation District review and disclosure of electronic communications regarding Sanitation District business.

7.1.2 Electronic communications regarding Sanitation District business that are created, sent, received, or stored on an electronic messaging account may be subject to the Public Records Act, even if created, sent, received, or stored on a personal account or personal device. Most communications that include Authorized Users are not confidential communications; however, certain communications such as investigations, personnel records, or attorney-client communications may be confidential or contain confidential information. Questions about whether communications are confidential, and how they are to be preserved, should be discussed with the Clerk.

## 7.2 USE CAUTION WITH CONFIDENTIAL INFORMATION


All Authorized Users must exercise a greater degree of caution in sending confidential information on the Sanitation District's electronic communications systems than they take with other media because of the risk that such information may be copied and/or retransmitted. All email correspondence containing confidential information should be tagged as such and stored in a clearly labeled confidential folder to protect and preserve the privacy and confidentiality of the record. When in doubt, do not use email, text messaging, instant messaging, or voicemail as a means of confidential communication.

## 8.0 PUBLIC RECORDS REQUESTS, RETENTION, AND DESTRUCTION

Electronic communications are a business tool which shall be used in accordance with generally accepted business practices and all Federal and State laws, including the California Public Records Act, to provide an efficient and effective means of intra-agency and interagency communication. Under most circumstances, communications sent electronically are public records, subject to disclosure under the California Public Records Act and subject to records retention laws applicable to a variety of government agencies.

### 8.1 PRESERVING ELECTRONIC MESSAGES - PUBLIC RECORDS ACT



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## REQUESTS, SUBPOENAS, CLAIMS, AND POTENTIAL CLAIMS AGAINST THE SANITATION DISTRICT

The Sanitation District receives requests for inspection or production of documents pursuant to the Public Records Act, as well as subpoenas or court orders for documents. In the event such a request or demand includes electronic messages, Authorized Users who have control over or access to any such messages, once they become aware of the request or demand, shall use their best efforts, by reasonable means available, to temporarily preserve any such message until it is determined whether the message is subject to preservation, public inspection, or disclosure. Authorized Users shall contact the Clerk regarding any such messages that are within their control.

### 8.2 CALIFORNIA PUBLIC RECORDS ACT

8.2.1 In the event a Public Records Act request is received by the Sanitation District seeking electronic communications of Authorized Users, the Clerk shall promptly transmit the request to the applicable Authorized User whose electronic communications are sought. The Clerk shall communicate the scope of the information requested to the applicable Authorized User, and an estimate of the time within which the Clerk intends to provide any responsive electronic communications to the requesting party.

8.2.2 It shall be the duty of each Authorized User receiving such a request from the Clerk to promptly conduct a good faith and diligent search of all Business and Personal electronic messaging accounts and devices for responsive electronic communications. The Authorized User shall then promptly transmit any responsive electronic communications to the Clerk. Such transmission shall be provided in sufficient time to enable the Clerk to adequately review and provide the disclosable electronic communications to the requesting party. If the Authorized User is unable to transmit the responsive communications, the IT division has the ability to extract the pertinent communications and ensure the appropriate metadata is preserved.

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8.2.3 Based on the nature of the Public Records Act request, the Clerk may also request an eDiscovery of all electronic email records and instant messages through the IT division.

8.2.4 In the event an Authorized User does not possess responsive electronic communications from the Sanitation District's owned or subsidized electronic messaging account, the Authorized User shall so notify the Clerk by way of a written declaration (Exhibit A).

### 8.3 AUTOMATIC DELETION OF EMAIL


The Sanitation District's email system automatically deletes Sanitation District emails, including any text messages that become emails, which are more than **24 months** old from "Inbox" and "Sent" email folders of each Sanitation District email user. Email in "Deleted" folders will be automatically removed after **ninety (90)** days.

### 8.4 EMAIL FOLDER MANAGEMENT

8.4.1 Authorized Users are responsible for the daily management of their email boxes and associated folders. To ensure maximum efficiency in the operation of the Email System, Authorized Users are directed to delete email messages that are NOT Official Sanitation District Records from their inboxes on a weekly basis. These Transitory email records, based on the content of the information which only have a retention value of a few days or weeks, can be deleted from the Email Inbox upon review and determination when the purpose of the information has been fulfilled - which can be any time up to 90 days. **All email records moved to Deleted will be automatically purged by IT after 90 days.** Examples of such messages are personal emails, solicitations, email advertisements/announcements, or newsletters.

