

BERKELEY COLLEGE
RECORDS RETENTION AND DISPOSAL POLICY

I. PURPOSE

The purpose of the Berkeley College Records Retention and Disposal Policy is to (1) establish an effective College-wide record retention and disposal system for maintaining, identifying, retrieving, preserving and destroying records, (2) ensure that records are adequately protected, (3) preserve College history, (4) ensure that records that are no longer needed or of no institutional or business value are destroyed at the appropriate time, and (5) comply with all applicable local, state, and federal laws and regulations.

II. SCOPE

This policy applies to all College Information regardless of format, including audio recordings, voice mail, electronic, microform (e.g., microfilm, microfiche, magnetic tapes, and CD-ROM), paper, or any other medium commonly used for documenting and preserving data.

III. APPLICABILITY

All employees (“Associates”) and/or non-employee representatives who conduct business for or on behalf of Berkeley College.

IV. DEFINITIONS

Active Record	See “College Record” definition.
Archival Record	Records that have permanent value of the following nature: <ul style="list-style-type: none">• Legal• Fiscal• Administrative• Historical (see definition)
Centrally Managed System	College data system and/ or application under the control of and administered by the College IS Department
College	Berkeley College including all locations, departments, and divisions.
College Archives	A records management function managed by the College Library.

College Data	<p>College Data (or “College Information”) is any data that is collected, maintained, or utilized by the College for the purpose of carrying out institutional business. College Data is divided into three classifications:</p> <ul style="list-style-type: none">(1) Legally Protected Data;(2) Non-Public Data; and(3) Public Data. <p>For ease of reference, Legally Protected Data and Non-Public Data may be collectively referred to as “Sensitive College Data.”</p> <p>Legally Protected Data means certain types of information that must be kept confidential and protected from unauthorized access or disclosure in accordance with federal and state laws and regulations, including, but not limited to, social security numbers; bank account numbers; driver’s license numbers; student loan information; grades; transcripts; and health information.</p> <p>Non-Public Data means information that must also be kept confidential and protected from unauthorized access or disclosure, but may not be legally protected. Non-Public Data includes, but is not limited to, competitively-sensitive information (such as College proprietary, planning, strategy, operations, and financial information); information subject to a non-disclosure agreement; and personal directory information of associates.</p> <p>Public Data includes any information that is easily accessible from public records, may be released without written consent, and/or is generally not considered harmful or an invasion of privacy if disclosed. Public Data includes, but is not limited to, student Directory Information as defined in the College’s Student Records (FERPA) Policy and information accessible through the College’s public website berkeleycollege.edu.</p>
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College Record	<p>Any recorded data or information that is prepared, owned, used, received, or retained by a College associate or Department in the ordinary course of College operations. All College records regardless of their format whether audio recordings, email, handwritten, typed, printed, photographed, photocopied, or recorded by any method used to memorialize and preserve information are subject to this Policy.</p> <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> <p>Active Record A College Record that is currently being used in the ordinary course of College operations.</p> <p>Inactive Record A College Record that is no longer being used in the ordinary course of College operations that must be retained until the end of its Record Retention Period and is not required to be preserved in accordance with an existing, known, or reasonably expected Litigation Hold Notice.</p> <p>Expired Record A College Record</p> <ul style="list-style-type: none"> (i) that is no longer being used in the ordinary course of College operations; (ii) is listed under the Record Retention Schedule and whose Record Retention Period has ended; (iii) that is not subject to a Litigation Hold Notice; and (iv) that is not a Historical Record. </div>
Custodian of Record	The designated College Department, as identified in the Record Retention Schedule, responsible for retaining and timely disposal of College Records in compliance with this policy.
Department	Any and all academic, clinical, and administrative offices of Berkeley College.
Expired Record	See "College Record" definition.
Historical Record	Records which may or may not be included on the record retention schedule but have historical or archival value to the College.
Inactive Record	See "College Record" definition.

IS	The College Information Systems Department (IS) that maintains College Information or College Data Resources.
Litigation Hold Notice	A written notice to preserve documents, issued by the Office of General Counsel (OGC).
Non-Record	<p>Any record or communication including informal communication not listed in the Record Retention Schedule. The differences between a non-record and a College record are the reasons for keeping the information and how the information is used.</p> <p><i>Examples:</i></p> <ul style="list-style-type: none"> • Extra copies kept only for convenience. • Informational copies of correspondence and other papers on which no documented administrative action is taken. • Duplicate copies of documents maintained in the same file. • Requests from the students for basic information such as manuals and forms that do not have any administrative retention requirements. • Transmittal letters that do not add information to that contained in the transmitted material. • Reproduced or published material received from other departments which requires no action and is not required for documentary purposes. The originating department is required to maintain the record copy. • Catalogs, trade journals, and other publications or papers received which require no action and are not part of a case upon which foreseeable action will be taken. • Library material collected for informational or exhibition purposes. • Stocks of publications, forms, or other printed documents which become obsolete or outdated due to revision. The originating department should maintain a record copy. • Working papers, preliminary drafts, or other material summarized in final or other form and which have no value once action has been taken.
Record Retention Period	The length of time for which the Custodian of Record is responsible for retaining a specified College Record in accordance with the Record Retention Schedule.

