

Mt. Diablo Unified School District

Board Policy

Business and Noninstructional Operations

DISTRICT RECORDS

BP 3580

~~District records shall be developed, maintained and disposed of in accordance with law and California Department of Education regulations.~~

The Governing Board recognizes the importance of securing and retaining District documents. The Superintendent or designee shall ensure that District records are developed, maintained, and disposed of in accordance with law, Board policy, and administrative regulation.

(cf. 1340 - Access to District Records)

(cf. 3440 - Inventories)

A record is any paper or document which the District is required to maintain or which the District prepares or maintains as necessary to the discharge of official duty. The Superintendent or designee shall annually review and classify these "records" in order to determine the length of time for which they must be retained. Depending on their content, electronic communications such as email, voicemail, and text messages may also be considered records and thus are subject to the same classification and retention schedule as paper documents. In addition, under the Public Records Act (Government Code 6252), a "public record" is defined as any writing relating to the conduct of the public's business that is prepared, owned, used, or retained by a state or local agency regardless of physical form or characteristics. Documents and other writings that are not prepared or used by the District in the conduct of District business are generally not considered to be "records" and thus are not subject to the requirements of this regulation.

It is important that the District has an efficient and consistent system in place for discarding those documents, including email, that are not considered records. Such a system may help reduce storage costs and prevent unnecessary disclosure. For example, Government Code 6254 exempts from disclosure.

The Superintendent or designee shall consult with District legal counsel, site administrators, Technology and Information Services Department staff, Personnel Department staff, and others as necessary to develop a secure document management system that provides for the storage, retrieval, archiving, and destruction of District documents, including electronically stored information such as email. This document management system shall be designed to comply with state and federal laws regarding security of records, record retention and destruction, response to "litigation hold" discovery requests, and the recovery of records in the event of a disaster or emergency.

(cf. 0440 - District Technology Plan)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 4040 - Employee Use of Technology)

(cf. 9011 - Board Member Electronic Communications)

The Superintendent or designee shall ensure the confidentiality of records as required by law and shall establish regulations to safeguard data against damage, loss, or theft.

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

In the event of any known or reasonably suspected breach of the security of District records containing confidential personal information including, but not limited to, a social security number, driver's license or identification card number, medical information, health insurance information, or an account number in combination with an access code or password that would permit access to a financial account, the Superintendent or designee shall immediately notify local law enforcement agencies and any affected persons. Notification of affected individuals may be delayed if a law enforcement agency determines that the notification would impede a criminal investigation.

The Superintendent or designee shall ensure that employees receive information about the District's document management system, including retention and confidentiality requirements and an employee's obligations in the event of a litigation hold established on the advice of legal counsel.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee shall establish regulations that define records which are permanent, optional and disposable and specify how each type of record is to be maintained or destroyed. Any microfilm or electronic copies of original records shall be permanently retained.

The Superintendent or designee shall ensure the confidentiality of records as required by law and shall establish regulations to safeguard data against damage or loss.

Safe at Home Program

District public records shall not include the actual addresses of students, parents/guardians or employees when a substitute address is designated by the Secretary of State ~~for victims of domestic violence or stalking~~ **pursuant to the Safe at Home program.** (Government Codes **6206 and** 6207)

When a substitute address card is provided pursuant to this program, the confidential, actual address may be used only to establish District residency requirements for enrollment and for school emergency purposes.

(cf. 5111.1 - District Residency)

(cf. 5141 - Health Care and Emergencies)

Legal Reference:

EDUCATION CODE

35145 Public meetings

35163 Official actions, minutes and journal

35250-35255 Records and reports

44031 Personnel file contents and inspection

49065 Reasonable charge for transcripts

CODE OF CIVIL PROCEDURE

2031.010-2031.060 Civil Discovery Act, scope of discovery demand

2031.210-2031.320 Civil Discovery Act, response to inspection demand

GOVERNMENT CODE

6205-6210 Confidentiality of addresses for victims of domestic violence, sexual assault or stalking

6252-6265 Inspection of public records

12946 Retention of employment applications and records for two years

PENAL CODE

11170 Retention of child abuse reports

CODE OF REGULATIONS, TITLE 5

432 Varieties of student records

16020-16022 Records, general provisions

16023-16027 Retention of records

Management Resources:

SECRETARY OF STATE PUBLICATIONS

Letter re: California Confidential Address Program Implementation (SB 489), August 27, 1999

WEB SITES

California Secretary of State: <http://www.ss.ca.gov/safeathome>

Policy MT. DIABLO UNIFIED SCHOOL DISTRICT

Adopted: ~~April 8, 2003~~ _____, **2014** Concord, California