

DISTRICT RECORDS

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.

The Superintendent or designee shall consult with district legal counsel, site administrators, district information technology 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.

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.

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.

If the district discovers or is notified that a breach of security of district records containing unencrypted personal information has occurred, the Superintendent or designee shall notify every individual whose personal information was, or is reasonably believed to have been, acquired by an unauthorized person. Personal information includes, but is 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. (Civil Code 1798.29)

The Superintendent or designee shall provide the notice in a timely manner either in writing or electronically, unless otherwise provided in law. The notice shall include the material specified in Civil Code 1798.29, be formatted as required, and be distributed in a timely manner, consistent with the legitimate needs of law enforcement to conduct an uncompromised investigation or any measures necessary to determine the scope of the breach and restore reasonable integrity of the data system. (Civil Code 1798.29)

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 pursuant to the Safe at Home program. (Government Code 6206, 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.

DISTRICT RECORDS

Retention of Electronic Records

The Board recognizes that the use of email and other electronic communication in the workplace has increased tremendously, raising issues with respect to communication, creation of information and systems, and retrieval and storage of electronic records. The Board further acknowledges the District's responsibility to make records available to the public, with certain exceptions. Accordingly, the Board directs that all electronic records of this District be maintained, safeguarded, and disclosed in full compliance with the requirements of law. This includes records created, sent, or received using District computers and communications systems or using the *personal* electronic devices or accounts of District employees and officials, if substantive District business issues are discussed.

Access to the District's computers and the District's information and communications systems and equipment is controlled and administered by the District's information technology department. The District has the right to disclose, as permitted or required by applicable law, any communications or records, or copies of communications or records, stored for any period of time in or by the District's information and communications system or equipment, and all communications constituting District-related business in the personal accounts of District employees and officials. Communications constituting District-related business are those communications that relate in a substantive way to the conduct of the District's business. Communications that are primarily personal in nature or that contain no more than incidental mentions of the District's business may not constitute District-related business communications. The District may monitor or access employee communications made using the District's information and communication systems and equipment, and employees should have no expectation of privacy when using the District's information and communication systems and equipment. When passwords are used, they must be known to the Superintendent or designee that he/she may have system access.

Legal Reference (next page):

DISTRICT RECORDS

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*
49069 *Absolute right to access*

CIVIL CODE

1798.29 *Breach of security involving personal information*

CODE OF CIVIL PROCEDURE

1985.8 *Electronic Discovery Act*
2031.010-2031.060 *Civil Discovery Act, scope of discovery demand*
2031.210-2031.320 *Civil Discovery Act, response to inspection demand*

GOVERNMENT CODE

6205-6211 *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

430 *Individual student records; definition*
432 *Varieties of pupil records*
16020-16022 *Records-general provisions*
16023-16027 *Retention of records*

UNITED STATES CODE, TITLE 20

1232g *Family Educational Rights and Privacy Act*

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.8 *Family Educational Rights and Privacy Act*

Management Resources:

WEB SITES

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