



Document Retention Policy

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Introduction

Denver Regional Council of Governments (DRCOG) has developed this Document Retention Policy (“Retention Policy”) to ensure proper and efficient document management practices are maintained. This has been implemented to ensure DRCOG’s records are stored in the most effective and efficient manner. Duplicate and unimportant records should be destroyed. Records can be produced in hard copy and/or electronic format. DRCOG needs to retain important documents to ensure legal, contractual, ethical, and other record keeping requirements are adhered to.

It is important to catalog and index documents so they can be located quickly and easily. If documents are required at some later time (i.e., for audits or litigation), it is in DRCOG’s interest to minimize the amount of overhead involved in locating documents. Documents may be required on short notice in response to public records requests or under order for discovery or subpoena; therefore, the objective is to retain only necessary material. The more unnecessary documents retained, the less control there is over secure storage of necessary records and hence the greater potential risk of error or sabotage.

The goals of this Retention Policy are to:

- Retain important documents for reference and future use
- Delete documents pursuant to Appendix A that are no longer necessary for the proper functioning of DRCOG
- Preserve a record of deleted or destroyed documents
- Organize important documents for efficient retrieval, including in response to public records requests
- Ensure each employee of DRCOG knows what documents should be retained, the length of their retention, method of storage, and when and how they should be destroyed

DRCOG’s funding agreements require DRCOG to maintain certain types of records for specific periods of time. If DRCOG fails to maintain such records, DRCOG may be subject to monetary and non-monetary sanctions. It is therefore important each employee fully understands and complies with this Retention Policy.

In addition, if a DRCOG employee believes or is notified that:

- Records could be relevant to future litigation;
- There is a dispute that could lead to litigation;
- DRCOG is a party to a lawsuit; then

the employee **must preserve** such records until DRCOG General Legal Counsel determines the records are no longer needed. Failure to preserve evidence may result in monetary or non-monetary sanctions against a party.

The term “records” used in this policy refers to all records of DRCOG including:

- Written documents
- Printed documents
- Electronic records (including e-mail messages)

Implementation

Each employee is required to read this Retention Policy, sign, and submit the acknowledgement contained in Appendix B.

Management

To ensure compliance with this policy, the Document Retention Policy Manager (Director of Administration and Finance) is responsible for the following:

- Implementing the Retention Policy
- Ensuring employees are properly trained, understand, and comply with the Retention Policy
- Providing oversight on actual retention and destruction of documents
- Ensuring proper storage of documents
- Periodically following-up with DRCOG's General Legal Counsel to ensure proper retention periods are in place
- Suspending the destruction of documents upon foreseeable litigation (i.e., litigation hold)
- Keeping corporate officers, directors, and employees apprised of changes to the Retention Policy

Scope

This policy applies to all physical records generated during DRCOG's operations, including original documents and reproductions. It also applies to records in electronic form stored or shared via electronic resources. Electronic records include, but are not limited to, e-mail messages, Internet files, instant messaging files, voice mail, text files, sound and video files, PDF documents, and Microsoft Office or other similarly formatted documents.

Documents

Referenced Documents

Data Backup and Restore Procedure
Litigation Hold Procedure
Records Retention Log Form
Records Destruction Log Form

Definitions

- **Document Retention Policy (DRP) Manager:** DRCOG employee tasked with implementing, maintaining, and enforcing the Retention Policy.
- **Division Administrative Assistant:** Individual designated within a division or department of DRCOG to implement and administer the Retention Policy within said division or department. This person is responsible for providing accurate destruction logs to the DRP Manager.
- **Electronic Record:** Also known as electronic files or electronic documents. Files or documents in computer-based format stored on computers or computer-related hardware. Such electronic files include, but are not limited to, e-mail messages, web-based files, text files, instant messaging files, voice mail, sound and video files, PDF documents, and Microsoft Office documents or other similarly formatted documents.
- **DRCOG:** Denver Regional Council of Governments.
- **Litigation Hold:** A process by which an organization must preserve all records, including all forms of electronic communications, related to the subject of a dispute being addressed by a current or

anticipated litigation for possible production in the litigation. During a litigation hold, normal record disposition policies are suspended.

- **Staff:** All employees and contractors performing services for DRCOG.

Responsibilities

General Legal Counsel

Assists with interpretation of and periodic review of the Retention Policy to ensure proper retention periods are in place.

Document Retention Policy (DRP) Manager

Implements, maintains, and enforces the Retention Policy.

