Clermont Metropolitan Housing Authority
65 South Market Street | Batavia, Ohio 45103
513.732.6010 | Fax 513.732.6520
www.clermontmha.org

RECORDS RETENTION POLICY and DISPOSITION SCHEDULE

Effective November 30, 2021

I. INTRODUCTION

This policy documents Clermont Metropolitan Housing Authority (CMHA)'s record documentation and disposition schedule. CMHA has an abundance of records which are created by functions, programs, policies, decisions, procedures, and essential transactions, including records necessary to protect the legal and fiscal rights of CMHA and the civic and legal rights of private citizens directly affected by CMHA's activities.

This Record Retention Policy and Disposition Schedule ("Policy") and the related Exhibit "A" and incorporated herein by this reference, is intended to establish guidelines, policies and procedures for the retention and disposition of CMHA's Records in accordance with their administrative, legal, fiscal, and historical requirements.

II. GENERAL POLICY

A. Purposes. The purposes of this Policy are to:

1. Preserve records that document CMHA's functions, programs, policies, decisions, procedures, and essential transactions in full compliance with all applicable laws, regulations, guidelines, policies and procedures or the terms and conditions of any grant award or contract.
2. Ensure the identification, retention and timely disposition of transitory and temporary records and the identification and retention of permanent records in accordance with the Record Retention and Disposition Schedule; and
3. Provide a safeguard for maintaining an environment of quality, integrity, and security of critical information resources.

B. Application. This Policy applies to all Administrative and Program Records (as defined below in Part III) regardless of format, whether they be paper, electronic, or any other more traditional media. However, nothing herein shall prevent CMHA from complying with applicable laws, regulations, guidelines, policies and procedures or the terms and conditions of any grant award or contract.

C. Unauthorized Activities. Records that are the property of CMHA shall not be removed, destroyed, mutilated, transferred, or otherwise damaged or disposed of, except as provided for in this Policy.

D. Litigation, Claims, Audits, and Investigations. The Retention Periods set forth in the Record Retention and Disposition Schedule shall not apply to records that are otherwise eligible for disposition, but which may be relevant to pending, threatened or anticipated litigation, claim, audit, or investigation involving CMHA. Once CMHA becomes aware of the existence of such litigation, claim, audit or investigation, the Authority shall retain all records related to such matters until completion of the action and resolution of all issues which arise from it, or until the end of the required period, whichever is later. Adoption of this Policy does not relieve or otherwise affect the pre-existing obligation to maintain records related to a matter under litigation, claim, audit, or investigation.

III. DEFINITIONS

"Administrative Records" means records that document or contain valuable information related to the organization, functions, policies, decisions, procedures, operations, or other business activities of CMHA.

"Board of Commissioners" or Board means CMHA's Board of Commissioners.

"Damaged Records" means records damaged by water, fire, or other forms of contamination during natural and man-made disasters.

"Disposition" or "Disposed" means the destruction and disposal of records that no longer have administrative, legal, fiscal, or historical value. Records selected for disposition shall be inventoried on a disposition list and disposed of according to this Policy and the Record Retention and Disposition Schedule.

"E-Mail" means sending text messages between computers using a computer network (internal) or the Internet (external).

"E-mail System" means the temporary communications tool intended for CMHA's use in accordance with generally accepted business communications practices and current law. The E-mail System is not intended to be used for electronic storage or maintenance of documentation, including, but not limited to, records of CMHA.

"Electronic Record" means a computer-readable record that is created, generated, sent, received, and/or stored by electronic means.

"HUD" means the U.S. Department of Housing and Urban Development.

"Imaged" means the process of converting a document from physical paper format to an electronic digital image file.

"Obsolete Records" means records that no longer have administrative, legal, fiscal, or historical value. Obsolete Records shall be inventoried on a disposition list and unless otherwise determined still active or permanent the records shall be disposed of according to the Record Retention Policy and Disposition Schedule.

"Permanent Records" means Records that are required by federal or state law or regulation or this Policy to be permanently retained and which are ineligible for Disposition unless they are copied to an appropriate electronic format or placed on an optical imaging system under procedures to be developed by the Records Official to ensure the integrity, accuracy, and reliability of the image. CMHA's Permanent Records are identified in this Policy and the Record Schedule.

"Program Records" means records that document the unique, substantive functions for which CMHA is responsible.

"Record" or "Records" means any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by CMHA regardless of physical form or characteristics. Per Government Code section 6250 of the Public Records Act, "writing" as used in this definition means any handwriting, typewriting, printing, 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 way the record has been stored.

