ADMINISTRATION
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RETENTION AND DISPOSITION OF RECORDS AND INFORMATION

I. INTRODUCTION

The EASTCONN Board of Directors (the "Board") complies with all state and federal laws and regulations regarding the retention, storage, and disposition of records. The Executive Director or designee shall be responsible for developing and implementing administrative regulations concerning the retention, storage, and disposition of records and the dissemination of such administrative regulations to all school officials, employees, and individuals granted access to the computer systems and/or networks of EASTCONN (the "Agency") and/or who send electronic messages as part of their work for the Agency. Collectively, all individuals granted access to Agency computer systems are referred to as the "Users".

II. RETENTION OF RECORDS

The Agency shall comply with all minimum standards set forth in the Municipal Records Retention Schedules for public records, as issued by the Office of the Public Records Administrator for the State of Connecticut ("OPRA"). Retention requirements apply to the official record copy of a public record and are based on the content and function of the public record, not the media type. As such, the same record retention period that applies to paper records applies to electronically stored information. Therefore, like paper records, the content and function of an electronic record, including electronic messages, determine the retention period for that document.

If records are kept in both electronic and hard copy format, the Agency shall designate which record is the official record copy. The designated official copy shall be the legally recognized copy maintained for record retention purposes.

In addition to the retention guidelines established by the Board and used by Agency officials and employees, all Agency officials and employees have a duty to preserve all records and electronic information, including records and electronic information that might otherwise be deleted or destroyed, that relate to any matter that is currently in litigation or may be anticipated to involve future litigation. Record preservation under such circumstances shall only be required after receipt of formal written notice of such requirement by the Executive Director or designee.

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III. USE OF ELECTRONIC MESSAGES AND ELECTRONIC COMMUNICATIONS

The Agency has installed computers and a computer network(s), including Internet access and electronic messaging systems, on Agency premises and may provide other electronic devices that can access the network(s) and/or have the ability to send and receive messages with an operating system or network communication framework. Devices include but are not limited to personal computing devices, cellular phones, Smartphones, network access devices, radios, tablets, walkie-talkies, Bluetooth speakers, personal data assistants, and other electronic signaling devices. Electronic messaging systems include mobile, chat, and instant message; cloud collaboration platforms, including internal chat, peer-to-peer messaging systems, and draft email message transfer; and products that have the ability to create duration-based or subjective removal of content (such as Snapchat), and security focused platforms (such as Signal). The Agency's computers, computer networks, electronic devices, Internet access and electronic messaging systems are referred to collectively as "the computer systems" and are provided in order to enhance both the educational opportunities for our students and the business operations of the Agency.

Electronic messages sent by Users as part of their work and/or by using the Agency's computer systems and/or network(s) are not private communications and are potentially subject to disclosure, regardless of whether the messages are sent using personal devices or the Agency's computer systems. Users must understand that the Agency has reserved the right to conduct monitoring of the Agency's computer systems and may do so *despite* the assignment to individual Users of passwords for system security. Any password systems implemented by the Agency are designed solely to provide system security from unauthorized users, not to provide privacy to the individual system User.

The computer systems' security aspects, message delete function and personal passwords may be bypassed for monitoring purposes. Therefore, *Users must be aware that they should not have any expectation of personal privacy in the use of these computer systems*. This provision applies to any and all uses of the Agency's computer systems, including any incidental personal use permitted in accordance with the Board's policy and regulations regarding computer use by Users.

Any retained messages may be retrieved for a variety of purposes, including but not limited to as part of routine monitoring by the Agency, an employee investigation, a search for documents pursuant to a Freedom of Information Act request, a formal discovery process as part of litigation, or other legal processes such as a response to a subpoena. Users should bear in mind that electronic messages may be retained at different locations within the computer systems and/or devices and that these messages are subject to retrieval, regardless of whether the User has deleted such messages from the User's or the Agency's accounts.

