

**COUNTY OF SAN DIEGO
ADMINISTRATIVE MANUAL**

SUBJECT: DESTRUCTION AND PURGING OF RECORDS

ITEM NUMBER **0100-01**

EFFECTIVE DATE: JULY 20, 2012

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I. PURPOSE

To establish an orderly systematic disposition for County records for the final destruction of non-judicial records within the County. For purposes of this Item, "non-judicial records" means records not in the possession, custody or control of the Superior Court.

II. BACKGROUND

A. State Law

Several key statutes of the California Government Code provide the principal legal framework for the destruction of records. Appendix A to this Item 0100-01 reflects the elements of the different code sections, i.e., the authority and conditions under which certain categories of paper records may be destroyed. The categories include paper records which are more than or less than two years old and which are (1) prepared in any manner other than per statute or charter, or (2) prepared per statute or charter but not expressly required to be filed/preserved. In brief, the key statutes are:

Government Code §26202 permits the Board of Supervisors to authorize the destruction of "records, papers, documents" upon request by County officers, which are more than two years old and meet certain criteria. Either a majority or a 4/5ths vote is required depending on the type of record for which destruction is requested.

Government Code §26205 permits the Board of Supervisors to authorize the destruction of records at the request of County officers under specific conditions, where the records will be electronically stored.

Government Code §26205.1 permits the Board of Supervisors, by resolution, to authorize County officers to destroy non-judicial records, papers, documents, and files in their possession if specific conditions are met. There is no requirement for the record to be more than two years old because section 26205.1 requires electronic storage.

Government Code §26205.1 is the most recent of the three and created a "blanket destruction authority" that did not exist under sections 26202 and 26205. A Board resolution is required to implement this blanket authority. Section 26205.1, its implementing Board resolution and the related Administrative Manual items are the primary authorities governing County records management.

There are other Government Code sections and other California codes bearing on destruction of particular records. Department heads and custodians of records should work with their respective attorneys at County Counsel to identify such laws and ensure their incorporation into records retention schedules.

B. Board Resolutions

On July 23, 1974, the Board of Supervisors adopted a Records Destruction Resolution No. 115, which authorized County officers to destroy records under specific conditions that the Board imposes. Resolution No. 115 was updated on March 22, 1994 and renumbered to become

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Records Destruction Resolution No. 94-91. On May 13, 2008, the Board replaced Resolution 94-91 with Resolution No. 08-079. On November 8, 2011 (24), the Board replaced Resolution No. 08-079 with Resolution No. 11-159.

In December 1997, the Board of Supervisors adopted policy No. A-129 entitled, "Compliance with the Countywide Records Management Program." This policy states that: a) all County departments will comply with the guidelines and responsibilities outlined in the Chief Administrative Officer's Manual Item 0040-09 and develop and implement an operational retention schedule; b) all requests for additional space will be submitted to the Records Services Division of the Department of Purchasing and Contracting with an approved retention schedule and evidence of compliance with a justification as to why the records are to be stored in County-owned or leased space as required; and, c) an annual audit will be conducted to ascertain departmental compliance with adopted Records Management policies. On May 13, 2008, this item A-129 was updated to its current form.

C. Administrative Manual

In June 1983, destruction of records policy Item 0100-01 was added to the Administrative Manual giving the Auditor and Controller the responsibility of approving requests for destruction of records. In August 2007, Item 0100-01 was updated. On June 5, 2008, this Item 0100-01 was again updated. On July 20, 2012 this Item 0100-01 was update to its current form.

In November 1987, a Countywide Records Management Program was added to the Administrative Manual (Item 0040-09). Under this program, the policies and procedures for destruction of records have undergone review and revisions. All County departments are now required to create a records retention schedule. County Counsel and the Auditor and Controller will approve retention schedules. Departments will follow the requirements set forth on their retention schedules when destroying records.

III. POLICY

This policy provides criteria for an orderly systematic procedure for the disposition of paper records, micrographic media and Computer Output Microfilm (COM), electronically scanned, optical disk (CD ROM, DVD), magnetic tape media, and digital media for destruction.

The Chief Administrative Officer has determined that the Auditor and Controller will be responsible for the final authorization of requests for the destruction of all official records that do not meet the exception rule based on the department being in compliance with the Countywide Records Management Program retention policy for records in their custody that requires an audit.

All County departments are responsible for adhering to these conditions. If a department identifies other provisions or exceptions to the general provisions they should seek to amend this policy with the assistance of the Auditor and Controller.

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IV. PROCEDURE

There are essentially three steps to disposing of a record:

STEP ONE – Determination of destruction eligibility

1. Determine the record has met the required retention time pursuant to the applicable records retention schedule. (See 0040-09.)
2. Verify the record is not required for announced Grand Jury inquiries, for litigation, for ongoing or pending audits by the Auditor and Controller, or audits pursuant to contracts, grants or other governing documents.
3. Verify that all media versions of the record have been identified and are being handled according to the records retention schedule.

STEP TWO – Submittal of destruction request to Auditor Controller

1. Complete Form AUD 100-1 (Purchasing & Contracting Records Services Division webpage, Forms).
2. Attach copy of relevant page of applicable records retention schedule.
3. If there have been any changes to statutes or ordinances affecting the records retention schedule that have not yet been incorporated into the schedule, attach relevant backup.

STEP THREE -- Destruction

Upon approval by Auditor and Controller:

- Paper - Non-confidential records may be recycled.
- Paper - Confidential records shall be shredded with a vendor certification of confidential destruction delivered to the requesting department/division of their compliance.
- Electronic records, electronic metadata and images shall be permanently erased.
- All digital media shall meet destruction in the manner that meets the requirements for certified non-readability of the images or metadata.
- County departments shall provide all offsite records retention service providers with an approved copy of the retention policy description, approved copy of the Auditor and Controller 100-1 form, inventory manifest listing/image certification listing inclusive serial contents.

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STEP FOUR – Proof of Destruction

- Departments shall provide proof of destruction of all official records to Records Services, Department of Purchasing and Contracting, regardless of media type or storage location.

V. REFERENCES

The following reference descriptions are provided only to guide records management personnel to relevant authorities. Resolution No. 11-159 and the cited Government Code sections must be read in their entirety and in context with each other for a complete understanding of their provisions. As noted, the retention and/or destruction of specific records may be governed by other statutes throughout the California codes.

Records Destruction Resolution No. 11-159 authorizes County officers to destroy records in their possession under specific conditions.

Government Code 26205.1 permits the Board of Supervisors, by resolution, to authorize County officers to destroy non-judicial records, papers, documents, and files in their possession if specific conditions are met.

Government Code 26205 permits the Board of Supervisors to authorize the destruction of documents at the request of County officers under specific conditions.

Government Code 26202 permits the Board of Supervisors to authorize the destruction of documents, which are more than two years old and meet certain criteria.

Government Code 26206.7 permits the Board of Supervisors to authorize the destruction of duplicate records less than two years old.

Approved



Walter F. Ekard
Chief Administrative Officer

Responsible Department(s)
Auditor and Controller