8.4.2 If email messages that are not Official Sanitation District Records are necessary for transitory work, preliminary drafts, or preparation of work product or personal notes, Authorized Users should either move the record to a dedicated email (working) folder, print the email and maintain the paper copy, or create a PDF version of the email



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(save as PDF) and store the file in an electronic folder on the Sanitation District's network drive (OneDrive, SharePoint and SharePoint Online) to be deleted when no longer needed.

8.4.3 Attachments to email messages should be retained or disposed of according to the content of the attachment itself, not according to the email transmitting the attachment. Many email attachments are duplicates of existing documents or are draft versions of documents that might not be retained by the Sanitation District after the final version of the document is complete. If you need help in determining whether an attachment to an email message must be retained, please contact the Clerk.

## 8.5 DETERMINATION OF RECORD

In accordance with Records Management Policy 4.0, it is the responsibility of Authorized Users to determine if an electronic communication is an Official Sanitation District Record which must be retained in accordance with the Sanitation District's Records Retention Policy. Electronic communication messages (including any attachments) that are deemed to be Official Sanitation District Records shall be preserved. Authorized Users shall consider the content of an electronic communication when determining if it is an Official Sanitation District Record. The Clerk can assist in making such a determination. In addition, following is a general guideline for determining whether an electronic communication is an Official Sanitation District Record:


<b>Electronic Communications that are generally considered as Public Records</b>	<b>Electronic Communications that are generally NOT considered as Public Records</b>
(Retention time is 2 years or more)	(Retention time is no more than 90 days)

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Electronic Communication that is created or received in connection with official Sanitation District business.	Personal messages and announcements not related to official Sanitation District business.
Electronic Communication that shows how a Sanitation District policy was created or how a decision was made by Sanitation District staff and/or the Sanitation District Board of Directors.	Duplicate documents (copies or excerpts) distributed for convenience or reference.
Electronic Communication that begins, authorizes, or completes an item or a transaction of official Sanitation District business.	Transmittal messages that merely assist the flow of work.
Electronic Communication that documents significant official decisions or commitments reached verbally (person-to-person, by phone, or in conference) and not otherwise documented in Sanitation District files.	Electronic Communications containing preliminary drafts, notes, or interagency or intra-agency memos that are not retained in the ordinary course of business. Gov. Code § 6254(a). Records that are normally retained do not qualify for this exemption.

## 8.6 ELECTRONIC COMMUNICATIONS UPON TERMINATION

Upon an Authorized User's retirement or termination, IT will forward the user's Electronic communications to the immediate supervisor for review. In accordance with the policy herein, it is the Supervisor's duty to review and determine which email/text messages, voicemails etc. should be preserved, retained, or

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disposed of according to the content of the email and following the approved Sanitation District's Records Retention Schedule.

Once determined, the Supervisor should either transfer the records to a dedicated email (working) folder in their email inbox, print the communication and maintain the paper copy, or create a PDF version of the email (save as PDF) and store the file in an electronic folder on the Sanitation District's network drive (OneDrive, SharePoint and SharePoint Online) to be retained or to be deleted when no longer needed. Once completed, IT will dispose of the entire mailbox after 90 days unless otherwise requested by supervisor.


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Exhibit "A"


<p>In the matter of:</p> <p>California Public Records Act Request Pursuant to Gov. Code § 6250 <i>et seq.</i></p> <p>Re:</p> <p>_____</p> <p>_____</p> <p>Insert name of record request</p> <p>Request #: _____</p>	<p>Declaration of:</p> <p>_____</p> <p>Print or type name of user</p> <p><b>DECLARATION REGARDING SEARCH OF PERSONAL ELECTRONIC MESSAGING ACCOUNTS</b></p>
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STATE OF CALIFORNIA  
COUNTY OF ORANGE  
ORANGE COUNTY SANITATION DISTRICT

I, \_\_\_\_\_ declare:  
Print name

1. I received notice of a California Public Records Act ("CPRA") request regarding a search of my personal electronic messaging account(s).
2. I understand that the CPRA request seeks:

\_\_\_\_\_  
*Insert text of CPRA request.*

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3. I am the owner or authorized user of the following personal electronic messaging account and have the authority to certify the records:

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*Insert description of personal electronic messaging account(s).*

4. I have made a good faith, diligent, thorough, and complete search of the above mentioned personal electronic messaging account(s) for all electronic communications potentially responsive to the above mentioned CPRA request.
5. Any responsive electronic communications discovered, and referenced below, were prepared, or used by me in the ordinary course of business at or near the time of the act, condition, or event.
6. Any responsive electronic communications discovered, and referenced below, are true copies of all records described in the above mentioned CPRA request.