"Record Retention Policy and Disposition Schedule" or "Record Schedule" means the list of all records produced or maintained by CMHA and the actions taken with regards to those records. The Record Schedule is CMHA's legal authority to receive, create, retain, and dispose of official CMHA records. The Finance Department assists in documenting which Records require temporary storage, which records have historic or research value, and which records should be destroyed because they no longer have any administrative, fiscal, or legal value. In the event of litigation, CMHA may use the Record Schedule to establish the "normal course of doing business."

"Records Official" means CMHA's Executive Director, or their designee.
"Retention Period" means the length of time a record must be retained to fulfill its administrative, legal, fiscal, and historical function.

"Temporary Records" means records that have at least some administrative, legal, fiscal, or historical value. Retention and disposition requirements for Temporary Records are set forth in this Policy and the Record Schedule.

"Transitory Records" means records that have very short-lived business, financial, legal, research or historical value. This Policy provides that Transitory Records may be disposed in an appropriate manner once their value as business, financial, legal, research or historical records have expired.

IV. RECORDS MANAGEMENT RESPONSIBILITIES

A. Board of Commissioners. Approval of the Board of Commissioners is required for substantive changes made to this Policy but is not required for amendment of the Record Retention Schedule if the resulting Retention Periods comply with this Policy and all applicable laws, regulations, guidelines, policies and procedures or the terms and conditions of any grant award or contract.

B. Records Official. The Records Official or their designee shall be responsible for the following:

1. Maintaining the Record Schedule in compliance with this Policy and all applicable laws, regulations, guidelines, policies and procedures or the terms and conditions of any grant award or contract.
2. Coordinating the transfer of Records to storage and maintaining a detailed current inventory of all stored Records.
3. Resolving conflicts concerning Department of Record assignments.
4. Developing appropriate records management training.
5. Overseeing the timely Disposition of Records in accordance with this Policy and the Record Schedule.
6. Making recommendations to the Board when substantive amendments to this Policy become necessary or advisable.
7. Developing such policies, procedures, and guidelines as are necessary to implement this Policy.

C. Directors and the Modernization & Maintenance Supervisor (M&MS). CMHA's Directors and M&MS shall be responsible for the following:

1. Treating records in their custody as property of CMHA and following all applicable laws, regulations, guidelines, policies, and procedures concerning protection of Records against damage and unlawful removal, destruction, mutilation, transfer, disposal, or misuse.
2. Maintaining an inventory of all Records for which their department is the Department of Record and ensuring such Records are readily available upon official request.

3. Ensuring that all assigned Retention Periods applicable to their department's Records comply with applicable laws, regulations, guidelines, policies and procedures or the terms and conditions of any grant award or contract and making recommendations to the Records Official when compliance requires amendment of this Policy or the Record Schedule.
4. Ensuring Records are stored to permit easy retrieval and are protected against damage, unauthorized access, and unlawful removal, destruction, mutilation, transfer, disposal, or misuse.
5. Assisting staff in identifying and timely disposing of Transitory Records once their value as business, financial, legal, research or historical records have expired, in accordance with this Policy, the Record Schedule and such policies, procedures and guidelines as may be adopted by the Board or developed by the Records Official.
6. Assisting staff in identifying and preserving Records having significant administrative or historical value or the potential for significant administrative or historical value (as determined herein).
7. Carrying out the timely Disposition of Temporary Records in accordance with this Policy, the Record Schedule and such policies, procedures and guidelines as may be adopted by the Board or developed by the Records Official.

D. Employees. Employees shall be responsible for the following:

1. Treating records in their custody as property of CMHA and following all applicable laws, regulations, guidelines, policies, and procedures concerning protection of Records against damage, unauthorized access, and unlawful removal, destruction, mutilation, transfer, disposal, or misuse.
2. Notifying their supervisor of any actual or threatened damage to Records, unauthorized access, or unlawful removal, destruction, mutilation, transfer, disposal, or misuse.
3. Working with their supervisor in identifying and timely disposing of Transitory Records once their value as business, financial, legal, research or historical records have expired.
4. Working with their supervisor in identifying and preserving Records having significant administrative or historical value or the potential for significant administrative or historical value (as determined herein).
5. Ensuring that the Retention Periods assigned to the Records they maintain comply with applicable laws, regulations, guidelines, policies and procedures or the terms and conditions of any applicable grant award or contract and making recommendations to their supervisor when compliance requires amendment of this Policy or the Record Schedule.
6. If designated by their superiors, preserving, or arranging for the timely Disposition of Records in accordance with this Policy, the Record Schedule and

such policies, procedures and guidelines as may be adopted by the Board or developed by the Records Official.

