



RECORD RETENTION AND DESTRUCTION POLICY

ADOPTED: JUNE 29, 2009

I. Purpose

This Policy establishes Wake Forest University's principles for the retention and disposal of University records and outlines roles and responsibilities associated with this Policy.

II. Scope

This Policy is applicable to all WFU faculty, staff, students and volunteers who create, maintain, use and/or dispose of WFU Records as defined herein.

III. Policy Statement

WFU requires records retention and disposal to be a standardized process. Official Repositories shall be established and access, maintenance, retention and disposal procedures for records must be followed by all faculty, staff, students and volunteers.

This Policy is intended to ensure that WFU:

- Complies with state and federal laws addressing record retention;
- Optimizes the use of electronic and physical storage space;
- Minimizes the cost of record retention;
- Maintains the history of the University; and
- Destroys outdated and useless records and/or Secondary Records.

This policy is not intended to address access to and disclosure of WFU Records and Secondary Records, or the contents thereof. For information on access to and contents of personnel files, see the University's Personnel Records policy. In addition, federal, state and local laws and regulations may restrict access to and disclosure of WFU Records and Secondary Records. Such laws and regulations include but are not limited to the Family Educational Rights and Privacy Act (FERPA), which governs access to and disclosure of education records.

All WFU Records and Secondary Records are the property of WFU regardless of their physical location, even when they are in the possession of individuals, and, as such, may not be permanently removed from WFU nor destroyed except in accordance with this Policy. No WFU faculty, staff, student or volunteer, by virtue of his or her position, has any personal or property right to such records even though he or she may have developed or compiled them.

IV. Definitions

WFU Record means any tangible recording of information, regardless of the means of recording, relating to the conduct of WFU business that is prepared owned, used, or retained by an operating unit or faculty, staff, student or volunteer of WFU, including all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials recorded by handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail, facsimile or other electronic means, and every other means of records or form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and any record thereby created, regardless of the manner in which the record has been stored. WFU Records do not include any records in which a faculty or staff member owns the copyright in, such as personally prepared course materials, faculty research and scholarly writing.

Active Record means a WFU record that has current use for the unit that generated it. Records remain active for varying numbers of years, depending on the purpose for which they were created.

Archival Record means a record that is inactive, not required to be maintained in the unit in which it originated or was received, and has permanent or historic value. Archival records are retained and preserved indefinitely and are, generally, determined to have archival value by the University Archivist.

Electronic Record means any record that is created, received, maintained or stored on WFU local workstations (including portable or handheld devices) or central servers. Examples include, but are not limited to:

- Electronic mail (e-mail);
- Word processing documents and spreadsheets;
- Databases;
- WebPages.

Electronic Records are WFU Records and must be retained pursuant to established schedules for WFU Records.

Secondary Record means a record that is not considered a WFU Record. Secondary Records include, but are not limited to, copies of original documents, including unofficial “informational,” “courtesy” or “convenience” copies and also include duplicates maintained by a person or office who is not the originator or recipient (such as a copied recipient) of the record. Secondary Records also include publications or documents kept only for convenience or reference (including library books, pamphlets, and newspapers), rough drafts, blank forms, and envelopes.

A Secondary Record should be maintained for as long as there is an administrative need for the record, and the established schedules for WFU Records do not apply. Secondary Records should be properly discarded when the business use has terminated.

Official Repository means the unit designated as having responsibility for retention and timely destruction of particular WFU Records, as identified in the WFU General Record Retention Schedule.

Records Management Coordinator means a WFU employee who has been assigned responsibility for the development, coordination, implementation and record management of an Official Repository. There may be more than one Records Management Coordinator assigned to an Official Repository.

WFU General Record Retention Schedule means a WFU institution-wide record retention schedule intended to identify general categories or groups of WFU Records that most Official Repositories have and assign correlating retention schedules. Official Repositories may have WFU records that are not included in this WFU General Record Retention Schedule. **Note:** No document list can be exhaustive. Questions regarding the retention period for any specific document or class of documents not appearing in the WFU General Record Retention Schedule should be addressed to the WFU Legal Department.