IT Manager

Ensures DRCOG computer systems support the Retention Policy.

Division Administrative Assistant

Ensures departmental adherence to the Retention Policy.

Training Requirements

The DRP Manager will review the Retention Policy annually, modify it accordingly, and inform and train all DRCOG employees on any changes.

Policy Maintenance

This policy is not intended to be a static document. It is dynamic and will change as the computing, technology, and regulatory environment changes. It will be reviewed and updated on a regular basis. At a minimum, the DRP Manager will ensure a review of this policy by the appropriate personnel, including the General Legal Counsel, once per year.

Enforcement

Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

Data Backups

Electronic documents are backed up once per day and retained for no more than 90 days. This backup process is intended strictly for disaster recovery purposes and does not serve as an archiving system.

Public Records Requests

Many of DRCOG's records are subject to public inspection and copying pursuant to the *Colorado Open Records Act* (CORA). The Director of Administration and Finance is DRCOG's designated official custodian of public records for the purpose of handling public records requests. Therefore, any requests for records made pursuant to CORA should be directed to this official custodian so the request can be handled under appropriate procedures, which include use of a public records request form.

If an open records request is made, the official custodian will contact appropriate staff in the departments likely to have records responsive to the request. Those departments must then assist in identifying and assembling the records. The official custodian, in consultation with management and legal counsel as appropriate, will also determine which records must be kept from disclosure under law. This Retention Policy does not address handling of open records requests or confidentiality of records.

Types of Records – Broad Categories

Records can be classified into three types:

- Temporary Records
- Final Records
- Permanent Records

Temporary Records

Temporary records include all business documents that have not been completed and documents that do not have a lasting business purpose. Such documents include, but are not limited to:

- Dictation to be typed in the future
- Reminders
- To-do lists
- Draft internal reports, memoranda, correspondence, worksheets that have no lasting value
- Interoffice correspondence including memoranda that do not have lasting value, such as notices of meetings, holidays, etc.
- Running logs
- Documents not related to business purposes
- Temporary material with little or no bearing on decision-making

Temporary records can be destroyed, or permanently deleted once they are no longer needed. Before destruction of temporary records, ensure all related final records are reviewed to ensure the file is complete.

Various versions of documents provided to external parties that are developed progressively are important and are to be classified as final or permanent records.

Final Records

Final records include documents that are not superseded by modification or addition (other than documents that are provided to external parties). Final records include, but are not limited to:

- Documents sent to any third party not employed by DRCOG
- Final memoranda
- Final reports
- Correspondence
- Handwritten telephone memoranda not further transcribed
- Minutes of meetings
- Design/plan specifications
- Journal/diary entries
- Cost estimates

Permanent Records

Permanent records include documents that have enduring long-term value. Such documents include, but are not limited to:

- Correspondence, contracts, proposals, materials with lasting long-term administrative, policy, legal, fiscal, historical or research value
- DRCOG's organizational documents
- Records relating to policy issues and actions or activities in which an important precedent is set
- Records of historic events

- Certain accounting records, annual financial statements, federal and state tax returns payroll registers, copyright registration patents
- Similar records and documentation

Types of Records – Specific Categories

Appendix A to this Retention Policy lists specific categories of records and their respective retention periods.

Storage

Hard Copy Records and Objects

Hard copy records include paper records, physical files, photographs, etc. Objects include audio recordings, video recordings, advertisements, and promotional items.

Active records and records that need to be easily accessible may be stored in DRCOG's office space.

Inactive records should be sent to an off-site storage facility after such records have been properly indexed and logged pursuant to Appendix C.

Electronic Records

E-mail should be properly cataloged and stored electronically. If an e-mail message is printed, the electronic version should not be deleted, as the information stored within an e-mail message (e.g., metadata) is important and may be required later.

Electronic files, as defined in this document, should also be properly cataloged and indexed in the same way as hard copy files. Electronic files required to be retained should be archived and catalogued appropriately.

Destruction/Deletion

Log of Deleted Records

Annually, each division administrative assistant shall prepare a list of files that exceed the retention period as stated in Appendix A. The Division Director shall sign off on the files to be destroyed and a copy of the final destruction log is provided to the DRP Manager after the files are destroyed. **Disposal of records into the general trash or recycle bins is strictly prohibited.** Files to be destroyed are to be placed in the shredding receptacles located throughout the office.

All document retention guidelines are suspended for documents that have relevance to legal action pursuant to the *Litigation Hold* section of this document.

