

TULARE LOCAL HEALTHCARE DISTRICT
POLICY FOR THE PRESERVATION, PROTECTION, RETENTION AND
LEGAL DISPOSITION OF DISTRICT RECORDS
RECORDS & DATA RETENTION AND DESTRUCTION SCHEDULE

PURPOSE

The Tulare Local Healthcare District (“District”) adopts the following record retention and destruction policy and schedule to establish the retention periods for records and reports that are generated in the course of District and healthcare operations; establishes comprehensive and uniform methods for the cost effective and efficient management of the District’s public records (including creation, utilization, maintenance, security, retention, storage, preservation, and destruction), and ensures legal requirements and professional standards.

POLICY

This Policy is established by the District in accordance with all relevant federal, state, and local laws, and contractual requirements. In particular, this Policy is established in accordance with the State records retention laws (Government Code §34090, *et seq.*) as well as the California Public Records Act (Government Code §6250, *et seq.*). Additionally, where relevant to the particular needs of the District’s management of records, the District has incorporated provisions from professional standards and guidelines. All written or electronic documents, sound, or video works created by employees in the course of executing the District’s business are records under this policy regardless of whether they are managed in a formal process by the employee’s department or kept by an employee or their work unit for reference or any other purpose.

AUTHORITIES

The legal authorities and professional guidelines applicable to the management of District records include the following:

Federal and State Law. Numerous Federal and State laws related to minimum record retention requirements and statutes of limitations apply to different types of records. Each record listed in the Records Retention Schedules will have applicable laws cited.

Government Code §34090 et seq. The principal provisions of California law applicable to District records retention requirements are addressed in Government Code §34090, *et seq.*, which generally require original public records to be retained for a minimum of two years, and sets forth other requirements for the retention and destruction of specific public records. This Policy establishes the procedures consistent with the provisions within the state law for the destruction of original public records which have been retained for at least the minimum retention period and are no longer required by the District for business or historical purposes. The Policy also addresses the destruction of records which have been replaced by “Trusted Copies” (GC §34090.5) and the destruction of “Duplicate Copies” (GC §34090.7). Per subsections of the code, the state law provisions do not authorize the destruction of:

- A. Records affecting title to real property or liens thereon
- B. Court records
- C. Records required to be kept by statute

- D. Records less than two years old
- E. The minutes or resolutions of the District Board of Directors or committees.

Government Code §6200-6203 et seq. Except as otherwise provided by Government Code §34090 *et seq.*, Government Code §6200 *et seq.* provides that any District employee who is found guilty of willfully destroying (including altering, falsifying, mutilating, defacing, or stealing, in whole or in part) a public record may be punished by imprisonment of up to four years. For non-officers guilty of the same acts Government Code §6201 sets the penalty at up to a year's term in prison or jail, or by a maximum \$1,000 fine, or both. Section 6203 might apply to the act of an official denying in writing that a record existed, or maintaining it had been lost or destroyed—contrary to fact. Every officer authorized by law to make or give any certificate or other writing is guilty of a misdemeanor if he makes and delivers as true any certificate or writing containing statements which he knows to be false.

Government Code §6250 et seq. The California Public Records Act (Government Code §6250 *et seq.*) provides definitions for “writings” and “public records” for the purpose of determining which public documents are required to be disclosed to the public upon request, and which public documents are confidential or otherwise exempt from disclosure. In enacting this chapter, the Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state.

Professional Standards and Suggested Retention Guidelines. Selected professional associations and other governmental agencies, such as the California Secretary of State and the Department of Justice have published standards, model retention guidelines, and/or articles recommending retention periods for different types of records. Although these standards and guidelines are not binding upon the District, the District will take these documents into consideration in establishing the District's Records Retention Schedules and, where applicable, the District will identify deviations from these suggested guidelines within the Records Retention Schedules.

RESPONSIBILITIES

Active management of the District's records is required to ensure that the records are properly maintained. This section identifies staff responsible for managing the District's records.

Board of Directors. The Board of Directors review and approve the Policy, the Records Retention Schedules, and any amendments to either the Policy or the Records Retention Schedule.

Chief Executive Officer. The Chief Executive Officer shall be responsible for administering the Policy, is authorized by the Board of Directors to interpret and implement the Policy, including but not limited to determining which public records should be included in each category or records under this policy, appraising the utility to the District of various categories of public records, identifying vital and/or confidential records, and establishing reasonable retention periods for various categories of public records.

