

ELECTRONICALLY STORED INFORMATION RETENTION

Policy Code:

5071/7351

Public record-keeping requirements and federal and state law require that the school district properly manage its electronically stored information (“ESI”). As set forth below, school employees must retain and destroy ESI in accordance with this policy and/or the approved Records Retention and Disposition Schedule (“Schedule”) for local education agencies adopted by the North Carolina Department of Cultural Resources.

A. EMPLOYEE RESPONSIBILITY FOR E-MAIL RETENTION AND ESI

All e-mails produced and received are the property of the school district and must be retained in accordance with the Schedule. Each employee is solely responsible for the retention of his or her email sent or received in the course of school system business. Accordingly, each employee must review the Schedule and save all business-related e-mails in hard copy or electronic format, for the applicable time period required by the Schedule. For ESI other than e-mail, each employee shall retain such records, in hard copy or electronic format, for the time period required by the Schedule.

B. LITIGATION HOLDS FOR ESI

The school district will have an ESI team. The ESI team is a designated group of individuals who implement and monitor litigation holds, which are directives not to destroy ESI that might be relevant to a pending or imminent legal proceeding. The ESI team must include a designated school administrator, the school Board attorney and a member from the technology department. In the case of a litigation hold, the ESI team shall direct employees and the technology department, as necessary, to suspend the normal disposition procedure for all related records.

C. INSPECTION OF ESI

Any requests for ESI records should be made in writing and will be reviewed by the records officer (see policy 5070/7350, Public Records – Retention, Release and Disposition), in consultation with the school Board attorney if needed, and released in accordance with North Carolina public records laws.

D. DELEGATED AUTHORITY

The Duplin County Board of Education delegates to the superintendent or designees the right to implement and enforce additional procedures or directives relating to ESI retention consistent with this policy.

Legal References: Fed. R. Civ. P. 16, 26, 33, 37, 45; North Carolina Public Records Act, G.S. 132; *E-Mail as a Public Record in North Carolina: Guidelines for its Retention and Disposition*, N.C. Department of Cultural Resources, Division of Archives and History (2002); *Records*

Retention and Disposition Schedule for Local Education Agencies, N.C. Department of Cultural Resources, Division of Archives and History (1999)

Cross References: Public Records – Retention, Release and Disposition (policy 5070/7350)

Adopted: