I. PURPOSE:

The purpose of this Administrative Directive is to establish policy related to the records management of paper, microfilm and electronic records.

II. SCOPE:

This Administrative Directive applies to employees and third parties who create or receive paper, microfilm and electronic records related to City business. All equipment or technology that is owned or administered by the City is included in this Administrative Directive's scope.

III. POLICY:

A. Pursuant to Article II, Section 10 of the Charter for the City of San Antonio the City Clerk shall keep the records of the Council and of the City. Pursuant to City Ordinance 72054 which establishes the City's records management program in compliance with the *Local Government Records Act* and reaffirms City Ordinance 70508 naming the City Clerk as the City's Records Management Officer, both ordinances filed with the Texas State Library and Archives Commission, the Records Management Officer shall develop policies and procedures in the administration of the City's records management program. This policy does not supersede any local, state or federal laws regarding records management, confidentiality, information dissemination or standards of conduct. This policy supersedes previous City records management policies and procedures, Administrative Directive 1.32.

B. It is the policy of the City of San Antonio to provide for the efficient, economical and effective management of paper, microfilm and electronic records in accordance with Local Government Code, Chapters 201-205 (*Local Government Bulletin D, Local Government Records Act*); Texas Administrative Code, Chapter 7, Sections 7.21-7.35 (*Local Government Bulletin A, Microfilming Standards and Procedures*); Texas Administrative Code, Chapter 7, Sections 7.71-7.79 (*Local Government Bulletin, B, Electronic Records Standards and Procedures).*

IV. DEFINITIONS:

A. AIIM: The Association for Information and Image Management, an industry standards organization.

B. ANSI: The American National Standards Institute, an industry standards

organization.

C. City: The City of San Antonio, its departments and agencies.

D. City-administered technology or equipment: Any technology or equipment that is used and/or managed by the City even if the City does not own said technology or equipment. In addition to City-owned equipment, this would include technology or equipment on loan to the City, funded by grants, leased by the City, etc... Technology includes, but is not limited to, computers, mobile communication devices, telecommunication devices, servers, networks, software and e-mail.

E. Confidential information: Information to which public access is restricted by constitutional law, statute or court.

Confidential information also includes information protected from public disclosure under the common law right to privacy. Information protected by the common law right to privacy is information that contains:

1. Highly intimate or embarrassing facts about a person's private affairs such that its release would be highly objectionable to a reasonable person; and

2. Be of no legitimate concern to the public.

The Office of the City Attorney will be contacted with questions regarding whether information is protected from disclosure under the common law right to privacy.

F. Convenience copies: Extra identical copies of documents created only for convenience of reference. Convenience copies are not included in the definition of a local government record for purposes of records retention laws.

Convenience copies should be destroyed before or at the same time the official record is destroyed. From the standpoint of both State and Federal Court Rules of Evidence there is little if any difference between the official record and copies of records. If an original record has been destroyed or cannot be located, any convenience copy that exists can be used, requested or compelled in its place.

The destruction of convenience copies is carried out as referenced in Section VI. D.1.c. of this Administrative Directive.

Paper may be destroyed by burning, shredding, pulping or burial in a landfill or by sale or donation for recycling purpose unless the record contains confidential or sensitive information or information to which public access is restricted in which case it may be destroyed only by burning, pulping or shredding.

G. Electronic mail record: An electronic government record sent or received in the form of a message on an electronic mail system of a government, including any

attachments transmitted with the message.

H. Electronic record: Any information that is recorded in a form for computer processing and that satisfies the definition of local government record data in the Local Government Code, Chapter 205, Section 205.001. Texas Administrative Code, Chapter 7, Section 7.71.

I. Essential record: A record that is necessary to the resumption or continuation of City operations in an emergency or disaster, to the recreation of the legal and financial status of the City, or to the protection and fulfillment of obligations to the citizens.

