

CITY OF WILLOWS City Policy No.

TITLE: Records Retention Policy

DESCRIPTION: This records retention policy and schedule is enacted in order to ensure that the City follows all statutory requirements for minimum records retention periods and to ensure compliance when records that exceed minimum retention periods are scheduled for destruction.

TYPES OF RECORDS: The City-wide retention policy applies equally to City-wide records and those held specifically within City Departments. Certain records are deemed to be city-wide and include those records all departments have in common (letters, memorandums, purchase orders, etc.). Where a type of record is addressed by City-wide retention requirements, it is not repeated in department-specific subsections of this policy. Certain records that are specific to a City department has a separate retention schedule entry for each such record (These are records that are unique to a department, or for which the Department is the Office of Record for originals.) Where appropriate, the department retention schedules are organized by Division within that Department. If a record is not listed in your department retention schedule, refer to the City-wide retention schedule. An index will be provided for your reference.

For questions about storage of records, formatting, file structures and authorization forms for destruction of records, please contact the City Clerk.

DESTRUCTION OF RECORDS

Specified retention periods apply regardless of the format of the record or media upon which it is stored. If a record is stored on paper and a computer file on a hard drive, both records should be destroyed (or erased) after the specified period of time has elapsed. Copies or duplicates of records should never be retained longer than the prescribed period for the original record.

Destruction of an original record that has exceeded its retention period must be authorized according to City Policies & Procedures prior to destroying it.

Original records with a minimum retention period may only be destroyed following completion of the records destruction form and authorization by the City Manager. Copies, drafts, notes and non-records do NOT require authorization, and can be destroyed "When No Longer Required." Similarly, where there is no required minimum retention period ("When No Longer Required"), or where a record is a preliminary draft / transitory record or a copy, no authorization form is required.

LITIGATION HOLDS / REQUIREMENTS FROM THE CITY ATTORNEY OR CITY CLAIMS ADMINISTRATORS

"Litigation, complaints, claims, public records act requests, audits and/or investigations **suspend normal retention periods** (retention resumes after settlement or completion)." This means that all records regardless of the minimum retention period or no retention period, drafts, copies or transitory records, whether in hard-copy, written, audio, video, email, text, photographic or other electronic form may NOT be destroyed when a hold letter from the City attorney, the City's claims administrators or City Manager specifies it shall be retained.

REQUESTS FOR RECORDS

City records may qualify as “public records” disclosable by request under the California Public Records Act (CPRA). Any request for records under the CPRA shall be directed to the City Clerk, who shall record the request and forward it to the appropriate Department Head, with a copy to the City Attorney, for preparation of an initial response. The response must be provided to the requestor within ten (10) days, unless a letter is sent extending the time to respond. Department Heads should coordinate their response through the City Clerk and should not release records directly unless approved by the City Manager or City Attorney. Copies of any and all responses shall be provided to the City Clerk who then is able to ensure that all responses are timely made and complete.

SUBPOENAS FOR CITY RECORDS

The initial agent for service upon the City shall be the City Clerk or City Attorney. The City Clerk and City Attorney shall coordinate whenever a subpoena or subpoena duces tecum is received at the City. All other employees who receive a subpoena requesting production of City Records must immediately provide a copy of such subpoena to the City Clerk.