

CITY OF SAN DIEGO  
ADMINISTRATIVE REGULATION

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Records Management, Retention and Disposition	85.10	5	1
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**1. PURPOSE**

- 1.1 To establish procedures for the retention and disposition of City records.
- 1.2 To assign responsibility to all City departments for the identification, classifying, archiving, preserving, and systematic disposition of City records, including records held in response to a legal hold.
  - 1.2.1 A legal hold is a communication that suspends the normal disposition or processing of records issued as a result of current or anticipated litigation, audit, government investigation, or other such matter.
- 1.3 To ensure compliance with local, state, and federal laws and regulations relating to records retention and disposition.

**2. GENERAL INFORMATION**

- 2.1 A City record means recorded information of any kind and in any form, created or received by the City that is evidence of its operations. Records include paper and electronic documents, electronic databases, electronic mail, correspondence, forms, photographs, film, sound recordings, maps, and other documents that have administrative, legal, operational, fiscal, or historical value requiring retention of the record for a specified period of time. A City record is always a public record within the meaning of the California Public Records Act as defined in California Government Code section 6250 through 6270 and as further described in A.R. 95.20 , Public Records Act Requests and Civil Subpoenas; Procedures for Furnishing Documents and Recovering Costs.
- 2.2 The Records Disposition Schedule (RDS) is a comprehensive list of records series that includes records series that are unique to an individual department, and records series that are commonly used by most departments. The RDS includes the name of the Department responsible for originating the record, a description of the record, the record series number, the record series title, the record retention period, vital record designation, and remarks. The RDS is available on the City Clerk's Citynet website.
- 2.3 The Records Management Manual includes procedures for managing and disposing of City records and is available on the City Clerk's Citynet website.
- 2.4 The RDS is appraised every two years to confirm records are specifically and accurately described and the retention period is correct.
- 2.5 Records retention periods are described in the San Diego Municipal Code.

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- 2.5.1 The City must permanently retain the minutes, ordinances, or resolutions of the City Council.
- 2.5.2 Records for which a retention period is defined by local, state, or federal statute, regulation, or other legal authority, such as a contract or grant, must be kept pursuant to that authority's stated retention period.
- 2.5.3 All other records are retained in accordance with the retention periods set forth in the RDS or by a legal hold.
- 2.6 Retention of draft copies and working copies (sometimes referred to as convenience copies) pose a serious risk of litigation to the City. Draft and working copies generally are not City records and should not be retained except in extraordinary circumstances as determined by the Department Director. Draft and working copies should be destroyed after the record is finalized and may be kept no longer than required by the RDS.
- 2.7 Retention of electronic mail (e-mail) depends on the content. Most e-mail messages are generated as a means to communicate with others and not to create a City record. An e-mail message that is considered a "nonrecord" (as defined in SDMC section 22.2602) should be systematically deleted as soon as practical to prevent the email system from being overloaded with non-essential information.
  - 2.7.1 E-mail messages that meet the criteria of a City record subject to the Department's RDS retention requirements include:
    - 2.7.1.1 E-mail messages that are created or received in connection with official City business;
    - 2.7.1.2 E-mail messages that document the formulation and execution of City policies and decisions; and
    - 2.7.1.3 E-mail messages that initiate, authorize, or complete a City transaction.
  - 2.7.2 E-mail is not a records storage system. E-mail messages are retained in active mailboxes for a limited time period as established by City policy. Once that limited time periods passes, such e-mail messages are deleted. E-mail messages that are City records must be printed and stored in accordance with a procedure approved by the Department, or stored in a trusted system as described in California Government Code section 34090.5. The system must be in compliance with the Americans with Disabilities Act.

