

CITY OF SAN DIEGO  
ADMINISTRATIVE REGULATION

SUBJECT  RECORDS MANAGEMENT, RETENTION AND DISPOSITION	Number 85.10	Issue 6	Page 1 of 14
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1. PURPOSE

- 1.1. To establish procedures for the retention, *disposition*, and preservation of City of San Diego (City) *records*.
- 1.2. To assign responsibility to all City *departments* for the identification, classifying, preserving, and systematic *disposition* of City *records*, including *records* held in response to a *legal hold*.
- 1.3. To ensure compliance with local, state, and federal laws and regulations relating to *records retention periods* and *disposition*.

2. SCOPE

- 2.1. This Administrative Regulation (A.R. 85.10) regarding *records* applies to all City *departments*, both Mayoral and non-Mayoral.

3. DEFINITIONS (Italicized terms in this A.R. not listed in this section are defined in San Diego Municipal Code (SDMC) section 22.2602).

- 3.1. *Appraise* means the process of evaluating *records* to determine their *retention period* based on administrative, legal, operational, fiscal, and historical value.
- 3.2. *City Clerk Archives* means the location used by the City Clerk for keeping the City of San Diego's identified *historical records*.
- 3.3. *City Clerk Records Center* is the location where *Records Management Program* staff manage the intake, barcoding, and tracking of all the boxes in the *City Clerk storage sites* for storage of the City's *inactive records*.
- 3.4. *City Clerk storage sites* are for storage of *department records* separate from the *City Clerk Archives* and the *City Clerk Records Center*.
- 3.5. *Department* means every City department, including the City Council District offices.

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Authorized

Signature on file  
\_\_\_\_\_  
CHIEF OPERATING OFFICER

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- 3.6. *Department Retention File Plan* means a list of *record series* derived from the *Master Records Schedule* applicable to a *City department*.
- 3.7. *Disposition* means a final administrative action taken with regard to records following their appraisal, including transfer from a *department* to the *City Clerk's Records Center*, permanent preservation, and destruction, also expressed by the term "dispose," as used in this A.R.
- 3.8. *Duplicate record* means a reproduction of an original *record*, regardless of whether the *duplicate record* is in the same physical form as the original.
- 3.9. *Historical record* means a *record* worthy of continued preservation because of its administrative, legal, operational, fiscal, or historical content.
- 3.10. *Inactive record* is a *record* no longer needed to conduct current business but is preserved until the end of its *retention period*.
- 3.11. *Legal hold* means a communication issued by the City as a result of current or anticipated litigation, a notice of audit, or a government investigation.
- 3.12. *Master Records Schedule* means the citywide comprehensive retention schedule that categorizes *record series* by business function, as adopted by the City Council (Council) and as may be amended from time to time.
- 3.13. *Nonrecord* means a *record* which is not required to be retained in the ordinary course of City business or is a temporary aid and does not appear in the *Master Records Schedule*. *Nonrecords* include, but are not limited to, the following:
- (1) Brochures, catalogs, pamphlets, and other documents usually received by mail that have no substantive value to the City.
  - (2) Electronic mail, instant messages, and voicemail that are not created for the purpose of preserving documentary or informational content for future use by the City.
  - (3) Information received by the City from electronic mailing lists, services, third parties, and news groups.
  - (4) Notes, worksheets, and rough drafts used as temporary aids by City staff for their convenience and not retained in the ordinary course of business.

