

ELECTRONICALLY STORED INFORMATION RETENTION

Policy Code: **5071/7351**

1 Public record-keeping requirements and federal and state law require that the school system
2 properly manage its electronically stored information (“ESI”). As set forth below, the school
3 system will retain and destroy ESI in accordance with this policy and/or the approved Records
4 Retention and Disposition Schedule (“Schedule”) for local education agencies adopted by the
5 North Carolina Department of Natural and Cultural Resources.
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7 **A. SYSTEM-WIDE E-MAIL RETENTION AND EMPLOYEE RESPONSIBILITY FOR ESI**

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9 All e-mails produced and received are the property of the school system and will
10 automatically be retained by the school system for a minimum of three (3) years. In
11 some cases, business-related e-mails must be retained longer, according to the Schedule,
12 and individual employees are required to review the Schedule and save such e-mails, in
13 hard copy or electronic format, for the applicable time period. For ESI other than e-mail,
14 each employee shall retain such records, in hard copy or electronic format, for the time
15 period required by the Schedule.
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17 **B. LITIGATION HOLDS FOR ESI**

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

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29 Any requests for ESI records should be made in writing and will be reviewed by the
30 records officer (see policy 5070/7350, Public Records – Retention, Release, and
31 Disposition), in consultation with the school board attorney if needed, and released in
32 accordance with North Carolina public records laws.
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34 **D. DELEGATED AUTHORITY**

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36 The [Transylvania County Board of Education](#) (the “board”) delegates to the
37 superintendent or designees the right to implement and enforce additional procedures or
38 directives relating to ESI retention consistent with this policy.
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40 Legal References: Fed. R. Civ. P. 16, 26, 33, 37, 45; North Carolina Public Records Act, G.S.
41 132; *E-Mail as a Public Record in North Carolina: A Policy for Its Retention and Disposition*,
42 N.C. Department of Natural and Cultural Resources (2009), available at
43 <http://archives.ncdcr.gov/For-Government/Digital-Records/Digital-Records-Policies-and->

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44 [Guidelines#digpres](#); *Records Retention and Disposition Schedule for Local Education Agencies*,
45 N.C. Department of Natural and Cultural Resources (1999), available at
46 <http://archives.ncdcr.gov/For-Government/Retention-Schedules/Local-Schedules>

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48 Cross References: Public Records – Retention, Release, and Disposition (policy 5070/7350)

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50 Adopted: August 18, 2008

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52 Revised: [DATE]

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