Records Coordinator. The Records Coordinator shall be responsible for implementing and coordinating the District's Records Retention and Destruction program, disseminating information and providing training to other staff, establishing and maintaining a destruction of records program once retention periods have been expired, assisting staff in compliance with approved policy, providing review of changes in records management practices relating to the Policy and the Records Retention Schedule, providing review of any proposed amendments to the Policy or to the Records Retention Schedules, and coordinating comments in order to prepare recommendations for approval by the Board of Directors, receive Chief Executive Officer approval of records destruction for final review and processing, maintain

official record of all documents related to the District's retention and destruction program and any amendments or updates.

Other Staff. Any staff member who routinely works with the District's records, as required by their assignment, is responsible for reviewing this Policy and the Records Retention Schedule, maintain the security of the records that are identified as confidential, surrendering any and all documents to their supervisors, Chief Executive Office or Board of Directors when requested.

DEFINITIONS

Writing. As defined by Government Code §6252(g), "Writing" means any handwriting, typewriting, printing, photo stating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored."

Thus, "Writing" is a comprehensive definition that includes the subsets of public records, trusted copies, confidential records, duplicate copies, non-record writings, vital records, historical records, active records, inactive records, electronic records and transitory records, as defined within this Policy.

Non-record Writing. Any writing which is not within the definition of a Record. Examples of "Non-record Writings" include writings that are not directly related to the conduct of the District's business and/or are used specifically for reference including, but not limited to, text books, brochures, catalogs, or seminar announcements.

Record/Public Records. As defined by Government Code §6252(e), "'Public Records" includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics." Thus, "Record" or "Public Records" includes the subsets of trusted copies, confidential records, vital records, historical records, active records, inactive records, electronic records and transitory records, as defined within this Policy.

Trusted System. As defined by GC §12168.7(c), "'Trusted System" means a combination of techniques, policies, and procedures for which there is no plausible scenario in which a document retrieved from or reproduced by the system could differ substantially from the document that is originally stored." Thus, a "Trusted System" includes any method of creation, management and/or storage of an Official Record, as defined within this Policy.

Trusted Copy. A "Trusted Copy" is a copy of an originally created record if the copy is created on a Trusted System. "Trusted Copies" are photographically or electronically generated documents controlled by daily operational procedures and policies to ensure reasonable expectations of document integrity, free from physical or electronic additions, subtractions or other modifications that would change the content of the original document. Once a "Trusted Copy" is created, it will replace the original source document, and the "Trusted Copy" must then be retained as the Official Record in accordance with the requirements of this Policy and the Records Retention Schedules.

Official Record. An "Official Record" is the original record or "Trusted Copy" having the legally recognized and enforceable quality of any writing containing information related to the conduct of the District's business.

Duplicate Copy. A record that is a copy of an Official Record if the copy is not within the definition of a “Trusted Copy”. In addition to hard-copies of Official Records, “Duplicate Copies” also include, but are not limited to, database backups or other copies of electronic records.

Confidential Records. There are many sources of legal authority that define a “confidential record” including, but not limited to, the California Public Records Act, Government Code §6250 through §6270. Therefore, it would be impractical to list all definitions of a “confidential record” within this Policy.

In general, a “confidential record” is any record not disclosed to the public unless directed by court order. Examples of a “confidential record” may include, but are not limited to, the following:

- A. Personnel Records. Examples include any personnel, medical or similar files, the disclosure of which would cause an unarranged invasion of personal privacy.
- B. Pending Litigation or Claims. In general, Government Code §6254 provides that when litigation or a claim is filed against the District, the records pertaining to the litigation or claim are exempt from public disclosure until the litigation or claim has been adjudicated or settled.
- C. Attorney/Client Privilege and Attorney Work Product. As a general rule, it should be presumed that all communications from Legal Counsel’s office on behalf of the District are subject to attorney/client privilege, and the communications should be protected accordingly.
- D. Feasibility Studies for Property Acquisition or Public Contracts. Unless required to be disclosed by eminent domain law, feasibility studies relative to the acquisition of property, or to prospective public supply and construction standards contracts, are not disclosed until all the property has been acquired or until the contract or agreement has been executed.
- E. Proprietary Information Obtained by the District. Proprietary information will not be disclosed if any of the following apply:
 1. The outside party providing the information submits the information with the expressed intention to maintain the confidence.
 2. The information has not previously been disclosed to others.
 3. The outside party has a reasonable expectation that the information will be maintained in confidence based upon the manner by which the District obtained the information.Examples include, but are not limited to, financial information or computer source code submitted as a condition of a license, permit or certificate.
- F. State Board of Equalization Data. The District may collect and store confidential information about taxpayers and sends this information to the California State Board of Equalization. The District and the Board of Directors have a responsibility under the law to protect this information from unauthorized access, use and disclosure.

