

Electronic Records

Purpose

Electronic communication, in all its various forms, has become an indispensable tool in the efficient and effective operation of the modern workplace. Fresno Unified School District (FUSD) Board members, administrators and employees increasingly rely upon electronic communications technologies such as e-mail, instant messaging and text messaging to enhance FUSD's internal and external communications. As a result, FUSD creates and receives a great deal of electronic records.

The purpose of this Administrative Regulation is to set forth FUSD's electronic records retention and destruction requirements, and to further confirm the roles and responsibilities of FUSD personnel regarding the implementation of those requirements, consistent with FUSD's obligations to ensure full compliance with all applicable state and federal laws and regulations.

1. Scope

This Administrative Regulation applies to:

- a. All FUSD personnel;
- b. All FUSD technology capable of sending and/or receiving electronic communications and/or other electronic records;
- c. All electronic communications sent or received using FUSD technology; and
- d. All other electronic records created, used and/or maintained on FUSD technology.

2. Policy

a. Definitions

(1) Electronic Communications - any information transmitted via FUSD technology, including, but not limited to, email messages, instant messages, and text messages.

(2) Electronic Records - any electronic information, including, but not limited to, word processing documents, spreadsheets, scanned documents and other types of digital information, that are created, used and/or maintained on FUSD technology.

(3) FUSD Technology - any FUSD systems, equipment, and wiring that are capable of sending and/or receiving electronic communications and/or capable of creating and/or storing electronic records, including, but not limited to, FUSD computer workstations, laptop computers, computer servers, backup drives, cellular telephones, smart phones, personal data assistants, pagers, and other electronic and digital technology.

(4) Transitory Records - all types of electronic records that are created, transmitted, or received, that are used primarily for routine and temporary purposes, which are not retained in the ordinary course of FUSD business, and which have no lasting value; for example, meeting and event

notices, announcements, internal information requests, purely personal information and/or communications, preliminary drafts, notes, and junk or spam messages. Information transmitted by text messaging and instant messaging is considered by FUSD as transitory information. Text messaging and instant messaging should not be used to transmit Lasting Value Records

(5) Lasting Value Records - all types of electronic records created, transmitted, and/or received that are used by FUSD which must be retained by law or regulation, e.g., pupil records, personnel records, fiscal records, etc., or which should be retained based on their continuing usefulness in FUSD operations, legal affairs, and the like. (5 CCR 16022)

b. Retention and Destruction

(1) Default Retention Periods. FUSD technology is not intended, and further does not have the storage capacity, to retain all electronic records indefinitely. Therefore, FUSD e-mail servers will be set to automatically purge all e-mail messages (including e-mail messages contained in inbox, sent, draft, and deleted mail folders), along with any attachments, after a period of 13 months. FUSD will not retain the electronic storage of instant messages and text messages for any period of time.

(2) Transitory Records. Upon determination that an electronic record is a transitory record, FUSD personnel should delete the record as soon as its usefulness has ceased.(5 CCR 16025)

(3) Lasting Value Records. Upon determination that an electronic record is a lasting value record, FUSD personnel must retain the record in accordance with the record retention requirements set forth in FUSD Board Policy and Administrative Regulation No. 3580, "District Records," as well as the applicable laws and regulations referenced therein.

c. Personnel Roles and Responsibilities

Each FUSD Board member, officer and employee bears individual responsibility for determining whether each and every electronic record, of which he or she is the original creator, original recipient, or transferee, constitutes a transitory record or a lasting value record. Upon determination that an electronic record constitutes a transitory record, the individual FUSD Board member, officer or employee making that determination shall delete the record as soon as its usefulness has ceased.

Upon determination that an electronic record constitutes a lasting value record, the individual FUSD Board member, officer or employee making that determination shall:

- (1) print out a hard (paper) copy of the record and ensure that it is properly filed in accordance with applicable law, regulation and FUSD policy and procedure; and
- (2) archive the electronic record to an appropriate storage system for long term retention.; and
- (3) once the two steps outlined above have been completed, delete any remaining extraneous copies from FUSD e-mail servers or other FUSD technology as applicable.

All FUSD Board members, officers and employees are expected to regularly check for new electronic communications in order to ensure that the foregoing personnel roles and responsibilities for managing electronic records will be carried out in a timely manner.

Any questions or concerns regarding the proper classification of an electronic record (i.e., transitory record or lasting value record) should be directed to the appropriate supervisory employee or administrator, as applicable, for assistance.

(cf. 4112.6/4212.6/4312.6- Personnel Files)

(cf. 5125- Student Records)

3. Litigation Holds

When litigation against FUSD and/or its personnel is pending or threatened, FUSD has a legal duty to preserve all documents and other records that are related to the issues involved in the litigation. Once FUSD is made aware of pending or threatened litigation, a “litigation hold” directive will be issued by the Superintendent or designee to the appropriate FUSD personnel.

A “litigation hold” directive overrides the remainder of this Electronic Records Retention Policy and any applicable records retention schedule that may otherwise require or permit the transfer, disposal or destruction of the relevant records, and shall remain in effect until the hold is cleared by the Superintendent or designee.

E-mail accounts and any other FUSD technology accounts of separated FUSD personnel that have been placed under a “litigation hold” shall be maintained by the FUSD Chief Technology Officer until the hold is cleared.

FUSD personnel receiving a “litigation hold” directive are prohibited from altering or deleting an electronic record that falls within the scope of that hold.

4. Requests for Inspection and/or Copying

a. Public Records Act Requests

Any external requests to inspect and/or obtain copies of electronic records in FUSD possession that are made under the California Public Records Act (Government Code §6250 et seq.) shall be immediately directed to the FUSD Office of Constituent Services for processing in accordance with FUSD Board Policy and Administrative Regulation 1340, “Access to District Records.”

b. Discovery Requests

Any requests for FUSD electronic records that are made under state or federal civil discovery laws (e.g., subpoena) shall be directed to the FUSD Director of Risk Management for processing.

5. Enforcement

FUSD’s Chief Technology Officer is responsible for ensuring compliance with this Electronic Records Retention Policy, and will coordinate with appropriate District Office and school site administrative personnel to facilitate compliance training and monitoring.

Regulation FRESNO UNIFIED SCHOOL DISTRICT
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