



ELECTRONIC RECORDS RETENTION

1. Purpose

In today's College environment, employees create and maintain an increasing portion of their records using computers. Electronic records must be managed alongside traditional records to ensure compliance with state and federal regulations and to preserve institutional history.

The purpose of this policy is to inform College employees and departmental management of the requirements and responsibilities for management and disposition of electronic records.

2. Scope

The electronic records retention policy set forth herein applies to all employees of the College and applies to all electronic records that are made or received in the transaction of College or public business.

3. Definitions

- 1) The term "electronic record" means any record that is created, received, maintained or stored on College local workstations or central servers. Examples include, but are not limited to:
 - a. electronic mail (e-mail) [BCC Electronic Mail Policy](#)
 - b. word processing documents and spreadsheets
 - c. databases
- 2) The term "legal custodian" shall mean the originator of an e-mail message or the creator of an electronic document if that person is a College employee; otherwise it is the College employee to whom the message is addressed or to whom the electronic document is sent. If the record is transferred, by agreement or policy, to another person for archival purposes, then that person becomes the legal custodian.
- 3) "Official" records retention and disposition schedules are the general and departmental program schedules that have been approved by the state and the College (NCDCR 2-19-99).

4. Policy Statement

1) General Requirements

Maintenance and disposal of electronic records, as determined by the content, is the responsibility of the legal custodian and must be in accordance with guidelines established by the Department of Cultural Resources (G.S. §121-5) and also in compliance with State and College approved records retention and disposition schedules (NCD of Cultural Resources 2-19-99). Failure to properly maintain electronic records may expose the College and individuals to legal risks.

The department head of an office having public records is responsible for ensuring compliance with this Policy and with the Public Records Act. When an employee leaves a department or the College, the department head is responsible for designating a new custodian and ensuring that any public records in the separating employee's possession are properly transferred to the new custodian. The department head is responsible for contacting Information Technology Services to arrange for the transfer of the electronic records to the new custodian before the accounts are scheduled to be deleted.



2) **Electronic Mail** (see [BCC Electronic Mail Policy](#))

Work-related e-mail is a College record, and must be treated as such. Each e-mail user must take responsibility for sorting out personal messages from work-related messages and retaining College records as directed in official records retention and disposition schedules. E-mail that does not meet the definition of a public record, e.g., personal e-mail, or junk e-mail, should be deleted immediately from the system.

BCC e-mail servers are NOT intended for long-term record retention. BCC does follow the 7 year retention policy as forth by the State of North Carolina Community Colleges through the use of E-mail archiving. E-mail messages of major importance and any associated attachment(s) with retention periods greater than three (3) years are to be printed and filed in similar fashion to paper records. It is important to note that the e-mail messages should be kept with the attachment(s). The printed copy of the e-mail must contain the following header information:

- Who sent message
- Who message was sent to
- Date and time message was sent
- Subject

When an e-mail is used as a transport mechanism for other record types, it is possible, based on the content, for the retention and disposition periods of the e-mail and the transported record(s) to differ. In this case, the longest retention period shall apply.

Instant Messaging

The College does not support the use of Instant Messaging (IM) for College business.

ITS Backup Files

Information Technology Services performs backups on a regular schedule of the e-mail and electronic files stored on central servers for disaster recovery (See [Computer Systems Backup Policy](#)). These backups are to be used for system restoration purposes only. The IT system administrator is not the legal custodian of messages or records which may be included in such backups.

Litigation Holds

When litigation against the College or its employees is filed or threatened, the law imposes a duty upon the College to preserve all documents and records that pertain to the issues. As soon as the College is made aware of pending or threatened litigation, a litigation hold directive will be issued to the legal custodians. The litigation hold directive overrides any records retention schedule that may have otherwise called for the transfer, disposal or destruction of the relevant documents, until the hold has been cleared by the College. E-mail and computer accounts of separated employees that have been placed on a litigation hold by the College will be maintained by Information Technology Services until the hold is released. No employee who has been notified by the College of a litigation hold may alter or delete an electronic record that falls within the scope of that hold. Violation of the hold may subject the individual to disciplinary action, up to and including dismissal, as well as personal liability for civil and/or criminal sanctions by the courts or law enforcement agencies.

Enforcement

Failure to comply with the *Electronic Records Retention Policy* and associated guidelines and procedures can result in disciplinary action and penalties applicable by law.



Review

The Director of Information Technology Services submitted the *Electronic Records Retention Policy* to the Board of Trustees. The policy will be reviewed periodically and recommendations presented to the Board of Trustees and the College President.

[Computer Systems Backup Policy](#)

[BCC Electronic Mail Policy](#)

Approved by Brunswick Community College Board of Trustees

June 9, 2010; June 28, 2013; February 19, 2018