

DOCUMENT MANAGEMENT, RETENTION AND DESTRUCTION OF BOARD RECORDS POLICY

This policy establishes the Erie County Board of Developmental Disabilities (Board) will maintain an accurate accounting system of all contracts, legal documents, financial reports, support documents, employee documents and persons served records; to ensure timely retrieval of said documents; and to ensure public access to requested documents that fall within the purview of public records.

The Superintendent shall establish, revise and keep current the procedures to be utilized in the implementation of this policy. The Superintendent/ designee shall ensure compliance with these procedures. All revisions and changes will be shared with the Board when made.

Superintendent Signature: _____

Carrie Boen

Date: _____

5/18/23

Implemented: 9/20/07

Board Approval: 9/20/07, 5/18/17, 5/20/21

Revised: 5/18/17, 5/20/21

Reviewed: 11/2015, 7/5/16, 5/18/17, 5/7/19, 5/20/21, 5/18/23

Cross Reference: Public Records Policy; Ohio Revised Code (ORC): 149.30; 149.31; 149.38; 149.43; 5126.044; Ohio Administrative Codes (OAC): 149:1-1-02; 149:1-1-03; 5123-4-01; Confidentiality of Protected Health Information Policy

**ERIE COUNTY BOARD OF DEVELOPMENTAL DISABILITIES
DOCUMENT MANAGEMENT, RETENTION AND DESTRUCTION
OF BOARD RECORDS PROCEDURE**

I. BOARD RECORDS

- A. Board records include any document, electronic media file (i.e. picture, video, audio, etc.), device, or item, regardless of physical form or characteristic, created or received by or coming under the jurisdiction of the Board, which serve to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office.
- B. Board records shall include, but are not to be limited to, all financial records to maintain compliance with audit requirements; all legal records that show the legal organization and role of the agency; records of correspondence detailing grant programs, federal and state entitlement programs; all personnel records; all persons being served documents; all Board meeting minutes and other administrative committee minutes, regardless of format.
- C. As part of the Board's document management procedure, documents will be scanned and maintained on an in-house document management database system. Security level access to all records scanned will be maintained by the Superintendent and the Business Services Department. All records scanned will meet or exceed the scanning guidelines set forth by the Ohio History Connection to ensure longevity of the records. The program used to maintain Board records shall have full audit logging capabilities and shall be used.

II. RETENTION AND DESTRUCTION OF BOARD RECORDS

- A. All Board records that would be considered public information under federal statutes governing disclosure of public information will be maintained in a permanent inactive file.
- B. All Board records that will be considered private records not covered under federal and state statutes governing disclosures of public information will be destroyed in accordance with the retention schedule (Form RC-2).
 - 1. Records of Deceased (ORC 5126.044(C)(3)).
 - a.) When a person receiving Board services deceases, the Board shall on written request provide copies of the documentation to the executor or administrator of the person's estate and to the guardian of the person. If the person served had no guardian at the time of death, the first applicable person in the list below may make a request:
 - (i.) The person's spouse;
 - (ii.) The person's children;
 - (iii.) The person's parents;
 - (iv.) The person's brothers or sisters;
 - (v.) The person's uncles or aunts;
 - (vi.) The person's closest relative by blood or adoption;
 - (vii.) The person's closest relative by marriage.
 - b.) After a person served deceases, the Board will destroy all records after they no longer have any administrative value, up to 7 years past an audit. The Board shall make every attempt to notify someone in the above list that the records of the deceased person will be destroyed.
 - c.) The Board shall provide adequate notice of this policy to each person being served, family member or guardian, as appropriate and the Board shall attempt to secure a signed acknowledgement

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of receipt of this policy during initial enrollment. If the Board is unable to locate parents, guardians or other relatives after the individual being served has deceased, the policy itself, and the signed acknowledgement and the effort to locate parents, guardians, or other relatives, shall satisfy the Board's notification obligations prior to destruction of the records.

