

**Lower Merion School District**

**ADMINISTRATIVE REGULATIONS**

Policy No.: 800  
Section: OPERATIONS  
Title: RECORDS MANAGEMENT  
Date Adopted: 10/22/07  
Date Last Revised: 11/8/19; 10/14/19; 9/14/18; 12/5/14; 5/21/12; 1/14/11; 11/15/10

**R800 RECORDS MANAGEMENT**

The purpose of this Administrative Regulation is to clarify how records of the District will be retained, stored and destroyed.

**Definitions**

**Electronically stored information (ESI)** - includes, but is not limited to, emails and other electronic documents. The possible sources/locations of ESI include, but are not limited to, individual hard drives, local and remote servers, cloud-based storage, and removable media and devices used to conduct District business.

**Records** – includes information, including ESI, regardless of physical form or characteristics that documents a transaction or activity of the District and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of the District. The term includes a document, paper, letter, map, book, tape, photograph, film or sound recording, information stored or maintained electronically and a data-processed or image-processed document.

**Retention, Storage and Destruction of Records**

The Records Retention Chart attached as Attachment A sets forth the retention periods and the manner of disposal of various types of District records. Any records not specifically identified on the chart shall be referred to the Director of Information Systems for review.

The District shall make a good faith effort to periodically and systematically review and destroy records as contemplated in Attachment A; however, nothing in this Administrative Regulation shall be construed as a guarantee that every applicable record will be destroyed on the exact date on which the minimum retention period has been satisfied.

**Legal Hold Procedures**

When a matter is likely to lead to litigation by or against the District, a “legal hold” will be placed requiring that education records, including ESI, relating to the matter, incident, person or entity, be retained by the District until the legal hold is lifted, regardless of minimum retention periods that would dictate otherwise.

Because of the variety of matters that could lead to litigation by or against the District, the responsibility to identify such matters rests with District employees. Principals and other supervisors are responsible for informing staff whom they supervise of their responsibilities to report items covered by a legal hold.

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When a District employee has reason to believe that a matter may give rise to potential litigation, that employee shall:

- Advise immediate supervisor, building supervisor, or appropriate central administrator of the matter; and
- If requested by the supervisor, prepare a written report stating what the individual saw and/or heard, the names of the people and entities involved and the names of any witnesses; and
- Preserve records relating to the matter, pending a determination regarding whether a legal hold is necessary.

The administrator shall forward a written report to the Superintendent or designee, who, in consultation with the District Solicitor, will determine whether to place a legal hold on records, including ESI, relevant to the incident(s).

If a legal hold is implemented, the Superintendent or designee shall direct the appropriate administrator(s) to make all reasonable efforts to retrieve and maintain any archived ESI before that data is purged and to further prevent potentially relevant records from being purged or deleted.

The Superintendent or designee shall direct the appropriate administrator(s) to advise District employees involved with the incident(s) or matter(s) at issue to retain all documents, data and information regarding the matter including, but not limited to email communications, text messages, notes, letters and voice mail messages pending further notice.

If a matter is settled or resolved or the relevant statute of limitations has run out or it otherwise becomes apparent that litigation is not likely to arise, then the Superintendent or designee, in consultation with the District Solicitor, will release the legal hold and the retained and stored documents may then be disposed of in accordance with the District's ordinary document retention policies.

#### **Responsibility**

The Superintendent or designee shall ensure that (1) information being retained in manual form is being retained in a reasonably accessible manner; (2) information being retained in electronic form is being retained in a reasonably accessible manner; (3) confidential information is being maintained in a secure manner; and (4) electronic and manual records are being retained and purged in accordance with this Administrative Regulation.

#### **Email Retention Requirements**

Email will be maintained in email servers and email archive servers for seven years.

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The email servers and the email archive servers shall promptly purge email more than seven years old as an automatic function of the software unless Legal Hold Procedures prompt retention of certain information. Email will be placed on Legal Hold in the email archive system.

All email will remain in email servers for no less than seven years unless deleted at the direction of the Superintendent or designee. Any requests by any District employee for deletion of any email from the email servers shall be directed to the Director of Information Systems who shall forward the request to the Superintendent.

A log shall be maintained of each time an email is deleted from the email servers. The log shall contain the name of the individual requesting the deletion, the bases for the deletion, the name of the individual authorizing the deletion and the date and time of the deletion. The log shall be maintained for a period of at least seven years from the date of the deletion.

Email will not be deleted from the email archive system.

**Former Employees**

The electronic account of an employee is inactivated at the time of termination, retirement, or resignation from employment with the District. Former employees have no right to access LMSD-Net, their electronic account, their Email or their other electronic accounts and files except as may otherwise be provided by law.

It is the practice of the District to maintain a former employee's electronic account and files for a period of two (2) years before removing the account and then deleting files maintained in that account's network backup folder.

If an employee who is no longer with the District retained records important to the District's business in their District email account as opposed to such records being retained in shared drives, networks, or printed and placed in physical files, then the former employee's email and electronic account will be available for search, retrieval, and, where appropriate, archiving at the direction of the Superintendent or Superintendent's designee. Such a review shall be undertaken in full compliance with the former employee's privacy rights to the extent required by law.

Cross Reference: Policy No. 007 *Board Meetings*