

RECORDS RETENTION AND DISPOSITION

The Monterey County Board of Education (County Board) develops records to meet county, state, and federal requirements. Records developed are necessary or convenient to the discharge of the official duties of the County Board and the County Superintendent of Schools (County Superintendent). Records are also developed to meet the daily operating requirements of the Monterey County Office of Education (MCOE).

The County Board recognizes the importance of securing and retaining official work related documents and electronic communications. The County Board requests the County Superintendent or designee to ensure that MCOE records and electronic messages are maintained, and disposed of in accordance with law, Board Policy, and administrative regulation.

(cf. 1340 - Access to Public Records)

(cf. 3440 - Inventories)

(cf. 5125 - Student Records Inspection and Security)

(cf. 0440 - MCOE Technology Plan)

(cf. 9012- Board Member Electronic Communications)

The following positions are designated custodian of records:

- a. The County Superintendent is the custodian of any records of closed sessions of the County Board.
- b. The County Superintendent as Secretary to the County Board is designated as the custodian of all other records of the County Board and the County Committee on School District Organization.
- c. The County Superintendent or designee assigned by the County Superintendent is the custodian of all other records of MCOE.

It is important that the County Superintendent or designee ensures the confidentiality of records as required by law and shall establish regulations to safeguard data against damage, loss, or theft.

If MCOE discovers or is notified that a breach of security of records containing unencrypted personal information has occurred, the County Superintendent or designee will provide proper notification to appropriate individuals by developing a system and protocol of notification that complies with statute. [Civil Code 1798.29]

(cf. 1112 - Media Relations)

(cf. 5145.6 - Parental Notifications)

Retention of Electronic Records

The County Board recognizes that the use of email and other electronic communication to conduct the business of the MCOE. Accordingly, the County Board directs that all electronic records of the duties of the County Board and the County Committee on School District Organization be maintained, safeguarded and disclosed in full compliance with the requirements of law. This includes records created, sent or received using MCOE computers and communications systems or using the personal electronic devices or accounts of the County Board members, County Superintendent, other agency officials and MCOE employees, if MCOE business issues are discussed.

Document Management

The County Board and County Superintendent recognize the importance of securing and retaining MCOE documents. The County Superintendent or designee will ensure that a secure document management system is developed that provides for the storage, retrieval, archiving, and destruction of County Board, County Committee on School District Organization, County Superintendent, and MCOE documents, including electronically stored information such as email. This document management system shall be designed to comply with state and federal laws regarding security of records, record retention and destruction, response to "litigation hold" discovery requests, and the recovery of records in the event of disaster or emergency.

Legal References:

EDUCATION CODE

- 1040(b) Duties of (county) boards*
- 49065 Reasonable charge for transcripts*
- 49069 Absolute right to access*

CIVIL CODE

- 1798.29 Breach of security involving personal information*

CODE OF CIVIL PROCEDURE

- 1985.8 Electronic Discovery Act*
- 2031.010-2031.060 Civil Discovery Act, scope of discovery demand*
- 2031.210-2031.320 Civil Discovery Act, response to inspection demand*

GOVERNMENT CODE

- 6205-6210 Confidentiality of addresses for victims of domestic violence, sexual assault or stalking*
- 6252-6265 Inspection of public records*
- 14755-14756 Disposal of Records*

PENAL CODE

- 11170 Retention of child abuse reports*

CODE OF REGULATIONS, TITLE 5

430 *Individual student records; definition*

432 *Varieties of student records*

16020-16022 *Records, general provisions*

16023-16027 *Retention of records*

UNITED STATES CODE, TITLE 20

1232g *Family Educational Rights and Privacy Act*

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.8 *Family Educational Rights and Privacy Act*

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