

HOPKINTON PUBLIC SCHOOLS

Electronic Records Retention

It is the policy of the Hopkinton Public Schools to comply with state and federal laws with respect to the retention of electronic records. State law provides that all governmental records that are generated, received, or maintained electronically, including computer records, e-mail, video, or audiotape are records subject to the Public Records Law. These records must be retained in an accessible format, capable of being reproduced or printed. Much district information is maintained in electronic form, which includes email, and must be available for a designated period of time in order to meet the district's obligations under state and federal law. Certain emails, although ordinarily transitory and not a primary mode of record keeping, must also be maintained in a way that allows for easy retrieval of pertinent messages. All electronic records of any type (public or non-public) are district-owned and may be subject to disclosure as part of a lawsuit. Employees are urged to refrain from saying things in an email that they would not want produced as part of a public record disclosure or lawsuit.

Electronic records, including email and documents stored on any district electronic device or in any district-sponsored account, that are relevant to an investigation, claim, or litigation that is pending or likely to occur are subject to discovery and may not be deleted under any circumstances. The Superintendent or Director of Human Resources may put a litigation hold on any such records if necessary, in which case the Director of Technology will take appropriate steps to retain the information in a form that is searchable and safe from inadvertent or purposeful deletion.

Text messaging should not be used for district business, other than simple scheduling, meeting invitations, routine requests for information, thank you messages, etc.

Any document or email that contains information which is personally identifiable to a student may be part of that student's record and must be managed per the Massachusetts Student Records Regulations and the Family Educational Rights and Privacy Act (FERPA) to ensure that the district complies with records retention, confidentiality and security requirements. Therefore, staff members must establish files for electronic documents and emails in which to store any record pertaining to the student. These records may not be deleted when purging email or other records unless a paper copy is made and retained in accordance with district procedures.

Staff members and School Committee members are provided a district email account, and are the custodians of, but not owners of, that account and, as such, have no right to privacy for messages sent or received. All sent or received emails are archived for at least three years. Staff members and school committee members should be aware that if they utilize personal email accounts to conduct district business, those email records will be considered public records subject to disclosure.

The School Committee discourages the use of school accounts for personal uses, but recognizes that this sometimes occurs. Such use should be limited to non-working time and with the understanding that these emails are not private.

Staff members are provided with electronic storage space that has a limited capacity. As with email messages, electronic files such as documents, spreadsheets, videos, photographs, audio files, etc. must be identified, preserved and disposed of in a manner consistent with the procedures established by the Director of Technology. However, users must not delete any file that may be related to possible or pending investigation or litigation.

Staff should be aware that that social media sites which contain communications sent to or received by district employees are subject the same electronic records requirements as other electronic records.

When administrators leave the district, regardless of reason (i.e., retirement, severance, or new job), their electronic files shall be maintained for three years so that they may be retrieved if necessary.

To manage the retention of electronic files, the Director of Technology shall develop and implement procedures to:

- Retain and dispose of district records in a manner consistent with the Municipal Records Retention Schedule, and state and federal law;
- Maintain the safety and security of files from system or individual computer failure, tampering, hacking, or deletion;
- Ensure that the deletion of electronic records, when allowed, is permanent (particularly on computers, copiers, and storage devices that may be designated as surplus equipment);
- Coordinate back up and retention of electronic files until they are no longer institutionally useful or have reached the end of the retention period;
- Ensure that files are easily retrievable for investigations, claims, discovery, or other legal requirement;
- Ensure continuous access to electronic files and email whenever equipment or software is upgraded or modified;
- Provide training to all users at appropriate times such as upon hire or when new equipment or software is employed;
- Ensure that users understand the provisions of this policy and their individual responsibilities under the policy.

First Reading	October 20, 2011
Second Reading	November 3, 2011
Third Reading	November 17, 2011
Adopted	November 17, 2011
Policy Amended	
Legal References	M. G. L. c. 4, § 7(26) M. G. L. c. 66, § 10 (2006 ed.) M.G.L. c. 149, § 152C

	M. G. L. c. 66, § 1 (2006 ed.) 950 CMR. 32.00; 603 CMR 3.12 603 CMR 23.00 Federal Rules of Civil Procedure, Rule 26. Duty to Disclose, General Provisions Governing Discovery; Rule 34 Production of Electronically Stored Information Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g
Policy Cross Reference	IJNDB Internet Acceptable Use ED Disposal of Surplus Property JRA Student Records
Procedure Reference	

Policy language reviewed by Atty. Paige Tobin, October, 2011.