V. PRIVACY RESTRICTED ACCESS

It is the policy of CMHA to comply with state and federal laws with respect to privacy. Personnel and resident/participant data shall be secured in such a manner to restrict access to only personnel authorized by the Records Official or his or her designee, and at no time shall such Records, regardless of format, be made available for public inspection. At all times EIV data will be protected in accordance with HUD requirements

VI. ELECTRONIC MAIL

A. Retention and Disposition of Transitory E-Mail Records. The following E-mail Records qualify as Transitory Records are subject to Disposition upon the expiration of their value as business, financial, legal, research or historical Records:

1. E-mails that document routine activities containing no substantive information, such as calendars, appointment books, schedules, logs, diaries, and routine notifications of meetings, scheduling of work-related trips and other scheduling related activities qualify as Transitory Activity Records..

2. E-mails that constitute solicited or unsolicited information received from businesses or individuals who are advertising their products or services qualify as Transitory Advertising Records.

3. E-mails that constitute correspondence that is routine in nature, requires no administrative action, policy decision, or special handling and is not subject to any specific legal requirements qualify as Transitory Routine Correspondence.

4. E-mails that constitute preliminary or tentative versions of Records that do not form significant stages in the preparation of a final documents, were not shared or put into practice, or were superseded by a formal or ongoing record qualify as Transitory Drafts of Records.

5. E-mails that constitute exact copies of Records where nothing has been added, changed, or deleted. the copies have been used for reference or information purposes only. and the master version of the Record has been filed in an official filing system qualify as Transitory Duplicates.

6. E-mails that constitute quasi-official notices including memoranda and other Records that do not serve as the basis of official actions and are routine in nature, such as those pertaining to meetings, holidays or special events circulated to all staff or posted in public folders qualify as Transitory Notices and Memoranda.

7. E-mails that constitute promotional and public relations materials prepared by or for CMHA that do not contain significant information or substantial evidence of plans and directions for agency activities, or critical information which is not contained in other CMHA Records qualify as Transitory Promotional and Public

Relations Materials.

8. E-mails that constitute information, which was intended primarily for consultation and, if used to prepare or update a formal or ongoing Record, are cited as needed qualify as Transitory Reference Materials.
9. E-mails that constitute calculations, short, informal notes such as phone messages and notes collected and used in the preparation of documents, written down for review, or as an aid to memory, or to inform someone else qualify as Transitory Research, Notes and Working Files.
10. E-mails that constitute requests and responses for forms, publications, records, and other agency information that, except for redacting confidential and privileged information, do not require administration review before, or further action after, the form, publication, record, or other agency information is provided qualify as Transitory Requests.
11. E-mails that constitute telephone messages, routing slips, self-adhesive notes, memos, notes, messages, mail service and printing service records that have only immediate or short–term value qualify as Transitory Temporary Information. and
12. E-mails that constitute forms, checklists and other worksheets used to prepare or update a formal or ongoing record or informally track workflow, qualify as Transitory Worksheets.

B. Retention and Disposition of Temporary and Permanent E-Mail Records. E-mails that do not qualify as Transitory Records above are either Temporary or Permanent Records and shall be retained and disposed of in accordance with this Policy, the Record Schedule and such policies, procedures and guidelines as may be adopted by the Board or developed by the Records Official.

C. 90-Day Purge Mails more than 90 days old may be purged from the E-Mail System daily. A purged E-Mail is considered Disposed as soon as it has been deleted from a user's mailbox, even if it is temporarily stored in a trash folder.

D. Responsibilities. It is the responsibility of CMHA officials and employees to do the following with respect to E-Mails prior to the 90-day Purge:

1. Determine if an E-mail constitutes a Transitory, Temporary or Permanent Record.
2. If retention of the E-mail is warranted or required beyond the 90-day Purge, the E-Mail shall be copied to an appropriate electronic format or printed in hard copy and retained in the appropriate file for the required Retention Period. An E-Mail shall be retained by the sender/creator and need not be retained by a recipient unless the recipient needs to take an action because of the E-Mail or if the E-Mail explains, justifies, or documents an action or decision of the

recipient. However, if someone outside the agency sent the E-Mail, CMHA official or employee who received the email is responsible for the E-Mail's retention.

3. E-Mail attachments should be retained or disposed of according to the content of the attachment itself, not the E-Mail that transmitted the attachment.