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Consequently, Users should use discretion when using computers or other electronic technology to send, record or retain electronic messages and information.

IV. DISPOSITION OF RECORDS

The disposition of records, or the destruction or transfer of records to the custody of another entity, shall only occur in accordance with relevant state and federal laws and guidelines established by the OPRA. The Agency shall also follow the OPRA's specific protocols for the disposition of permanent, historical and archival records. If a record does not appear on a records retention schedule, the Agency shall contact the OPRA for further guidance before disposing of any such record.

Legal References:

Conn. Gen. Stat. §§ 1-200(5); 1-211; 1-213(b)(3)
Conn. Gen. Stat. § 7-109
Conn. Gen. Stat. § 11-8 et seq.

General Letters 96-2 and 2009-2 of the Office of the Public Records Administrator ("OPRA")

OPRA, Public Records Policy 04, *Electronic Records Management* (Dec. 2022)
OPRA, Public Records Policy 04-1, *Electronic Records* (Dec. 2022)
OPRA, Public Records Policy 04-2, *Digital Imaging* (Dec. 2022)
OPRA, Public Records Policy 05, *Disposition of Public Records* (Nov. 2011)
OPRA, *Public Records Memorandum 101*: *Disposition of Original Paper Records After Scanning* (June 2024)

Connecticut State Library, State Archives ("State Archives"), State Archives Policy 01: *Transfer of Historical Records to the State Archives of Other Approved Archival Repository* (October 15, 2019)

Record Retention Schedules Towns, Municipalities and Boards of Education

OPRA, Records Disposition Authorization, Form RC-075 (revised 12/2021)

OPRA, Authorization for Disposal of Original Non-Permanent Records Stored as Digital Images, Form RC-040 (revised 5/2024)

OPRA, Annual Certification for Disposal of Original Non-Permanent Paper Records Stored as Digital Images, Form RC-045 (revised 5/2024)

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OPRA, Certification for Disposition of Original Permanent/Life of Structure Records Stored as Digital Images, Form RC-245 (revised 5/2024)

Frequently Asked Questions about E-mail, CT Public Records Administrator, *available at* https://ctstatelibrary.org/wp-content/uploads/2015/05/EmailGuidelines.pdf .

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ADMINISTRATIVE REGULATIONS REGARDING THE RETENTION AND DISPOSITION OF RECORDS AND INFORMATION

I. INTRODUCTION

The EASTCONN Board of Directors (the "Board") complies with all state and federal laws and regulations regarding the retention, storage and disposition of records. These administrative regulations are designed to assist in implementation of the Board's policy regarding the retention, storage, and disposition of public records. These regulations shall be disseminated and/or made available to all school officials, employees, and individuals granted access to the computer systems and/or networks of EASTCONN (the "Agency") and/or who send electronic messages as part of their work for the Agency. Collectively, all individuals granted access to the Agency's computer systems are referred to as the "Users."

These regulations supplement and do not replace Agency policy relating to education records.

II. DEFINITIONS

A. Archival record means a public record, which, regardless of format, possesses enduring value if it documents or contains information on one or more of the following: 1) the evolution of the Board, the Agency, or their policies and practices; 2) claims or petitions against the Board or the Agency and the disposition of those claims or petitions; 3) obligations and claims made on citizens by the Board or the Agency and their disposition; 4) the legal and legislative history of the Board or the Agency; and/or 5) topics of research value beyond the specific administrative, legal or fiscal reasons the records were originally created.

B. Computer systems mean EASTCONN's computers, computer networks, electronic devices, Internet access and electronic messaging systems, which are provided in order to enhance both the educational opportunities for students and the business operations of the agency.

C. Digital imaging means the process of converting original records on paper or film into electronic images. The process typically requires a document scanner or digital camera, a computer and software to capture the image, and indexing of the digitized images.

