

# MONROE CAREER AND TECHNICAL INSTITUTE

NO.: 800  
SECTION: OPERATIONS  
TITLE: RECORD RETENTION  
AND DESTRUCTION  
ADOPTED: February 5, 2013  
REVISED:

<b>800. RECORD RETENTION AND DESTRUCTION</b>	
1. Purpose	It is the policy of the Monroe Career and Technical Institute that its records, including both paper and electronic, be retained as long as determined necessary to meet legal, audit, educational and business requirements. In each case, the official retention periods must be as short as possible in order to reduce the risk of identity theft and/or breaches of privacy, computer fraud and related harms, to minimize the use of valuable space, to promote efficiency, to assist in the day-to-day operations of the career and technical institute, and to reduce the cost of storage and unneeded records inventory. The career and technical institute employees must take reasonable measures to protect against unauthorized access to or use of records and information/data, and properly retain and dispose of paper and electronic records, information and data.
2. Authority	This Record Retention and Destruction Policy has been formulated and approved by the Joint Operating Committee.
3. Delegation of Responsibility	<p>The Director is granted the authority to create and enforce the career and technical institute Record Retention and Destruction Schedule.</p> <p>The Record Retention and Destruction Policy and the Schedule shall be under the day-to-day supervision of the Supervisor of Technology, who may delegate responsibilities to others while maintaining the ultimate authority to enforce the policy and the schedule.</p> <p>The Supervisor of Technology is responsible for the destruction of the career and technical institute records. Delegation of responsibilities may be made by the Supervisor of Technology if clear guidance is provided to those with delegated responsibility while maintaining the ultimate authority to enforce the policy and the schedule.</p> <p>The Director, and/or designee – Supervisor of Technology, must use due diligence when hiring a document destruction contractor to dispose of material. Due diligence could include (a) reviewing an independent audit of a disposal company's operations and/or compliance with various defined</p>

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destruction laws; (b) obtaining information about the disposal company from references; (c) requiring that the disposal company be certified by a recognized trade association; and (d) reviewing and evaluating the disposal company's information security policies and/or procedures.

### 4. Guidelines

#### 1. Training

Employees will be provided a copy of this policy and the schedule and periodically receive training to ensure compliance with them and to explain how they should be applied. Litigation hold requirements, the proper retention and disposal methods for information, data, media, and hardware, among others, must be predominant topics in the training sessions.

#### 2. Litigation Hold

When the career and technical institute reasonably anticipates that litigation may ensue and/or the career and technical institute has been given notice that a legal action is reasonably anticipated, threatened, pending, imminent, or initiated or a government investigation will occur, destruction of records must be suspended immediately. Notice could occur before the filing of a Complaint, and assumes that the career and technical institute is previously aware of an incident or event that is subject to a suit.

The Director must be made aware of events or incidents that are likely to lead to legal action. Counsel must be notified immediately. Counsel will be responsible for evaluating the defenses available to the career and technical institute, identifying the records that may be relevant to a legal action, and responding to the suspension of the retention and destruction policies and schedule under the guidelines of the career and technical institute.

The career and technical institute records that need to be retained due to pending litigation, litigation, or government investigations must be reviewed frequently. Contact must be made with the Director to verify possession of the most current list of records that should be considered protected (i.e. not to be destroyed) due to pending litigation or in litigation or subject to government investigation. Be aware that the court considers all recorded information as a record regardless of the medium of storage of the information. All records that relate to pending litigation, litigation, or regulatory proceedings must be retained during the pending litigation and/or proceeding.

Groups or classes of records must be destroyed in the ordinary course of business under the policy and the schedule, which is designed to meet the legitimate needs of the career and technical institute. *Selective destruction of records in anticipation of litigation is forbidden.*

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### **3. Interpretation**

The Director, and/or Designee, will be responsible for interpreting any portions of the policy statement or the schedule as they may apply to specific situations. Any communication involving specific records retention or destruction requirements should be checked against the career and technical institute's required ethical conduct policy.

### **4. Exceptions**

Requests for exceptions from this policy should be submitted to the Director. In order to obtain an exception from the policy, there must be a program that will assure compliance with the basic objectives stated within the policy, at least as effectively as this policy and the schedule.