VII. SOURCES

Whenever possible, the Retention Periods provided in the Record Schedule shall be based upon the following sources:

A. Federal and State Laws, Regulations and Guidelines. Whenever applicable, federal, and state laws, regulations and guidelines shall be utilized to establish minimum Retention Periods. Where conflicting federal and/or state laws, regulations or guidelines apply to the same Record or to multiple Records maintained in the same file, the longest Retention Period shall be utilized. Federal and state laws, regulations and guidelines cited in the Record Schedule shall include successor provisions.

B. Grant Awards and Contracts. Whenever applicable, Retention Periods mandated by the terms and conditions of any grant award or contracts shall be utilized to establish minimum Retention Periods. Where conflicting grant award or contract provisions and federal or state laws, regulations or guidelines apply to the same Record or to multiple Records maintained in the same file, the longest Retention Period shall be utilized.

C. HUD Publications. HUD has adopted multiple handbooks, guidebooks, notices, and manuals (collectively, "HUD Publications") to clarify or elaborate on established HUD policies and to issue procedures or guidance within the framework of established laws and regulations. Whenever applicable, Retention Periods set forth in HUD Publications shall be utilized to establish minimum Retention Periods. Where conflicting HUD Publications, federal and/or state laws, regulations, or guidelines, and/or grant award or contract provisions apply to the same Record or to multiple Records maintained in the same file, the longest Retention Period shall be utilized. HUD Publications cited in the Record Schedule shall include future amendments, revisions, and successor provisions.

D. HUD Common Rule. In the absence of controlling federal or state law, regulation or guideline, or HUD Publication, the retention of program, financial and statistical Records, and other Records required to be maintained by HUD program regulations or grant award or contract, or otherwise reasonably considered as pertinent to HUD's program regulations or grant agreement, shall be governed by

24 CFR 85.42(b) of the "Uniform Administrative Requirements for Grants and Cooperative Agreements to State, Local, and Federally-Recognized Indian Tribal Governments" ("HUD Common Rule"), or its successor, which establishes a minimum 3-year Retention Period for such Records.

E. National Archives and Records Administration: General Records Schedules. The National Archives and Records Administration ("NARA") is the independent federal agency that is responsible for adequacy of documentation and records disposition for federal records. General Records Schedules (GRS) provide mandatory disposal authorization for temporary administrative records common to several or all federal agencies, including records relating to personnel, fiscal accounting, procurement, communications, printing, and other common functions. Though not legally binding upon CMHA, in the absence of controlling federal or state law, regulation or guideline, or HUD Publication, and when the HUD Common Rule is not applicable, the GRS, or its successor, may be utilized to establish minimum Retention Periods for similar Records. Cited GRS Schedules shall include future amendments, revisions, and successor provisions.

F. HUD Records Disposition Schedule. HUD's Records Disposition Schedule (Administrative Records, Appendix 3 to Handbook 2225.6) contains the NARA-approved HUD deviations from the General Records Schedules and along with the GRS, provides disposition instructions for HUD records and non-record materials. Though not legally binding upon CMHA, in the absence of controlling federal or state law, regulation or guideline, or HUD Publication, and when the HUD Common Rule is not applicable, HUD's Records Disposition Schedule, or its successor, may be utilized to establish minimum Retention Periods for similar Records.

G. Statutes of Limitation. Applicable statutes of limitation shall be consulted to establish minimum Retention Periods for Records which may be necessary to document or defend against civil claims. Examples include the 3-year statute of limitation for trespass on or injury to real property at Code of Civ. Proc. §338(b). the 4-year statute of limitation for contracts and actions to recover book accounts at Code of Civ. Proc. §337. the 4-year statute of limitation for property lease/rental agreements at Code of Civ. Proc. §337.2. the 10-year statute of limitation for construction defect litigation at Code of Civ. Proc. §337.15. and the 10-year statute of limitation for general obligation bond actions at Code of Civ. Proc. §337.5.

H. State Archives Guidelines. Whereas the state has enacted laws and regulations that govern the retention of records at the state, county, and city levels, except for certain records, no state laws or regulations have been enacted to govern the

retention of records by public agencies such as CMHA. To address the perceived problem of local government agencies having no standardized program of accountability and treatment of public records, in 1999, the Legislature adopted Senate Bill 742 which added Government Code section 12236 and provided that the Secretary of State shall establish the Local Government Records Program to be administered by the Archives Division ("State Archives") to establish non-binding guidelines for local government record retention.

