

## **Business/Non-Instructional Operations**

### **Office Services**

Office services will be provided for two-fold purposes of expediting the ongoing business of the school system and of making the most effective use of staff time, including the time of teachers who are engaged by the Board of Education to provide instruction and not perform routine office operation.

## **Business/Non-Instructional Operations**

### **Mail and Delivery**

A mail service system shall be maintained within the school system in order that communications from inside sources and communications from outside sources may be delivered to the intended recipient in the most practicable way.

The use of school system mail facilities and personnel for the distribution of materials and communications shall be restricted mainly to those materials and communications that further the educational purposes of the school system. The Superintendent may by regulation authorize certain exceptions without defeating the intent of this policy.

Political materials shall not be distributed through school system mail boxes or school mail system unless received through the United States mail.

## **Business/Non-Instructional Operations**

### **Office Services/Records and Reports**

#### **Electronic Communications Use and Retention**

##### **I. Policy**

The Board of Education (the “Board”) complies with all state and federal regulations regarding the retention, storage and destruction of electronic information and records. The Superintendent or his/her designee shall be responsible for developing and implementing administrative regulations concerning the retention, storage, and destruction of electronic information and the dissemination of such administrative regulations to all employees.

##### **II. Use of E-Mail and Electronic Communications**

E-mail messages sent by school officials and employees as part of their work and/or by using the District’s computer network are not private communications and are potentially subject to disclosure. Employees must understand that the Board has reserved the right to conduct monitoring of these computer systems and may do so *despite* the assignment to individual employees of passwords for system security. Any password systems implemented by the District are designed solely to provide system security from unauthorized users, not to provide privacy to the individual system user. The system's security aspects, message delete function and personal passwords may be bypassed for monitoring purposes. Therefore, employees must be aware that they should not have any expectation of personal privacy in the use of these computer systems. This provision applies to any and all uses of the District’s computer systems, including any incidental personal use permitted in accordance with the Board’s policy and regulations regarding computer use by employees.

Any retained messages may be retrieved as part of routine monitoring by the Board, an employee investigation or a formal discovery process as part of litigation. Employees should bear in mind that e-mail messages may be retained at different locations within the computer network and that these messages are subject to retrieval. Consequently, employees should use discretion when using computers or other electronic technology to send, record or retain electronic communications and information.

##### **III. Retention of Electronically Stored Information**

Electronic communications on District computers or electronic communication systems shall be retained only as long as necessary. The same record retention policy that applies to paper records applies to electronically stored information, including e-mail communications. Therefore, like paper records, the content and function of an electronic record, including e-mail communications, determines the retention period for that document. The District will comply with all of the minimum standards set forth in the Municipal Records Retention Schedules, as issued by the Office of the Public Records Administrator for the State of Connecticut.

## **Business/Non-Instructional Operations**

### **Office Services/Records and Reports**

#### **Electronic Communications Use and Retention** (continued)

In addition to the retention guidelines established by the Board and used by school district officials and employees, all school officials and employees have a duty to preserve all records and electronic information, including records and electronic information that might otherwise be deleted or destroyed, that relate to any matter that is currently in litigation or may be anticipated to involve future litigation.

Legal Reference: Connecticut General Statutes  
 The Freedom of Information Act.  
 1-15 Application for copies of public records.  
 1-200 Definitions.  
 1-210 to 1-213 Access to public records.  
 1-211 Access to computer stored records.  
 1-214 Public contracts as part of public records.  
 1-225 to 1-240 Meetings of public agencies.  
 7-109 Destruction of documents.  
 10-15b Access of parent or guardians to student's records.  
 10-154a Professional communications between teacher or nurse & student.  
 10-209 Records not to be public.  
 10-221 Boards of education to prescribe rules.  
 11-8a Retention, destruction and transfer of documents.  
 11-8b Transfer or disposal of public records. State Library Board to adopt regulations.  
 31-48d Employers engaged in electronic monitoring required to give prior notice to employees.  
 46b-56 (e) Access to Records of Minors.  
 Connecticut Public Records Administration Schedule V - Disposition of Education Records (Revised 1983).  
 General Letters 98-1, 96-2 and 2001-1 of the Public Records Administrator Record Retention Schedules Towns, Municipalities, and Boards of Education.  
 Federal Family Educational Rights and Privacy Act of 1974 (section 438 of the General Education Provisions Act, as amended, added by section 513 of P.L. 93-568, codified at 20 U.S.C.1232g.).  
 Department of Education. 34 C.F.R. Part 99 (May 9, 1980 45 FR 30802) regs. implementing FERPA enacted as part of 438 of General Education Provisions Act (20 U.S.C. 1232g) parent and student privacy and other rights with respect to educational records, as amended 11/21/96.  
 Rules 34 and 45 of the Federal Rules of Civil Procedure (2006 Amendments).