Hard Copy Records and Objects

In accordance with this policy, hard copy records are to be destroyed by shredding or some other means that will render them unreadable. If an employee has a record he/she does not know how to destroy (e.g., a photograph, compact disk, or tape recording), the employee should seek the advice of the DRP Manager.

Electronic Records

Because of the nature of electronic records (including e-mail messages), it is possible for multiple copies of a record to exist on multiple systems. It is the responsibility of the employee to ensure all copies of the record are deleted. It is important to note electronic records as well as e-mail messages an employee "deletes" may still remain in the system. It is possible for such deleted records to remain (although hidden from the typical user) until, for example, a special data "wiping" utility is used on the system's hard drive. However, in most cases, deletion of the file is sufficient.

Temporary Records

Temporary records can be destroyed, or permanently deleted once they are no longer needed. At that time, gather all the temporary records and review. Before destruction of temporary records, ensure all related final records are gathered and reviewed to ensure the file is complete.

Litigation Hold

A litigation hold or stop destruction request is a notice to employees to stop the routine records retention destruction procedures for records that may be or are anticipated to be required in an upcoming or anticipated legal proceeding. This order alerts employees as to the risk to DRCOG and the employee if they fail to heed the litigation hold request. A litigation hold applies to all records, documents, files, e-mail messages, both electronic and hardcopy.

Any DRCOG employee who is made aware of litigation or possible litigation against the company or a DRCOG employee must immediately notify the DRP Manager or General Legal Counsel.

When warranted, the DRP Manager or General Legal Counsel communicates the litigation hold to the appropriate personnel. The notification includes:

- Scope of the litigation hold
- Starting date
- Anticipated hold suspension date
- Expected behavior during the litigation hold period
- Any other pertinent information

Refer to the *Litigation Hold Procedure* for additional information.

Appendix A – Retention Schedule by Division

Organizational Records Retention Schedule

Description	Retention Period <small>(includes on-site and off-site)</small>
Annual Report	Permanent
Articles of Incorporation	Life of organization
Audits	Life of organization
Bios of personnel	3 years)
Board of Directors	
Agendas	Life of organization
Committees (DRCOG Board and Admin)	Life of organization
Minutes	Life of organization
Resolutions	Life of organization
Meeting notices	2 years
Recordings of public meetings	6 months after approval of minutes
Recordings of executive sessions	90 days after meeting
Business Plans	5 years after program
Bylaws	Life of organization
Contributions/Charities	6 years
History	Permanent
Licenses, permits	Permanent
List of members (cumulative)	Indefinite
Policies	10 years after superseded
Speeches	3 years
Strategic plans	Permanent

Legal / Contracts Records Retention Schedule

Description	Retention Period <small>(includes on-site and off-site)</small>
Contracts	
Agreements/contracts/grants	6 years after the later of expiration, cancellation, audit
Easements	6 years after expiration
Leases	6 years after expiration
Patent agreements	7 years after paid
Warranties, product (non-DRCOG)	6 years after inactive
General	
Affidavits/Certifications	6 years
Complaints, consumer – general	2 years after resolution
Complaints, consumer – all programs	3 years after expiration of applicable contract
Legal opinions, enduring long-term value	Permanent
Legal opinions, routine value	2 years after inactive
Licensing and Permits	2 years after expired
Opinions and Research	10 years after superseded
Lobbying Correspondence	4 years
Copyright, Trademark records	Permanent
Litigation / Claims	
Affidavits, claims, affirmative action, complaints, court case files, court records, depositions	Close + 6 years (unless legal counsel determines there is historical value)
Policies and Procedures	
All	Permanent
Compliance	
All compliance reporting	6 years

Accounting and Financial Records Retention Schedule

Description	Retention Period <small>(includes on-site and off-site)</small>
Benefits Administration	
Payroll	
Garnishment orders	3 years
Garnishment accounting	3 years after year end
Payroll registers	3 years after year end
Payroll records	
W-4 forms	4 years after termination
W-2 forms	4 years after due date
Withholding exemption certificate	3 years after year end
Time cards and records	5 years after year end
Payroll deduction authorizations	4 years after termination
Payroll Tax Compliance	
Federal payroll returns – withholding	7 years after due date
Federal payroll returns – FUTA	7 years after due date
State payroll returns - withholding	7 years after due date
State payroll returns – SUTA	7 years after due date
Local payroll returns	7 years after due date
Reconciliation with payroll vendor	7 years after due date
Compensation	
Bonus information	3 years after year end
Earning records	3 years after year end
Pay rates	Permanent
Accounting Records	
Accounts payable	7 years
Accounts receivable	3 years
Audit reports	Permanent
Budgets, final	Permanent
Budgets, work records	2 years
Chart of accounts	Permanent
Depreciation schedules	Until superseded
Expense records	7 years

