

RESOLUTION No. 2-12-11-08

A RESOLUTION OF THE BOARD OF SUPERVISORS OF CONOY TOWNSHIP TO SET THE PROCEDURE FOR RECORD RETENTION AND RECORD DESTRUCTION FOR CONSISTENCY WITH THE TOWNSHIP'S OPEN RECORDS RESOLUTION

WHEREAS, the Board of Supervisors of Conoy Township ("Board") recognizes that the Pennsylvania Open Records Law requires various procedures concerning record retention, record destruction and document requests; and

WHEREAS, this Resolution seeks to address the issues of record retention and record destruction and seeks to incorporate the timeframes and procedures for retention as established by the Pennsylvania Historical and Museum Commission (the "Museum Commission"); and

WHEREAS, the Museum Commission Retention Disposition Policy as to retention also require that each individual municipality establish their own individual policies concerning the retention and destruction of electronic mail ("email"); and

WHEREAS, this policy shall apply to all departments of the Township including maintenance, administration, public works, personnel files and any other documents necessary for the operation of the Township; and

NOW, THEREFORE, in keeping with the policies as established pursuant to the Municipal Records Act and the policies established by the Pennsylvania Historical and Museum Commission the Board hereby establishes the following policy:

- Section 1. The aforementioned recitals are incorporated herein as if more fully set forth below.
- Section. 2. Open Records Officer. The Township's Open Records Officer as established through the Township's Open Records Policy shall be charged with the management of the document retention and document destruction policy.
- Section 3. Museum Commission Procedures. The Township hereby adopts the standards, procedures and definitions regarding record retention and destruction as established by the Museum Commission. A copy of said Museum Commission Schedule and Provisions shall be available at the Township.

Section 4. Electronic Mail. The employees and Board of Supervisors of the Township understand that emails to the Township's designated office email addresses may be public documents pursuant to the Open Records Law and therefore are subject to this resolution as follows:

- A. This policy shall pertain to all messages that are sent to the Township-provided email addresses as well as personal emails that are used for municipal business. All email addresses that are used for municipal business by either Board members or employees shall be recorded and filed with the Open Records Officer to ensure that the provisions of this Resolution are maintained.
- B. Each Month the Township shall purge its computer system of public records only after ensuring that a hard copy of all such records are properly created, stored and categorized. Records may not be purged until such time as the required deadline and when there has been a determination as to the nature of said emails.
- C. Pursuant to Museum Commission standards email messages and attachments that meet the definition of records shall be disposed of in accordance with applicable law and records retention and disposition schedules approved by schedule set forth herein. These email messages and attachments that do not meet the definition of records should be deleted immediately.
- D. Emails shall be retained in a manner consistent with the Museum Commission's policy including categorizing of emails, creating hard copies of such emails or electronic storage of said emails.
- E. All emails which are addressed to and are sent from Township email addresses shall be the property of the Township. Personal emails shall be utilized only pursuant to the Township's email policy.
- F. Email messages, in and of themselves, are not a single record series. Retention and disposition of email messages depends on the function and content of the individual message.
- G. When duplicate copies of email messages are sent internally, the sender should be responsible for maintaining the primary copy for the full applicable retention period. All other copies should be disposed of in accordance with approved records retention schedules relating to transitory messages.

- Section 5. Legal and Administrative Records. The time period for retention for all records that fall into this category shall be retained pursuant to the time frames set forth in the Museum Commission policy. This shall include such issues as bylaws, bids and proposals, minutes and agendas.
- Section 6. Destruction Requirement. Every six Months the Board shall entertain destruction of records with regard to those records no longer necessary at the Township pursuant to the time frames established by this Resolution. Destruction shall be established by Resolution.
- Section 7. Destruction Procedure. Destruction of documents shall take place through shredding, burning or destruction performed by a selected document destruction company as contracted with the Township.
- Section 8. Litigation Documents. No documents that are necessary for litigation shall be destroyed, despite the expiration of time frames established under this Resolution, until appropriate based upon the status of litigation.

In the event that attorneys for the Township retain original documents for purpose of litigation, the Township shall catalog the documents supplied to Counsel in order to address public requests for documentation - whether or not such documents may constitute a public document pursuant to the Township's Right to Know Resolution.

In the event documents are redacted for purposes accommodating a request for documents pursuant to the Open Records Resolution, an original copy shall be maintained in the original file at the Township.

- Section 9. Limitation on Applicability. This Resolution shall apply solely and exclusively to retention and destruction policies. Issues pertaining to public availability shall be governed by the Open Records Resolution. However, such Open Records Resolution shall be limited to documents maintained for the time frames as established by this Resolution.
- Section 10. Retroactivity. This Resolution shall apply to all documents currently stored by the Township and shall apply to all documents hereinafter created.


DULY ADOPTED as a Resolution by the Board of Supervisors of Conoy

Township, Lancaster County, Pennsylvania, in lawful session duly assembled this

11th

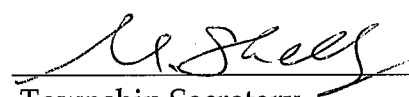
day of December, 2008.

BOARD OF SUPERVISORS OF CONOY
TOWNSHIP, LANCASTER COUNTY, PA



Chairman

Attest:



Township Secretary