*Check the applicable box:*

- ☐ I certify that I do not possess responsive electronic communications.
- ☐ I certify that I cannot reasonably recover responsive electronic communications without technical assistance.

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*Explain efforts to retrieve responsive electronic communications and why you were unable to recover responsive electronic communications. Add technical assistance required.*

- ☐ I certify that I discovered potentially responsive electronic communications from my personal electronic messaging account, but I am withholding that information because the information is “personal” business. This is for the following reasons:


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*Describe with sufficient facts why the contested information is personal business and not subject to the CPRA. Attach additional pages, if necessary.*

- ☐ I certify that I discovered potentially responsive electronic communications from my personal electronic messaging account. I am providing all responsive information. However, some information is non-responsive, and I am withholding that information, because the information is personal business. This is for the following reasons:

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*Describe with sufficient facts why the contested information is personal business and not subject to the CPRA. Attach additional pages, if necessary.*

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that I have personal knowledge of the facts set forth above.

Executed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in \_\_\_\_\_, California.

By:\_\_\_\_\_

Print Name:\_\_\_\_\_

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<b>SUBJECT:</b>	<b>ESCROW OF BID DOCUMENTS</b>	Approved by: OCSD Board of Directors


*This Procedure applies only to Invitation for Bids (IFBs) with an award amount of \$10,000,000 or more, to the lowest responsive, responsible bidder.*

## **1.0 PRE-BID**

- 1.1 If Escrow of Bid Documents (Escrow) is required (per Bid Requirements Form), Contracts Administrator (CA) will notify Records Management the need for escrow and will establish a time and date for Bidders to submit their Bid Documents for escrow as specified in the Special Provisions, "Escrow of Bid Documents."
  - a. This date and time submission will be within the date and time set forth in the Contract's Special Provisions.
  - b. The date must also be coordinated with Records Management's schedule (e.g., check to see that if the Escrow Bid Document submission date is on a Friday, Records Management is available).
- 1.2 CA submits a Meeting Planner to reserve a room in the Administration Building for receipt of the Bid Documents for escrow.
- 1.3 CA schedules a meeting with Records Management, via Outlook Calendar, on the date and time scheduled for receipt of Bid Documents for escrow.
- 1.4 Upon receipt of the Outlook meeting request, Records Management schedules the date for Offsite Storage (GRM) to transfer the Escrow Bid Documents to offsite storage.
- 1.5 GRM requires 24 hours' notice for pick-up, and usually picks up between 11:00 a.m. and 2:00 p.m. (Therefore, it is best to schedule receipt of the Bid Documents in the morning)

## **2.0 BID OPENING**

- 2.1 At Bid opening, the Sanitation District announces the two (2) lowest Bidders who will be required to submit their Bid Documents for escrow within the date and time set forth in the Special Provisions.


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2.2 At the Bid Opening, Bidders shall be reminded that:


2.2.1 Failure to timely submit Bid Documents for escrow may result in a Bidder being deemed non-responsive.

2.2.2 Escrowed Bid Documents must be delivered in a sealed container, marked with the project name and the words "Escrowed Bid Documents." If Bidders are not using a safe, Bidders should use a regular document storage size box (10"x12"x15").

2.3 The Escrowed Bid Documents shall be accompanied with a Bid Document Certification, signed by an individual authorized by the Bidder to execute the Bidding proposal, stating that the material in the Escrowed Bid Documents constitutes the complete, only, and all documentary information used in preparation of the Bid and that he or she has personally examined the contents of the Escrowed Bid Documents container and has found that the documents in the container are complete.

 <b>BID DOCUMENT CERTIFICATION FOR ESCROW</b>	
<small>(Project Number)</small> <small>(Project Name and Information)</small>	
<small>The material in the Escrow Bid Documents constitutes the complete, only, and all documentary information used in preparation of the Bid and by the authorized signature below Bidder represents that he or she has personally examined the contents of the Escrow Bid Documents container and has found that the documents in the container are complete.</small>	
<hr/> <small>Signature of individual authorized by the Bidder to execute the Bidding Proposal</small>	
<hr/> <small>Printed Name</small>	<hr/> <small>Title</small>
<hr/> <small>Company</small>	
<hr/> <small>Date</small>	
<small>Revision 012716</small>	



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### 3.0 POST BID OPENING

- 3.1 After Bid Opening, but no later than the date and time for receipt of Escrow Bid Documents, the CA will prepare a "Records Storage Facility Transfer Request," for *each* Bidder's Escrowed Bid Documents.