Record Retention Schedule	The table listing the required Record Retention Period and the designated Custodian of Record for each identified College Record - Exhibit A.
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V. POLICY

A. College Records and Record Retention Schedule

Active, Inactive, and Historical Records must be maintained in accordance with the Record Retention Schedule and this policy. Expired Records must be destroyed in accordance with this policy.

The Record Retention Schedule designates the Custodian of Record for each identified College Record.

If a record is not found under the Record Retention Schedule, it must be destroyed once it is no longer needed in the ordinary course of College operations. However, if a Functional Vice President (FVP) believes a record not listed on the Record Retention schedule should be retained, the Record Retention Schedule should be amended accordingly. Likewise, if the FVP believes that a College Record should be retained beyond the time period specified on the Record Retention Schedule, the Record Retention Schedule should be amended accordingly.

The Record Retention Schedule identifies certain Historical Records. However, some Historical Records may not be listed in the Record Retention Schedule given the nature of their content and the events associated with the Historical Record (e.g. a letter or e-mail written memorializing an important event). Retaining these types of Historical Records is a responsibility shared by all College Associates. Records transferred to the College Archives may be retained by the office of origin for up to 99 years. Longer retention may apply if required by federal, state, or local statute.

If a record fits within two categories, each having a different retention period, the longer period governs. In order to facilitate compliance with this Policy, all Record Retention Periods expiring during a calendar year may be extended to the last day of that calendar year. All College Records expiring during a calendar year should be destroyed within 30 days of the last day of that calendar year.

B. Non-Records

All Non-Records (i.e. any communications not listed in the Record Retention Schedule, informal communications, outside publications) should be destroyed when no longer required for business purposes.

C. Copies of College Records

Departments and/ or Associates that are not the designated Custodian of Record for an identified College Record are expected to only retain copies and drafts of such College Record to the extent necessary to conduct College operations. Those College Departments and/or

Associates must destroy such copies/ drafts once they are no longer needed to conduct College business unless subject to a Litigation Hold Notice.

The designated Custodian of Record for an identified College Record should only retain originals of Inactive Records and destroy all copies and drafts.

D. Litigation Hold Notices

Any College Records subject to a Litigation Hold Notice must not be destroyed without the prior approval of the OGC.

E. Security – Sensitive Data

Many College Records contain sensitive data which is protected by College policies and procedures, as well as, state and federal laws and regulations including but not limited to the Family Educational Rights and Privacy Act (“FERPA”), the Health Insurance Portability and Accountability Act (“HIPAA”), the Gramm-Leach-Bliley Act, (GLBA) and the Fair and Accurate Credit Transactions Act (FACTA) of 2003. This Policy shall be implemented in a manner consistent with all such policies, procedures, laws and regulations, as those may be amended from time to time.

F. Records Management Responsibilities

Records management is the responsibility of all Associates of the College.

1. Responsibilities of Department Head.

The Functional Vice President (FVP) of each College Department is responsible for:

- Maintaining and updating the College Record Retention Schedule for that particular Department
- Developing and maintaining practices and procedures that meet the specific requirements of sections V. and VI. of this policy;
- Ensuring all associates of the Department comply with this Policy;
- Reporting non-compliance with this Policy to the Human Resources Department;
- Designating one or more Records Management Administrators (RMA) depending on organizational structure. Where a Department is small or has minimum records management obligations, the FVP or Department Head may consider serving as the Records Management Administrator. Where a Department is large or has complex records management obligations, the FVP or Department Head should consider designating more than one Records Management Administrator; and
- Designating an Alternate Records Management Administrator in the event the current Records Management Administrator departs from the College or is unavailable.
- Where a Department serves as Custodian of Record with regard to a College Record, the Department is responsible for maintaining its designated College Record in compliance with the Record Retention Schedule.
- Provide the name of the designated departmental RMA and alternate RMA to the Human Resources Department annually by January 31st.

2. Responsibilities of Records Management Administrator (RMA).

- The Records Management Administrator must implement the Department's established record management practices and procedures on a day-to-day basis.
- Specifically, the Records Management Administrator is responsible for coordinating:
 - retention, preservation, and destruction of College Records in accordance with this Policy and the Department's records management practices and procedures.
 - the Department's efforts to comply and respond to any issued Litigation Hold Notice, internal or external investigations, court orders, or other requests for records in a timely fashion.
- ❖ A list of all current Records Management Administrators will be maintained by the Human Resources Department.

3. Responsibilities of Associates.

All Associates are responsible for the College Records in their possession. Associates are responsible for reviewing the content of the records they use in conducting College operations and complying with this policy.