In February 2006, the Secretary of State published the "Local Government Records Management Guidelines" ("State Archives Guidelines"), a copy of which shall be maintained with the official Record of this Policy. Though not legally binding upon CMHA, in the absence of controlling federal or state law, regulation or guideline, or HUD Publication, and when the HUD Common Rule is not applicable, the State Archives Guidelines, or its successor, may be utilized to establish minimum Retention Periods for similar Records.

VIII. RECORD RETENTION SCHEDULE GUIDELINES

The following guidelines are established for the designation of Retention Periods specified in the Record Schedule:

A. Transitory Records. The decision on what is and is not a Transitory Record is generally made at the employee-level. If an employee determines a Record is not likely to have future administrative, legal, fiscal, and historical value and the record is listed as a Transitory Record on the Record Schedule, this Policy provides that the Record maybe Disposed in an appropriate manner once its administrative, legal, fiscal, or historical value has expired.

Transitory Records include the following:

1. Activity Records that document routine activities containing no substantive information, such as calendars, appointment books, schedules, logs, diaries, and routine notifications of meetings, scheduling of work-related trips and other scheduling related activities.

2. Advertising Material consisting of solicited or unsolicited information received from businesses or individuals advertising their products or services.

3. Correspondence, whether produced or received, that is routine in nature, requires no administrative action, policy decision, or special handling and is not subject to any specific legal requirements, including: originating office copies of letters of transmittal that do not add any information to that contained in the transmitted material, and receiving office copy if filed separately from transmitted material. correspondence from other agencies that is received for general information purposes only. originating office copies of letters of transmittal that do not add any information to that contained in the transmitted

material and receiving office copy if filed separately from transmitted material. business messages such as scheduling or confirming meetings. and announcements and notices of a general nature

4. Drafts of Records that consist of preliminary or tentative versions of a Record that do not form significant stages in the preparation of a final documents, were not shared or put into practice, or were superseded by a formal or ongoing record, including preliminary drafts of letters, memoranda, reports, etc., but not including drafts that are legally required, acted upon, or applied, which must be retained according to the Record Schedule, this Policy or any applicable law, regulation, guideline, policy or procedure, or the terms and conditions of any grant award or contract.
5. Duplicates that are exact copies of Records where nothing has been added, changed, or deleted. the copies have been used for reference or information purposes only. and the master version of the Record has been filed in an official filing system. A Record must meet all three of these conditions to be a duplicate. If something has been added, changed, or deleted, the record is no longer a duplicate, though it could still be Transitory, depending on the significance and future value of the addition, change or deletion.
6. External publications such as books, magazines, periodicals, pamphlets, brochures, journals, newspapers, and software documentation obtained from sources other than CMHA that require no action and are not required for documentary purposes
7. Notices and memoranda that constitute quasi-official notices including memoranda and other records that do not serve as the basis of official actions and are routine in nature, such as those pertaining to meetings, holidays or special events circulated to all staff or posted in public folders.
8. Promotional and public relations materials including audiovisual items, photographs, flyers and brochures, newsletters, press releases, published reports, bulletins, educational and informational materials prepared by or for CMHA that do not contain significant information or substantial evidence of plans and directions for agency activities, or critical information that is not contained in other CMHA records.
9. Reference materials and other sources of information intended primarily for consultation and, if used to prepare or update a formal or ongoing record, are cited as needed.
10. Research, notes and working files, such as calculations, short, informal notes such as phone messages, and notes collected and used in the preparation of documents, written down for review, or as an aid to memory, or to inform someone else.
11. Requests and responses for forms, publications, records, and other agency information that, except for redacting confidential and privileged information,

do not require administration review before, or further action after, the form, publication, record, or other agency information is provided.

12. Temporary information such as telephone messages, routing slips, self-adhesive notes, memos, notes, messages, mail service and printing service records that have only immediate or short–term value.

13. Worksheets, forms, and checklists used to prepare or update a formal or ongoing Record or informally track workflow.

14. Information technology Records maintained as backup files. system and data documentation. software and hardware inventory records. hardware and software documentation and maintenance records. user access records. usage monitoring records. and design and implementation project records.