D. Digitized record means an electronic record created by converting paper or other media formats to a digital form that is of sufficient authenticity,

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reliability, usability, and integrity to serve in place of the original source record.

E. Disposition means a final administrative action taken with regard to records, including destruction, transfer to another entity, or permanent preservation.

F. Electronic messages mean e-mail, fax, instant messaging, text messaging, and Web-based messaging services. Electronic messages may be transmitted by a variety of mediums, including computers and mobile computing devices. In addition to the body of the message, electronic messages also contain metadata, such as transactional information (*e.g.,* date and time sent, sender/receiver) and may contain attachments such as calendars, directories, distribution lists, sound recordings, photographs, images, word-processing documents, spreadsheets, and other electronic documents.

G. Electronic messaging systems mean mobile, chat, and instant message; cloud collaboration platforms, including internal chat, peer-to-peer messaging systems, and draft email message transfer; and products that have the ability to create duration-based or subjective removal of content (such as Snapchat), and security focused platforms (such as Signal).

H. Electronically stored information means information that is fixed in a tangible form and is stored in a medium from which it can be retrieved and examined. It can consist of writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations stored in any medium from which information can be obtained into useable form.

I. Historical record means a public record that has been determined to possess value in documenting the history of an organization and is thus worthy of permanent preservation.

J. Official record copy means the specific copy of a public record, as provided in C.G.S. § 1-200(5), designated by the public agency as the legally recognized copy that must be maintained for records retention, preservation, and authentication.

K. Non-records mean items that are not usually included within the scope of official records. Examples of non-records are extra (duplicate) copies kept only for convenience, reference materials, blank forms, and spam and unsolicited advertisements.

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L. Permanent records mean records that have been determined to have sufficient historical, administrative, legal, fiscal, or other value to warrant continuing preservation.

M. Public records mean any recorded data or information relating to the conduct of the public's business prepared, owned, used, or received by a public agency, whether such data or information is handwritten, typed, tape-recorded, videotaped, printed, photostated, photographed or recorded by any method.

N. Routine correspondence means any communication that is part of or relates to commonplace tasks or duties within an office and is done at regular or specified intervals.

O. Source record/original source record means the record from which a digitized version or digitized record is created.

P. Transitory correspondence consists of communication that does not relate to an individual's job responsibilities or has a short-term administrative value.

III. RECORDS CUSTODIAN

The Executive Director shall designate a Records Custodian who will be responsible for the implementation of Agency policies and regulations for the retention of records, including electronic messages and electronically stored information.

The EASTCONN's Record Custodian is:

Director of Technology
EASTCONN
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860-455-1620

IV. RETENTION OF RECORDS

EASTCONN shall comply with the minimum standards set forth in the Municipal Records Retention Schedules for public records, as issued by the Office of the Public Records Administrator for the State of Connecticut ("OPRA"). Retention requirements apply to the official record copy of a public record and are based on the content and function of the public record, not the media type.

If records are kept in both electronic and hard copy format, the Agency shall designate which record is the official record copy. The designated official record copy shall be the legally recognized copy maintained for records retention. When Agency officials or employees are unsure which copy serves as the official record copy, they should contact the Record Custodian for clarification.

In addition to the retention guidelines established by the Board and used by Agency officials and employees, all Agency officials and employees have a duty to preserve all records and electronic information, including records and electronic information that might otherwise be deleted or destroyed, that relate to any matter that is currently in litigation or may be anticipated to involve future litigation. Record preservation under such circumstances shall only be required after receipt of formal written notice of such requirement by the Executive Director or designee.

V. CLASSIFICATION OF ELECTRONIC MESSAGES

The same record retention policy that applies to paper records applies to electronically stored information, including electronic messages. Therefore, like paper records, the content and function of an electronic record, including electronic messages, determine the retention period for that document.

Agency officials and employees shall use the following steps in determining whether to maintain electronic messages and, if so, for how long:

Step 1: Determine whether the message is a public record or a non-record.