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- (5) Blank or obsolete copies of purchase requisitions, travel reimbursement requests, and other forms that would be considered *records* when completed for a specific business purpose.
  - (6) Materials and publications, such as copies of books or periodicals, that are acquired and maintained solely for general reference purposes rather than to support a specific City operation.
  - (7) Extra copies of documents already maintained in an official file.
- 3.14. *Record* means recorded information of any kind and in any form, created or received by the City, that is evidence of its operations. *Records* include paper and electronic documents, electronic databases, electronic mail, correspondence, forms, photographs, film, sound recordings, maps, and other documents that have administrative, legal, operational, fiscal, or historical value requiring retention of the *record* for a specified period of time.
- 3.15. *Records Management Program* means a systematic method of tracking *records* from creation, use, and maintenance to their final *disposition* through a classification and filing system.
- 3.16. *Records series* means a group of logically related *records* that typically consist of multiple documents, folders, or items which are used, indexed, or filed together, sent to storage upon becoming inactive, or not otherwise retained.
- 3.17. *Retention period* means the length of time a *record* must be kept to meet administrative, legal, operational, fiscal, or historical requirements.
- 3.18. *Trusted System* is as defined in California Government Code section 12168.7.
- 3.19. *Vital record* means any recorded information that is essential for the continuation of a department's core functions in the event of a disaster or to protect the rights of the City and its citizens.
4. POLICY
- 4.1. The City Clerk will update the *Master Records Schedule*, with legal review by the City Attorney, when necessary for the addition of new *record series* or to make changes to a *retention period*. Changes to the *Master Records Schedule* require Council approval.

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- 4.2. The Department Director reviews the *Department Retention File Plan* every three (3) years to confirm *records* are specifically and accurately described, and the *retention period* is correct. If there are amendments, the Department Director and the City Clerk approve the *Department Retention File Plan* after legal review by the City Attorney.
- 4.3. *Records* must be retained in accordance with applicable law and the *Master Records Schedule*.
- 4.3.1. The City must permanently retain the minutes, ordinances, and resolutions of the City Council, and of the official City Boards and Commissions.
- 4.3.2. The City must retain *records* for which a *retention period* is defined by local, state, or federal law pursuant to the authority's stated *retention period* and the *Master Records Schedule*.
- 4.3.3. The City must retain all other *records* in accordance with the *retention period* set forth in the *Master Records Schedule* or by a *legal hold*.
- 4.4. The City shall follow the State of California's best practices for storing and maintaining *records* with a retention of ten (10) years or less in electronic media as outlined in the City Clerk's Administrative Guidelines.

5. GENERAL INFORMATION

- 5.1. Employees are responsible for retaining *records* under their control in accordance with the *Department Retention File Plan*.
- 5.2. Email *retention*.
- 5.2.1. The following email messages created or received in connection with official City business must be retained according to the applicable *retention period* in the *Master Records Schedule*:
- a. Email messages that initiate, authorize, or complete a City transaction;
  - b. Email messages that document the formulation and execution of City policies and decisions; and

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- c. Email messages that have sufficient historical, administrative, legal, or fiscal value relating to policy and decision making.

5.2.2. The email *retention period* will depend on the content of the email.

- a. An email message that is a *nonrecord* should not be retained.
- b. An email message that contains the content of a voicemail message may be a *record* and, if so, should be retained according to the applicable retention period in the *Master Records Schedule*.

5.2.3. Email boxes are not a *records* storage system.

- a. Email messages that are subject to a *retention period* under the *Master Records Schedule* must be stored in a *trusted system* as defined in California Government Code section 12168.7 and discussed in section 607 of the City Clerk’s Administrative Guidelines, titled “Trusted Document Management System.”
- b. Staff may not rely on the Department of Information Technology (DoIT) email backup systems for document retention purposes. DoIT backup systems are for disaster recovery purposes only.

5.3. Drafts and Working Copies

5.3.1. Draft and working copies are generally considered *nonrecords* and should be destroyed after the final *record* is developed.

5.3.2. The Department Director may determine that draft and working copies (*nonrecords*) should be kept after the *record* is finalized. If the Department Director makes that determination, the *nonrecords* should not be kept longer than the *record* is required to be kept pursuant to the *Master Records Schedule*.

5.4. Voicemail messages

5.4.1. Voicemail messages should be deleted routinely unless the voicemail message meets the criteria of a *record* or unless it must be retained to comply with a *legal hold*.

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5.4.2. If the voicemail message meets the criteria of a *record* or if it is subject to a *legal hold*, the City employee must convert it to a written *record* and retain it pursuant to the *Master Records Schedule*.