J. Federal statutes: The laws of the United States.

K. ITSD: The City's Information Technology Services Department or successor agencies.

L. Local government record: Any document, paper, letter, book, map, photograph, sound or video recording, microfilm, magnetic tape, electronic medium or other information recording medium, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state, created or received by a local government or any of its officers or employees pursuant to law, including an ordinance, or in the transaction of public business. The term does not include:

1. Extra identical copies of documents created only for convenience of reference or research by officers or employees of the local government;

2. Notes, journals, diaries and similar documents created by an officer or employee of the local government for the officer's or employee's personal convenience;

3. Blank forms;

4. Stock of publications;

5. Library and museum materials acquired solely for the purposes of reference of display;

6. Copies of documents in any media furnished to members of the public to which they are entitled under Chapter 552, Government Code or other state law;

7. Any records, correspondence, notes, memoranda or documents, other than a final written agreement described by Section 2009.054 (c), Government Code, associated with a matter conducted under an alternative dispute resolution procedure in which personnel of a state department or institution, local government, special district, or other political subdivision of the state

participated as a party, facilitated as an impartial third-party, or facilitated as the administrator of a dispute resolution system or organization. Local Government Code, Chapter 201, Section 210.003(8).

M. *Local Government Record Retention Schedules*: Publications issued by the Texas State Library and Archives Commission under the authority of Subchapter J, Chapter 441 of the Government Code which establish the mandatory minimum retention period for a local government record.

See APPENDIX 1 for examples of record series titles that are common to all City departments. Please see the *Local Government Records Retention Schedules* for a complete listing of records series along with what is required to be maintained within those record series and any retention exceptions.

N. Local statutes: The ordinances of the City of San Antonio.

O. Microfilm: Roll microfilm, microfiche and all other formats produced by any method of microphotography or other means of miniaturization on film.

P. Microfilming: The methods, procedures and processes used to produce roll microfilm, microfiche or other microphotographic forms.

Q. Network: A group of two or more computer systems linked together to facilitate communication data and processing between the systems.

R. Record series: A group of record with the same function and the same retention period.

S. Records Liaison: The person designated by each Department Director to assist them in managing records under their custody and complying with the policies and procedures of the City's records management program.

T. Records Management Officer: The person who administers the records management program established in each local government under Local Government Code, Chapter 203, Section 203.026. Pursuant to the designation set forth in City Ordinance 70508 and reaffirmed in City Ordinance 72054 the City Clerk shall serve in this position.

U. Retention period: The minimum time that must pass after the creation, recording or receipt of a record or the fulfillment of certain actions associated with a record, before it is eligible for destruction.

V. State statutes: The laws of the State of Texas.

W. Third party: A person or business under contract or agreement with the City.

V. RESPONSIBILITES:

A. Organizational responsibility for the development, implementation and maintenance, of this Administrative Directive is placed with the Records Management Officer.

B. The Records Management Officer, with the assistance of the designated Records Liaison and in cooperation with ITSD, will provide the City departments and third parties with communication and mandatory training regarding the retention, maintenance and disposition of paper, microfilm and electronic records. City departments who work with a third party are responsible for requesting assistance from the Records Management Officer on behalf of the third party.

C. It is the responsibility of the City Department Director for communicating the policies and standards established in this Administrative Directive to all personnel in their respective department and for ensuring compliance within their respective department with these policies and standards by requiring attendance to mandatory training provided by the City.

D. Supervisors must ensure that employees and third parties have received a copy of this Administrative Directive.

E. It is the responsibility of the employee, with guidance and training from the Records Management Officer, and with the assistance of that department's Records Liaison, to manage paper, microfilm and electronic records according to the City's approved retention periods.

F. It is the responsibility of the *sender* of an electronic mail message, sent either *internally* (within City departments) or *externally* (outside City departments) to maintain the official record for the required retention of that record. It is the responsibility of the *receiver* of an electronic mail message from an *external* source to maintain the official record for the required retention of that record.

   It is the responsibility of the *sender* of a record in hardcopy (paper) sent *externally* to maintain the official record for the required retention of that record. It is the responsibility of the *receiver* of a record in hard copy from either an *internal* or *external* source to maintain the official record for the required retention of that record.

G. Employees who voluntarily terminate employment, retire, or are transferred, are required to review records they retain with their supervisor. The employee's supervisor is responsible for ensuring records are properly classified, stored and that working and convenience copies are disposed of in the prescribed manner.

H. Records for those deceased or dismissed employees will be the responsibility of

the supervisor. The employee's supervisor is responsible for ensuring the records are properly classified, stored and that working and convenience copies are disposed of in the prescribed manner.

I. City Department Directors are responsible for any disciplinary actions taken against employees who violate this Administrative Directive. The Human Resources Department will provide guidance as required to City departments regarding appropriate disciplinary actions to be taken against employees who violate this Administrative Directive.