Step 2: If the message is a non-record, destroy at will (e.g., spam and unsolicited advertisements).

Step 3: If the message is a record, determine which records series the message belongs to, for example:

1. If the message is Transitory Correspondence, delete at will.

2. If the message is Routine Correspondence, retain for 2 years.

3. If the message is All Other Correspondence, retain for the equivalent records series.

Step 4: Maintain the messages for the required retention period under the equivalent records series.

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VI. DIGITAL IMAGING OF PAPER/HARD COPY RECORDS

Paper records may be digitized and maintained as electronic records; however, in doing so, the Agency must ensure the authenticity, reliability, integrity and usability of the reformatted records. If the Agency uses a vendor for digital imaging services, the Agency remains responsible for ensuring compliance with this policy.

In its use of digital imaging, the Agency shall:

1. Establish and maintain a quality assurance process designed to ensure the creation of accurate and authentic digital images and accurate indexes and production metadata.

2. Create and maintain accurate and authentic digital images in accordance with accepted standards and best practices.

3. Create and maintain accurate indexes and production metadata designed to properly identify and retrieve digital images.

4. Store and protect digital images against file corruption, alteration, or deletion throughout the designated retention period.

5. Perform periodic backups of all digital images, associated indices, and production metadata and maintain a geographically remote offsite backup copy designed to enable recovery and access in the event of a wide-spread disaster or emergency.

6. Perform and certify annual tests of backup media designed to ensure all files have been backed up and are readable.

7. Migrate digital images, associated indexes, and production metadata to a newer media platform or file format as needed in a manner designed to ensure the content remains accessible.

8. Define and document the normal operations and use of the imaging technology and electronic content management system in a manner designed to ensure system trustworthiness.

9. Comply with Public Records Policy 04: Electronic Records Management, Public Records Standards 04-1: Electronic Records, and the digital imaging standards established by the OPRA in Public Records Standards 04-2: Digital Imaging.

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VII. RETENTION OF ELECTRONIC RECORDS

Electronic messages and electronically stored information will be archived by the Agency for their required retention period using method(s) approved by the Records Custodian, which may include the following:

1. Print message or record and store in appropriate hard copy file.
2. Place in computer folders and save on hard drive.
3. Save to a removable disk which is then stored in an appropriate location.
4. Transfer to an automated records management software application.
5. Manage at the server by an automated classification system.

The Records Custodian will be responsible for working with the Agency Systems Administrator to implement a schedule and system for reviewing electronically stored information. This review shall occur at least annually. No system-wide process for automatic deletion of electronic information will be implemented without notice to any individual who may have such information and each such individual will verify that they have reviewed and archived information that must be retained. Following this review, all electronic messages and/or electronically stored information that have not been archived according to Agency policies and procedures shall be designated for deletion or archiving, and the affected Users will be notified about the procedures to be followed to implement this process. The Records Custodian or designee shall follow up with notified Users to promote compliance.

Additionally, the Records Custodian, working with the Agency Systems Administrator, shall establish processes designed to ensure that any process for automatic deletion of electronic information from the system will not delete information stored in folders and/or system locations that have been designated as appropriate for archiving electronically stored information.

VIII. DISPOSITION OF PUBLIC RECORDS

The disposition of public records shall only occur in accordance with relevant state and federal statutes and guidelines established by the OPRA. The Agency shall also follow the OPRA's specific protocols for the disposition of permanent, historical and archival records. If a record does not appear on a records retention schedule, the Agency shall contact the OPRA for further guidance before disposing of any such record.

The OPRA provides for two separates processes for (1) the disposition of official record copies and (2) the disposition of original source records, where such records have been appropriately digitized. If the Agency uses a vendor for disposition of records, the Agency remains responsible for ensuring compliance with these regulations.