5.5. Legal Holds

5.5.1. A *legal hold* is issued by the COO, Mayor’s office, or City Attorney’s Office to *departments* that may possess evidence that must be preserved for legal reasons, regardless of the *retention period*.

5.5.2. The City Attorney’s Office will inform the COO and the City Clerk when the *legal hold* is no longer in place.

5.5.3. *Records* subject to a *legal hold* must be secured and maintained separately from a system that uses an automatic process to delete data.

5.6. Social media and tools that facilitate conversation, including, but not limited to, Instant Messaging, Twitter, Facebook, YouTube, LinkedIn, and blogs, may create a *record* subject to a *retention period*, to the California Public Records Act (CPRA), to the Ralph M. Brown Act, and to the First Amendment of the United States Constitution. Social media and tools are subject to the same rules as apply to emails and voicemail messages. Please contact the City Attorney’s Office for advice concerning the other potential legal issues mentioned here.

5.7. If personal devices are used to conduct City business, including personal cell phones, tablets, and computers, those writings related to City business, in whatever form (including emails and text messages), may be City *records* and may be subject to disclosure under the CPRA.

6. RECORDS WITH A RETENTION PERIOD THAT EXCEEDS TEN (10) YEARS.

6.1. If a City *record* has a retention period longer than 10 years, the Department Director must ensure it is printed in hard copy and either retained in the *department* or sent to the *City Clerk Records Center* as required by the *Department Retention File Plan*.

6.2. City *Records* with a permanent *retention period* include, but are not limited to:

6.2.1. A *record* determined to be a *vital record* under the SDMC;

6.2.2. *Records* that are required to be included in the *City Clerk Archives*;

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6.2.3. *Records* required to be permanently kept by statute.

7. NEW, COMBINED, OR AMENDED DEPARTMENT RETENTION FILE PLANS

7.1. The Department Director, City Attorney, and City Clerk must approve a *Department Retention File Plan* for a newly created *department* within ninety (90) days from the *department's* creation.

7.1.1. If a new *department* is created by combining existing *departments*, *records* from the combined *departments* will be merged into one *Department Retention File Plan*.

7.1.2. A *Department Retention File Plan* created from merged departments does not need approval as described in section 7.1 unless there is a change to the *retention period* for any *record*.

7.2. If the Department Director fails to act as described in section 10.2.1(d) below, the Mayor will assign responsibility for the *records* of a disbanded *department* to another director and provide notice of this assignment to the City Clerk within thirty (30) days of assignment.

7.3. *Inactive records* left in the offices of past elected or appointed Councilmembers will be closed by the Director of Council Administration consistent with this Administrative Regulation. *Inactive records* left behind in the Office of the Mayor will be closed by the Office of the Mayor in the succeeding administration consistent with this Administrative Regulation.

8. DISPOSITION OF RECORDS

8.1. The *Department Retention File Plan* must state the *records' disposition* after the *retention period* is complete.

8.1.1. If a record was transferred to the *City Clerk Records Center* to retain and store, the Clerk will notify the *department* when the City is no longer required to retain that *record*. The Clerk's Office will review all *records* for historical and archival significance.

8.1.2. *Records* that are kept as convenience or reference copies should be destroyed at the end of the *record's retention period*.

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8.1.3. *Departments* must conduct a review of all *records* eligible for destruction regardless of where the *record* is stored to determine whether a *record* should be retained because of a *legal hold*. The *department* must promptly notify the City Clerk of a decision to retain *records* held by the *City Clerk Records Center* so that it may place a *legal hold* on the record.

8.1.4. *Departments* shall not maintain *records* that pertain to a function assigned to another *department*. Department Directors must transfer *inactive records* to the assigned *department* and document the transfer in City Clerk databases, logs, and transfer lists.

a. If two or more *departments* are working on the same project, the records pertaining to that project will be kept according to each department's *Department Retention File Plan*.

8.2. Department Directors shall maintain and *dispose* of *department records* as described in the *Department Retention File Plan* if they are not transferred to the *City Clerk Records Center*.