J. City departments are responsible for the implementation, training and enforcement regarding the security classification of records as defined by the Texas State Attorney General's Office.

K. The originating City department is responsible for classifying and entering E-Agenda items including supporting documentation into the City's document management system based on the *Local Government Records Retention Schedules.*

L. ITSD is responsible for providing the technology implementation necessary to support this Administrative Directive regarding electronic records.

M. City departments are responsible for the identification and protection of their department's essential records.

VI. PROCEDURES:

A. General Guidelines:

1. City departments may introduce internal policies which are more restrictive while still supporting the tenets of this Administrative Directive.

2. All municipal records are the property of the City. There should be no personal or property right expectations to such records. The unauthorized destruction, removal or use of such records is prohibited. Employees should be aware that the records they create and receive, remain the property of the City.

3. Based on the Texas Public Information Act, (Texas Government Code, Chapter 552) all municipal records are open records unless they are specifically protected by laws from disclosure and only then to the extent of that legal protection.

4. Authorized individuals within the City may monitor City-administered technology or equipment at any time in accordance with the Acceptable Use of Electronic Communications Administrative Directive.

B. Retention Guidelines:

1. All paper, microfilm and electronic records are considered City records.

2. All paper, microfilm and electronic records must be retained and disposed of according to the City's record retention requirements.

3. It is the content and function of a paper, microfilm and electronic record that determines the record series and retention period for that record.

4. The City's approved Declaration of Compliance with the *Local Government Record Retention Schedules* provides access to the record series and the retention period for each record series.

   See APPENDIX 1 for examples of record series titles that are common to all City departments. Please see the *Local Government Records Retention Schedules* for a complete listing of records series along with what is required to be maintained within those record series and any retention exceptions.

C. Maintenance Guidelines:

1. Texas Administrative Code, Chapter 7, Section 7.26 requires original microfilm must be stored in a separate building from duplicate copies or the original records. Storage and inspections of microfilm must be in accordance with ANSI and AIIM standards.

2. Texas Administrative Code, Chapter 7, Section 7.77 (a) requires software, hardware, and/or documentation including maintenance documentation, required to retrieve and read the electronic records must be retained as long as the approved retention period for the electronic records.

D. Disposition Guidelines:

Unless otherwise denoted the following standards will apply to the disposition of paper, microfilm and electronic records:

1. The City shall establish procedures, the form and manner to be determined by the Records Management Officer, that address the disposition of paper, microfilm and electronic records which will be followed in accordance with the approved state retention.

   a. Records that have met the required legal retention and are targeted for destruction are reviewed by the Department Director, a representative of the Records Management Officer and a representative of the City Attorney's Office before destruction takes place.

b. City departments coordinate destruction with the Municipal Records Facility. The method of destruction must ensure protection for any confidential information. See Sections VI. D. 3.c. 4.b. 5.b. below for reference to the destruction of records in the *Local Government Records Act, Microfilming Standards and Procedures, and Electronic Records Standards and Procedures.*

c. The destruction of convenience copies is carried out in a different manner than for local government records. Once a record is identified as a convenience copy, the department may destroy the copy without requesting approval by the Department Director, Records Management Officer and City Attorney. Caution should be used when making this determination. The method of destruction must ensure protection for any confidential information.

2. The process for the legal disposition of the City's paper, microfilm and electronic records is subject to the same documentation requirements as any other record series with the exception of messages that fall in the record series Routine Correspondence, GR 1000-26(c) which need not be documented through destruction authorizations. This record series is not essential to the fulfillment of statutory obligations or to the documentation of the City's functions. This record series is not required for staff to carry out their job requirements. Examples: meeting notices, announcements, copies sent to anyone other than the primary receiver/sender, reference materials, personal correspondence. Caution should be used in assigning this record series to make certain records are not part of another record series.

3. Sections 202.001-202.003 of the *Local Government Records Act* relating to the destruction of records states that:

a. A record may be destroyed if the record is listed on an approved records control schedule or a destruction request is approved by the Texas State Library and Archives Commission and the retention has expired. An exception to the process is an expunction order.

b. Regardless of any other provisions, a record, the subject matter of which is known to be in litigation or subject to an open records request may not be destroyed until the litigation is settled or the request resolved.

c. A record may be destroyed by burning, shredding, pulping or burial in a landfill or by sale or donation for recycling purpose unless public access is restricted in which case it may be destroyed only by burning, pulping or shredding.