Policy adopted: April 27, 2009

EAST HAMPTON PUBLIC SCHOOLS  
 East Hampton, Connecticut

## **Business/Non-Instructional Operations**

### **Office Services/Records and Reports**

#### **Electronic Communications Use and Retention**

##### **I. Records Custodian**

These regulations are designed to assist in implementation of Board Policy #3543.31 regarding the retention of electronic records and information. These regulations supplement and do not replace District policy relating to student records.

The Superintendent of Schools shall designate a Records Custodian who will be responsible for implementation of District policies and regulations for the retention of records, including e-mails and electronically stored information.

##### **II. Definitions**

- A. **E-mail** is a means of sending messages between computers using a computer network or over a modem connected to a telephone line. This information consists primarily of messages, but may also include attachments such as calendars, directories, distribution lists, sound recordings, photographs, images, word-processing documents, spreadsheets, and other electronic documents. E-mail is stored in a digital format rather than on paper and is retrievable at a future date.
- B. **Electronically Stored Information** is information that is fixed in a tangible form and is stored in a medium from which it can be retrieved and examined. It can consist of writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations stored in any medium from which information can be obtained into useable form.
- C. **Public Records** are any recorded data or information relating to the conduct of the public's business prepared, owned, used, or received by a public agency, whether such data or information is handwritten, typed, tape-recorded, printed, photostatted, photographed or recorded by any method.

##### **III. E-Mail Classification**

The same record retention policy that applies to paper records applies to electronically stored information, including e-mail communications. Therefore, like paper records, the content and function of an electronic record, including e-mail communications, determines the retention period for that document. The District will comply with all of the minimum standards set forth in the Municipal Records Retention Schedules, as issued by the Office of the Public Records Administrator for the State of Connecticut.

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### **Office Services/Records and Reports**

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#### **III. E-Mail Classification (continued)**

Further guidance on the retention of e-mail messages sent and received by school officials is provided by classifying e-mails into one of three categories. Retention guidelines for each of these categories are as follows:

**Transitory** Transitory messages are not essential to the fulfillment of statutory obligations or to the documentation of District functions. Employees and Board elected officials who receive or retain transitory communications may delete them at will without obtaining prior approval from the Records Custodian.

**Less than Permanent** Messages other than transitory messages may fall into the category for less than permanent or permanent retention based on the District records policy. Follow the retention period for equivalent hard copy records as specified in the District's records retention guidelines. The retained record must be in hard copy or in an electronic format which can be retrieved and interpreted for the retention period. When there is doubt over the retrievability of an electronic record during the duration of that record's retention, the record should be printed out. Electronic records falling into the Less than Permanent category may be deleted only after making and retaining a hard copy or after obtaining signed approval from the Office of the Public Records Administrator. Either the hard copy or the electronically stored information must be retained for the minimum retention period as set out in the Municipal Records Retention Schedules.

**Permanent** Records must be retained permanently. The electronic record may be deleted after a hard copy printout is made or after it is stored as microfilm that meets microfilm standards issued in General Letter 96-2 of the Public Records Administrator. The retained information must be readable without further decoding.

#### **IV. Retention of Electronic Records**

E-mail and electronically stored information will be archived by the District for their required retention period using method(s) approved by the Records Custodian, which may include the following:

1. Print message or record and store in appropriate hard copy file.
2. Place in computer folders and save on hard drive.
3. Save to a removable disk which is then stored in an appropriate location.
4. Transfer to an automated records management software application.
5. Manage at the server by an automated classification system.

## **Business/Non-Instructional Operations**

### **Office Services/Records and Reports**

#### **Electronic Communications Use and Retention**

#### **IV. Retention of Electronic Records (continued)**

The Records Custodian will be responsible for working with the District Systems Administrator to implement a schedule and system for reviewing electronically stored information. This review shall occur at least annually. No system wide process for automatic deletion of electronic information will be implemented without notice to any individual who may have such information and each such individual will verify that they have reviewed and archived information that must be retained. Following this review, all e-mails and/or electronically stored information that have not been archived according to District policies and procedures shall be designated for deletion or archiving, and the affected District employees will be notified about the procedures to be followed to implement this process. The Records Custodian or his/her designee shall follow up with notified employees to ensure compliance.

Additionally, the Records Custodian, working with the District Systems Administrator, shall ensure that any process for automatic deletion of electronic information from the system will not delete information stored in folders and/or system locations that have been designated as appropriate for archiving electronically stored information.

Legal Reference: Connecticut General Statutes

The Freedom of Information Act.

1-15 Application for copies of public records.

1-200 Definitions.

1-210 to 1-213 Access to public records.

1-211 Access to computer stored records.

1-214 Public contracts as part of public records.

1-225 to 1-240 Meetings of public agencies.

7-109 Destruction of documents.