B. Temporary Records. Temporary Records are recognized as having varying degrees of administrative, legal, fiscal, or historical value. In the absence of controlling federal or state law, regulation or guideline, or HUD Publication, and when the HUD Common Rule is not applicable, the following guidelines are established for the retention of the following types of Temporary Records:

1. Administrative Records. The minimum Retention Period for Administrative Records is 2 years. Administrative Records include the following: departmental audit records, community meeting and event records, general (non-transitory) correspondence. citizen complaints. equipment records having no potential for significant historical and/or administrative value. expense records. internal reports and studies. inventory lists. membership records. reference materials. training records. employment verifications. employee handbook and orientation materials. employee reasonable accommodation records. recruitment records. certificates of insurance. draft budget files of the Finance Department. draft 5-year and Annual Agency Plan files. resident newsletters. trip reduction materials. declined funding submissions. agenda mailing list. recordings of public meetings. Public Safety audio, telephone, and radio communications. visitor logs. superseded policies and procedures. record retention and disposition files. surplus equipment disposal records. facility request records. and investigation records not recognized as having the potential for significant administrative and/or historical value (as determined herein).
2. Real Property Records. The following real property records shall be retained for a minimum of 5 years: material records pertaining to real property in which CMHA or any of its instrumentalities or affiliates maintains a legal interest. material lease, rental and management records pertaining to real property in which CMHA or any of its instrumentalities or affiliates maintains a legal interest. asbestos and lead-based paint inspection records. and lead- based paint hazard reduction and remediation activities conducted at site in which CMHA or any of its instrumentalities or affiliates has a legal interest.

3. Liability Claims Records. Liability Claims Records shall be retained for a minimum of 5 years, as recommended by the State Archives at p. C-24 of the State Archives Guidelines.
4. Accounting, Finance, Tax and Payroll Records. Accounting, Finance, Tax and Payroll Records are often contained within the same file. To satisfy the varying minimum Retention Period requirements imposed upon such records, Accounting, Finance, Tax and Payroll Records shall be retained for a minimum of 6 years after audit, which satisfies or exceeds the following applicable rules and regulations:
   a. The 6-year retention requirement for employee benefit-related records set forth at 29 USC 1027.
   b. The 5-year retention requirement for HOME financial records set forth at 24 CFR 92.508(c).
   c. The 4-year retention requirement for CDBG financial records set forth at 24 CFR 85.42 as modified by 24 CFR 570.502(a)(16).
   d. The 4-year retention requirement for tax records set forth at 26 CFR 31.6001-1 e(2).
   e. The 3-year retention requirement for payroll records set forth at 29 CFR 1627.3(a) and 29 CFR 516.5. and
   f. The 3-year general retention requirement of the HUD Common Rule at 24 CFR 85.42(b).

   Accounting, Finance, Tax and Payroll Records include direct deposit records. payroll accounting records. payroll rate/time records. payroll registers. accounts analysis packet. accounts payable records. backup withholding records. bank files. cancelled check records. the cash management records. journal entries. loan-related records. property site financial and accounting files. petty cash count sheets. general ledger requests. tax records. 1099 forms. insurance billing records. budget adjustment records. and grant-related payment requests.
5. Audit Records. Official Audit Records of the Finance Department shall be retained for a minimum of 6 years after audit, which is consistent with the 6-year Retention Period assigned to accounting and finance records and which exceeds the 3-year general retention requirement of the HUD Common Rule at 24 CFR 85.42(b). Audit Records include: the annual financial audit package. annual financial audit reports of the independent auditor. and program audit files.
6. Workforce Investment Act (WIA) Records. WIA records shall be retained for a minimum of 6 years after audit, which exceeds the 3-year retention requirement at 24 CFR 37.39 but is consistent with the retention requirements of other records that are subject to periodic governmental audits and record requests.
7. Information Technology Records. Service requests and responses maintained

by the Information Technologies Department shall be retained until the end of the current year plus 1 year.

