

# **FILE MANAGEMENT POLICY AND PROCEDURES AND RECORDS RETENTION SCHEDULE**

December 9, 2011

## **Purpose of Policy**

The purpose of these policy and procedures is to establish the rules and procedures for records to be retained and destroyed consistent with the needs of LAFCo and the requirements of state law including Government Code Section 60200 and Section 56382 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. The schedule is the fundamental guideline for the retention of LAFCo records taking into consideration their legal, operational, fiscal, or historical value. The schedule establishes the types of files and records to be permanently retained consistent with the law and provides for the destruction of LAFCo records after a specified period.

## **Definition of a Record**

Government Code Section 60200 authorizes a district to destroy records. A record is considered any "writing" as defined by subdivision (g) of Government Code Section 6252 of the California Public Records Act which includes the following: "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."

## **Authority to Destroy or Dispose of Records by Category**

Government Code Section 60201 authorizes the destruction of any document consistent with a District approved records retention schedule which (1) complies with the guidelines provided by the Secretary of State pursuant to Government Code Section 12236; (2) classifies all of the records by category; and (3) establishes a standard protocol for the destruction and disposition of records. This Policy establishes such a records retention schedule and protocol to allow LAFCo to periodically destroy records consistent with this Policy and the attached Records Retention Schedule.

## **Records Which May Not Be Destroyed**

Certain records must be retained permanently and are identified on the attached Retention Schedule. Pursuant to Government Code 56382 LAFCo may destroy original records more than two years old if a photographic or electronic copy of the original record is made and preserved that meet the following conditions:

1. The records are reproduced on a medium that does not permit additions, deletions, or changes to the original document, or reproduced in compliance with the minimum standards or guidelines or both, as recommended by the American National Standards Institute or the Association for Information and Image Management.

2. The device used to reproduce the records is one that accurately and legible reproduces the original thereof, in all details and that does not permit additions, deletions, or changes to the original document images.
3. The reproductions are made accessible for public reference as the original records were.
4. A true copy of archival quality of the reproductions shall be kept in a safe and separate place for security purposes.

### **Procedure for Destruction of Records**

LAFCo staff shall comply with the following procedure when destroying LAFCo records.

1. LAFCo staff shall determine the category of a particular record. Categories of records are identified in the Records Retention Schedule.
2. LAFCo staff shall determine if the record retention period for that record has lapsed making the record eligible for destruction.
3. LAFCo staff shall confirm that none of the conditions specified by subdivision (d) of Government Code Section 60201 which prohibits the destruction of certain records applies to the record being considered for destruction.
4. LAFCo staff shall prepare a list entitled "Certificate of Destruction" by category of the types of records which will be destroyed. This list shall be maintained by LAFCo permanently.
5. If there are any questions regarding the appropriateness of destroying any record, that record shall be maintained and not destroyed by staff.