

<b>Title:</b>	<b>Records and Information Management Policy</b>
<b>Policy #:</b>	
<b>Authority (Resolution#/MOU)</b>	<b>City Manager Approval</b>
<b>Issuing Department:</b>	<b>City Clerk's Office</b>
<b>Creation Date:</b>	<b>April 26, 2023</b>
<b>Last Revision Date:</b>	<b>Not applicable</b>
<b>Approved By/Title:</b>	<b>Maraskeshia Smith, City Manager</b>



## City of Santa Rosa Administrative Policy

### 1. PURPOSE

- 1.1. The Purpose of this Policy is to define the requirements that staff and officials of the City of Santa Rosa (the "City") will follow for managing the retention, protection and disclosure of records and information in accordance with the City's operational needs and to comply with federal, state, and local laws.

### 2. SCOPE

- 2.1. This Policy is established by the City in accordance with all relevant federal, state, and local laws, as summarized in Section 3, below.
- 2.2. Every writing (which includes records), as defined in Section 4, created or received by a City employee or official in the course of executing any of the City's business, is subject to compliance with this Policy.
- 2.3. The City Clerk is hereby authorized to establish and maintain written administrative regulations which implement this Policy. A copy of the administrative regulations shall be maintained by the Office of the City Clerk. The administrative regulations shall include:
- 2.3.1. Standard procedures and guidelines to implement this Policy, provided that the procedures and guidelines are consistent with the purposes, goals, and requirements of this Policy. This shall include procedures for the effective creation, use, maintenance, security, retention, storage, preservation, and destruction of

records by all City employees and officials; including procedures for complying with the "Trusted System" requirements of California Government Code section 34090.5.

2.3.2. Identification of any delegation of duties, responsibilities, or authority from the City Manager to other qualified City employees. This shall include a delegation of duties, responsibilities, and authority for the maintenance and lawful destruction of records.

2.3.3. Standard forms, and procedures for their use. This Policy applies to all City employees and official, as defined in Section 4.2, who have access to, use of, or are involved in the creation, maintenance or storage of the City's records and information.

### **3. AUTHORITIES**

The legal authorities and professional guidelines applicable to the management of City records include the following:

3.1 General Rule for Records Retention. As a general rule, the City is required to retain public records for at least two years ([California Government Code sections 34090, et seq.](#)). There are limited exceptions to this general rule that authorize the City to destroy records earlier than two years; however, there are many more exceptions to this general rule (based on legal requirements and considerations of public policy) that require a longer period of retention. This Policy and the Retention Schedule document the required periods of retention.

3.2 Public Records Act. The California Public Records Act (Government Code sections 7920, et seq.) provides definitions for "writings" and "public records," for the purpose of determining which records are required to be disclosed to the public upon request. It also identifies which records are confidential or otherwise exempt from disclosure to the public. The definitions of the Public Records Act are used as a basis for the definitions set forth in this Policy.

3.3 Professional Standards and Retention Guidelines. Selected professional associations and other governmental agencies, such as the California Secretary of State, the Department of Justice, and the City Clerk's Association, have published standards, model retention guidelines, and/or articles recommending retention periods for different types of records. Although these standards and guidelines are not binding on the City, the City has taken these documents into consideration in establishing the City's Retention Schedule.

3.4 Penalties for Destruction of Public Records. There are serious penalties for unlawful destruction of public records. California Government Code section 6200 provides for punishment by imprisonment up to four years for any City employee or

official who is found guilty of willfully destroying (including altering, falsifying, mutilating, defacing, or stealing, in whole or in part) a public record without complying with the requirements of law, including this Policy.

#### **4. DEFINITIONS**

For the purpose of this policy, the following terms are defined below.

4.1 "Administrative Regulations" means the administrative regulations and procedures approved by the City Clerk, in accordance with the provisions of Section 2.3 of this Policy, in order to implement the requirements of this Policy.

4.2 "City Employee or Official" means any elected or appointed official, full-time, part-time and temporary employees and volunteers, as well as contractors of the City who are acting on behalf of the City.

4.3 "Duplicate Copy" means a writing that is a copy of an original record, if the copy is not within the definition of "Trusted Copy." Duplicate Copy also includes any original record that has been replaced by a "Trusted Copy."

4.4 "Legal Hold" means a written notice from the City Manager, City Attorney, or the City Clerk that precludes the destruction of any record or writing, typically based on pending litigation or a claim filed against the city, until released.

4.5 "Non-record Writing" means any writing which is not within the definition of "Record." Examples of non-record writings include writings that do not contain information relating to the conduct of the City's business (such as brochures, catalogs, seminar announcements, magazines, and newspapers).

4.6 "Record" means a "Public Record" as defined by Government Code section 7920.530. "Record" means any writing containing information relating to the conduct of the City's business prepared, owned, used, or retained by the City regardless of physical form or characteristics. Thus, "Record" or "Public Record" includes the subsets of all "Trusted Copies."

4.7 "Retention Period" means the minimum length of time that a particular record shall be retained by the City before it is destroyed in accordance with this Policy. The Retention Period shall be identified on the Retention Schedule.

