



## 2300 - Public Records - Retention and Destruction

### **Policy**

The Chancellor shall establish procedures for records management, including access by the public, that comply with the requirements of the California Public Records Act.

The Chancellor shall establish administrative procedures to assure the retention and destruction of all District records – including electronically stored information as defined by the Federal Rules of Civil Procedure-in compliance with Title 5. Such records shall include but not be limited to student, employment and financial records.

Reference: *Government Code Sections 6250, et seq.; Title 5, Sections 59020, et seq., Title 5, Sections 59020, et seq.; Federal Rules of Civil Procedure, Rules 16, 26, 33, 34, 37 and 45.*

**Adopted: June 28, 2004**

**Revision adopted: February 11, 2009**

### **Procedure**

- I. Public Records Retention and Destruction:
  - A. “Records” means all records, maps, books, papers, data processing output, and documents of the District, required by Title 5 to be retained including but not limited to records created originally by computer and “electronically stored information” (“ESI”), as that term is defined by the Federal Rules of Civil Procedure.
  - B. The Chancellors’ Office shall supervise the classification and destruction of records and ESI. The District must preserve ESI that is relevant to actual or potential litigation pursuant to the Federal Rules of Civil Procedure. The District shall comply with the Federal Rules of Civil Procedure and produce relevant ESI in the form in which it is ordinarily maintained or readily usable. An annual report shall be made to the Board of Trustees regarding the classification and destruction of records.
  - C. Records shall be classified as required by Title 5 and other applicable statutes, federal and state regulations.
  - D. Records shall annually be reviewed to determine whether they should be classified as Class 1 – Permanent, Class 2 – Optional, or Class 3 – Disposable (as defined in Title 5).
  - E. Class 3 – disposable records shall be maintained for the period required by applicable law or regulation, but in any event shall be retained for at least three college years after the year in which they were originally created.
  - F. Destruction is by any method that assures the record is permanently destroyed, e.g. shredding, burning and pulping.
- II. Public Records Requests
  - A. Members of the public may request to inspect or copy public records. Any request shall identify with reasonable specificity the records that are sought. If additional information is needed, the Chancellor’s Office may request it be provided in writing.

- B. Any request to inspect records shall be made sufficiently in advance of the date of inspection to allow staff time to assemble the records and identify any records that may be exempt from disclosure. Records that are exempt from disclosure under the Public Records Act or any other provision of law may not be inspected or copied by members of the public. Social security numbers must be redacted from records before they are disclosed to the public.
- C. Members of the public shall be assisted in identifying records or information that may respond to their request. Assistance that will be provided includes: the information technology and physical location in which the records exist; practical suggestions for overcoming denial of access to the records or information; and the estimated date and time when the records will be made available.
- D. Within ten days, the Chancellor's Office will determine whether or not the records can be produced and will communicate the determination to the member of the public requesting the record(s).
- E. The most common exemptions of public records requests for community colleges include:
  - 1. Student records (Education Code Section 76243)
  - 2. Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business, provided that the public interest in withholding the records clearly outweighs the public interest in disclosure. (Government Code Section 6254(a))
  - 3. Records pertaining to pending litigation ...or to claims...until the pending litigation or claim has been finally adjudicated or otherwise settled. (Government Code Section 6254(b))
  - 4. Personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy (Government Code Section 6254(c))
  - 5. Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination [except for standardized tests provided for by Education Code Section 99150 et seq.]. (Government Code Section 6254(g).)
  - 6. The contents of real estate appraisals or engineering or feasibility estimates and evaluations...relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained. (Government Code Section 6254(h)).
  - 7. Internet posting of home address or telephone numbers of local elected officials (Government Code Section 6254.21)
  - 8. Home addresses and home telephone number of employees of a school District or county office of education (other than to an agent or family member of the employee, to an officer of another school District when necessary, to an employee organization, or to an agency or employee of a health benefit plan.) (Government Code Section 6254.3)
  - 9. Records regarding alternative investments (i.e. an investment in a private equity fund, venture fund, hedge fund, or absolute return fund; limited partnership, limited liability company or similar legal structure) involving public investment funds, unless already publicly released by the keeper of the information.

- III. The following Procedures are applicable to all requests made under the California Public Records Act.
- A. All requests for records should be made in writing and addressed or faxed to the District Office of the Chancellor.
  - B. The District will provide a response to all requests within 10 days. If disclosable public records exist, the response will indicate the nature, volume and copying cost of the records.
  - C. Copies of records will be available for review or purchased at the District's Office of External Affairs, located at 2201 Blue Gum Avenue, Modesto, CA 95358. Payment in the form of a money order or personal check made out to the District in the correct total amount must be included with all requests for copies. If the documents are to be mailed, the payment should include the amount of postage estimated by the District.
  - D. Copies generally will be made within three (3) business days after payment is received. The use of outside copy services may be required in certain circumstances.
  - E. Requests and prepayment for audio and video tapes or DVD/CDs of Board of Trustees meetings (\$5 each) may be made directly to the District Office of External Affairs. Reproduction of audio or video materials may require two weeks or more.
  - F. Copies will be available for pick-up at the Office of External Affairs or mailed, if so requested.
  - G. In some instances, requests may be referred by the District to legal counsel. Such requests will be responded to by mail within the applicable time period. The remaining procedures shall apply to these requests.

IV. Fee Schedule for Copying District Documents

Photocopying (per page)	\$0.10
Audiotape duplication (per tape)	\$5.00
CD/DVD/Videotape duplication (per tape)	\$5.00

- A. Applicable postage fees will be added to each request.
- B. Payment shall be by check or money order, payable to Yosemite Community College District, and must be received by the District prior to release of any duplicated materials. Cash payments will not be accepted.
- C. Fees may change and/or be waived, without notice, with approval from the Chancellor's Office.

Reference: *Government Code Section 6250 et seq., California Government Code 6253, Title 5, Sections 59020, et seq.*

**Procedure Last Revised: 01/14/09**