Financial statements (annual)	Permanent
Fixed asset purchases	Permanent
General ledger	Permanent
Inventory records	7 years
Loan payment schedules	7 years
Purchase orders (1 copy)	7 years
Sales records	7 years
Tax returns	Permanent
Bank Records	
Bank reconciliations	2 years
Bank statements	7 years
Canceled checks	7 years
Electronic payment records	7 years
Purchasing Records	
Bids, Proposals, Quotes, Purchase Orders – Accepted	7 years
Bids, Proposals, Quotes, Purchase Orders – Rejected/Unsuccessful	3 years

Public Relations and Outreach Records Retention Schedule

Description	Retention Period <small>(includes on-site and off-site)</small>
Advertising, samples	5 years
Competition	2 years
Customer relations, complaints – general	2 years after resolution
Customer relations, complaints - Aging	3 years after expiration of applicable contract
Graphics, artwork	7 years
Legislation, pending	Active
Mailing lists	Inactive + 3 years
Market research	1 year
Media packets	2 years
News releases	Permanent
Newspaper clippings	3 years
Presentations	7 years
Public relations	4 years
Publicity photographs	Indeterminate
Slide presentations	Indeterminate
Speeches	5 years
Trademark support (use of name, etc.)	Inactive + 6 years
Product literature and surveys	5 years
Promotional materials	5 years

Facilities / Real Estate Records Retention Schedule

Description	Retention Period <small>(includes on-site and off-site)</small>
Property/Facilities	
Building permits	While property is active
Leases	6 years after expiration
Office improvements	While property is active
Office layout	While property is active
Property summaries	6 years after tax filing
Property title, deeds	Permanent
Real estate records	While property is active
Lease acquisitions, abstracts	While property is active
Records Management	
Computer tape indexes	Active
Records destruction documentation	10 years
Records inventory	1 year
Records management procedures	Active + 10 years
Security	
Badge lists	Active
Visitor registration	1 year
Hazardous Materials Exposure (MSDS)	30 years

Human Resources / Benefits / Safety / Security Records Retention Schedule

Description	Retention Period <small>(includes on-site and off-site)</small>
Affirmative Action	
Affirmative action plan	2 years
Benefit Plans	
ERISA filings, supporting documents	Filing + 6 years
All records necessary to determine benefits due to employees	Permanent
Benefit plan description or SPD	Termination of plan + 1 year
Benefit and pay plans (incl. bonus, COBRA)	10 years after separation
Incentive plans	Permanent
Insurance Policies	
Accident	Closed + 5 years
Dental	Closed + 5 years
Disability	Closed + 6 years
Life	Closed + 5 years
Medical	Closed + 7 years
Unemployment	Closed + 3 years
Workers compensation	Closed + 10 years
Benefits, General	
Investments/savings	3 years
Retirement benefits	10 years after retirement benefits are no longer paid or after eligibility ceases, whichever is later
Relocation records	1 year
Vacations	2 years
Sick leave	2 years
Education / Training	
All records	3 years
Other	
HIPAA – policy, procedures	Indeterminate
HIPAA (records, logs)	6 years
Polygraph exams	Exam + 3 years
Employment, Personnel Actions, General	
Advertisements and internal job postings	1 year
Applications for employment, resumes	2 years if not hired or Termination + 10 years if hired
Attendance records	Termination + 10 years
Biographical data (name, address, birth date, sex, etc.)	Termination + 10 years
Offer letters	Termination + 10 years
Disputes, employee	Final disposition + 3 years
Handbooks, employee	10 years after superseded
INS Work Authorization Form I9	Latter of hire + 3 years or termination + 1 year
Job descriptions	Active + 3 years
Layoffs	Termination + 10 years
Medical records (except FMLA and OSHA)	Termination + 10 years
Offer and hiring records	Termination + 10 years
Performance standards	Closed + 10 years
Personnel files – active	Indefinitely
Personnel files – terminated	Termination + 10 years
Promotions, demotions, transfers, evaluations	Termination + 10 years
Reasonable accommodation request	2 years
Termination records	Termination + 10 years
Test records	1 year
Family and medical leaves	
Medical records under FMLA	Termination + 10 years
Environmental testing, monitoring records	5 years after close of year
Non-discrimination and EEO,	
EEO – 4	3 years
Fair Credit Reporting Act records	3 years