4. Section 7.33 of the *Microfilming Standards and Procedures* relating to the destruction of microfilm records states that:

a. Microfilm records must be destroyed only in accordance with Local Government Code, Chapter 202, Sections 202.001-202.003.

b. Microfilmed records scheduled for destruction must be disposed of in a manner that ensures protection for any confidential information.

c. Destruction of records on a roll of microfilm containing multiple record series must be done by destroying the whole roll of film at the time the records on the film that have the longest retention period are eligible for destruction or, if filmed prior to the effective date of these standards, by deleting the section of the film containing records eligible for destruction and splicing the film. If the film is spliced a destruction notice containing specific information must be inserted in place of the deleted records.

5. Section 7.78 of the *Electronic Records Standards and Procedures* relating to the destruction of electronic records states that:

a. Electronic records may be destroyed only in accordance with the Local Government Code, Chapter 202, Section 202.001.

b. Each local government must ensure that:

1. Electronic records scheduled for destruction are disposed of in a manner that ensure protection of any confidential information; and

2. Magnetic storage media previously used for electronic record containing confidential information are not reused if the previously recorded confidential information can be compromised by reuse in anyway.

c. Before systems or media are reused they should be erased according to the City's Data Cleaning Policy to ensure no residual data is maintained.

E. <u>Special Consideration and Rules for Electronic Records:</u>

1. Electronic Mail (E-mail)

a. All electronic mail messages are considered City records and the City reserves the right to access employee electronic mail messages.

b. All electronic mail messages must be retained and disposed of according to the City's retention requirements. It is the content and function of an electronic mail message that determines the retention period for that message. Electronic mail messages generally fall into the following categories. These are:

GR1000-26 (b) and (c) Correspondence and Internal Memoranda:

(1.) Administrative - Correspondence and internal memoranda pertaining to or arising from routine administration or operation of the policies programs, services and projects of a local government. RETENTION: 2 years.

(2.) Routine - Correspondence and internal memoranda such as letters of transmittal, requests for publications, internal meeting notices and similar routine matters. RETENTION: AV (Administratively Valuable).

c. The process of the legal disposition of government records (including electronic mail) is subject to the same documentation requirements as any other format or medium with the exception of messages that fall in the record series Routine Correspondence, GR 1000-26(c) which need not be documented through destruction authorizations. This record series is not essential to the fulfillment of statutory obligations or to the documentation of the City's functions. This record series is not required for staff to carry out their job requirements. Examples: meeting notices, announcements, copies sent to anyone other than the primary receiver/sender, reference materials, personal correspondence. Caution should be used in assigning this record series to make certain records are not part of another record series.

d. See Administrative Directive 7.4, Acceptable Use of Electronic Communications.

e. Electronic mail users are responsible for managing their electronic messages in accordance with requirements established in this Administrative Directive.

f. The City's electronic mail system is not a records management system. Electronic messages that the user determines, based on the *Local Government Records Retention Schedules,* are subject to retention for more than 30 days should be moved from the user's "Inbox" and/or "Sent Items" folders within 30 days of its receipt or creation. Electronic messages to be retained may be printed and filed, placed in folders and saved on a network drive, or transferred to an automated records management software application.

g. Any electronic message in a user's "Inbox" and/or "Sent Items" folders that exceeds 30 days in age shall be automatically deleted. ITSD shall not retrieve electronic messages deleted by the automatic deletion system. Electronic mail users are subject to legal consequences for the failure to preserve electronic messages subject to retention requirements.

h. The responsibilities for maintaining electronic mail messages are referenced in Section V. F. of this Administrative Directive.

2. Instant Messaging (IM)

a. All instant messages are considered City records and the City reserves the right

to access employee instant messages.

b. All instant messages must be retained and disposed of according to the City's retention requirements. It is the content and function of an instant message that determines the retention period for that message.

c. The process of the legal disposition of government records (including instant messages) is subject to the same documentation requirements as any other format or medium with the exception of messages that fall in the record series Routine Correspondence, GR 1000-26(c) which need not be documented through destruction authorizations. This record series is not essential to the fulfillment of statutory obligations or to the documentation of the City's functions. This record series is not required for staff to carry out their job requirements. Examples: meeting notices, announcements, copies sent to anyone other than the primary receiver/sender, reference materials, personal correspondence. Caution should be used in assigning this record series to make certain records are not part of another record series.

