

DESTRUCTION PROCEDURES

TO: All Borough and School District Departments

EFFECTIVE DATE: December 12, 2018

NEXT REVIEW DATE: April 2020

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1. Introduction

This document provides procedures for the systematic review, retention and destruction of documents and records created and/or generated by Borough Departments in the normal course of Borough business. These procedures cover all records and documents, regardless of physical form.

2. Purpose of Records Retention and Destruction Procedures

These procedures are designated to conform to the Borough's approved retention schedule that defines retention periods that are based on legal and regulatory requirements, standards and best practices, and business operation needs.

Records destruction must adhere to the parameters of the approved retention schedule, unless a litigation, department or public record request 'hold' is deemed necessary. (see "Litigation Hold Procedures")

3. Mechanics of Records Retention

Borough records of any media-type (electronic or digital, paper, microfilm, etc.) are retained in the manner as described in the Borough's approved Records Retention Schedule.

The Borough retains and destroys paper records in the same manner in which they are archived, at the box level.

Other media-types (electronic, digital, microfilm, etc.) are retained and destroyed at the batch and/or reel level.

3. Systematic Review

The Borough Records Manager conducts an annual review of all media-types of its archived records (electronic or digital, paper, microfilm, etc.) and determines which records have reached their retention requirements. See the Borough's approved Records Retention Schedule.

4. Department Review and Records Disposition Determined

Annual destruction reports are routed to the records' originating department. Departments have a thirty-day review period to determine the appropriate disposition of the record and return to the Records Manager.

Upon receipt of approval from the departments, the Records Manager will make note of any changes, holds, and comments and then route the approved destruction reports to the Legal Department.

5. Suspension of Normal Document Destruction Timeframes

5.1 Litigation Holds

The Legal Department reviews each destruction report to determine if the record pertains to any litigation or threatened litigation with the Borough. If a litigation status of a record is determined, a *Litigation Hold Notice* Form will be completed and issued immediately by the Legal Department. See '*Litigation Hold Procedures*'.

5.2 Department Holds

A department may request that a record be removed from a destruction report and held for department review. A 'Department Hold' will apply to the entire box, not just the file requesting a 'hold' status. This assures we adhere to the destruction process, and destroy records at the box level, rather than the file level.

When a department 'hold' is requested, the reason for the 'hold' and length of the 'hold' must be noted on the destruction report.

5.3 Record Request Holds

Records relevant to a records request shall be placed on 'Hold' and all ordinary destruction and recycling procedures shall be suspended until the request has been completed and fulfilled. See *Records Request Procedures*.

5.4 Resolving Suspension of Normal Document Destruction Timely

It is important that departments' process, review and update a records status placed on litigation or department 'hold' in a timely manner. Keeping records outside of what is defined in the approved Retention Schedule may create a liability for the Borough.

A litigation hold is to be released, terminated, or cancelled by the immediate completion and issuance of a *Litigation Hold Release Form* by the Legal Department. The record will return to its regular retention status as determined by the Borough's approved records retention schedule. See '*Litigation Hold Procedures*'.

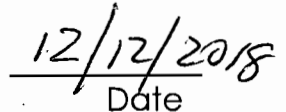
A department hold is to be released by immediate notice via email from the department's records custodian to the Records Manager. The email should contain the record(s)'s object number and title of the record(s). The record will return to its regular retention status as determined by the Borough's approved records retention schedule. See '*Litigation Hold Procedures*'.

6. Procedure Enforcement

Violations of these requirements may lead to sanctions imposed by the courts, ranging from monetary penalties to default judgments, against the Borough. Therefore, Borough personnel found to have violated the Litigation Hold Procedures may be subject to disciplinary action.

These procedures supersede any previous procedures issued and approved under KPB 2.52.040.


Wayne H. Ogle, Assembly President


Date