

Electronic Stored Information Retention

Board Policy: A-41

Adopted: August 11, 2008

Public record-keeping requirements and federal and state law require that the Haywood County Schools properly manage its electronic stored information ("ESI"). Haywood County Schools (HCS) will retain and destroy ESI in accordance with this Policy and/or the approved Records Retention and Disposition Schedule ("Schedule") for local education agencies adopted by the North Carolina Department of Cultural Resources, as set forth below.

I. System-Wide E-mail Retention and Employee Responsibility for ESI

All employees, board members and others authorized with HCS email accounts are hereby informed that all e-mails produced and received are the property of Haywood County Schools and will be retained for a minimum of three (3) years. In some cases, business-related e-mails must be retained longer, according to the Schedule, and users of HCS email account are required to review the Schedule and save such e-mails, in hard copy or electronic format, for the applicable time period. For ESI other than e-mail, each person shall retain such records, in hard copy or electronic format, for the time period required by the Schedule.

II. Litigation Holds for ESI

The Haywood County Schools will appoint an ESI Team. The ESI Team is a designated group of individuals who implement and monitor litigation holds, a directive not to destroy ESI which might be relevant to a pending or imminent legal proceeding. The ESI Team shall include a designated school administrator, the school board attorney, and a member from the Technology Department. In the case of a litigation hold, the ESI Team shall direct employees and the Technology Department, as necessary; to suspend the normal retention procedure for all related records.

III. Inspection of ESI

Any requests for ESI records must be made in writing with specific person(s), topics and date range and will be reviewed by the Superintendent or his designee, in consultation with the school board attorney if needed, and released in accordance with North Carolina public records laws.

IV. Delegated Authority

The Board of Education delegates to the Superintendent or his designees the right to implement and enforce additional procedures or directives relating to ESI retention consistent with this policy, as needed.

Legal References: North Carolina Public Records Act (N.C.G.S. Chap. 132); Federal Rules of Civil Procedure (Rules 16, 26, 33, 37 and 45); Records Retention and Disposition Schedule issued by North Carolina Dept. of Cultural Resources, www.ah.dcr.state.nc.us/records/local/schoolschedulefinal.pdf; Electronic Records, E-Mail Guidelines, E-Mail as a Public Record in North Carolina, Guidelines for Its Retention and Disposition, www.ah.dcr.state.nc.us/records/.