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- 2.7.3 Information Technology e-mail backup systems are used for disaster recovery purposes only and not for purposes of record retention.
- 2.8 Voicemail is not a record subject to retention and should be deleted routinely unless the voicemail meets the criteria of a City record subject to the Department's RDS retention requirements or must be retained in order to comply with a legal hold.
  - 2.8.1 To convert voicemail into a record retained in the RDS, the City employee must take affirmative steps to convert the voicemail into a record. Conversion may occur by transcribing the voicemail into a City record or by saving the voicemail onto a disk or other Department-approved recording device or program.
- 2.9 Regardless of retention requirements, City records subject to a legal hold must be retained until the City Attorney or designee or other appropriate Department informs the Department that the proceeding is concluded or as otherwise required by state or federal laws or regulations. Documents must be secured and maintained separately from systems that utilize automatic processes to delete data.
- 2.10 Social media and tools that facilitate conversation, including, but not limited to, Instant Messaging, Twitter, Facebook, YouTube, LinkedIn, and blogs, may be a record subject to retention.

**3. CITY CLERK RESPONSIBILITIES**

- 3.1 The City Clerk is responsible for:
  - 3.1.1 Developing, administering, coordinating, and overseeing the City's Records Management Program and implementing procedures.
  - 3.1.2 Assisting Departments with the development and maintenance of their RDS.
  - 3.1.3 Administering a Records Center for the preservation and disposition of inactive City records no longer needed to conduct current business but preserved until they meet the end of their retention period.
  - 3.1.4 Notifying Departments when records held by the Records Center are eligible for destruction.
  - 3.1.5 Preserving records beyond the retention period at the request of the originating Department Director or designee in response to a legal hold. This request must be made within thirty (30) days following the notice of record destruction eligibility.

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- 3.1.6 Establishing procedures for the efficient administration of a vital records program.
- 3.1.7 Maintaining records that are part of the City's archives.
- 3.1.8 Facilitating the destruction of inactive records as specified in a Department's RDS.
- 3.1.9 Maintaining records located in City Clerk storage locations.

**4. DIRECTOR RESPONSIBILITIES**

- 4.1 Department directors are responsible for the appraisal and disposition of Department records. This includes:
  - 4.1.1 Maintaining active records within the Department.
  - 4.1.2 Determining whether inactive records should be maintained within the department or at the Records Center.
  - 4.1.3 Establishing appropriate standards and procedures for the storage of paper or electronic records that are maintained in shared file storage systems under the control of the Department.
  - 4.1.4 In the case of a disbanded Department, (1) ensuring that the disbanded Department's inactive records are transferred to the Records Center and disposed of properly and in accordance with their RDS, and (2) informing the City Clerk 30 days before final dissolution of the department to ensure all transfers list have been received and signed off in accordance with procedure by the Director or designee.
- 4.2 Directors or their designees will:
  - 4.2.1 Appoint a Records Coordinator to serve as liaison between the City Clerk and the Department. The Records Coordinator will appraise, maintain, and dispose of Department records; update and recommend changes to the RDS; attend trainings and meetings on records management; and train their own Department staff once they have received training from Records Management.
  - 4.2.2 Conduct a physical inventory of Department records on an as-needed basis when a new Department is created.
  - 4.2.3 Review the RDS every two (2) years and recommend revisions to the City Clerk necessary because of changed administrative, legal, operational, fiscal, or historical

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requirements. The Department should request the removal of records from the RDS when the record is no longer maintained by the Department.