8.2.1. Department Directors shall not dispose of any *record* unless the *record* is identified for *disposition* in the *Department Retention File Plan*.

8.2.2. Department Directors shall use the "Department In-house Records Destruction Request" (Form CC-9) to document *records* disposed of within the *department*. The Department Director shall provide a record identified as a *vital record* or as a *historical record* to the *City Clerk Archives*.

9. DOCUMENT RETENTION AND DISPOSITION COSTS

9.1. The Deputy Director of the Records Management Program is responsible for retention of *inactive records* and *disposition* of *records* that the City is no longer required to retain.

9.2. *Departments* are responsible for all costs associated with the *disposition* of their *department's records*.

9.3. The City Clerk uses a "Department Destruction Eligibility Notice" to inform *departments* when their *records* are eligible for *disposition*.



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9.3.1. The City will contract with a third party contractor who will coordinate with the *City Clerk Records Center* to destroy documents at the end of the *retention period*. The City’s third-party contractor will directly bill *departments* for the cost of destroying documents.

9.4. The City Clerk will provide thirty (30) days’ written notice to *departments* of the date in which *records* are eligible for destruction as contained in the “Department Destruction Eligibility Notice”.

9.5. If the responsible Department Director makes a request for delaying the *disposition* of the *records* within that thirty (30) day period, such as for the possibility of a *legal hold* or audit, the Deputy Director of the *Records Management Program* may delay the *disposition* of the *records* or return them to the *department* for review. If the Department Director does not make such a request, the City Clerk will return the *records* to the *department* within ten (10) days of the notice period. The City Clerk is available to assist *departments* as described in section 8.1 above.

9.6. A Department Director shall notify the *City Clerk Records Center* when a *legal hold* concludes. If no notice is given to the *City Clerk Records Center*, the *department’s* Records Coordinator will follow up with the Department Director within a six-month period to determine whether the *legal hold* has been lifted.

10. RESPONSIBILITY

10.1. **City Clerk.**

10.1.1. The City Clerk is responsible for performing all the following duties, including:

- a. Maintaining and overseeing the *Master Records Schedule*.
- b. Assisting *departments* with the development and maintenance of their *Department Retention File Plan*.
- c. Operating the *City Clerk Records Center* for the *disposition* of *inactive records* and notifying *departments* when *records* held by the *City Clerk Records Center* are eligible for *disposition* as specified in the *Department Retention File Plan*.

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- d. Preserving *records* beyond the *retention period* at the request of the originating Department Director in response to a *legal hold*. This request must be made within thirty (30) days following receipt of a “Department Destruction Eligibility Notice”.
- e. Establishing procedures for the efficient administration of a *vital records* program.
- f. Facilitating the *disposition of inactive records* as specified in a *Department’s Department Retention File Plan*.
- g. Maintaining *records* located in *City Clerk storage sites*.
- h. *Appraising historical records* for inclusion in the *City Clerk Archives*.

10.1.2. The City Clerk is also responsible for maintaining *records* that are part of the *City Clerk Archives* for public access, including:

- a. The City Clerk’s online digital archives;
- b. The City’s legal and *historical records*, books, maps drawing, etc. using approved and recognized archival standards.

**10.2. Department Directors**

10.2.1. The Department Director is responsible for appraising *disposition of department records*. This includes:

- a. Maintaining records within the *department*.
- b. Determining whether *inactive records* should be maintained by the *department* or at the *City Clerk Records Center*.
- c. Establishing appropriate standards and procedures for the storage of *records* that are maintained in shared file storage systems under the control of the *department* in accordance with the City Clerk Administrative Guidelines, and SDMC § 22.2602.

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d. In the case of a disbanded *department*, (1) ensuring that the disbanded *department's inactive records* are transferred to the *City Clerk Records Center* and disposed of in accordance with the *Department Retention File Plan*, and (2) informing the City Clerk 30 days before final dissolution of the *department* to ensure all transfer lists have been received and signed off in accordance with procedure by the Department Director or designee.

10.2.2. Each Department Director shall appoint a Records Coordinator for the *department* to serve as liaison between the City Clerk and the *department*.

