

Descriptor Term:
ELECTRONICALLY STORED INFORMATION RETENTION

Descriptor Code:
5.0710/7.2000

Legal References: Fed. R. Civ. P. 16, 26, 33, 37, 45; North Carolina Public Records Act, G.S. 132; *E-Mail as a Public Record in North Carolina: Guidelines for its Retention and Disposition*, N.C. Department of Cultural Resources, Division of Archives and History (2002); *Records Retention and Disposition Schedule for Local Education Agencies*, N.C. Department of Cultural Resources, Division of Archives and History (1999)

Cross References: 4.2500/5.0750/7.2120 North Carolina Address Confidentiality Program; 5.0700 Public Records – Retention, Release and Disposition;

Public record-keeping requirements and federal and state law require that the school system properly manage its electronically stored information ("ESI"). As set forth below, the school system shall retain and destroy ESI in accordance with this policy and/or the approved Records Retention and Disposition Schedule ("Schedule") for local education agencies adopted by the North Carolina Department of Cultural Resources.

A. SYSTEM-WIDE E-MAIL RETENTION AND EMPLOYEE RESPONSIBILITY FOR ESI

All e-mails produced and received are the property of the school system and shall automatically be retained by the school system for a minimum of three years. In some cases, business-related e-mails must be retained longer, according to the Schedule, and individual employees are required to review the Schedule and save such e-mails, in hard copy or electronic format, for the applicable time period. For ESI other than e-mail, each employee shall retain such records, in hard copy or electronic format, for the time period required by the Schedule.

B. LITIGATION HOLDS FOR ESI

The school system shall have an ESI team. The ESI team is a designated group of individuals who implement and monitor litigation holds, which are directives not to destroy ESI that might be relevant to a pending or imminent legal proceeding. The ESI team must include a designated school administrator, the school board attorney and a member from the technology department. In the case of a litigation hold, the ESI team shall direct employees and the technology department, as necessary, to suspend the normal disposition procedure for all related records.

C. INSPECTION OF ESI

Any requests for ESI records should be made in writing and shall be reviewed by the records officer (see policy 5.0700 Public Records – Retention, Release and Disposition), in consultation with the school board attorney if needed, and released in accordance with North Carolina public records laws.

D. DELEGATED AUTHORITY

The board of education delegates to the superintendent or his/her designee the right to implement and enforce additional procedures or directives relating to ESI retention consistent with this policy.