- 4.2.4 Ensure the safety and preservation of the Department's historical records. Historical records reflect significant historical events or the developments and, as such, are useful beyond the period for which they serve an operational, financial or administrative purpose. Most historical records come to the Records Center for storage, but for those that do not:
- 4.2.4.1 Departments may need to store historical records in fireproof storage equipment and vaults; install appropriate fire and smoke detection devices with sprinkler systems; maintain backup copies at an off-site storage facility; microfilm permanent records; and ensure appropriate environmental controls are in all record storage areas.
- 4.2.4.2 Departments are responsible for the cost of managing their historical records program and will reimburse the City Clerk for any costs incurred assisting with the management of that program.
- 4.2.5 Consult with the City Clerk as necessary to establish a vital records program.
- 4.2.5.1 A vital record is any recorded information that is identified as essential for the continuation of a Department's core functions that protect the rights of the City or its citizens or survival of the organization if a disaster strikes. Examples include current accounts receivable and accounts payable, current contracts, and unaudited financial records.
- 4.2.5.2 Departments are required to identify their vital records and obtain approval of their vital records program as part of the RDS approval process.
- 4.2.5.3 Departments are responsible for the cost of managing their vital records program and will reimburse the City Clerk in accordance with an established MOU or other appropriate arrangement for any costs incurred in assisting with the management of that program.
- 4.2.6 Coordinate and work with the Department of Information and Technology to purge their Department's records in the City's integrated financial computer system, SAP, according to their RDS. A Department that owns and stores its' business records in SAP is ultimately responsible for those records.
- 4.2.7 Coordinate and work with the City Attorney, or City Directors, to ensure that City records are preserved when notified of a legal hold.

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4.2.8 Ensure Department staff receives appropriate training in records retention and disposition.

4.2.9 Include language in all third party contracts requiring City contractors to retain City documents pursuant to the RDS.

**5. EMPLOYEE RESPONSIBILITIES**

5.1 Employees are responsible for retaining records under their control in accordance with the RDS and applicable local, state, and federal records retention statutes.

5.2 Employees are responsible for preserving records relevant to a legal hold.

5.3 Employees are responsible for purging their documents in accordance with their department's RDS.

**6. AMENDING OR ADDING A RECORDS DISPOSITION SCHEDULE**

6.1 Amendments to an existing RDS must be approved by the Department head, followed by the City Attorney or designee, and then the City Clerk. City Council approval is not required unless the retention period is changed.

6.2 New and combined Departments must have an approved RDS within ninety (90) days from the date the Department is created or combined.

6.2.1 Records from consolidated Departments will be merged into one RDS. Approval as described in section 6.1 is not required unless the retention period is changed.

6.2.2 Records from an existing Department's RDS that are transferred to a newly created Department do not need approval as described in section 6.1 unless the total retention period has changed.

6.2.3 A new department's RDS is approved by the Director, followed by the City Attorney, and then the City Clerk. The City Council is required to approve the new RDS by adoption of a resolution.

6.3 If the Director fails to act as described in section 4.1.3 herein, the Mayor or Mayor's designee will assign responsibility for the records of a disbanded City Department to another Director and provide notice of this assignment to the City Clerk within thirty (30) days of assignment. This Director will be responsible for the identification, classifying,

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archiving, preserving, and disposing of the disbanded City Department's inactive records as described in this Administrative Regulations.

- 6.4 Inactive records left in the offices of past elected or appointed officials are the responsibility of the Director of Council Administration and the Mayor's Chief of Staff to classify, archive, preserve, and dispose of in accordance with the applicable RDS.

**7. FINAL DISPOSITION OF RECORDS**

- 7.1 Records disposition ensures records are removed permanently from possible use after the records become obsolete. The RDS states whether the Department is required to transfer Department records to the Records Center at the end of a retention period.
- 7.1.1 The Clerk will notify the Department when the City is no longer required to retain a record stored in one of its storage facilities.
- 7.1.2 Convenience or reference copies should be disposed of as soon as they are no longer needed.
- 7.1.3 Departments are required to exercise initial review over all records eligible for destruction regardless of where the record is stored to determine whether a record should be retained because of actual or reasonably anticipated litigation, government inspection, or audit. The Department must promptly notify the Records Center of a decision to retain records held by the Record Center so that it may place a hold on the record.
- 7.1.4 Departments maintain inactive records when a function has been assigned to another City Department. Inactive records are not transferred over to the assigned department, but will be made available upon request.
- 7.2 Records that are not transferred to the Records Center are maintained by and disposed of by the Department as described in the RDS.
- 7.2.1 Departments may not dispose of any City record unless the record is identified for disposition in the RDS.
- 7.2.2 Departments will use the Department Records Destruction List (Form CC-9) to document records destroyed within the Department.