Vital Records. Includes records that are needed to continue or resume basic District operations in the event of a disaster.

Historical Records. Records valuable to future researchers that document accomplishments, changes, and growth of the District.

Active Records. Records referenced and readily accessible in the general conduct of current District business.

Inactive Records. Records that are no longer referenced, nor required to be readily accessible, in the general conduct of current District business. Such records may be stored at an off-site storage location or within the work area during their required retention period.

Retention Period. A “Retention Period” is the length of time that a particular record is retained by the District before it is disposed of in accordance with this Policy. The “Retention Periods” for District records are identified on the Records Retention Schedule.

Records Retention Schedule. “Records Retention Schedule” lists all records which are prepared, owned, used, or retained by the District, and identify the required retention period for each record. The “Records Retention and Destruction Schedule”, and any amendments or updates, are approved by the Board of Directors resolution.

Citation(s). “Citations” listed in the Records Retention Schedules are the legal bases for a minimum retention period, as required by federal, state, regional and/or local governmental agencies.

Transitory Records. A writing with only transitory (short-lived) value since the information is used for a relatively short period of time. Examples include, but are not limited to, the following documents that are not retained in the ordinary course of business:

- A. Preliminary drafts
- B. Notes
- C. Interagency/intra-agency memoranda
- D. Voicemail
- E. Handheld recorders
- F. Databases

Electronic Records. Records that contain information readable by machine or computer, and which may include information such as text, numbers, graphs, line drawings, pictures, images, video or sound are considered “Electronic Records”. Examples of “Electronic Records” include, but are not limited to, the following:

- A. Audio or video recordings
- B. Electronic mail
- C. Databases
- D. Digital images
- E. Presentation graphics
- F. Word processing files
- G. Spreadsheet files
- H. Voicemail
- I. Text messages
- J. Instant messages

“Electronic Records” reside on, but are not limited to, media such as magnetic disks or tapes, audio or video cassettes, optical disks, DVDs, CDs, hard drives, or memory sticks.

Electronic Mail (E-mail). Messages and communications transmitted over internal and external networks are considered “Electronic Mail”. The District considers “Electronic Mail” a transitory record.

Databases. “Databases” consist of electronic files and fields of data, which manage and store information useful to the department. “Databases” are modified over time through the addition,

deletion, or modification of data. "Databases" may be maintained by the District or hosted by outside sources.

Media. The physical format in which a record is maintained including, but not limited to, paper, photographic, micrographic, computer storage, and any other recording or storage method.

Indexes and Metadata. Information supporting a record that is unique and distinguishes one record from another. "Indexes" and "Metadata" may include, but are not limited to, record titles, record series codes, dates, project number, account number, or other source information describing the record's contents. Such information, in and of itself, does not constitute a record.

PROCEDURE

The Procedures for the management, storage and preservation, and destruction of records are as follows:

Access to Electronic Records Systems. The Chief Executive Officer, or designee, shall approve access to electronic records systems for any employees, contract employees, consultants, or volunteers, as needed to fulfill the requirements of their employment.

Any electronic records system is subject to audit on a periodic basis. An audit may include operations performed on the database, the date and time an operation occurred and by whom, the database record number, the database index and/or metadata associated with the record, or any other pertinent data where practical.

Process for Scanning/Imaging of District Records and Documents. Scanning is the District's document management system for archiving electronic Trusted Copies and for electronic copies of documents for which there is no legal authorization for destruction (e.g. records affecting title to real property or liens thereon; minutes or resolutions of the legislative body or of a District's board, agency or commission). These documents must be stored in "Tagged Image File Format" (TIFF) or Portable Document Format (PDF), indexed as required by this Policy, and searchable utilizing Optical Character Recognition (OCR).

Procedures for scanning a hard-copy document as a TIFF or PDF image for storage as an Official Record shall be established and reviewed periodically by each area, based upon their specific needs. Priority shall be given to those records that must be retained on a permanent basis, and to those records which need to be frequently retrieved. Examples of records eligible for scanning include, but are not limited to, the following:

- Resolutions
- Minutes
- Plans and Permits
- Contracts and Agreements
- Approved Construction Plans
- Purchase Orders, Time Cards and other financial records

Department shall review and purge unnecessary documents from their records prior to scanning. Purging involves evaluating documents within a record, and discarding documents determined to be Transitory Records, Duplicate Copies or Non-Records.

After the TIFF or PDF images are created, the department shall verify the images are legible and complete. Images will be verified, indexed, and the OCR process completed as soon as possible after scanning occurs.