#### OCSD Escrow Records Storage Transfer Request & Tracking

Project Number and Name:  Contractor: Requestor: Division Name and Number:		Date:
		<b>Offsite Storage Location &amp; Tracking Barcode:</b>

Meeting/Transacting Date and Time	Transaction/Activity	Authorization Signatures	Comments/Notes
	Intake of Escrow Bid Documents Meeting	Contractor Representative Name  Contractor Representative Signature	
	Escrow Bid Documents Sent Offsite	Records Management Name  Records Management Signature	
	Escrow Bid Documents Retrieval	Records Management Name  Records Management Signature	
	Release of Escrow Bid Documents Meeting	Contractor Representative Name  Contractor Representative Signature	


Storage Intake Approved By: OCSD Records Management	Date:
Storage Permit Approved By: OCSD Records Management	Permit Date:

A separate form is required for each Bidder's Escrowed Bid Documents due to the fact each Bidder's escrow box is assigned a separate bar code to be affixed to the Form. Also, each Bidder must sign the

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Records Storage Facility Transfer Request Form applicable to their documents. After the meeting – scan and save a copy of all documents.

- 3.2 In preparation for the arrival of Bidders on the date set for receipt of Escrowed Bid Documents, the CA shall prepare an attendance sign-in record form for record of attendance. The representative of each company and all the Sanitation District staff in attendance must fill out. A copy should be made and provided to each representative of the company delivering documents and the original kept on file with Record Management.



**ORANGE COUNTY SANITATION DISTRICT**  
**ATTENDANCE RECORD**  
**Escrow of Bid Documents Meeting**  
 (Date and Time of Meeting)  
 (Project Number)  
 (Project Name and Information)

Name: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

Name: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

Name: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

Name: \_\_\_\_\_


Company: \_\_\_\_\_

Address: \_\_\_\_\_


Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

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- 3.3 At the time and date for submission of Bid Documents for escrow, the two lowest Bidders will hand deliver their Bid Documents to Sanitation District Records Management and the CA. The Sanitation District Staff /Contractor will open and review the contents together at the Sanitation District.
- 3.4 Each bidder will fill out and sign an "Intake of Escrow Bid Documents" previously filled out by Records Management.

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**ORANGE COUNTY SANITATION DISTRICT**

**RECORD OF RECEIPT FOR:**

**Escrow of Bid Documents Records**

(Insert Date and Time)

(INSERT PROJECT NO. AND PROJECT NAME)

Name: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

Signed: \_\_\_\_\_

|

Name: \_\_\_\_\_

Company: Orange County Sanitation District


Address: 10844 Ellis Ave, Fountain Valley, CA 92708

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

Signed: \_\_\_\_\_

- 3.5 After the Sanitation District approves of the documentation in the Bidders' Bid Documents, the Sanitation District Records Management will affix GRM bar codes and ID numbers on Records Storage Transfer form and to each Bidder's Escrowed Bid Document box. The Bidders, the CA and Records Management shall all sign the completed Records Storage Facility Transfer Request.
- 3.6 Each Bidder, the CA and Records Management will receive a copy of the completed form for their records and future reference.

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- 3.7 GRM will thereafter take possession of the apparent two low bidder's Escrowed Bid Documents and transfer them to its document storage facility.

#### **4.0 AFTER CONTRACT AWARD**

- 4.1 Following the Award of the Contract, the Sanitation District will return the Escrowed bid Documents to the unsuccessful Bidder(s). The CA will complete the Escrow Records Retrieval Form and obtain receipt signatures from the Bidder(s), the CA and Records Management.

#### **5.0 EXCEPTIONS**

- 5.1 In the event of a bid protest or other problem with the apparent low bid, the CA will contact the third, and perhaps fourth apparent low bidders and complete procedure numbers 9 and 10 above.
- 5.2 For Design-Build (DB) Projects, only the Proposal Documents of the successful proposer will be escrowed, after the award of contract by the Board of Directors.