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A. Disposition of Official Record Copies

If a record is the official record copy, the Agency may not dispose of such record until the applicable retention period has been met and the Agency has received signed authorization from the OPRA or State Archives. The Agency shall adhere to the following steps in determining whether to dispose of official record copies:

Step 1: Ensure the proper records retention schedule has been met for the document(s) at issue. All records proposed for disposition must be on an approved records retention schedule. *If a record is not on a schedule, the record cannot be disposed, and the OPRA must be contacted for further direction. For permanent, historical, and/or archival records, contact the State Archives for further instruction.*

Step 2: Submit the Records Disposition Authorization Form RC-075 ("RC-075 Form) to request authorization to dispose of the official record copy, in accordance with Public Records Policy 05: Disposition of Public Records (PRP 05) and at least thirty (30) days prior to the proposed date of destruction.

Step 3: Receive signed authorization indicating approval from the OPRA before disposing of any official record copy.

Step 4: Follow the OPRA guidance regarding the method of disposal. If records are being destroyed, follow OPRA guidance based on the format of the record to be destroyed (e.g., whether hard copy or electronic media).

Step 5: Document that the original source records were destroyed lawfully. The Agency shall follow a destruction process by which content is systematically deleted with an audit trail that is legally admissible in court.

Step 6: Record the actual date of destruction on RC-075 Form and attach any supporting documentation.

Step 7: Retain the RC-075 Form and any supporting documentation for the retention period for Records Disposition Authorization records.

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B. Disposition of Original Source Records After Scanning

If paper public records have been converted to digitized records and/or if the Agency seeks to digitize and dispose of such records on an ongoing basis, the Agency shall retain and/or dispose of original source records pursuant to the following guidelines.

Less-than-Permanent Records:

Step 1: **For less-than-permanent records that have already been digitized,** the Records Custodian must complete and submit the Authorization for Disposal of Original Non-Permanent Paper Records Stored as Digital Images Form RC-040 ("RC-040 Form") to request approval for disposal of original non-permanent records that have been reformatted as digital images.

a. The RC-040 Form must be signed by the Records Custodian and the Executive Director and completed in accordance with the instructions on the form.

b. The Agency must receive signed authorization indicating approval from the State Archivist and the Public Records Administrator before disposing of original source records.

For less-than-permanent records that will be digitized and disposed on an ongoing basis, the Records Custodian must complete and submit the Annual Certification for Disposal of Original Non-Permanent Paper Records Stored as Digital Images, Form RC-045 ("RC-045 Form") to request pre-authorization to dispose of original non-permanent source records stored as digital images.

a. The RC-045 Form must be signed by the Records Custodian and the Executive Director and completed in accordance with the instructions on the form.

b. The Agency must receive signed authorization indicating approval from the State Archivist and the Public Records Administrator before disposing of non-permanent original source records on an ongoing basis. The RC-045 Form certifies that records will be digitized on an ongoing basis as part of standard business practices. This authorization only applies to the original non-permanent records within the series approved on the RC-045 Form.

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c. The Records Custodian, in consultation with the Executive Director, *must renew certification annually* by submitting a completed RC-045 Form. *Certification does not extend beyond the 12-month period.*

Step 2: Once digitized, and upon approved destruction of the paper records, the Records Custodian must designate the digitized record as the official record copy. All digitized records will be properly maintained and will remain accessible for the full retention period.

Step 3: The Agency must document that the original source records were destroyed lawfully and document the actual date of disposition on the respective form, the RC-040 Form or the RC-045 Form. The Agency shall follow a destruction process by which content is systematically deleted with an audit trail that is legally admissible in court.

Step 4: The Agency shall record the actual date of disposition on the RC-040 or RC-045 Form, as applicable, and retain such form and any supporting documentation for the retention period for Records Disposal Authorization records.