**8. DOCUMENT RETENTION AND DISPOSITION COSTS**

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- 8.1 The City Clerk facilitates the retention of inactive City records and the destruction of City records stored in the Records Center that the City is no longer required to retain.
- 8.2 Departments are responsible for all costs associated with the disposition of their Department's records.
  - 8.2.1 The Department must contact the Purchasing and Contracting Department to contract with a third-party to destroy documents at the end of the retention period and coordinate such effort with the Records Center. The City's third party contractor will directly bill Departments for the cost of destroying documents.
- 8.3 The City Clerk uses a "Destruction Eligibility List" to inform Departments when their records are eligible for destruction.
- 8.4 The City Clerk will provide thirty (30) days' written notice to Departments of the date in which City records are eligible for destruction ("notice of destruction eligibility").
  - 8.4.1 Departments have thirty (30) days from the notice of destruction eligibility to inform the City Clerk of their destruction plans.
  - 8.4.2 If the responsible Director makes a request for delaying the destruction of the records within that thirty (30) day period, such as the possibility of actual or reasonably anticipated litigation, government inspection, or audit, the Records Management Officer may delay the destruction of the records or return them to the Department for review.
  - 8.4.3 A Director shall notify the Records Center when a legal hold concludes.
  - 8.4.4 The Department shall inform the City Clerk of its destruction plans within thirty (30) days from the date it receives notice of destruction eligibility. The City Clerk will return the records to the Department within ten (10) days if this information is not timely received. The City Clerk is available to assist Departments as described in Section 3, above.



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APPENDIX

Legal References and Authorities

- (1) Cal. Civ. Code § 1798.18
- (2) Cal. Gov't Code §§ 34090-34090.8
- (3) Cal. Gov't Code §§ 6250-6276.48
- (4) San Diego Municipal Code §§ 22.2601–22.2608
- (5) City of San Diego Administrative Regulation 90.62 - Electronic Mail and Internet Use
- (6) City of San Diego Administrative Regulation 95.20 - Public Records Act Requests and Civil Subpoenas; Procedures for Furnishing Documents and Recovering Costs

Forms Involved

- (1) Form CC-9, Department Records Destruction List
- (2) Destruction Eligibility List
- (3) Form CC-1570, Record Retention Evaluation Form

Subject Index

Records Retention; Records Center; Records Transfer and Retention Schedule

Administering Department

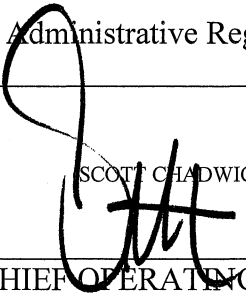
City Clerk


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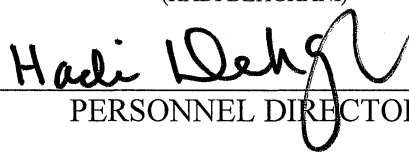
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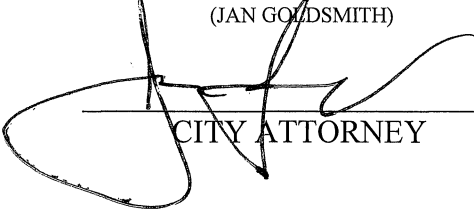
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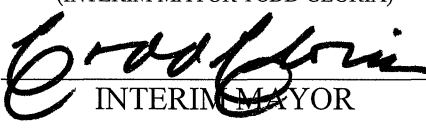
Authorized

  
(SCOTT CHADWICK)  
CHIEF OPERATING OFFICER

(ELIZABETH MALAND)  
  
CITY CLERK

(HADI DEHGHANI)  
  
PERSONNEL DIRECTOR

(JAN GOLDSMITH)  
  
CITY ATTORNEY

(INTERIM MAYOR TODD GLORIA)  
  
INTERIM MAYOR