The IS Department is not responsible for determining whether an electronic record must be retained or destroyed in accordance with this policy.

Every Associate is responsible for complying with this policy as well as the record management practices and procedures established by their Department. Failure to comply with this policy may result in disciplinary action (up to and including termination) and/or legal action. If an Associate believes another College Associate is violating this policy (e.g. destroying College Records required to be retained), such College Associate should immediately contact the Human Resources Department or report such incidents through the College's EthicsPoint hotline at www.ethicspoint.com or 866.294.8668.

VI. REQUIREMENTS FOR DEPARTMENT RECORD RETENTION PRACTICES AND PROCEDURES

A Department's practices and procedures must cover all aspects of records retention including maintaining, identifying, retrieving, preserving and destroying College Records. Such practices must take into account business needs as well as legal and security requirements. In addition, such practices should allow for efficient access and retrieval of College Records.

A. Filing and Retrieval System: Management of Active, Inactive and Archival Records

Departments shall implement and maintain a Department-wide centralized and/or uniform filing and retrieval system with which all Associates of the Department must comply. The system should be based on the nature of the Department's business need. This will ensure efficient and streamlined accessibility, retrieval, and destruction of records. The same system used for maintaining Active Records in the ordinary course of business should be followed for the centralized storage of Inactive Records.

B. Protection and Security of Sensitive College Data

Departments must implement practices that protect sensitive College data contained in College Records in accordance with relevant laws and College policies. Such protections must be applied in maintaining Historical Records, the storage of Inactive, Archival, and Historical Records, and the destruction of Expired Records. The level of security that applies to an Active Record must be maintained when such a record becomes an Inactive, Archival, or Historical Record. See Section F below for further requirements for destroying such records.

C. Responding to Records Requests

Departments must implement practices that allow for efficient compliance and response to any Litigation Hold Notice, internal or external investigation, court order, or other requests for College Records in a timely fashion.

D. Physical Storage Facilities Practices

A Department's storage facility practices must ensure the preservation of all College Records not converted to digital or imaged format in their original condition while also ensuring efficient retrieval of such records. Departments should secure any physical on-campus storage facility to avoid unauthorized access. In addition, those practices should protect such records from possible physical damage including:

- Pest infestation
- Fire, smoke, or sprinkler damage
- Water damage (e.g., humidity, leaky pipes)
- Damage from magnets (e.g., digital data on magnetic storage media)
- For off-site storage, Departments may only use an approved College-designated storage facility.

E. Retention Practices

College Records must be retained by the Custodian of Record in the following manner:

- Hardcopies must be retained in hardcopy form unless converted to electronic format in a College centrally managed system.
- Electronic records, such as e-mails and other electronic documents that are not retained in a College centrally managed system should be printed in hard copy form in a manner that preserves their original content and form.
- Electronic records stored within a College centrally managed data system must comply with the requirements under Section VI.B and C above and other applicable College policies. The Custodian of Record is responsible for contacting and consulting with IS to ensure such compliance.

F. Destruction of Expired Records

If the Custodian of Record believes that an Expired Record has historical value and should be permanently retained as a Historical Record, the College Library should be

consulted. Otherwise, all other Expired Records must be destroyed by the Custodian of Record in the following manner:

i. **Hardcopy Destruction.**

Expired Records in hardcopy form that do not contain sensitive College data should be recycled. Expired Records in hardcopy form that do contain sensitive College data should be shredded in a manner that renders them unreadable and that would prevent them from being reconstructed. Security of the Expired Records must be maintained until proper destruction is performed. A record of destruction must be obtained by the Custodian of Record as proof that the records were destroyed.

ii. **Electronic Records.**

Generally, records should not be kept in e-mail. The College e-mail system is not intended for record keeping or storage purposes and e-mails and attached documents (e.g., Word Documents, Excel, and PDFs) should be systematically deleted. If an attachment to an E-mail must be retained under this policy, the Custodian of Record must assure that the record is kept in the file or database in which records of the same type are kept.

The Custodian of Record is responsible for contacting and consulting with the IS Department to ensure that Expired Records contained in College Centrally Managed systems are properly destroyed and a record of destruction maintained.

Devices or other media that store electronic records (e.g., hard drives, floppy disks, jump drives, CDs, etc.) should be destroyed in a manner consistent with media sanitization methods which include disintegration, incineration, pulverization or melting. The type of sanitization required will depend on the type of device as well as the nature of the information contained in the device. Such destruction methods require technical expertise and should be conducted by authorized personnel. The IS Department and any College's designated off-site storage facility must provide those services. Associates should consult the IS Department or the College's designated off-site storage facility to arrange for such destruction.

H. Non-Compliance

Failure on the part of associates to follow this policy can result in possible civil and criminal sanctions against the College and may result in disciplinary action up to and including termination and/ or legal action.

I. Review and Amendment

The [Data Security Committee] will periodically review and revise this policy as necessary to ensure it is current and up to date.