

ELECTRONIC DOCUMENT RETENTION AND ARCHIVING

Use of Monterey County Office of Education (MCOE) technology-based communication and information systems is for the purpose of carrying out official duties and responsibilities. In general, unless exempted by law or other applicable privilege, electronically generated or received documents or media are considered public records. MCOE employees or agents shall have no expectation of privacy in anything they send, receive, or store using MCOE's technology-based systems.

(cf. 0440 – MCOE Technology Plan)
(cf. 4040 - Employee Use of Technology)

Subject to the list of exceptions, it shall be the policy of MCOE and the County Superintendent of Schools to retain all electronically stored information for a period of at least one year. Documents that have been stored for one year are subject to deletion at MCOE's discretion, unless provided in the exceptions below.

Key Definitions

Electronic mail (email) -- any message sent or received through MCOE's email server(s) and network infrastructure. Such email may include, but is not limited to, correspondence, attachments, schedules and calendars, and forms transmitted electronically.

Electronically stored information (ESI) -- includes all email, all computer files created with programs such as Microsoft Office Suite (Word, Excel and PowerPoint), Portable Document Format (PDF) files, electronic faxes, and any and all electronic files generated on MCOE-owned technology systems.

MCOE-owned technology systems -- include desktop computers and laptops assigned to or used by MCOE employees and students, networked computers, or other handheld computing devices. ESI may also be retained on external hard drives, tapes, CD-ROMs, DVDs, floppy disks, or other flash-based memory devices.

Exceptions to One-Year Retention Policy

There are five exceptions to the one-year retention policy including SPAM email, personal email and documents, items subject to the discovery process, all items that are subject to litigation, and documents that require a longer retention period.

1. Spam

Unsolicited electronic mail, usually advertisements and other similar material. Spam may be deleted permanently upon receipt.

2. Personal Content

Email and documents (ESI) created by MCOE employees on MCOE computer systems that have no connection to MCOE business or litigation may be deleted at any time. Personal ESI left on MCOE computer systems are subject to discovery.

3. Content in Discovery

Upon receipt of a notice of impending discovery or litigation, all ESI relevant to the discovery request or litigation shall be retained indefinitely, or until advised by MCOE's legal counsel that the ESI is no longer subject to litigation. This includes all relevant personal ESI stored on MCOE's computer systems.

4. Incident Documentation

All MCOE employees that become aware of any incident that may subject MCOE to litigation shall inform their supervisor immediately. Any and all ESI pertaining to that incident, including personal ESI, shall be retained indefinitely, or until advised by MCOE's legal counsel that the ESI is no longer subject to discovery or litigation.

5. Mandated Retention

There may be categories of ESI that, by law, require retention beyond one year. Such ESI shall be retained in accordance with applicable law. In consultation with MCOE's legal counsel, department directors shall provide guidance to staff regarding ESI that should be retained beyond one year. ESI that continues to be useful for MCOE administrative, personnel, or fiscal purposes will also be retained while, in MCOE's discretion, the ESI remains useful.

Email Retention

MCOE maintains a server-based electronic mail system. While users have the ability to manually delete email messages, no electronic messages are deleted automatically unless the individual user employs an automated Mail Rule to do so (i.e., creating a "Spam" rule that automatically deletes Spam messages after a predetermined amount of time). Users are encouraged to delete email that is outdated or unnecessary for their job performance, unless otherwise required by law or set forth below:

1. Users shall not delete any email that is considered a useful record for administrative, personnel or fiscal purposes, or when there is reason to believe the email is (or will be) subject to litigation or discovery order.

**ELECTRONIC DOCUMENT RETENTION
AND ARCHIVING** (continued)

AR 3580.1

2. In the case of email subject to litigation or a discovery order, email generated or received by MCOE employees with potentially relevant information shall not be deleted by the user until advised by MCOE's legal counsel that it is no longer subject to discovery or litigation.

Email Archiving System

Separate from the server-based email system, the Technology Services Department shall maintain an email archival system that will archive, for a period of one year, all messages received and sent by all MCOE users. The system will be able to search for, find, and export records as required by a discovery order.

This separate email archival system will automatically delete all email records after one year, unless there is good reason to retain records for a longer period of time, such as anticipated or pending litigation.

Retention of Other Electronically Stored Information

MCOE maintains network-based file servers. When possible, employees are encouraged to save all non-email ESI, such as documents generated with Microsoft Word, Excel, PDF or other similar applications, on MCOE network servers.

For ESI for which there is no reason to believe will be subject to discovery or litigation or otherwise requiring longer retention, staff is encouraged to conduct annual reviews of all files and to use file space effectively by deleting those that are outdated or unnecessary for the performance of their job.

Some ESI may need to be retained for longer periods of time as deemed necessary by supervisors or department directors or when the ESI is useful for administrative, personnel, fiscal, or legal purposes. In the case of ESI subject to litigation or a discovery order, that information shall be retained indefinitely and shall not be deleted until advised by MCOE legal counsel that the ESI is no longer subject to litigation or discovery.

Approved: 05/28/14