

**OFFICE OF THE CITY ADMINISTRATOR
RECORDS RETENTION AND DESTRUCTION POLICY,
PROCEDURES, AND DESTRUCTION SCHEDULE**

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RECORDS RETENTION AND DESTRUCTION POLICY AND PROCEDURES

The Office of the City Administrator hereby adopts this Record Retention and Destruction Policy (“Policy”) pursuant to Chapter 8 of the San Francisco Administrative Code. This Policy supersedes all previous record retention and destruction policies issued by this office. This Policy covers all records and documents, regardless of physical form or characteristics, made or received by the City Administrator’s Office in connection with the transaction of public business. The purpose of this policy is to provide a system for managing the records of the City Administrator’s Office, to safely store and retain those records that need to be retained, to comply with all applicable legal requirements regarding document retention and destruction, and to identify and establish guidelines for the destruction of those documents that are obsolete or for which retention is otherwise not required.

A. RETENTION POLICY

The City Administrator’s Office shall retain documents for the period of their immediate or current use, unless longer retention is necessary for historical reference, or to comply with contractual or legal requirements, or for other purposes as set forth below.

For record retention and destruction purposes, the term “record” is defined as follows pursuant to Section 8.1 of the San Francisco Administrative Code:

“[S]uch paper, book, photograph, film, sound recording, map, drawing or other document, or any copy thereof, as has been made or received by the department in connection with the transaction of public business and may have been retained by the department as evidence of the department’s activities, for the information contained therein, or to protect the legal or financial rights of the City and County or of persons directly affected by the activities of the City and County.”

Documents and other materials that do not constitute “records” under that section, including those described below in Category 4, may be destroyed when no longer needed, unless otherwise specified. Where appropriate, and with the City Attorney’s written approval, departments, divisions and offices under the City Administrator’s Office may establish team retention policies that call for the retention of specific types of records for periods longer than the otherwise applicable period set forth in this policy.

The records and documents of the City Administrator’s Office shall be classified for purposes of retention and destruction as follows:

Category 1: Permanent Retention. Records that are permanent or essential records shall be preserved indefinitely.

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- **Permanent records.** Permanent records are records required by law to be permanently retained and that are ineligible for destruction unless they are microfilmed or placed on an optical imaging system, with the film or tape placed in a State-approved storage vault. (Admin. Code Section 8.4.) Once these measures are followed, the original paper records may be destroyed. Duplicate copies of permanent records may be destroyed whenever they are no longer necessary for the efficient operation of the City Administrator's Office. Examples of permanent records include agendas, notices and minutes of commission meetings; department annual reports; bond indentures and reports; and Cal/OSHA citations.
- **Essential records.** Essential records are records necessary for the continuity of government and the protection of the rights and interests of individuals. (Admin. Code Section 8.9). Examples of essential records include advice letters and opinions, policy memoranda, building permits, business licenses, and interpretive materials such as manuals.

Category 2: Current Records. Current records are records that for employee convenience, ready reference, or other reasons, are retained in the office space and equipment of the City Administrator's Office. Current records shall be retained as follows:

- **Where law specifies retention period.** The department shall retain current records in accordance with time periods specified in federal, state, or local law. Examples of records that the law specifies particular retention periods for include Statement of Economic Interest Form 700 (required by California Government Code Section 81009(e)) and Accident Injury reports.
- **Where law does not specify retention period.** If the law does not specify a particular time period for retention, the department will comply with the time periods specified in the attached Records Retention and Destruction Schedule ("Schedule"). The department will retain current records for a minimum of two years, although such records may be treated as "storage records" and stored off-site during the applicable retention period. Examples of current records include invoices for purchases of supplies, departmental memoranda, and budget documents.

Category 3: Storage Records. Storage records are records that are retained off-site. These records are subject to the same retention requirements as current records.

Category 4: No Retention Required. Records and other materials that do not meet the definition of a "record" pursuant to Administrative Code Section 8.1 as Category 4 documents need not be retained unless otherwise specified by local law. Unless applicable law or the Schedule states otherwise, the department may destroy such documents and materials (including originals and duplicates) that it no longer needs in order to function or continue operating. These documents may not have legal significance. Examples include materials and documents generated for the convenience of the person generating those, draft documents (other than certain contracts) that are

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superseded by subsequent versions or rendered moot by departmental action, and duplicate copies that are no longer needed. Specific examples include telephone message slips, miscellaneous correspondence that do not require follow-up or departmental action, notepads, emails that do not contain information that the department is not required to retain under this policy, and chronological files.

With limited exceptions, no specific retention requirements are assigned to documents in this category. Instead, it is up to the originator or recipient to determine when the document's business utility has ended.

B. RECORDS NOT ADDRESSED IN THE RECORDS RETENTION SCHEDULE

Records and other documents or materials that are not required to be retained by law, and are not expressly addressed by the attached schedule may be destroyed at any time provided that they have been retained for the periods prescribed for substantially similar records.

