

***R-6***

***RECORDS RETENTION GUIDELINES:  
DESTRUCTION AND RETENTION OF  
DOCUMENTS***

# RECORDS RETENTION GUIDELINES

Prepared by the Archdiocese of San Francisco Legal Office  
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## INTRODUCTION.

Developing a one-size-fits-all records<sup>1</sup> retention "policy" for parishes, schools, departments and agencies as numerous and diverse in nature and scope as those in the Archdiocese of San Francisco would be impractical if not impossible to design and/or to effectively implement. Different offices and persons have different ideas about what is "important" and what is "junk." Some are motivated to engage in periodic "spring cleaning" while others are proverbial "pack rats." Some are highly categorized and organized in their record keeping practices while others are hopelessly "lost" in this area due to inherent personality traits and/or fairly regular turnover in personnel.

Certain records must be retained, as mandated by civil and/or canon law, for a prescribed number of years, or even permanently. Some records should be kept permanently for utilitarian reasons (e.g. because of their historical/reference value). Still other records have very limited value after their *raison d'être* has expired.<sup>2</sup> **Finally, actual or imminent litigation can cause an automatic suspension in the disposal of any and all records that might be in any way relevant to the litigation.**<sup>3</sup>

In view of the above, the following guidelines have been developed as a quick reference tool, not as a comprehensive policy purporting to identify every conceivable type of record setting forth a definitive, across the board, retention requirement for each such record. Instead, several general

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<sup>1</sup> All records created or acquired by employees or volunteers in the course of conducting Archdiocesan business, whether in print, handwritten, electronic, or other media, are the property of the Archdiocese and are covered by these guidelines. Employees who create or acquire possession of these records do not attain a proprietary interest in these records; they belong to the Archdiocese and not to the employee or volunteer. The willful destruction, removal, or misuse of Archdiocesan records is prohibited and violators will face disciplinary action up to and including termination. All employees and volunteers are responsible for reporting any actual or threatened loss or misuse of records to their supervisor.

<sup>2</sup> These include, for example, drafts and records that are transitory in nature. Records whose business purpose or use is short-lived, such as telephone messages, routine letters which require no acknowledgement or follow-up such as notes of appreciation, congratulations, plans for meetings, etc., and preliminary working papers, notes, and superseded drafts, should be maintained only for so long as necessary. Drafts generally should be discarded upon completion of the underlying work project.

<sup>3</sup> **Anything that relates to a matter that is known or suspected to be under investigation, in dispute, or subject to litigation must be retained and may not be destroyed or altered, even if it would otherwise be destroyed under these guidelines. Destruction of any materials in these situations could have severe consequences to the Archdiocese and to the individual employees who are responsible for the destruction. These consequences could include jail time and other criminal and civil penalties. If there is a question as to whether something is the subject of an investigation, dispute, or litigation, contact the Archdiocesan Legal Office.**

categories have been established which will assure compliance with the law while at the same time keeping things relatively simple and flexible.<sup>4</sup>

## **THE "RULE OF 7"**

The vast majority of records that are subject to a legally mandated retention period must be kept for a time frame ranging somewhere between 1-7 years. Rather than facing the daunting task of regularly searching for and disposing of diverse records that fall within these numerous time frames, it is recommended that parishes, schools, departments, and agencies simply follow the "Rule of 7." That is, **SUBJECT TO THE EXCEPTIONS TO THE RULE OF 7 SET FORTH HEREIN**, records should be retained for a minimum period of the current year (calendar or fiscal as desired) plus 7 (seven) calendar/fiscal years. **NOTE:** Should you desire to dispose of a certain category of records before the 7 year period, please check with the Legal Office to assure that any such proposed disposal meets any applicable minimum retention period required by law.

### **EXCEPTIONS TO THE RULE OF 7 (i.e. Situations in which documents which must be maintained should be kept *longer* than seven years)**

#### **SPECIAL NOTE RE: INVESTIGATIONS, DISPUTES, LITIGATION – See footnote # 3**

**Employee Personnel Files** – There are laws which require the retention of certain employment records (e.g. attendance records, application forms, medical data, etc.) for various periods of time. There are also compelling business reasons (e.g. long-term evidentiary value) for retaining personnel items pertaining to the handling of performance issues, terminations, etc. As such it is recommended that individual personnel files be kept on a permanent basis. It may be convenient, however, to place them in storage (e.g. Archdiocesan Archives) after the standard seven-year period.

**Real Property and Building Records** – For historical and legal reference reasons, items such as purchase and sale agreements, deeds, easements, licenses, title insurance, land surveys, hazardous waste tests/disposals, etc. should be kept permanently. Any major building repairs, improvements, or construction contracts and any related designs, drawings, blue prints, change orders, environmental and feasibility reports should also be retained permanently.

**Contracts and Agreements** - Routine purchase/sale contracts and service agreements involving less than \$10,000 – retain for seven years following expiration of the agreement.

**Insurance Policies and Related Records** – seemingly obsolete property, liability, workers compensation and other insurance policies, endorsements, certificates, inventory pictures, etc.,

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<sup>4</sup> Some will find it convenient to convert certain records from electronic to hard copy format for long-term retention purposes. Others might prefer to convert their paper records to an electronic form of storage, or have them transferred to CD or DVD-ROM or other more advanced media that comes into use. One must bear in mind, however, that changes in technology may necessitate back up and/or revised methods of record retention to assure access to same. Do not rely exclusively on computer system backups alone as those generally have limited time frames. For example, files deleted by a user might only be maintained in the general backup system for 30 days.

may have significant evidentiary value in relation to unknown future claims, defects, etc. and should be kept permanently.

**Student Files** – Student *cumulative records* and *CSIR* (immunization cards) should *never* be destroyed. Student *disciplinary files* containing matters *involving serious moral turpitude* (e.g. drugs, weapons, sexual misconduct or harassment) should be retained for a period of 10 years after graduation from secondary school and 20 years after graduation from elementary school. Other student file information can be destroyed 7 years after graduation from the institution.

**Historically Significant Records** - (e.g. pictures, publications, programs of commemorative events, etc. should be retained permanently) If one is in doubt about the actual potential historical relevance of a particular item, a call to the Archdiocesan Archives office is recommended.

**Sacramental Records** – It is the expectation and long-held tradition of the Church that sacramental records are kept safely and indefinitely. Therefore, all sacramental records are to be retained permanently.

**Retirement and Pension Records** (including summary plan descriptions) - these must be kept permanently.

**Financial Audits, Financial Statements and Summary General Ledgers** – Retain permanently.

**Employee Earnings Records** – In general, the “Rule of 7” can be applied to most employee earnings records (payroll registers, paysheets, etc.). However, as with other personnel files, and retirement and pension records, **employer copies of W-2’s should be retained permanently.**

**Gift Records** – Endowments, restricted gifts, Donor contribution lists - Retain permanently.

## **DISPOSAL OF RECORDS.**

Records that have satisfied the applicable retention period may be discarded. Highly sensitive records should be shredded or defaced prior to being deposited in the recycling bin.

## **GENERAL TIPS.**

- Some records that may be purged may be filed with records that need to be retained. You may want to retain the whole file in the event that the benefit of purging the records may not outweigh the time it takes to do the purge.
- When storing boxes put a "destroy after" date on the box so the records need not be reviewed again.
- Some records are so important that originals or copies should be kept offsite (e.g. at the Archdiocesan Archives Office). Consider what records are necessary to keep the site running after an emergency. What records are irreplaceable?
- Putting a date on the label of an inactive file can make purging simple.
- Have a "purge day." Set aside a day for the whole office to review, organize, toss, and archive files.