APPRAISAL OF RECORDS

After completion of the records inventory, each category of records shall be appraised for their utility and value to the District. The records appraisal will:

- A. Identify vital records that are permanent and may not be destroyed or disposed of pursuant to law;
- B. Identify records with historic and/or research value;
- C. Identify records that can be destroyed immediately because they have no administrative, fiscal, historic or legal utility to the District; and,
- D. Identify records that should be transferred to low-cost storage.

ESTABLISHMENT OF RETENTION PERIOD

Establish reasonable retention periods for each category of records based upon their immediate and future usefulness of each category of records to the District. Retention periods should be assigned to records based on the principle that records should be retained only as long as they serve the immediate administrative, fiscal, historic and/or legal purpose for which they were created, and that such categories of records should be disposed of when they no longer serve such purposes. The Records Retention Schedule listing the categories of District Records is attached hereto as Attachment "A" - Records Retention and Destruction Schedule.

DISPOSAL OF RECORDS

The Chief Executive Officer shall ensure that records are disposed of as soon as possible after fulfilling their respective administrative, fiscal, historic, or legal function in accordance with the retention period for each Category of Records specified in the District's Record Retention Schedule. Such disposition of records shall occur periodically at the discretion of the Chief Executive Officer. Disposition may include recycling or destroying unneeded records, or sending appropriate records of historical or research value to an archival facility. The District's records retention schedule, consisting of retention periods assigned to each Category of Records, is attached hereto as Attachment "A" - Records Retention and Destruction Schedule. The Records Retention Schedule shall be periodically evaluated by the Chief Executive Officer.

PERMANENT RECORDS

Pursuant to the provisions of Government Code Section 60201, the District may not destroy or dispose of any record that is any of the following:

- A. Any document relating to the formation, change of organization, or reorganization of the District.
- B. Resolutions adopted by the District. However, a resolution that has been repealed or is otherwise invalid or unenforceable may be destroyed or disposed of five (5) years after it was repealed or became invalid or unenforceable;
- C. Minutes of any regular or special meeting of the Board of Directors of District or other committees;
- D. Any record relating to any pending claim or litigation, including any settlement, judgement, arbitration award or other disposition of litigation until two (2) years after settlement or adjudication;

- E. Any record which is the subject of any pending Public Records Act request made pursuant to the California Public Records Act at Government Code §6250 et seq., until either: (1) request for production has been granted; or (2) two years have elapsed since the District provided written notice to the requester that his or her request has been denied;
- F. Any record relating to any pending construction that the District has not accepted, or as to which a stop notice claim legally may be presented.
- G. Any document relating to any non-discharged debt of the District;
- H. Any document relating to the title for real property in which the District may have an interest, including but not limited to deeds, easements, rights of entry agreements and leases;
- I. Any document relating to any non-discharged contract to which the District is a party;
- J. Any document that constitutes an unaccepted bid or proposal for the construction of installation of any building, structure or public work which is less than two years old;
- K. Any document which specifies the following
 - 1. The amount of compensation paid to District employees, or members of the Board of Directors or independent contractors providing personal and professional services to the District;
 - 2. Relative to expense reimbursement to District employees or members of the Board of Directors, or to the use of District paid credit cards, or to any travel compensation mechanism utilized by the District;
 - Notwithstanding the foregoing, Government Code §60201 provides that any record described in Paragraphs 1. and 2. above may be destroyed or disposed of no earlier than seven (7) years after the date of payment to which the records relates.

GENERAL GUIDELINES

- A. The Records Coordinator, designated by the Chief Executive Officer, shall be responsible for the administration of this policy and shall assist all District personnel to comply with the provisions of this policy and with the Records Retention Schedule, set forth in Attachment "A".
- B. The following general guidelines apply to all District records:
 - 1. The Board of Directors, by majority vote, may authorize at any time the destruction of any duplicate records. (Gov. Code Section 60200).
 - 2. Pursuant to the resolution adopted by the Board of Directors, except where a record is expressly required to be preserved according to State law, the District may approve the destruction of any original document without retaining a copy of the document as long as the retention and destruction of the document complies with the retention schedule as set forth in this policy (Gov. Code Section 60201).
 - 3. In addition to the retention periods required under this policy, the District shall retain original administrative, legal, fiscal and/or historical records with continued value (i.e., records for long-term transactions and/or special projects) until all matters pertaining to such records are completely resolved or the time for appeals has expired. (Gov. Code Section 14755 (a), Gov. Code Section 34090).
 - 4. Pursuant to Government Code Section 60201, the District shall not destroy any of the following records:
 - a. Records relating to the formation, change of organization, or reorganization of the District;
 - b. Resolutions, unless they have been repealed or have become invalid or otherwise unenforceable for five years;
 - c. Minutes of any meeting of the District Board, commission, or committee;

