



BPC Policy No. 371

SUBJECT:

PURPOSE:

The Purpose of this Policy is to define the requirements the San Diego Unified Port District (the "District") will follow for managing records and information to meet the District's operational needs and comply with federal, state, and local laws.

Scope

This Policy applies to appointed officials, employees, volunteers, service providers, consultants, contractors and interns of the District, who are acting on behalf of the District and who have access to, use of, or are involved in the creation, maintenance or storage of the District's records and information.

This Policy applies to all types of records, including records in any of the following forms:

- a) Paper documents, forms, reports, manuals, maps, drawings, correspondence and files;
- b) Records and Information received and generated in electronic form in structured or unstructured format, electronic communication, and associated metadata;
- c) Records and information in other formats such as microfilm, videos, photographs, etc., regardless of the location or device upon which the information is stored.

Definitions

Records

In compliance with California Government Code Sections 6252(e) and (g), a "**Public Record**" is defined as, "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," and a "**Writing**" is defined as, "any handwriting, typewriting, printing, Photostatting, 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.”

Convenience Information and Convenience Copies

Not all information or data is a record. Some information is collected or created in order to complete a task or to enable creation of a record, but the District is not obligated by law to retain it. This type of information is classified as a non-record or Convenience Information. Convenience Information has no retention requirement and should not be retained in the normal course of business.

Examples of Convenience Information include, but are not limited to:

- Exact duplicates
- Extra copies of documents or departmental copies
- Rough drafts used as a temporary aide
- Reference material, whether internally created or received from external sources
- Vendor catalogs
- External seminars and conference publications
- Transient/transitory communications
- Intra- and Inter-agency Communications (Memoranda)

Policy Statement

1.1. Ownership and Authenticity

Records and Information created or received in the conduct of the District's business, regardless of whether created, received or stored on District or on personal devices, personal sites or social media are the exclusive property of the District. District records and information should be complete, accurate, and trustworthy and are subject to compliance with this Policy, the associated Retention Schedule and other applicable District policies and procedures.

1.2. Classification

Records and information, both paper and electronic, are to be created, stored and managed with the appropriate classification applied to enable efficient and shared access, appropriate application of retention, and secured protection.

1.3. Retention

Information that is defined as a Record is to be retained in accordance with the District's approved Retention Schedule. When records complete their retention period, regardless of their format, they shall be handled in

accordance and compliance with the District's Retention Schedule and Disposal Procedure.

1.4. Storage

Hardcopy records no longer considered active may be transferred to designated storage facilities to fulfill retention requirements. Electronic records no longer considered active may be transferred to approved repositories or moved offline to fulfill retention requirements. Inactive records in any location must be accessible by authorized District staff for business needs.

1.5. Availability

Records and information must be available for future District business, litigation and investigation as necessary, regardless of storage location or format. Public Records that are not exempted from disclosure are to be made available for the public in accordance with the California Public Records Act, Government Code Section 6250-6276.48.

1.6. Exiting Employees, Officials, and Contractors

When an employee or a contractor leaves the District, the exiting individual's director, in conjunction with the District's Human Resources department, is responsible for complying with the requirements of this Policy and any support procedures for retaining and managing the records and information of the exiting individual.

When an elected or appointed official separates from the District, the District Clerk is responsible for complying with the requirements of this Policy and any supporting procedures for retaining and managing the records and information of the exiting official.

1.7. Suspending Retention Requirements

Records and/or information subject to a Legal Hold are to be retained and preserved in a manner that maintains their accessibility until further notice from District Counsel, regardless of the retention period set forth in the Retention Schedule.

1.8. Information Protection

Disaster recovery backup media are exact copies of an operating system, associated application and data and are created for the sole purpose of recovering and restoring an application and data in the event of a disaster or business disruption and are not subject to the requirements of the Retention Schedule. Backups serve as a level of protection for electronic system and the data that is stored on those systems.

1.9. Historical Records

Historical artifacts, documents, memorabilia, and collections, as defined on the Retention Schedule, are valuable in documenting the District's history. Historical Records are to be preserved so as to assure their ongoing availability and access.

Policy Review

This Policy and the associated Retention Schedule may be amended or modified from time to time, as necessary, to account for changes in legal, regulatory or operational requirements.

References

- Retention Schedule
- Administrative Procedure #124-102: Acceptable Use of District Information Technology (IT) Assets