

City of Santa Clara

Records and Information Management Policy

INTRODUCTION

This Records and Information Management (RIM) Policy is the governance document defining the rules for managing the City of Santa Clara’s (the “City”) records and information (RIM). This RIM Policy communicates what rules the City will follow in managing its paper and electronic records and information in compliance with laws, regulations, and good business practices. The rules within this Policy apply to the content of the information, not the tools used to create it or media on which it resides.

Below is the list of rules the City will follow.

RECORDS AND INFORMATION MANAGEMENT POLICY

A. Ownership

Records and information created or received in the conduct of the City’s business by staff, by contractors acting on behalf of the City, or by elected and appointed officials are the exclusive property of the City. City records and information are subject to compliance with this Policy, the associated Records Retention Schedule, and any other City policies or procedures.

B. Authenticity

The City is committed to creating and maintaining complete, accurate, and trustworthy records and information that document its business activities. Deliberately creating false or misleading records or information regarding the City’s activities is strictly prohibited. City records and information should not contain language that is intentionally misleading, , inaccurate, or fraudulent.

C. Classification

Records and information, both paper and electronic, are to be created, saved, and managed with the appropriate classification that enables their efficient and shared access, appropriate application of retention, and secure protection.

D. Retention

Records are to be retained in accordance with the Records Retention Schedule. When records complete their retention period, regardless of their format, they shall be deleted or disposed of in compliance with City procedures.

E. Storage

Hardcopy records and information no longer considered active may be transferred to designated storage facilities to fulfill retention requirements. Hardcopy records scanned and uploaded into the City’s records repository in accordance with City procedures that meet the City’s criteria shall become the official version of the document for retention and

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evidentiary purposes.

Electronic records no longer considered active and those that have passed their retention may be transferred to approved repositories or moved offline to fulfill retention requirements. Regardless of where records are stored, they must be accessible by City employees for business purposes and in response to requests from the public.

Records and information that is owned by the City should not be transferred to or stored in any unauthorized locations or on personal devices. Work done on a personal device on behalf of the City is the property of the City and should be transferred to a City repository.

F. Availability

Records and information must be available for future business and to support litigation and investigations, as necessary, regardless of storage location.

Records that are determined to be “public” are to be made available for the public to obtain in accordance with the California Public Records Act, Government Codes §§7920.000 through 7931.000.

G. Electronic Communication

Unless otherwise required by contract or law, including data privacy laws, electronic communication, including emails, email threads, text messaging, instant messaging, chatter, social media and any other form of electronic communication that may be used to conduct City business, are subject to this Policy and other rules of the City, and are the exclusive property of the City.

Email messaging is required to be conducted using City systems. Emails sent or received for the purpose of City governance or business are considered City property and must be maintained in City systems and in compliance with this Policy and, if they are records, in compliance with the Records Retention Schedule. Use of City systems and equipment must comply with all Information Technology Department policies including, but not limited to, City of Santa Clara Information Security Policy, City Information Technology Acceptable Use Policy, and CMD 116 Use of City Resources, and Non-Confidential Nature of Information of City Equipment.

Although Electronic Communication may seem to be less formal than other written communication, the same definition of Records applies, as do the rules for storage and retention. Electronic Communication that meets the definition of a record is to be stored on City systems only.

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H. Records of Exiting Employees, Volunteers and Contractors

When an employee, volunteer, or contractor leaves the City, the exiting individual's supervisor, manager or City Manager designee is responsible for complying with the requirements of this Policy and any supporting procedures for retaining and managing the records and information of the exiting employee, volunteer, or contractor, which shall extend for the appropriate retention period following the individual's departure from the City.

I. Suspending Retention Requirements

Records and information relevant to litigation or an investigation and subject to a Legal Hold are to be retained and preserved until further notice from the City Attorney, regardless of the retention period set forth in the Records Retention Schedule.

Records and information subject to a Public Records Act request are to be retained and preserved until the request has been completed. Note that even records that have passed retention cannot be destroyed if a Public Records Request has been submitted to the City.

J. Information Protection

Disaster recovery backup media are exact copies of an operating system, associated application and data created for the sole purpose of recovering data in the event of a disaster or business disruption and are not subject to the requirements of the Records Retention Schedule. Backups serve as a level of protection for electronic systems and the data that is stored on those systems and are not the official repository of the subject data and documents, are temporary and frequently modified, constitute Working Documents reflecting frequent updates, and are therefore not subject to the retention requirements of the Records Retention Schedule.

DEFINITIONS

Records

Records are either defined specifically in applicable statutes, Municipal Code, City business practices, or, in the absence of specific practices, a record is the document or information generated as the final output of a business process or business decision.

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Working Documents

Not all information or data is a record. Some information is collected or created in order to complete a task or to enable the creation of a record, but the City is not obligated by law to retain it. This type of information is classified as Working Documents. Working Records are not subject to retention requirements. Examples of Working Documents are included in *Attachment A*.

Electronic Communication

Electronic Communication is a document created or received via an electronic messaging system, including any attachments that may be transmitted with the message, along with its descriptive transmission metadata.

Electronic Messaging System

Electronic Messaging System is one or more computer networks, hardware, and software applications used to create, receive, and transmit messages and other documents electronically.

POLICY REVIEW

This Policy and the accompanying Records Retention Schedule may be amended or modified from time to time, as necessary, to account for changes in legal, regulatory, or operational requirements.

REFERENCES

- Records Retention Schedule
- Records and Information Management Glossary of Terms

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ATTACHMENT A

Examples of Working Documents

- Identical copies of documents,
- *Extra* copies of printed or processed materials kept only for convenience or reference (e.g. copies of expense reports once they have been paid),
- Miscellaneous notices of employee meetings, holiday notices, reference materials, and hand-written notes,
- Working templates used to create contracts or other final documents,
- System backups,
- Notes, working papers, or drafts assembled or created in the preparation of other documents, worksheets (e.g., rough drafts of letters, memoranda, or reports),
- Catalogs, trade journals, unsolicited marketing materials, and other publications or papers received from external companies or agencies that may be used for reference purposes, but that require no action, and are not part of an official record, and
- Research or data collected that is later incorporated into a final document and is not required for preparation of an official record.