C. STORAGE OF RECORDS

Records may be stored in the City Administrator's office space or equipment if the records are in active use or are maintained for convenience or quick reference. Examples of active files the department may appropriately maintain on-site include active chronological files, research and reference files, legislative drafting files, pending complaint files, administrative files, and personnel files.

The City Administrator's Office may send inactive records to the City's off-site storage facility or the department's storage facility if the department's use of or reference to has diminished sufficiently to permit removal. All boxes sent to the City's storage facility must be labeled with a destruction date. Records sent to storage within the same box must all have the same destruction date. The setting of the destruction date should be keyed to the end of the fiscal year in which the document was created unless otherwise specified.

D. HISTORICAL RECORDS

Historical records are records that the City Administrator's Office no longer uses, but may be of historical interest or significance because of their age or research value. Historical records may not be destroyed except in accordance with the procedures set forth in Administrative Code Section 8.7.

E. PENDING CLAIMS AND LITIGATION

The retention periods set forth in the attached Schedule do not apply to materials that are relevant to a pending claim or litigation against the City, even if the records are otherwise eligible for destruction.

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Once the City Administrator's Office becomes aware of the existence of a claim or litigation against the City, the department will notify the City Attorney's Office. Notwithstanding the Schedule, the department will retain all documents and other materials related to the claim or litigation until the City Attorney's Office reports that the claim or litigation has been finally resolved.

F. BACKUP TAPES OR SIMILAR ARCHIVAL SYSTEMS

The City Administrator's Office may use backup tapes or similar archival systems that serve the limited purpose of providing a means of recovery in cases of disaster, departmental system failure, or unauthorized deletion. The department may not access the backup tapes or similar archival systems except in these limited situations. Electronic records such as emails that an employee has properly deleted under the department's Schedule but that remain on backup tapes or a similar archival system are analogous to paper records that the department has lawfully discarded but may be found in a City-owned dumpster. Neither the Public Records Act nor the Sunshine Ordinance requires the City to search the trash for such records, whether paper or electronic.

G. EMAIL SYSTEM

The email system does not fulfill the department's record retention obligations. The department provides an email system to its employees as a convenient and efficient medium of communication. However, the email system is not a medium for storage of information or any of the department's records.

City Administrator staff must determine with regard to each email or attachment whether the attached Retention and Destruction Schedule requires retention of a particular record. If the Schedule requires retention of the email, staff must retain it in accordance with the Schedule and delete it from the email system. If the Schedule does not require retention of the email the staff may either delete it as soon as it is no longer necessary for the immediate discharge of official duties or store it elsewhere for as long as the staff deems appropriate. In any case, whether to satisfy records retention obligations or merely to serve administrative needs, the staff must not store the email communication on the email system.

H. RECORDS RELATING TO EMERGENCIES/DISASTERS AND COST RECOVERY

Records relating to Emergencies/Disasters and Cost Recovery for the Federal Emergency Management Agency (FEMA) and California Governor's Office of Emergency Services (CAL OES) programs and activities are governed by Code of Federal Regulations 44 C.F.R. § 13.42. Pursuant to 44 C.F.R. § 13.42, the City Administrator's Office must retain any and all records relating to cost recovery documentation incurred during an emergency or disaster for three (3) years after the State has closed the claim by the City. The California Code of Regulations also requires the retention of all financial and program records related to cost or expenditures eligible for state financial assistance

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for three years. (19 C.C.R. § 2980(e)). The City Administrator's Office shall retain all records relating to emergency/disaster recovery costs for three (3) years from the date the Project Worksheet file is officially closed by receipt of a closure letter from the State of California. However, if State or Federal government requires a longer retention period, the Controller's Office will issue specific rules for file retention on any given disaster.

I. RECORDS RELATING TO FINANCIAL MATTERS

The Controller's Office must approve all records pertaining to financial matters proposed for destruction before the department destroys them. (Admin. Code Section 8.3). The Controller's Office reviews and approves each department's Schedule. The City Administrator's Office will obtain approval from the Controller's Office to destroy documents pertaining to financial matters that do not fall within the Schedule.

J. RECORDS RELATING TO PAYROLL RECORDS

The Retirement Board must approve all records pertaining to payroll checks, time cards, and related documents proposed for destruction before the department destroys them. (Admin. Code Section 8.3). The Retirement Board reviews and approves each department's Schedule. The City Administrator's Office will obtain approval from the Retirement Board to destroy documents pertaining to payroll checks, time cards, and related documents that do not fall within the Schedule.

K. RECORDS THAT CONTAIN LEGAL SIGNIFICANCE

The City Attorney's Office must approve all records containing legal significance proposed for destruction before the department destroys them. (Admin. Code Section 8.3). The City Attorney's Office reviews and approves each department's Schedule. The City Administrator's Office will obtain approval from the City Attorney's Office to destroy documents that contain legal significance that do not fall within the Schedule.

ATTACHMENT – City Administrator's Office Schedule