V. Retention of Records

- WFU Records should be categorized and grouped according to the functional purpose they serve.
- Records Management Coordinators must review all categories of WFU Records under their control and must develop a written retention schedule for their Official Repository. Records Management Coordinators are responsible for ensuring that WFU Records under their control are retained in accordance with all federal and state laws and regulations and/or in accordance with the WFU General Retention Schedule.
- Once the retention period for Active WFU Records has expired, the Records Management Coordinators are responsible for the destruction of their Official Repository's WFU Records in accordance with the applicable record retention schedule or preservation for archival purposes.
- Records Management Coordinators are also responsible for:
 - Ensuring that their Official Repository records management practices are consistent with this Policy;
 - Educating the staff within their unit in understanding this Policy and in sound record management practices;
 - Ensuring that records are retained in a readable format;
 - Preserving Archival Records;

- Developing departmental or unit guidelines for the retention and destruction of Secondary Records;
- Ensuring access to Confidential Records is restricted;
- Ensuring outside vendors used for WFU Record storage comply with this Policy, the Official Repository's Record Retention Schedule, and/or the WFU General Retention Schedule;
- Ensuring that, when an employee leaves a unit or leaves WFU, any WFU Records in the departing employee's possession are retained in accordance with this Policy. The Records Management Coordinator is responsible for arranging for the preservation, transfer, or destruction of the records pursuant to the Official Repository's Record Retention Schedule and/or WFU General Record Retention Schedule in advance of the employee's departure. *See also, WFU Human Resource's Departmental Employee Exit Checklist;* and
- Conducting an annual review of their Official Repository Record Retention Schedule and updating and/or revising it as necessary.

VI. Official Repository Storage, Transfers, and Destruction of Records

All WFU Records must be stored in Official Repositories in a manner that provides protection against misuse, misplacement, damage, destruction, or theft.

All WFU Records transferred to storage facilities pursuant to the Official Repository's Record Retention Schedule or WFU General Record Retention Schedule may only be transferred to WFU approved storage facilities.

All WFU Records scheduled for destruction and not subject to a current Litigation Hold may only be destroyed by approved WFU destruction methods that preserve the confidentiality of the records destroyed.

VII. Electronic Records

Because Electronic Records are WFU Records, they must be managed alongside traditional records to ensure compliance with this Policy and applicable federal and state law.

Each user of WFU E-Mail or other Electronic Records must take responsibility for sorting and retaining WFU Records as directed in this Policy and designated Record Retention Schedules.

Information Systems performs backups on a regular schedule of the e-mail and electronic files stored on central servers for disaster recovery. These backups are to be used for system restoration purposes only. Information Systems is not the legal custodian of messages or records which may be included in such backups.

When a faculty, staff, student or volunteer leaves a unit or leaves WFU, Records Management Coordinators must ensure that any WFU Records in the departing individual's possession are retained in accordance with this Policy. The Records Management Coordinator is responsible for

working with Information Systems to arrange for the preservation, transfer, or destruction of the records pursuant to the Official Repository's Record Retention Schedule and/or WFU General Record Retention Schedule in advance of the deletion of the electronic account. *See also, WFU Human Resource's Departmental Employee Exit Checklist.*

VIII. Archival Records

If it has been determined that a WFU Record is an Archival Record as defined in this Policy, the Archival Record must be transferred to the University Archivist. The Records Management Coordinator is responsible for working with the University Archivist to arrange for the transfer and preservation of the Archival Record.

IX. Litigation Holds

When litigation against WFU or its employees is filed or threatened, the law imposes a duty upon WFU to preserve all documents and records that pertain to the issues. As soon as the WFU Legal Department is made aware of pending or threatened litigation, a litigation hold directive will be issued to the Records Management Coordinators. 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 WFU Legal Department.

In addition, all Electronic Records and computer accounts of separated employees that have been placed on a litigation hold by the WFU Legal Department will be maintained by Information Services until the hold is released. No employee who has been notified of a litigation hold may alter, delete, remove, or otherwise destroy a WFU Record that falls within the scope of that hold. Violation of the hold may subject the individual to disciplinary action, up to and including termination of employment, as well as personal liability for civil and/or criminal sanctions by the courts or law enforcement agencies.

X. Reporting Violations

In the event a faculty, staff, student or volunteer reasonably believes another faculty, staff, student, volunteer, contractor or other individual is impermissibly destroying records or is otherwise violating this policy, he/she should immediately contact his/her supervisor or the Director of Compliance to report the suspected violation. Alternatively, the employee, student or volunteer may report a suspected violation to the WFU Compliance Hot Line at 1-877-880-7888.

XI. Policy Approval and Review

This Policy has been approved by _____ . This Policy will be reviewed periodically by [_____].