- d. Records relating to any pending claim, litigation, any settlement or other disposition of litigation until two (2) years after settlement or adjudication;
- e. Records that are the subject of any pending request for records under the California Public Records Act, whether or not the record is exempt from disclosure, until the request has been granted or two (2) years after the request has been denied by the District;
- f. Records relating to any pending construction that the District has not accepted or for which a stop notice claim may be legally presented;
- g. Records relating to any non-discharged debt of the District;
- h. Records relating to the title to real property in which the District has an interest;
- i. Records relating to any non-discharged contract to which the District is a party; -3-
- j. Records that have not fulfilled the administrative, fiscal, or legal purpose for which they were created or received;
- k. Unaccepted bids or proposals, which are less than two (2) years old, for the construction or installation of any building, structure or other public work;
- l. Records less than seven (7) years old that specify the amount of compensation or expense reimbursement paid to District employees, officers, or independent contractors.

RECORDS RETENTION SCHEDULE

The "Records Retention and Destruction Schedule" is attached to this policy as Attachment "A" and is incorporated herein by reference. This policy and the Records Retention Schedule comply with the records retention guidelines provided by the California Secretary of State and may be updated from time to time.

APPROVED BY THE BOARD OF DIRECTORS

Date: _____

Kevin Northcraft, President
Board of Directors

Senovia Gutierrez, Secretary
Board of Directors

ATTACHMENT "A"

TULARE LOCAL HEALTHCARE DISTRICT

RECORDS & DATA RETENTION AND DESTRUCTION SCHEDULE

FINANCIAL RECORDS		
DOCUMENT TITLE	LEGAL REQUIREMENTS	RETENTION PERIOD
GENERAL JOURNALS	GC 34090	P
GENERAL LEDGERS	GC 34090	P
INVOICES – ACCOUNTS RECEIVABLES AND ACCOUNTS PAYABLES	GC 34090(c); CCP 337	AU + 7 years or completion of audit or appeal, whichever is later
CASH RECEIPTS	GC 34090(c); CCP 337	AU + 7 years
CANCELED/VOIDED CHECKS	GC 34090(c)	AU + 7 years
CUSTOMER BILLING RECORDS	GC 34090	AU + 2 years
BUDGETS, APPROVED	GC 34090; GC 40802	P
BUDGET ADJUSTMENTS	GC 34090	AU + 5 years
PURCHASE ORDERS	GC 34090	Life of item + 7 years
BANK DEPOSITS & RECEIPTS	GC 34090	7 years
BANK RECONCILIATIONS & BANK STATEMENTS	GC 34090; GC 12946; FC 30210; 26 CFR 1.6001	AU + 7 years
CHECK REGISTERS	GC 34090	P
WITHHOLDING ALLOWANCE CERTIFICATES (W-4 FORMS)	26 CFR 31.6001-1	AU + 7 years after due date of tax return period
WAGE & TAX STATEMENTS (W-2 FORMS)	GC 34090; 29 USC 436; 26 CFR 31.6001-1	AU + 7 years after due date of tax return period
W-9's; 1099's	GC 34090; 26 CFR 31.6001	AU + 7 years
COLLECTIONS	GC 34090; CCP 337	AU + 7 years
CLAIMS, BILLINGS & CHARGES TO PATIENT, FISCAL INTERMEDIARIES, THIRD PARTY PAYERS	22 CCR 51502.1(f)(2) and 51476	AU + 10 years
PATIENT ACCOUNTING FILES	31 USC 3731(b); 42 CFR 405.1885(b)	AU + 10 years
MEDICARE BILLINGS (and supporting documentation)	HIPAA	AC + 10 years
SURPLUS PROPERTY INVENTORY	GC 34090(c)	7 years
PROPERTY TAX PAYMENT RECORDS	Unspecified	P
TAX RECORDS, FEDERAL AND STATE	GC 34090; IRS REG 31.6001-1; R&T 19530	P
UNEMPLOYMENT TAX RECORDS	22 CCR 1085-2(c); 26 CFR 31.6001-1	7 years
STATE CONTROLLER'S REPORTS	GC 34090	P
AUDIT REPORTS (Local, State, Federal, Outside Agencies)	GC 34090	P
EXEMPT ORGANIZATION ANNUAL INFORMATION RETURNS	Unspecified	P
PROFIT & LOSS STATEMENTS	Unspecified	P
FINANCIAL STATEMENTS	GC 34090(c)	P
IRS RULINGS (See Audit Reports)	GC 34090	P
INVESTMENT TRANSACTIONS	GC 34090; CCP 337; GC 53607	P
WIRE TRANSFERS	GC 34090; GC 26202	AU + 2 years
BONDS – REVENUE, GENERAL OBLIGATION (correspondence, work papers, bond activity or financing, bond disclosure, sale of, issues, etc.)	GC 34090; GC 34900-43903; FC 30210	P

