

## CHAPTER XVI. RECORDS RETENTION

### Article 1. General Provisions

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#### ARTICLE 1. GENERAL PROVISIONS

- 16-101            **RECORDS RETENTION ESTABLISHED.** There is hereby established a records retention policy for the City of Colwich, Kansas. The records retention policy dictates the city's handling of all records regardless of medium.
- 16-102            **SAME; PRACTICE AND PROCEDURE.** The procedure for records retention, as set forth in the Records Retention Policy adopted by Ordinance No. 691 by the governing body and all acts amendatory or supplemental thereto shall govern the practice and procedure in handling all records, unless otherwise set forth herein.
- 16-103            **PURPOSE.** The purpose of the records retention policy is to ensure that the City of Colwich retains its official records in accordance with the requirements of all applicable laws and to ensure that official records no longer needed by the City are discarded at the proper time and in the proper method.
- 16-104            **GUIDELINES.** The records retention policy provides guidelines concerning the length of time official records should be retained under ordinary business circumstances as well as the steps the City should take in the event of any pending or imminent investigation, audit or proceeding or any civil or criminal lawsuit involving the City.
- 16-105            **COVERED RECORDS.** The records retention policy applies to all official records generated in the course of the City's operation, including but not limited to:
- a.     Typed or printed hardcopy (i.e. paper) documents
  - b.     Electronic records and documents (i.e. email, Web files, text files, PDF files)
  - c.     Video or digital files
  - d.     Graphic representations
  - e.     Electronically stored information contained on network servers and/or document management systems, and
  - f.     Recorded audio material (i.e. voice mail)
- 16-106            **ADMINISTRATION.**

1. **Records Retention Schedule.** A record retention schedule is approved for the maintenance, retention and disposal schedule of official records of the City. The City's Information Officer administers the policy and implements reasonable processes and procedures concerning the record retention schedule.
2. **Records Administrator.** The Records Administrator is authorized to:
  - a. Make modifications to the Records Retention Schedule from time to time to ensure that this policy complies with state, local and federal laws and includes the appropriate document and record categories for the City;
  - b. Monitors local, state, and federal laws affecting record retention;
  - c. Monitors the compliance of the City's officers and employees with the policy; and
  - d. Takes such other action as may be authorized by the City Council.
3. **Distribution of Policy.** The Records Administrator will arrange for every officer and employee or independent contractor who may have control over or responsibility for the City's documents to receive a copy of this policy and each department head and/or employee shall sign a statement that affirms that they received a copy of this policy, read and understood it, and agreed to comply with it.

16-107

#### STORAGE PROCEDURES

1. **Organization of Records.** In order to facilitate administration of the records retention policy, where practicable, the City's official records should generally be organized and stored according to general categories in a manner that best facilitates the efficient administration of the City's operations. Records within each category should generally be organized and stored in chronological order or by time period (i.e. by month or year).
2. **Dating of Records.** Categories of records not required to be retained on a permanent basis (according to the Record Retention Schedule) should be maintained by date or conspicuously dated to enable such records to be easily identified for destruction at the end of the record retention period as specified in the Record Retention Schedule.
3. **Confidentiality of Records.** Records should be labeled and/or stored in a manner to limit access. Any of the City's email, regardless of the nature of the content, may be subject to disclosure in the course of a government investigation or litigation involving the City. The City provides its employees with email as a tool for performing its employees' work functions. While the City understands that employees may use their email to conduct personal business on a limited basis,

employees should be aware that they have no expectation of privacy for any information or communications contained in work-related email accounts. The City reserves the right to review any of the employee's email at any time.

4. **Electronic Storage System.** The Records Administrator is authorized to develop and implement a system for maintaining the City's records via an electronic storage system that either images hardcopy records or transfers computerized records to electronic storage media (e.g., hard drives, storage area networks, or optical media, such as CDs and DVDs).

16-108

**DOCUMENT DESTRUCTION PROCEDURES** Once records have been retained for the applicable period set forth in the record retention schedule, they should be prepared for destruction in the manner prescribed by the records administrator, unless the records administrator has suspended the destruction of any records. The records administrator shall develop procedures for destroying categories of records that are not listed in the record retention schedule at times and in an effective manner that best facilitates the efficient administration of the city's operations. All paper documents destroyed by mechanical shredder. Electronic data contained on servers and hard drives shall be deleted and overwritten. Electronic data contained on all other media shall be destroyed by the physical destruction of that media.

16-109

**SUSPENSION OF RECORD DISPOSAL IN EVENT OF LITIGATION OR CLAIM**

In the event any employee of the City reasonably anticipates or becomes aware of a governmental investigation or audit concerning the City or the commencement of any litigation against or concerning the City, such employee shall inform the Records Administrator and any further disposal of documents shall be suspended until such time as the Records Administrator, with the advice of the Mayor and the City's legal counsel, determines otherwise. The Records Administrator shall take such steps as are necessary to promptly inform affected staff of any suspension in the disposal or destruction of documents.

16-110

**CONFIDENTIALITY AND OWNERSHIP.**

All records are the property of the City, and employees are expected to hold all business records in confidence and to treat them as the City's assets. Records must be safeguarded and may be disclosed to parties outside of the City only upon proper authorization. Any subpoena, court order or other request for documents received by employees, or questions regarding the release of the City's records, must be directed to the Records Administrator prior to the release of such records. Any records of the City in possession of an employee must be returned to the employee's supervisor or the Records Administrator upon termination of employment.

16-111

SEVERABILITY. If any sentence, section, part or parts of this Article shall be held to be invalid such invalidity shall not affect the validity of the remaining sentences, sections, or parts of this Article.