

# **ELECTRONICALLY STORED INFORMATION RETENTION**

Policy Code:

**5071/7351**

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Public record-keeping requirements and federal and state law require that the school system properly manage its electronically stored information (“ESI”). As set forth below, the school system 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 Natural and Cultural Resources.

## **A. SYSTEM-WIDE E-MAIL RETENTION AND EMPLOYEE RESPONSIBILITY FOR ESI**

All e-mails produced and received are the property of the school system and will automatically be retained by the school system for a minimum of three years. In some cases, business-related e-mails must be retained longer, according to the Schedule, and individual employees 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 employee shall retain such records, in hard copy or electronic format, for the time period required by the Schedule.

## **B. LITIGATION HOLDS FOR ESI**

The school system will have an ESI team. The ESI team is a designated group of individuals who implement and monitor litigation holds, which are directives not to destroy ESI that might be relevant to a pending or imminent legal proceeding. The ESI team must 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 disposition procedure for all related records.

## **C. INSPECTION OF ESI**

Any requests for ESI records should be made in writing and will be reviewed by the records officer (see policy 5070/7350, Public Records – Retention, Release, and Disposition), in consultation with the school board attorney if needed, and released in accordance with North Carolina public records laws.

## **D. DELEGATED AUTHORITY**

The board of education delegates to the superintendent or designees the right to implement and enforce additional procedures or directives relating to ESI retention consistent with this policy.

Legal References: Fed. R. Civ. P. 16, 26, 33, 37, 45; North Carolina Public Records Act, G.S. 132; *E-Mail as a Public Record in North Carolina: A Policy for Its Retention and Disposition*, N.C. Department of Natural and Cultural Resources (2009), available at

<http://archives.ncdcr.gov/For-Government/Digital-Records/Digital-Records-Policies-and-Guidelines#digpres>; *Records Retention and Disposition Schedule for Local Education Agencies*, N.C. Department of Natural and Cultural Resources (1999), available at <http://archives.ncdcr.gov/For-Government/Retention-Schedules/Local-Schedules>

Cross References: Public Records – Retention, Release, and Disposition (policy 5070/7350)

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