ADMINISTRATIVE RECORDS

DOCUMENT TITLE	LEGAL REQUIREMENTS	RETENTION PERIOD
BLANK FORMS	Unspecified	S
AGENDA PACKETS	GC 34090	P
MINUTES (Official minutes and hearing proceedings of governing body or board, commission or committee)	GC 34090(e)	P
RECORDING/AUDIO TAPES	GC 34090.7; GC 54953.5	CY + 4 years If a recording is evidence in any claim filed or any pending litigation, it shall be preserved until the claim or pending litigation is resolved.
RESOLUTIONS	GC 34090	P
ARTICLES OF INCORPORATION, BYLAWS, RULES & REGULATIONS OF THE GOVERNING BODY	GC 34090; GC 34460	P
DISTRICT POLICIES & PROCEDURES MANUALS	Policies and procedures required by HIPAA privacy must be kept for 6 years	Life of policy or procedure + 6 years
BOARD ATTENDANCE RECORDS	GC 34090	CY + 10 years
PUBLIC RECORDS REQUESTS	GC 34090	CY + 2 years
INTERNAL GENERAL CORRESPONDENCE & MEMOS (not otherwise specified)	GC 34090	CY + 2 years
EXTERNAL GENERAL CORRESPONDENCE	GC 34090	CY + 2 years
FINANCIAL REPORTS (Monthly, quarterly, etc., for internal use or submission to other agencies)	GC 34090	CY + 2 years
CONTRACTS, LEASE & SUPPORTING DOCUMENTATION – MEDICARE & MEDI-CAL	Contracts for services between a Medicare institutional provider and a subcontractor must be kept for the life of the contract plus 4 years, if the value of the services is \$10,000 or more over a 12-month period. This includes contracts for both goods and services in which the service component is worth \$10,000 or more {42 C.F.R. Section 420.302 (b)} Contracts required by the HIPAA privacy rule must be kept for 6 years {45 C.F.R. Section 164.530(j)}. Regulations require GACHs, APHs, PHFs and CDRHs to keep contracts that are required by regulation, but no retention period is specified {22 C.C.R. Sections 70733, 71531, 77127, 79337}. Contracts that support claims for services rendered to Medicare or Medi-Cal patients must be kept for at least 10 years from date of service, end of Medi-Cal or Medicare Advantage or Medicare Part D contract period, or audit completion, whichever is later {42 C.F.R. Sections 422.504(i)(2) and 423.505(i)(2)}; Welfare and Institutions Code Section 14124.1; Title 22, CCR Section 51476]	Life of agreement/lease/equipment, plus 6 years; if the agreement supports Medicare or Medi-Cal claims, then life of agreement/lease/equipment + 15 years.
CERTIFICATES OF LIABILITY INSURANCE (Contractors/Vendors)	GC 34090	CY + 2 years
DISTRICT INSURANCE POLICIES, CLAIMS AND CORRESPONDENCE	GC 34090	P
OSHPD REPORTS (Seismic)	GC 34090	P
OSHPD REPORTS (Financial, patient discharge data, quality)	GC 34090	CY + 20 years
EMERGENCY OPERATIONS PLAN	GC 34090	S + 2 years

LICENSING & PERMITTING – BOILERS AND CONVEYANCES (applications and permits, plans and specifications, notices of violation/correction, equipment data, safety inspections, photographs, correspondence)	LP2012-077; GC 34090	6 years after boiler or conveyance is no longer in service
LICENSES OR CERTIFICATIONS	GC 34090	Life of license or certificate + 6 years
RECORDS RETENTION SCHEDULE	CCP 343	S + 5 years
MISSION STATEMENTS	Unspecified	S
CERTIFICATES OF RECORDS DESTRUCTION	GC 34090 Legal record of final disposition	P
ACCREDITATION/LICENSING	Unspecified	10 years (longer if continued interest)
EMAIL CORRESPONDENCE	GC 34090; GC 6250-6276.48	1 year
INSTANT MESSAGES	GC 34090	1 year
PROFESSIONAL ASSOCIATIONS OR FOUNDATIONS	GC 34090	CY + 2 years
TREATMENT AUTHORIZATION REQUESTS (TARs)	W&IC 14124.1; CCR 51476	10 years