Permanent, Historical, Archival, or Life of Structure Records:

Step 1: **For permanent, historical, archival, or life of structure records**, the Records Custodian must complete the Certification for Disposal of Original Permanent/Life of Structure Records Stored as Digital Images Form RC-245 ("RC-245 Form") in accordance with the instructions on the form. The RC-245 Form permits the Agency to request pre-authorization to dispose of original paper permanent, historical, archival or life of structure records stored as digital images. The Records Custodian must ensure that the digital records are accessible for the full retention period. The Records Custodian and Executive Director must also certify that all other requirements set forth in the RC-245 Form are met.

a. The Agency shall follow specific requirements for digitizing permanent, archival, historical or life structure records as outlined in the Public Records Policy 04: Electronic Records Management, Public Records Standards 04-1: Electronic Records, and Public Records Standards 04-2: Digital Imaging.

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b. The Agency must evaluate, update, and resubmit this certification for approval every 5 years **or** under the following conditions, whichever comes first:

   i. To reflect changes in information systems, scanning procedures, storage methods, or any other systems or workflows that could affect the quality, accessibility, or preservation of digital images produced under this certification;

   ii. Upon updates to retention periods or public records and digital preservation guidance;

   iii. When seeking approval for scanning and disposing of additional permanent record series, date groups, or sets other than those previously approved; or

   iv. When decommissioning a legacy system used to create or store any digitized permanent records.

c. The Agency must notify the State Archives prior to destroying permanent paper records and receive signed authorization indicating approval from the State Archivist and the Public Records Administrator before disposing of an original source record. Records may not be disposed until the Agency has received this signed authorization.

d. Upon approval of the RC-245 Form, the State Archivist may request transfer of paper records or a scheduled transfer of the digitized records to the State Archives.

Step 2: Once digitized, and upon approved disposition or destruction of the paper records, the Records Custodian must designate the digitized record as the official record copy. All digitized records will be properly maintained and will remain accessible for the full retention period.

Step 3: The Agency must document that the original source records were disposed of lawfully and document the actual date of disposition on the RC-245 Form.

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Step 4: Following disposal of the original source records, the Records Custodian must forward the signed original Form (and any supporting documentation) to the State Archivist for retention and may keep a duplicate copy.

Step 5: The Agency shall retain duplicates of the RC-245 Form and any supporting documentation for the retention period for Records Disposal Authorization records.

Legal References:

Conn. Gen. Stat. §§ 1-200(5); 1-211; 1-213(b)(3)
Conn. Gen. Stat. § 7-109
Conn. Gen. Stat. § 11-8 et seq.

General Letters 96-2 and 2009-2 of the Office of the Public Records Administrator

OPRA, Public Records Policy 04, *Electronic Records Management* (Dec. 2022)
OPRA, Public Records Policy 04-1, *Electronic Records* (Dec. 2022)
OPRA, Public Records Policy 04-2, *Digital Imaging* (Dec. 2022)
OPRA, Public Records Policy 05, *Disposition of Public Records* (Nov. 2011)
OPRA, *Public Records Memorandum 101*: *Disposition of Original Paper Records After Scanning* (June 2024)
OPRA, *Records Management Terms* (July 2015)

Connecticut State Library, State Archives ("State Archives"), State Archives Policy 01: *Transfer of Historical Records to the State Archives of Other Approved Archival Repository (October 15, 2019)*

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OPRA, Records Disposition Authorization, Form RC-075 (revised 12/2021)

OPRA, Authorization for Disposal of Original Non-Permanent Records Stored as Digital Images, Form RC-040 (revised 5/2024)

OPRA, Annual Certification for Disposal of Original Non-Permanent Paper Records Stored as Digital Images, Form RC-045 (revised 5/2024)

OPRA, Certification for Disposition of Original Permanent/Life of Structure Records Stored as Digital Images, Form RC-245 (revised 5/2024)

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Frequently Asked Questions about E-mail, CT Public Records Administrator, *available at* https://ctstatelibrary.org/wp-content/uploads/2015/05/EmailGuidelines.pdf.

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