3. Voice Mail

a. All voice mail messages are considered City records and the City reserves the right to access employee voice mail messages.

b. All voice mail messages must be retained and disposed of according to the City's retention requirements. It is the content and function of a voice mail message that determines the retention period for that message.

c. The process of the legal disposition of government records (including voice mail) is subject to the same documentation requirement as any other format or medium with the exception of messages that fall in the record series Routine Correspondence, GR 1000-26 (c) which need not be documented through destruction authorizations. This record series is not essential to the fulfillment of statutory obligations or to the documentation of the City's functions. This record series is not required for staff to carry out their job requirements. Examples: meeting notices, announcements, personal messages. Caution should be used in assigning this record series to make certain records are not part of another record series.

1. Some voice mail messages may be deleted after the information is transcribed onto a telephone log.

2. Some voice mail messages may need to be retained in their original form for the purpose of evidence in legal proceedings such as bomb threats, reports of illegal activities, customer complaints or verbal authority to take certain action.

VII. DISCIPLINE:

A. Failure to comply with this Administrative Directive will result in disciplinary action in accordance with the Municipal Civil Service Rules of the City of San Antonio, Rule XVII, Section 2. Discipline will be evaluated and based upon the number of violations and severity of the incident.

B. Employees who fail to follow this Administrative Directive will be disciplined under the authority of the Department Director.

C. This Administrative Directive does not supersede the Department Director's authority over the determination of final disciplinary actions taken, particularly in cases where the safety of the general public or City employees are significantly compromised by an infraction of this Administrative Directive. A Department Director may choose to assess more sever disciplinary action against an employee depending on the severity of the infraction.

D. Destruction of local government records contrary to the provision of the Local Government Records Act is a Class A misdemeanor and, under certain circumstances, a third degree felony (Penal Code, Section 37.10). Anyone destroying local government records without legal authorization may also be subject to criminal penalties and fines under the Open Records Act (Government Code, Chapter 552).

This Administrative Directive supersedes all previous correspondence on this subject. Information and/or clarification may be obtained by contacting the Office of the City Clerk/Records Facility at 207-6386.

Leticia M. Vacek, City Clerk — 8-23-06 Date

Approved by:

Sheryl Sculley, City Manager — 8-25-06 Date

APPENDIX 1

Listed below are a few examples of record series titles that are common to all City departments. Please see the *Local Government Records Retention Schedules* for a complete listing of the records series along with what is required to be maintained within those record series and any retention exceptions.

Convenience copies may be destroyed previous to retention set for the official record. Destruction procedures for convenience copies are different than those for the official record. The protection of any confidential information must be ensured.

ABBREVIATIONS:
AV = Administratively Valuable
FE = Fiscal Year End

GR1000-01 Agenda: 2 years.

GR1000-03 Written Minutes: PERMANENT.

GR1000-24 Complaints: Resolution or dismissal of complaint + 2 years.

GR1000-25 Contracts, Leases, and Agreements: 4 years after the expiration or termination of the instrument according to its terms.

GR1000-26 Correspondence and Internal Memoranda.
Policy and program development: 5 years.
Administrative: 2 years.
Routine: AV.

GR1000-38 Policy and Procedures Documentation: Until Superseded + 5 years.

GR1000-41 Reports and Studies (Non-Fiscal).
Annual reports: PERMANENT.
Special reports or studies by request of the governing body: PERMANENT.
Special reports or studies prepared by request of the chief administrative officer: 5 years.
Monthly, bimonthly, quarterly, or semi-annual reports: 3 years.
Activity reports: 1 year.

GR1025-04 Budgets and Budget Documentation.
Annual budgets: PERMANENT.

Special budgets: PERMANENT.
Working papers: 2 years.
Encumbrance and expenditure reports: 2 years.
Change documentation: 2 years.

GR1025-07 Financial Reports.
Monthly, bimonthly, quarterly, and semiannual reports: FE + 3 years.
Annual reports: PERMANENT.
Long range planning reports: PERMANENT.
Capital improvement reports: PERMANENT.

GR1075-01 Bids and Bid Documentation.
Successful bids and requests for proposals: FE + 3 years.
Unsuccessful bids: 2 years.

GR1075-03 Purchase Orders: FE + 3.

GR 1075-16 Construction Project Files: PERMANENT.