8. Employee records commonly retained in Personnel files shall be retained until 4 years after the employee separates from service. Such Records include job applications and resumes of successful applicants. pre-employment medical evaluations. background information and fingerprints. personal fidelity bonds. W-4 forms. contracts. salary actions. disciplinary actions. evaluations. personnel action forms. applications for leave including leaves under the Family Medical Leave Act. benefit forms. correspondence and reports related to employees. and wage and hour records used to determine retirement benefits.
9. Fixed Assets. Records pertaining to Fixed Assets shall be retained for a minimum of 2 years beyond the life or ownership of the asset.
10. Debt Collection Records. Debt Collection Records shall be scheduled for periodic review and shall be retained until the end of the 10-year judgment enforcement period plus an additional 10 years or when judgment is satisfied in full plus an additional 10 years, whichever occurs first. Debt Collection Records recognized as having significant administrative or historical value may be retained for a maximum Retention Period of 30 years. Whether a Record has significant administrative or historical value depends upon its function as a business, financial, legal, research or historical Record, and the extent to which the Record is necessary to CMHA's functioning or continuity. Debt Collection Records include record copies of court judgment. judgment liens and/or tax intercept records. financial statements and bank deposit statements related to moneys owed. copies of records documenting the receipt of payments made in satisfaction of the judgment. and copies of applicable repayment or settlement agreements.
11. Environmental Records. Environmental records prepared for construction or development projects in which CMHA, or any of its instrumentalities or affiliates, has a legal interest shall be retained for as long as CMHA or any of its instrumentalities or affiliates maintains a legal interest in the project plus an additional 10 years. Such Records include negative declarations. environmental site assessments. and environmental impact reports and statements of overriding consideration. Other Environmental Records having the potential for significant historical and/or administrative value (as determined herein), shall be retained until 10 years after project completion.
12. Potentially Significant Records. Temporary Records recognized as having the potential for significant administrative or historical value shall be retained for a minimum of 10 years. Whether a Record has the potential for significant administrative or historical value depends upon its function as a business, financial, legal, research or historical Record, and the extent to which the Record is necessary to CMHA's functioning or continuity. The following

Records are recognized as having the potential for significant administrative or historical value:

A. Policies and procedures involving major procedures, policies and standards affecting CMHA operations, critical functions or issues of public visibility or concern.
B. Publications, including newsletters, press releases, published reports, bulletins, homepage or other website files, educational or informational program materials prepared by or for CMHA and containing significant information or substantial evidence of plans and directions for agency activities, or publications containing critical information not found elsewhere in CMHA records.
C. Litigation case files.
D. Housing Services management reports (including Rent Collection and Income Review Reports.
E. Public Housing and HCV grievance hearing records.
F. Portability billing files maintained by Special Programs Operations.
G. Public Housing Certified Waiting List.
H. HCV Owner Monthly Newsletters and Informational Brochures containing significant information or substantial evidence of plans and directions for agency activities, and materials containing critical information not contained in other CMHA records
I. Workers Compensation Insurance claims involving future medical payments.
J. Employee insurance policies and records.
K. Material records related to the design, construction and development of construction and development projects.
L. Redevelopment Plan Records.
M. Documentation of asbestos removal and remediation activities conducted at any site in which CMHA or any of its instrumentalities or affiliates has a legal interest.
N. Employee benefit plan documents.
O. Promotional and public relations materials containing significant information or substantial evidence of plans and directions for agency activities, and materials containing critical information not contained in other CMHA records. and
P. Arrest and Incident Reports, except that were warranted for historical and/or administrative purposes, such Records may be retained for up to 50 years or until such Reports are placed on a database accessible to law enforcement, whichever comes first.

13. Records with Demonstrated Significant Administrative or Historical Value. The following Temporary Records are recognized as having demonstrated significant administrative, legal, fiscal, or historical value and shall be retained for a minimum of 20 years:
    A. Annual Contributions Contracts
    B. Payment in Lieu of Taxes Agreements.
    C. Adopted Budget.
    D. HCV Administrative Plan
    E. Five 5-year and Annual Agency Plan.
    F. Interagency/Intergovernmental Agreements
    G. Utility Allowance & Payment Standard Schedules.

C. Permanent Records. Permanent Records are recognized as having extraordinary administrative, legal, fiscal, or historical value. The following Permanent Records are ineligible for Disposition unless they are copied to an appropriate electronic format or placed on an optical imaging system under procedures developed by the Records Official to ensure the integrity, accuracy, and reliability of the image:

1. Cases filed by CMHA against applicants and residents concerning allegations of fraud or misreporting of income.
2. Waiting List Activity Files.
3. Repayment and Settlement Agreements.
4. Approved Board Resolutions and Minutes.
5. Annual Contributions Contracts for Public Housing between CMHA and HUD and related HUD-filed forms and computations.
6. Annual Contributions Contracts for Public Housing between CMHA and HUD and related HUD-filed forms and computations.

D. Exceptions. The Records Official, in consultation with legal counsel, may approve exceptions to the Retention Periods set forth in the Record Schedule. In making his or her determination concerning the exception, the Records Official shall be guided by the Record's legal, fiscal, administrative, and historical value weighed against the cost of storing and retrieving the Record.

IX. TRANSFER OF DATA TO ELECTRONIC RECORDS

A. Replacing Original Records with Electronic Records. Electronic Records may replace paper originals or micrographic copies of Records pursuant to policies, procedures and guidelines developed by the Records Official in accordance with this Policy.

