



Record Retention Policy

I. PURPOSE

To provide guidance for efficient record management including the retention and disposal of records in accordance with their administrative, legal, fiscal, and historic value.

II. OBJECTIVES

- A. Compliance with all applicable statutes, regulations, and ordinances for the retention of records.
- B. Reduction and efficient management of the space and costs associated with maintaining a large number of records.
- C. Facilitate business continuity and disaster recovery efforts by setting forth clear retention periods for electronic official records.

III. AUTHORITY

- A. California Government Code §31537 allows the ACERA Board of Retirement to establish efficient record management and disposal procedures.
- B. Government Code §12236 provides that the Secretary of State shall establish local government records programs to establish guidelines for local government record retention. ACERA has relied upon these guidelines where applicable.
- C. Civil Code §§1633.1, et seq., provides the requirements for an electronic record to be retained in lieu of the paper record. The law allows electronic documents and electronic signatures to be enforceable in the same manner as paper documents.
- D. This policy applies to official records. “Official Records” are records that reflect the final, official position or activities of ACERA related to the specific content of the record.

ACERA is not required to retain unofficial records. Unofficial records consists of works in progress, drafts, and copies of notes and records that have either not been finalized or approved.

IV. GUIDELINES

- A. Records Manager. The Chief Executive Officer or Designee will assume the duties of Records Manager and will maintain a Records Retention Schedule listing the specific time frames to regularly purge documents consistent with this Policy and the law. The Chief Executive Officer or Designee/will also develop staff procedures for the purging of records.
- B. Records Listed in Records Retention Schedule. Records shall be retained for at least the minimum period indicated in the Records Retention Schedule. Unless otherwise noted, the retention period on the schedule applies to both electronic and paper documents.
- C. Retention Period. The minimum retention period must be consistent with applicable laws, orders, rules, and regulations. When no such mandate exists, a reasonable retention period will be established based upon ACERA's needs and the usefulness of the information. Once records have reached the end of their record retention period, they will be disposed of as soon as practical in accordance with the Records Retention Schedule. Staff shall provide guidelines for department heads on how to determine the length of time to retain a record that has no legal or statutory requirement.
- D. Records Not Listed in Records Retention Schedule. Disposal of records not specified within the Records Retention Schedule shall be conducted at the discretion of the Department Head.
- E. Electronic Records. The goal is to convert records that are created or received in paper format into an electronic format to the extent possible. The records will be converted in such a manner that allows for the record to be efficiently stored, accessible, and retrievable. The electronic record must accurately reflect the information set forth in the paper record at the time it was first generated in its final form as an electronic record. The record must be legible, accurate, and cannot be altered. The electronic record becomes the official record and will remain accessible for later reference.

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- F. Litigation Hold. Records pertinent to anticipated or pending litigation or administrative investigation shall be retained until the final resolution of the litigation or investigation, or until completion of the regular specified retention period, whichever is later. The Legal Department is responsible for communicating to all relevant parties the need for and duration of any litigation hold.
- G. Departure from Records Retention Schedule. The Chief Executive Officer or Designee may retain records for periods longer than provided by the Records Retention Schedule so long as there is a procedure in place justifying the extended retention and providing for a revised disposal date. Requests to depart from the Records Retention Schedule must be approved in writing by the Chief Executive Officer or Designee.
- H. Record Destruction.
1. Paper documents will be destroyed within 120 days after they have been converted to electronic format consistent with the requirements stated above for “Electronic Retention.” The Chief Executive Officer or Designee shall review and sign a Records Destruction Report, identifying the records to be destroyed within the 120 day window. For documents excluded from ACERA’s electronic document management system, the Department Heads will prepare a Records Destruction Form identifying the records to be destroyed.
 2. Electronic documents and those paper records which have not been converted to an electronic form will be purged at the beginning of each fiscal year consistent with the requirements in the Record Retention Schedule. For those documents included in the electronic document management system, the document system audit log will contain a record of this purge procedure.
 3. For those documents excluded from the electronic document management system, the Department Head shall prepare a Records Destruction Form identifying those documents for destruction and the Chief Executive Officer or Designee will review and sign the form.
- I. Maintaining Policy. The Legal Department is responsible for reviewing and updating the Records Retention Policy to ensure it accurately reflects the appropriate retention periods pursuant to state, federal, and/or regulatory requirements.

- J. Review Period for Retention Schedule. The Records Retention Schedule will be reviewed every three years and updated as necessary. Changes to the Schedule require CEO Approval.

V. POLICY REVIEW

The Records Retention Policy shall be reviewed by the Governance Committee at least every three (3) years, or upon amendments to applicable statutes and/or regulations, whichever is more frequent.

VI. POLICY HISTORY

- A. The Board adopted this policy on December 18, 2008.
- B. The Board affirmed this policy, with revisions on August 19, 2021.¹

¹ Previous amendment dates all with revisions: September 16, 2010; December 15, 2011; December 20, 2012; December 18, 2014; November 17, 2016 and September 20, 2018.