- d.) The Board shall post this notification of document destruction on the Board's website and in the Board Office.
 - e.) When a person served deceases, the Board shall check to see if an estate is being administered, and if there is, the Board shall refrain from destroying the records until the estate is no longer administered, provided it has been seven (7) years past the last audit.
- C. Procedures to dispose of records per the Board's approved schedule of records retention and disposition (Form RC-2) will be initiated annually.
- D. The Systems Manager or designee will list those eligible, disposable records on the certificate of records disposal (Form RC-3) in accordance with the Board's approved schedule. The Records Department or designee will obtain approval to destroy the records from the Records Commission, utilizing the procedures outlined in OAC 149:1-1-02 and 149:1-1-03.
- E. All records will be destroyed by the Systems Manager or designee by shredding all material to be destroyed after approval by the Ohio History Connection.
- F. No Board files are to be removed from the Board's Administrative offices without authorization of the Board's Superintendent. Such authority will only be granted to the immediate staff of the Superintendent on his/ her written authorization.
- G. No person is to remove information or material from an administrative file except as authorized by the Superintendent.
- H. All records that are digitally stored, with greater than a ten (10) year retention period, shall be transferred to microfilm seven (7) years after audit.
- I. Electronic media files (i.e. picture, video, audio, etc.) are not considered a separate record series or category. Media that are considered a public record or fall under a retention schedule for private files, should be kept per the corresponding Schedule of Records Retention and Disposition (Form RC-2).
- J. Social Media/Website
- 1. Content posted on the Board maintained websites, social networking (Facebook, Twitter, YouTube) must be analyzed to determine if the posting is a record or non-record.
 - 2. If the content is determined to be a record, the Board must decide whether that record is the Board's official record or a secondary copy. If the information or social media content is duplicated and kept elsewhere (i.e. Press Release, Meeting Minutes), then the social media version should be considered a secondary copy and therefore not need to be maintained in accordance with the records retention schedule. If it is determined that the information is the Board's official record, the information must be retained in accordance with the Board's records retention schedule.
- K. E-mail and Short Message Service (SMS or commonly referred to as TXT messages) are not considered a separate record series or category. It is a means of transmission of messages or information. Retention or disposition of e-mail/text messages must be related to the information it contains or the purpose it serves.

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The content, transactional information, and any attachments associated with the message are considered a public record if they meet the ORC, Section 149.43 criteria.

1. E-mail/text that are considered a public record should be kept per the corresponding Schedule of Records Retention and Disposition (Form RC-2) category retention period. It is the responsibility of the sender and the receiver of the email to maintain and follow the record retention schedule and archiving.
 - a) These official records fall into the following categories (refer to the Board's RC-2 Form for retention period):
 - (i.) Transient Retention: Much of the communication via e-mail has a very limited administrative value. For example, an e-mail message notifying employees of an upcoming meeting would only have value until the meeting has been attended or the employee receiving the message has marked the date and time in his/her calendar.
 - (ii.) Transient Documents: Includes telephone messages, drafts and other limited documents which serve to convey information of temporary importance in lieu of oral communication.
 - (iii.) Intermediate Retention: E-mail messages that have more significant administrative, legal and/or fiscal value but are not scheduled as transient or permanent should be categorized under other appropriate record series. These may include (but are not limited to):
 - (1.) General Correspondence: Includes internal correspondence (letters, memos); also, correspondence from various individuals, companies, and organizations requesting information pertaining to agency and legal interpretations and other miscellaneous inquiries. This correspondence is informative (it does not attempt to influence agency policy).
 - (2.) Routine Correspondence: Referral letters, requests for routine information or publications provided to the public by agency which are answered by standard form letters.
 - (3.) Monthly and Weekly Reports: Document status of on-going projects and issues; advise supervisors of various events and issues.
 - (4.) Minutes of Agency Staff Meetings: Minutes and supporting records documenting internal policy decisions.
 - (iv.) Permanent Retention: E-mail messages that have significant administrative, legal and/or fiscal value and are scheduled as permanent also should be categorized under the appropriate record series. These may include (but are not limited to):

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- (1.) Executive Correspondence: Correspondence of the head of an agency dealing with significant aspects of the administration of their offices. Correspondence includes information concerning agency policies, program, fiscal and personnel matters.
 - (2.) Departmental Policies and Procedures: Includes published reports, unpublished substantive reports and policy studies.
2. E-mail/text messages that do not meet the criteria of the ORC definition of a public record may be deleted after they no longer have administrative value, unless they become part of some official record as a result of special circumstances.