### **5. Review**

The career and technical institute Administrators must review the policy and the schedule annually. Suggested changes should be submitted to the Director. Revisions in the Schedule made necessary by career and technical institute changes and/or changes to the law must be communicated directly to the Director who, after considering the recommendation, may make appropriate changes to be made in the schedule, and changes and/or additions to the Policy must be communicated directly by the Director to the Joint Operating Committee who after consideration may make appropriate changes to be made in the Policy.

### **6. Audit**

The Director is responsible for auditing the existence and content of the written records retention and destruction program and schedule. The Supervisor of Technology is responsible for auditing the actual implementation of the policy and the schedule.

The career and technical institute may hire an outside party to conduct an audit for compliance with this policy and the schedule and prepare a written audit report.

### **7. Storage**

Designating appropriate storage is an important consideration. A storage system should permit the necessary records to be easily located, managed, searched, retrieved, and produced.

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Storage is a critical consideration in responding to subpoenas, discovery requests, investigations, regulatory requests, educational, and business needs, and Right-to-Know law requests. Accessibility can also facilitate the document retention, production, and destruction components of the records retention and destruction program.

Security of the records is critical for confidential records, particularly records pertaining to employee records such as personnel files, medical records, and insurance forms; student records; government records designated as confidential; and some transactions, financial and tax records. Restricted accessibility and protection are crucial.

Preservation is an important storage consideration. A proper environment conducive to maintaining the integrity of the records is critical. This includes, but is not limited to, secure software, electronic security protections, acid-free folders, climate control, anti-magnetic interference, and fire protection. Off-site storage of vital records is permitted. Anti-virus, anti-spyware, anti-spam, and other software should be maintained and updated regularly.

### **8. Disaster Recovery**

The record retention and destruction program seeks to identify and preserve records for disaster recovery where the informational value to the career and technical institute is so great, and the consequence of loss is potentially so severe to the continuity of the career and technical institute, that special protection is warranted. Records that qualify as disaster recovery records include but are not limited to:

- a. Legal, financial, tax and organizational status records;
- b. Obligations to employees, vendors, and students;
- c. Ownership of assets and inventory;
- d. Intellectual property and achievements not recognized elsewhere; and information on critical decision-making.

### **9. Archival Records**

Records that have value beyond their original purpose because they document significant educational and/or business activities or services should be safeguarded as a permanent resource. The following considerations should apply to the preservation of records:

- a. An archival collection should be prepared that includes, among other things, the minute books, each annual auditor's report, each annual financial report, trademarks, copyrights, deeds,

HIPAA,  
HITECH Act,  
and HHS  
Regulation 45  
C.F.R. Parts 160  
& 164

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- financial records, and photographs.
- b. Special consideration should be made to evaluate whether in-school or outside protection is best.
  - c. Loaned or gifted archival materials to other sources should be maintained by the Director.

### 10. Destruction

Proper retention and disposal and/or destruction of paper and electronic records are required.

Records must be disposed of and destroyed by shredding, erasing, or otherwise modifying the information of the record to make the record unusable, unreadable, indecipherable or non-reconstructable through generally available means. Other means include, but are not limited to, burning or pulverizing the records. Information that is stored electronically must be made irretrievable before disposal. Protected health information must be destroyed pursuant to the National Institute of Standards and Technology (“NIST”) security standards.

Destruction of records includes discarding and abandoning information, as well as the sale, donation, and/or transfer of computers or other media where that information is stored.

Records must be destroyed within seven (7) days of the period designated in the Monroe Career and Technical Institute Retention and Destruction Schedule, unless an exception is granted by the Director, **and/or designee – Supervisor of Technology**, in writing and a new destruction date is recorded or a litigation hold is relevant.

Destruction of the records (original and copies) may not occur without the approval of the Director **or his/her designee - Supervisor of Technology**.

### 11. Consequences for Violation

Employees must be aware that violations of this policy may result in a variety of disciplinary actions, including but not limited to, warnings, loss of privileges, position reassignment, oral and written reprimands, suspensions (with or without pay), dismissals and/or legal proceedings.

Violations of this policy may be reported to appropriate legal authorities, whether local, state, or federal law enforcement. The career and technical institute will cooperate to the extent legally required with authorities in such investigations.