HUMAN RESOURCES & PAYROLL

DOCUMENT TITLE	LEGAL REQUIREMENTS	RETENTION PERIOD
EMPLOYEE PERSONNEL RECORDS (Disciplinary notices, promotions/demotions, evaluations, discharge, layoff, transfer, training files, physical files, job classifications, terms/conditions of employment)	GC 34090(c) 3 years after termination of employment CA Labor Code Section 11.98.5, CA Fair Pay Act, Title VII, ADA, ADEA	T + 7 years
EMPLOYEE HEALTH RECORDS First aid records for job injuries causing loss of work and drug and alcohol test records	5 years (chemical safety and toxic exposure records must be kept for duration of employment, plus 30 years) ~ OSHA, Cal-OSHA	7 years
PAYROLL RECORDS (Deduction authorization, beneficiary designations, unemployment claims, garnishments)	29 CFR 1627.3-4; 29 CFR 162.30; 29 CFR 1650.202; 29 CFR 51.5-6	T + 10 years
EMPLOYEE BENEFIT PLANS (Pension and Retirement)	GC 62250 et seq; 29 USC 1027; 29 CFR 1627.3(b)(2)	P
PAYROLL TIMESHEETS	GC 34090(c); R&T 19530	AU + 7
PAYROLL REGISTERS	22 CCR 1085-2(c)	P
PAYROLL – FEDERAL, STATE REPORTS (RECORDS OF DEDUCTION)	GC 34090(c)	AU + 10 years
EMPLOYMENT ELIGIBILITY VERIFICATION (I-9 FORMS)	GC 34090(c)	T + 3 years
RECRUITMENT, HIRING & JOB PLACEMENT	3 years or the duration of any claim or litigation involving hiring practices (Title VII, CA Fair Pay Act, ADA, ADEA)	7 years or the duration of any claim or litigation involving hiring practices
PROPERTY CLAIMS/DAMAGES	GC 34090	CL + 7
INCIDENT/ACCIDENT REPORTS	GC 34090; GCV 25105.5	AC + 7 years
EMPLOYEE BACKGROUND CHECKS	GC 34090	T + 3 year
EMPLOYEE HANDBOOK	GC 34090	S + 2 years
FMLA RECORDS	GC 12946; 29 CFR 825.500; 8 CCR 15400; LC 6410; 29 CFR 1627.3(b)(i); FMLA	T + 30 years
HEALTH PLAN CLAIMS	Unspecified	11 years from closing
HEALTH PLAN PROVIDER CONTRACTS	Unspecified	Current life + 6 years
HEALTH PLAN DENIAL LETTERS	Unspecified	CY + 5 years
HEALTH PLAN FORMS & MISC.	Unspecified	CY + 2 years
HEALTH PLAN REPORTS	Unspecified	CY + 2 years

HEALTH SCREEN/MEDICAL HISTORY STATEMENTS	Must be kept at least 5 years	CY + 7 years
OSHA RECORDS	Must be kept at least 5 years following end of calendar year that record covers	6 years
WORKERS COMPENSATION CLAIMS	29 CFR 1910.20	T + 30 years
WORKERS COMPENSATION REPORTS	8 CCR 15400; 8 CCR 10102 & 10103.2; LC 129(a)	AU + 7 years
PROPERTY CONTRACTS & AGREEMENTS		
DOCUMENT TITLE	LEGAL REQUIREMENTS	RETENTION PERIOD
LEASE AGREEMENTS (Properties leased from District and leased to District)	CCP 337.2; CCP 343; 48 CFR.4	AT + 7 years
CONSTRUCTION PROJECT CONTRACTS & RELATED DOCUMENTS (Plans & specs, EIR and other supporting documents)	GC 34090(a)	P
DEEDS AND EASEMENTS, TITLES TO PROPERTY	GC 34090(a); 24 CFR 1710	P
CAPITAL IMPROVEMENTS (Agreements, Contracts)	CCP 337	P
APPRAISAL REPORTS (Property, Buildings, Equipment, etc.)	GC 34090	P
BUILDING BLUEPRINTS, PLANS, SPECIFICATIONS, INSPECTIONS (including supporting documents)	GC 34090	P (or until property is sold)
REQUESTS FOR PROPOSALS, REQUESTS FOR QUALIFICATIONS (bid quotes and other related documents)	GC 34090, CCP 337	AC + 7 years
ELECTIONS		
DOCUMENT TITLE	LEGAL REQUIREMENTS	RETENTION PERIOD
DISTRICT ELECTIONS (ballot materials, certification of votes, correspondence, etc.)	EC 17000-1; EC 17300; EC 17302-6; GC 81009; GC 34090.7	AC + 5 years
STATEMENT OF ECONOMIC INTEREST (FORM 700 ~ Elected officials)	GC 81009(e) Originals = 7 years GC 81009(f) Copies = 4 years FPPC Guidelines	T + 7 years (originals) T + 4 years (copies)
STATEMENT OF ECONOMIC INTEREST (FORM 700 ~ Mandatory Filers)	GC 81009(e) Originals = 7 years GC 81009(f) Copies = 4 years	T + 7 years (originals) T + 4 years (copies)
CONFLICT OF INTEREST STATEMENTS	GC 87300, et. seq. Required under Political Reform Act; reviewed every 2 years	P
ETHICS TRAINING RECORDS (AB1234)	GC 34090	AC + 5 years
ELECTION HISTORY	GC 34090	P
OATHS OF OFFICE	GC 1363; PRC 5555	T + 7 years
LEGAL RECORDS		
DOCUMENT TITLE	LEGAL REQUIREMENTS	RETENTION PERIOD
LEGAL COUNSEL	GC 34090 (CA guideline requires 7 years after closure for case records; maintain high profile cases permanently)	AC + 7 years (permanent retention for high profile cases)
COURT ORDERS	GC 34090	P
LEGAL OPINIONS	GC 34090; GC 6254	P
GRANTS		
DOCUMENT TITLE	LEGAL REQUIREMENTS	RETENTION PERIOD
COMMUNITY GRANTS, APPROVED (Applications, reports, contracts, supporting documents)	21 CFR 1403.36(j); 21 CFR 1403.42; 24 CFR 570.502(b)(3); 24 CFR 85.42; 29 CFR 97.42	CL + 5 years