4.8 "Retention Schedule" means the schedule which identifies a minimum retention period for each category of record. The Retention Schedule is subject to the approval of the City Manager, City Attorney and City Clerk, and may be amended periodically by joint agreement of the City Manager, City Attorney and City Clerk.

4.9 "Transitory Writing" means writings that are not retained in the ordinary course of business, in accordance with the requirements of this Policy and the Administrative Regulations, and generally includes writings that have only transitory value for use by an individual City employee or official (e.g., Microsoft Teams Chats, personal notes, or drafts that are not provided to another person).

4.10 "Trusted Copy" means a copy of an original record that is generated in a manner by which the copy accurately and legibly reproduces the original record in all details and that does not permit additions, deletions, or changes to the original record images. The Trusted Copy must be generated by a "Trusted System" in accordance with the requirements of Government Code section 34090.5, and the Administrative Regulations. Once a "Trusted Copy" is created, it shall replace the original record; and the original record may be lawfully destroyed as a "Duplicate Copy." The "Trusted Copy" must be retained as a record in accordance with the requirements of this Policy and the Retention Schedule.

4.11 "Trusted System" means a combination of techniques, policies, and procedures for which there is no plausible scenario in which a document retrieved from or reproduced by the system could differ substantially from the document that was originally stored or created as more particularly defined in Government Code section 12168.7.

4.12 "Writing" means any recording of any communication or representation (including letters, words, symbols, pictures, visual images, sounds, or combinations thereof), including any handwriting, typewriting, printing, photographing, photo-stating, photocopying, video recording, voice recording, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing (including papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents). Thus, "writing" is an all-inclusive definition that includes the subsets of all records, public records, trusted copies, duplicate copies, non-record writings, and transitory writings (See California Government Code section 7920.545).

## **5. POLICY**

5.1 Each City employee and official shall create, use, maintain, store, preserve, secure, and retain all records in accordance with this Policy, the Retention Schedule, and the Administrative Regulations. Records shall be retained for the Retention Period identified on the Retention Schedule, unless modified by this Policy and the Administrative Regulations. Records may be lawfully destroyed only in compliance with the requirements of this Policy and the Administrative Regulations.

5.2 The City Manager is authorized to include, as a part of the Administrative Regulations, procedures by which City employees and officials are authorized to destroy writings that are less than two years old if the writing is within any one of the following categories:

- 5.2.1 Any original record that is replaced by a trusted copy, as defined by Section 4.10.
  - 5.2.2 Any duplicate copy of a record, as defined by Section 4.3. The Administrative Regulations shall require the City employee or official who authorizes the destruction of the duplicate copy to ensure that the writing is not needed for the conduct of the City's business, that it is a duplicate copy, and that there is an original record (from which the duplicate copy was made) being retained in accordance with the Retention Schedule consistent with the provisions of California Government Code section 34090.7.
  - 5.2.3 Any non-record writing, as defined by Section 4.5
  - 5.2.4 Any transitory writing, as defined by Section 4.9. The Administrative Regulations shall require the City employee or official who authorizes destruction of the transitory writing to ensure that the writing is not needed for the conduct of the City's business, that it was prepared by a City employee or official as a personal note for that City employee or official's personal use, that it was not provided to any other person, and that the public interest in destroying the writing (for purposes of maintaining effective and accessible public records) clearly outweighs the public interest in retaining the writing.
  - 5.2.5 Any writing for which there is an independent legal basis for destruction, as set forth in the Retention Schedule, including any federal or state statute or regulation. This shall include procedures for the destruction of routine video monitoring, and recordings of telephone and radio communications, in accordance with California Government Code section 34090.6.
- 5.3 The City Manager shall include, as a part of the Administrative Regulations, procedures that ensure that no record or writing shall be destroyed (whether pursuant to the Retention Schedule, or any provision of Policy Section 5.2) if the record or writing is the subject of a pending request for disclosure or inspection of a public record (pursuant to the requirements of (Government Code sections 7920, et seq.), or (b) the record or writing is the subject of a legal hold. A "legal hold" is a written notice from the City Manager, City Attorney, or the City Clerk that precludes the destruction of any record or writing, typically based on pending litigation or a claim filed against the City, until the legal hold is released.

**APPROVED BY:**

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*(Signature of Approver, Title)*

*Date*

**ATTACHMENT A**

Examples of Convenience Information

- Identical copies of documents;
- Extra copies of printed or processed materials kept only for convenience or reference;
- Miscellaneous notices of employee meetings, holiday notices, and reference materials;
- Templates created to standardize the appearance or content of documents;
- System backups;
- Notes, working papers, or drafts assembled or created in the preparation of other documents; worksheets, and rough drafts of letters, memoranda, or reports not kept in the ordinary course of business;
- Catalogs, trade journals and other publications or papers received from external companies or agencies that are used for reference purposes, require no action, and are not part of an official record; and
- Materials used for information gathering purposes, such as blank forms and stocks of publications, kept for supply purposes or to create a record.