

Kensington Police Protection and Community Services District

BOARD OF DIRECTORS MEETING

February 13, 2020

Consideration of New Policy 1000 Part 2, Records Management

BACKGROUND

The District has been in the process of updating its Policy and Procedures Manual since the end of 2017. Thus far, the Board has adopted new Policies 3000, 4000 and 4100. On December 12, 2019, the Board adopted the first half of a new Policy 1000. Staff now asks the Board to consider the second half of that Policy, addressing records management.

Under Policy 1000.2, the Board can adopt or amend a policy by 3 votes at a regular meeting.

I. SIGNIFICANT CHANGES AND ANALYSIS

The District has a 2002 document entitled "Records Retention Guidelines." The provenance of this document is unclear. Whether it was Board-adopted or not, it is relatively unspecific. Please note that these policies do not address most Police Department documents. We understand that the Interim Chief of Police intends to add a records management policy to the KPD's Policies and Procedures.

In 2004, the Secretary of State issued Local Government Records Management Guidelines. Although the SOS's website describes these Guidelines as "a work in progress," the document provides useful insight into the purpose of an efficient records management system. In particular, the following principal is helpful:

In general, records should be retained only as long as they serve the immediate administrative, legal and/or fiscal purposes for which they were created. When records no longer serve these purposes, they should be disposed of or preserved for archival purposes, whichever is appropriate.

Section 2-2010.

The Guidelines also advise that administrative records have administrative value only if they assist the agency current or future work. Legal records are valuable where they contain evidence of the agency's legally enforceable rights and obligations. Fiscal records are valuable both to document ongoing transactions and to protect the agency against future court action and audits.

Records may retain some historical interest even after they have lost the value for which the agency originally kept them. However, any historical value must be weighed against the significant liability arising from unnecessary records: the need to collect, review and produce records as mandated by the Public Records Act. As the Board is aware, the Public Records Act imposes significant costs on public agencies, in both time and money. Our only means of

controlling these costs is eliminate records that are no longer helpful to the District to the extent allowed by law.

In very large part, the new Policies 1055 and 1056 track the CSDA Model that has served as the basis for the previously adopted new policies. However, staff has made a couple of substantive changes to reflect Kensington's particular circumstances.

1. Recordings of Board Meetings, Policy 1055.5:

The CSDA Model provides for retaining these records for one year. However, the recently adopted Policy 4140.1.3 directs that the District shall keep the recordings for sixty months and Policy 1055.5 uses that timeframe. This provides ample time for interested parties to confirm that the minutes reflect Board decisions or to make copies of the records if they so wish.

2. Email Management, Policy 1056.3

Over the past years, email use has exploded, created an ever-increasing number of electronic documents. Email management is a challenge for many organizations and individuals. Public agencies face a particular challenge because of the Public Records Act. Even an agency as small as Kensington – over the past year, we have expended dozens of hours and thousands of dollars responding to records requests. This is largely due to the numerous emails covered by the request.

The CSDA Model Manual attempts to address this problem by the following requirements:

- All email relating to District business be stored on the District's system so that staff can access them when necessary.
- All electronic messages must be destroyed after two years.

Staff recommends these additional requirements, based on our experience.

- a) All substantive email whose retention is necessary or appropriate for the conduct of District business shall be placed in a subject matter file for easy retrieval and production.
- b) Any other email shall be considered ephemeral in nature and deleted as soon as practicable.
- c) The two-year timeframe for destroying electronic messages is subject to any more explicit requirements in Policy 1055.

RECOMMENDATION

Staff recommends that the Board discuss the proposed new policies, make any desired changes and the attached resolution adopting Policies 1055 and 1056.

ATTACHMENTS

Exhibit: Draft Resolution
Draft Policies 1055 and 1056

Submitted By: Ann Danforth