Workers Compensation Claims	
Date-stamped copy of claim, OSHA Form 101, letter of denial to employee, medical reports on claim, WC benefits payment records, estimate of future liability, application to Appeals Board, all notices sent to employee	6 years after case closed
Safety	
Accident, damage, injury reports	Close of year + 5 years
Emergency action plans	Active
Employee toxic/hazardous exposure records	30 years
Fire extinguisher records	1 year
Fire prevention programs	Active
Health and safety bulletins	Close of year + 5 years
Safety records	Close of year + 5 years
Security	
Alarm system records	4 years
Identification	1 year
Visitors logs	3 years

Administration, Correspondence Records Retention Schedule

Description	Retention Period <small>(includes on-site and off-site)</small>
General Administration	
Calendars and scheduling records	Until no longer needed
Associations/organizations (external)	Until no longer needed
Bulletins/publications	Until no longer needed
Chronological files	2 years
Committees/meetings (external)	Until no longer needed
Disaster recovery	Until superseded
Organization charts	Permanent
Policies and procedures	Superseded + 10 years
Records management	
Retention schedule	Permanent
Signed retention policy acknowledgement forms	Until superseded
Forms management	2 years
Travel information	3 years
Correspondence	
Correspondence that supports other documents	Same as underlying documents
Correspondence with no significant business purpose or consequence	Destroy within 1 year
Correspondence, enduring long-term value	5 years, then review

E-mail Records Retention Schedule

Description	Retention Period
Board of Directors – business related	3 years
Directors – business related	3 years
Managers – business related	3 years
Supervisors – business related	2 years
All others – business related	1 year
All non-business-related messages	1 year

Appendix B – Employee Acknowledgement

Policy Receipt Acknowledgement

I have read and understand the purpose of DRCOG’s Document Retention Policy (DRP). I understand strict adherence to this DRP is a condition of my employment with DRCOG. If I do not understand something regarding this DRP, I will contact the DRP Manager immediately for clarification. I agree to abide by DRCOG’s DRP.

Signature of Employee

Printed Name of Employee

Title of Employee

Date Signed

Note: Please complete this form and send it to the DRP Manager. It is suggested you retain a copy for your records.

Appendix C – Storage and Destruction Procedures

Hard Copy Records

Storage

Hard copy records subject to the Retention Policy are indexed and logged via the *Records Retention Log* form and placed in a suitable box. Once completed, send the *Records Retention Log* form to the DRP Manager.

Document Destruction

If an entire box or selected records from a box are to be destroyed, complete the *Records Destruction Log* form. Once completed, send the *Records Retention Log* form to the DRP Manager. Shred the records or place the records in one of the shredding bins located throughout the office.

Client Record Destruction

Under contract terms certain client records are retained for a stated period of time. At the end of the contractually defined period the client will instruct DRCOG to destroy or return the records. Complete the *Records Destruction Log* form. Once completed, send the *Records Destruction Log* form to the DRP Manager.

Electronic Records

Storage

If the storage system supports it, ensure the records are indexed and assigned a destruction date.

Document Destruction

If the storage system provides an automated records retention process, ensure records are deleted per the assigned destruction date.

If the storage system does not provide an automated records retention process, manually delete records per the Retention Policy schedule. Complete the *Records Destruction Log* form and send the *Records Destruction Log* form to the DRP Manager.

Client Record Destruction

Under contract terms certain client records are retained for a stated period of time. At the end of the contractually defined period the client will instruct DRCOG to destroy or return the records.

If the storage system provides an automated records retention process, ensure records are deleted per the assigned destruction date.

If the storage system does not provide an automated records retention process, manually delete records per the Retention Policy schedule. Complete the *Records Destruction Log* form and send the *Records Destruction Log* form to the DRP Manager.

Revision History

Date	Revision	Description	Author
09/29/2011	0.02	Initial release for review and comment.	Tim Feld
03/01/2023	0.05	Applied comments from Melinda Culley and Jenny Dock – updated formatting	Tim Feld
03/07/2023	0.06	Created records forms, modified procedure to accommodate forms	Tim Feld
04/25/2023	1.00	Applied comments from Jenny Dock. Removed "Draft" watermark	Tim Feld