COMMUNITY GRANTS, DENIED	GC 34090	CL + 2 years
HEALTH & HUMAN SERVICES GRANTS	Keep financial, statistical and non-expendable property records, and any other records pertinent to grants, for 3 years from the date of submission of the final expenditure report, or until resolution of all litigation and federal audit findings. Records for real property and equipment acquired with Federal funds must be kept for at least 3 years after final disposition.	CL + 6 years
PUBLIC RELATIONS & MARKETING		
DOCUMENT TITLE	LEGAL REQUIREMENTS	RETENTION PERIOD
ADVERTISEMENTS (Print, radio, television, etc.)	Unspecified	P
CONSENT TO PHOTOGRAPH (Photograph depicting patient)	45 CFR 164.530(j) HIPAA regulations require authorizations to be kept for at least 6 years	6 years after discontinuing use of photograph
MARKETING MATERIALS	GC 34090	6 years
NEWSPAPER AND MAGAZINE CLIPPINGS (Historical)	GC 34090	P
PHOTOGRAPHS – INSTITUTIONAL	GC 34090	CY + 2 years
PRESS RELEASES	GC 34090	6 years; may wish to retain those of historical interest permanently
PUBLICATIONS	GC 34090	6 years; may wish to retain those of historical interest permanently
OTHER RESEARCH REPORTS	GC 34090	6 years (longer if continuing interest)

RETENTION CODES

AU = Audit

CL = Closed

P = Permanent

S = Superseded

AC = After Completion

CY = Current Year

R&T = Revenue & Taxation Code

T = Termination

ADA = Americans with Disabilities Act

ADEA = Age Discrimination in Employment Act

CCP = Code of Civil Procedure

CCR = California Code of Regulations

CFR = Code of Federal Regulations

ERISA = Employee Retirement Income Security Act

FMLA = Family Medical Leave Act

FPPC = Fair Political Practices Commission

GC = Government Code

IRCA = Immigration Reform and Control Act

R&T = Revenue & Taxation Code

W&IC = Welfare & Institutes Code

MEMORANDUM

DATE

TO: Chief Executive Officer and Legal Counsel

FROM: Records Coordinator

SUBJECT: REQUEST FOR RECORDS DESTRUCTION

On DATE , the Board of Directors adopted Resolution establishing a Records & Data Retention Policy and Schedule. In accordance with that policy and schedule, certain records have been identified as eligible for destruction. A listing of those records and relevant sections from the records retention schedule are attached. Provide general information about the request: (Example: 15 boxes of records exceeding the retention requirements and, as such, are being prepared for destruction.)

The method of destruction will be via (recycling.) Please sign below indicating your approval for the destruction of the attached listing of records.

Chief Executive Officer

Legal Counsel

CERTIFICATE OF DESTRUCTION

I, (employee name), do hereby certify that the records listed on the attached were properly disposed of on (date). _____

- 1. List of records to be destroyed
- 2. Relevant sections of the records retention schedule