

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~~ **To the**
3 **extent required by law,** school **personnel shall maintain** ~~system will retain and destroy~~ ESI in
4 accordance with this policy and/or the **applicable** ~~approved~~ Records Retention and Disposition
5 Schedule(s) (“Schedule”) ~~for local education agencies adopted~~ **issued** by the North Carolina
6 Department of Natural and Cultural Resources.

7 8 **A. SYSTEM-WIDE E-MAIL RETENTION AND EMPLOYEE RESPONSIBILITY FOR ESI**

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

17 18 **B. LITIGATION HOLDS FOR ESI**

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

27 28 **C. INSPECTION OF ESI**

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

34 35 **D. DELEGATED AUTHORITY**

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37 The Transylvania County Board of Education (the “board”) delegates to the
38 superintendent or designees the right to implement and enforce additional procedures or
39 directives relating to ESI retention consistent with this policy.

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41 Legal References: Fed. R. Civ. P. 16, 26, 33, 37, 45; North Carolina Public Records Act, G.S.
42 132; *E-Mail as a Public Record in North Carolina: A Policy for Its Retention and Disposition*,
43 N.C. Department of Natural and Cultural Resources (2009), available at

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44 <https://archives.ncdcr.gov/government/digital-records/digital-records-policies-and-guidelines>;
45 *Records Retention and Disposition Schedule for Local Education Agencies*, N.C. Department of
46 Natural and Cultural Resources (1999), available at
47 ~~[https://archives.ncdcr.gov/government/retention-schedules/local-government-
49 schedules#localschedules](https://archives.ncdcr.gov/government/retention-schedules/local-government-
48 schedules#localschedules)~~;
50 [https://archives.ncdcr.gov/government/retention-schedules/local-government-
52 schedules#localschedules](https://archives.ncdcr.gov/government/retention-schedules/local-government-
51 schedules#localschedules); *General Records Schedule for Local Government Agencies*, N.C.
53 Department of Natural and Cultural Resources (2019), available at
54 <https://archives.ncdcr.gov/documents/general-records-schedule-local-government-agencies>
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56 Cross References: Public Records – Retention, Release, and Disposition (policy 5070/7350)
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58 Adopted: August 18, 2008
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60 Revised: January 19, 2016; July 16, 2018; [DATE]

REVISED