10-15b Access of parent or guardians to student's records.

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#### **Electronic Communications Use and Retention**

Legal Reference: Connecticut General Statutes (continued)

10-154a Professional communications between teacher or nurse & student.

10-209 Records not to be public.

10-221 Boards of education to prescribe rules.

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Rules 34 and 45 of the Federal Rules of Civil Procedure (2006 Amendments)

Regulation approved: April 27, 2009

EAST HAMPTON PUBLIC SCHOOLS  
East Hampton, Connecticut

## **Business/Non-Instructional Operations**

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#### **Electronic Communications Use and Retention**

##### **Holds on the Destruction of Electronic and Paper Records**

The Board of Education (the “Board”) complies with all state and federal regulations regarding the retention, storage and destruction of electronic information and paper records. The Superintendent or his/her designee shall be responsible for implementing administrative regulations concerning the placing of a “hold” on electronic and paper records that may reasonably be anticipated to be subject to discovery in the course of litigation.

All school officials and employees have a duty to preserve all paper records and electronic information, including records and electronic information that might otherwise be deleted or destroyed, that relate to any matter that is currently in litigation or may be anticipated to involve future litigation.

The Superintendent or his/her designee shall be responsible for developing and implementing administrative regulations to preserve records, including e-mails and electronically stored information, that could potentially be related to any matter that is currently in litigation or may be anticipated to result in future litigation. Such regulations shall identify those individuals responsible for identifying those matters for which records must be preserved as well as developing procedures, with the help of technical staff, for the preservation of electronically stored information.

Legal References: Rules 34 and 45 of the Federal Rules of Civil Procedure

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#### **Electronic Communications Use and Retention**

#### **Holds on the Destruction of Electronic and Paper Records**

##### **I. Records Custodian**

These regulations are designed to assist in implementation of Board Policy #3543.311 regarding holds on the destruction of paper records and electronic information. The Superintendent of Schools shall designate a Records Custodian who will be responsible for implementation of District policies and regulations for the preservation of paper records and electronically stored information, including e-mails.

##### **II. Holds on the Destruction of Paper Records and Electronic Information**

Upon receipt of notice that the District is involved in litigation as a party to a lawsuit, the District is issued a subpoena by a party to a lawsuit in which it is not a party, or if the District receives information that would lead a reasonable person to anticipate the possibility of litigation, the Records Custodian is to immediately take steps to ensure that any paper records and electronically stored information that could be related to the litigation or potential litigation are preserved from deletion or destruction. Actions to preserve records and electronically stored information shall include, but are not limited to, the postponing or canceling of any automatic deletion of electronically stored information until relevant information and documents can be identified and stored, notification to employees of a “litigation hold” to prevent the deletion and destruction of documents that might be related to the litigation or potential litigation, and the identification of documents and information that are subject to preservation. This litigation hold triggers the duty to preserve documents, such as transitory messages, that otherwise could be deleted under the District’s record retention policy.

The Records Custodian shall issue a “litigation hold” memorandum that specifically describes the types of documents and information that must be preserved and describes how those materials are to be identified, maintained and stored. The memorandum shall specifically state that the duty of preservation is ongoing and that it is the responsibility of employees to continue to identify and preserve relevant documents until notified via a subsequent memorandum that the litigation hold is no longer in effect. All employees who are sent a “litigation hold” memorandum are to acknowledge receipt and understanding of the memorandum in writing, which may be in the form of an e-mail response. A copy of any “litigation hold” memorandum shall to be sent to the District IT department.

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##### **Holds on the Destruction of Electronic and Paper Records**

The Records Custodian shall be responsible for the collection and coordination of the retention of documents that are subject to the litigation hold, including electronically stored information. He/she shall work with the District's IT personnel to ensure compliance with the litigation hold.

Specifically, the Records Custodian shall determine the types of electronically stored information that exist and where that information is maintained, identify where both identified paper documents and electronically stored information will be stored, and implement procedures to ensure that District employees are complying with the litigation hold. No system wide process for automatic deletion of electronic information will be implemented while a litigation hold is in effect without prior notice to the Records Custodian and verification by the Records Custodian that the deletion process will not destroy documents or information that is subject to a litigation hold. The Records Custodian may need to periodically reissue the "litigation hold" memorandum and will ensure that the "litigation hold" memorandum is provided to new employees who may have access to relevant information. Finally, the Records Custodian shall ensure that all steps taken by the District to identify and preserve relevant information are documented.

Legal References:      General Letters 98-1, 96-2 and 2001-1 of the Public Records Administrator

Record Retention Schedules Towns, Municipalities and Boards of Education

Rules 34 and 45 of the Federal Rules of Civil Procedure

*Silvestri v. General Motors Corp.*, 271 F.3d 583 (4<sup>th</sup> Cir. 2001)