10.2.3. The Department Director shall review the *Department Retention File Plan* every three years and recommend revisions to the City Clerk if there are changed administrative, legal, operational, fiscal, or historical requirements. The Department Director shall recommend the removal of *records* from the *Department Retention File Plan* when the *record* is no longer maintained by the *department*.

10.2.4. The Department Director shall ensure the safety and preservation of the *department's historical records* by sending historical and legal material to the *City Clerk Archives* to be kept for permanent preservation pursuant to SDMC § 22.2603.

a. *Department historical records* are the property of the City and are not to be given to any third-party vendor or non-profit organization unless the City first enters into a loan agreement with the third-party vendor or non-profit organization.

10.2.5. The Department Director shall consult with the City Clerk to establish a *vital records* program as defined in SDMC § 22.2604.

a. *Departments* are required to identify their *vital records* and obtain approval of their *vital records* program as part of the *Department Retention File Plan* approval process as defined in A.R. 85.30 Vital Records Retention and Preservation and City Clerk Administrative Guidelines 601. *Record* Coordinator.

b. *Departments* are responsible for the cost of managing their *vital records* program and will reimburse the City Clerk in accordance with an established MOU or other appropriate arrangement for any costs incurred in assisting with the management of the program.

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10.2.6. The Department Director shall coordinate and work with DoIT to purge their *department's records* in the City's integrated financial computer system, SAP, and any other citywide content management system according to the *Department Retention File Plan*. A *department* that owns and stores its *records* in these systems or programs is responsible for purging its *records* when the *retention period* expires.

10.2.7. The Department Director shall coordinate and work with the City Clerk, to ensure that *records* are preserved when notified of a *legal hold*. The Department Director shall seek advice from the City Attorney when needed.

10.2.8. The Department Director shall ensure *department* staff receives appropriate training in *records retention* and *disposition*.

10.2.9. All third-party contracts with the City shall require City contractors to retain, protect, and maintain in an accessible location all records and documents, including paper, electronic, and computer records, relating to their Contract for a period of five (5) years after receipt of final payment by City under the Contract.

**10.3. Records Coordinators**

10.3.1. The Records Coordinator, as assigned by the Department Director, is responsible for the following duties:

- a. Appraising, maintaining, and disposing of *department records*.
- b. Updating and recommending changes to the *Department Retention File Plan*.
- c. Attending *Records Management Program* trainings on an annual basis and training their own *department* staff once they have received training from Records Management.
- d. Conducting a physical inventory of *department records* on an as-needed basis when a new *department* is created.

10.3.2. The Records Coordinator must send any records listed on a CC-9 form that have a *retention period* of 50 years or more to the *City Clerk Archives*.

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- a. The Records Coordinator must review the *records* for historical content, whether they are maintained in the *department* or stored with a third-party vendor.
- b. Every two years, the Records Coordinator for each *department* must submit a list to the City Clerk of all permanent retention boxes kept in the *department* or with third-party vendors.

10.4. **Employees are responsible for the following duties:**

10.4.1. Retaining *records* under their control in accordance with the *Master Records Schedule* and *Department Retention File Plan* and applicable local, state, and federal *records retention* statutes.

10.4.2. Preserving *records* that fall within a *legal hold*.

10.4.3. Purging documents in accordance with their *Department Retention File Plan*.

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Legal References

Cal. Civ. Code § 1798.18  
Cal. Gov't Code §§ 34090-34090.8  
Cal. Gov't Code §§ 6250-6276.48  
Cal. Civ. Code § 12168.7 (c)(1)  
San Diego Municipal Code §§ 22.2601–22.2608  
Administrative Regulation 85.30 – Vital Records Retention  
Administrative Regulation 90.61 – Social Media Accounts (confirming status)  
Administrative Regulation 90.62 - Electronic Mail and Internet Use  
Administrative Regulation 95.21 – Responding to Public Records Act Requests

Forms

Form CC-9, Department In-house Records Destruction  
Form CC-1607, Transfer List

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Administering Department

City Clerk