B. Policies, Procedures and Guidelines. The Records Official shall develop policies, procedures and guidelines that ensure the integrity, accuracy, and reliability of

Electronic Records and to ensure the ability to index, store, preserve, retrieve, and reproduce all Electronic Records.

C. Imaged Files as Originals. Imaged Files or other electronic reproduction of Records shall be deemed to be an original Record and the corresponding paper Record may be destroyed upon a determination by the Department of Record's director, department head, manager, or supervisor, under the policies, procedures and guidelines developed by the Records Official, that the Record's conversion meets the following criteria:

1. The Record was Imaged or recorded on a medium that is a trusted system and does not permit additions, deletions, or changes to the original Record.

2. The device used to reproduce the Record on the medium is one that accurately and legibly reproduces the original thereof in all details and does not permit additions, deletions, or changes to the original Record image

3. The Imaged or reproduced Record is as accessible for public reference as the paper Record was. and

4. A true copy of archival quality of the reproduction medium is kept in a safe and separate place for security purposes.

D. Information Systems. CMHA shall ensure that Electronic Records are not rendered unusable because of changing technology before their retention and preservation requirements are met by ensuring that retention requirements are incorporated into any plan and process for the design, redesign or substantial enhancement of an information system that stores Electronic Records.

X. STORAGE OF RECORDS

A. Policies, Procedures and Guidelines. The Records Official shall develop policies, procedures, and guidelines for the storage of Records, which shall ensure access to and the integrity, confidentiality (when warranted), authenticity and legibility of the stored Records.

B. Location. Records to be retained shall be stored either on-site, or off-site by an approved document storage company.

C. Responsibilities.

1. The Records Official shall be responsible for coordinating the transfer of Records to storage and maintaining a detailed current inventory of all stored Records.

2. Directors, department heads, managers and supervisors shall be responsible for the storage and preservation of Records for which their department is

designated as the Department of Record and shall consider and abide by all applicable confidentiality, safety, security, or other such storage/access requirements related to the safeguard of stored Records and their contents.

D. Identification. Stored Records shall be inventoried, boxed, and clearly labeled, including a final Disposition date or Permanent retention designation.

XI. DISPOSITION OF RECORDS

A. Policies, Procedures and Guidelines. The Records Official shall develop policies, procedures and guidelines which shall ensure the timely and proper Disposition of Records in accordance with applicable laws, regulations, guidelines, policies and procedures, the terms and conditions of any grant award or contract, this Policy, and the Record Schedule.

B. Eligibility. Records become eligible for Disposition once they have met the retention requirements specified in the Record Schedule, or when exception is made by the Records Official pursuant to Part VIII above.

C. Method of Disposition. The Disposition of any Record as provided for herein shall be by disposal, recycling, shredding or other effective method of destruction, as approved by the Records Official. All Records of a sensitive or confidential nature shall be shredded under the direct supervision of the Records Official or his or her designee, or the department head

D. Review of Disposition List. Prior to the Disposition of any Record, a department's disposition list of Obsolete Records shall be reviewed by the department head to ensure that nothing on the disposition list was entered in error.

E. Retention of Disposition Records. Disposition Records and superseded Record Schedules shall be retained until superseded plus an additional 2 years.

XII. DISASTER PREVENTION. DAMAGED RECORDS RECOVERY POLICY

A. Protection of Records. The following administrative guidelines afford CMHA the most efficient and cost-effective method for protecting Records:

1. To prevent damage, Records should not be stored in loose stacks on desks or on top of file cabinets, near water pipes, air conditioning units or near a heat source. To the extent possible, records should be stored in file cabinets or in file drawers inside desks, or in record storage boxes on shelves off the floor.
2. File cabinets and record storage boxes should be properly labeled and an inventory of Records and storage locations maintained.
3. In the event Records are damaged, employees should assess the damage,

perform recovery procedures, and when necessary, report Records that are unrecoverable to the Records Official.

4. Records documenting the destruction of damaged Records that could not be recovered shall be retained for at least 3 years.

B. Policies, Procedures and Guidelines. The Records Official may develop such policies, procedures, and guidelines as are necessary to ensure the protection of Records from natural and man-made disasters and for the recovery of Records following such events.

XIII. AMENDMENTS TO POLICY AND RECORD SCHEDULE

A. Policy Amendments. Substantive amendments to this Policy shall require approval of the Board.

B. Record Retention Schedule Amendments. The Records Official, in consultation with legal counsel, shall have the authority to approve amendments to the Record Schedule. All future amendments to the Record Schedule shall be retained with the official Record copy of this Policy.