



(4)

BPC Policy No. 371

SUBJECT: RECORDS AND INFORMATION MANAGEMENT POLICY

PURPOSE: The Purpose of this Policy is to define the requirements the San Diego Unified Port District (the "District") will follow for managing records and information to meet the District's operational needs and comply with federal, state, and local laws.

Scope

This Policy applies to appointed officials, employees, volunteers, service providers, consultants, contractors and interns of the District, who are acting on behalf of the District and who have access to, use of, or are involved in the creation, maintenance or storage of the District's records and information.

This Policy applies to all types of records, including records in any of the following forms:

- a) Paper documents, forms, reports, manuals, maps, drawings, correspondence and files;
- b) Records and Information received and generated in electronic form in structured or unstructured format, electronic communication, and associated metadata;
- c) Records and information in other formats such as microfilm, videos, photographs, etc., regardless of the location or device upon which the information is stored.

Definitions

Records

In compliance with California Government Code Sections 6252(e) and (g), a "**Public Record**" is defined as, "any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics," and a "**Writing**" is defined as, "any handwriting, typewriting, printing, Photostatting, 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 manner in which the record has been stored."

Convenience Information and Convenience Copies

Not all information or data is a record. Some information is collected or created in order to complete a task or to enable creation of a record, but the District is not obligated by law to retain it. This type of information is classified as a non-record or Convenience Information. Convenience Information has no retention requirement and should not be retained in the normal course of business.

Examples of Convenience Information include, but are not limited to:

- Exact duplicates
- Extra copies of documents or departmental copies
- Rough drafts used as a temporary aide
- Reference material, whether internally created or received from external sources
- Vendor catalogs
- External seminars and conference publications
- Transient/transitory communications
- Intra- and Inter-agency Communications (Memoranda)

POLICY STATEMENT:

1.1 Ownership and Authenticity

Records and Information created or received in the conduct of the District's business, regardless of whether created, received or stored on District or on personal devices, personal sites or social media are the exclusive property of the District. District records and information should be complete, accurate, and trustworthy and are subject to compliance with this Policy, the associated Retention Schedule and other applicable District policies and procedures.

1.2 Classification

Records and information, both paper and electronic, are to be created, stored and managed with the appropriate classification applied to enable efficient and shared access, appropriate application of retention, and secured protection.

1.3 Retention

Information that is defined as a Record is to be retained in accordance with the District's approved Retention Schedule. When records complete their retention period, regardless of their format, they shall be handled in accordance and compliance with the District's Retention Schedule and Disposal Procedure.

1.4 Storage

Hardcopy records no longer considered active may be transferred to designated storage facilities to fulfill retention requirements. Electronic records no longer considered active may be transferred to approved repositories or moved offline to fulfill retention requirements. Inactive records in any location must be accessible by authorized District staff for business needs.

1.5 Availability

Records and information must be available for future District business, litigation and investigation as necessary, regardless of storage location or format. Public Records that are not exempted from disclosure are to be made available for the public in accordance with the California Public Records Act, Government Code Section 6250-6276.48.

1.6 Exiting Employees, Officials, and Contractors

When an employee or a contractor leaves the District, the exiting individual's director, in conjunction with the District's Human Resources department, is responsible for complying with the requirements of this Policy and any support procedures for retaining and managing the records and information of the exiting individual.

When an elected or appointed official separates from the District, the District Clerk is responsible for complying with the requirements of this Policy and any supporting procedures for retaining and managing the records and information of the exiting official.

1.7 Suspending Retention Requirements

Records and/or information subject to a Legal Hold are to be retained and preserved in a manner that maintains their accessibility until further notice from District Counsel, regardless of the retention period set forth in the Retention Schedule.

1.8 Information Protection

Disaster recovery backup media are exact copies of an operating system, associated application and data and are created for the sole purpose of recovering and restoring an application and data in the event of a disaster or business disruption and are not subject to the requirements of the Retention Schedule. Backups serve as a level of protection for electronic system and the data that is stored on those systems.

1.9 Historical Records

Historical artifacts, documents, memorabilia, and collections, as defined on the Retention Schedule, are valuable in documenting the District's history. Historical Records are to be preserved so as to assure their ongoing availability and access.

POLICY REVIEW:

This Policy and the associated Retention Schedule may be amended or modified from time to time, as necessary, to account for changes in legal, regulatory or operational requirements.

REFERENCES:

- Retention Schedule
- Administrative Procedure #124-102: Acceptable Use of District Information Technology (IT) Assets

RESOLUTION NUMBER AND DATE: 2018-145 dated September 12, 2018 (Supersedes BPC Policy 371, Resolution 2014-01, dated January 14, 2014; Resolution 2008-26, dated March 4, 2008; Resolution 2007-55, dated April 10, 2007; and Resolution 2002-127, dated June 4, 2002)

RESOLUTION 2018-145**RESOLUTION AMENDING BOARD OF PORT
COMMISSIONERS (BPC) POLICY No. 371,
RECORDS RETENTION POLICY AND RENAMING
THE POLICY TO RECORDS AND INFORMATION
MANAGEMENT POLICY**

WHEREAS, the San Diego Unified Port District (District) is a public corporation created by the legislature in 1962 pursuant to Harbors and Navigation Code Appendix 1, (Port Act); and

WHEREAS, on June 4, 2002, the Board of Port Commissioners (BPC) established BPC Policy No. 371, Records Retention Policy and Retention Schedule, for identifying, receiving, retaining, storing, protecting and disposing of Port District records which laid the foundation for the District's current records management program (Program); and

WHEREAS, the Program was modeled after the State of California's Records and Information Management (CalRIM) Program codified in California Government Code Sections 12270-12279.

WHEREAS, in October 2015, the California Secretary of State released the Electronic Record Guidebook reference on the CalRIM website; and

WHEREAS, the Secretary of State's guidance and other developments in the records management industry prompted the Office of the District Clerk (ODC) to begin taking steps to address electronic records management and move toward digitization; and

WHEREAS, until recently, the District's records program has been focused solely on paper records with complex and difficult-to-implement retention; and

WHEREAS, the latest thinking in records management best-practice is an approach referred to as the "Big Bucket Theory"; and

WHEREAS, the Big Bucket approach allows organizations to consolidate both paper-based and electronic information into categories ("buckets"), further providing the ability to classify records into a handful of groupings; and

WHEREAS, groupings can be based on time periods; business functions or process; legal and/or regulatory requirements; or whatever best fits the needs and requirements of the organization; and

WHEREAS, the Big Bucket approach assists with simplification of records retention, and allows for the systematic and automated creation of record retention rules upon record declaration; and

WHEREAS, employee compliance can be greatly improved, and the risk of mismanaged files greatly reduced, in an organization's records and information management program; and

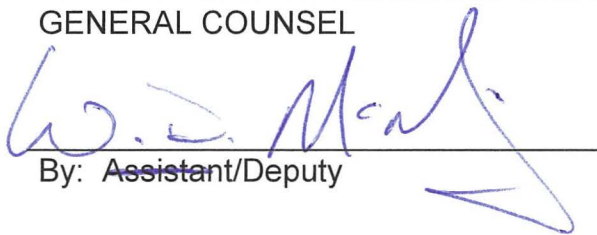
WHEREAS, in order to assist in modernization of the District's records and information management program, staff engaged Kaizen InfoSource in the spring of 2018; and

WHEREAS, their scope of work includes recommending a long-term, comprehensive solution to managing records with the use of technology; and

WHEREAS, the proposed Policy addresses records over their entire life cycle, from creation to final disposition providing the guidance upon which a modernized Records and Information Management (RIM) Program will be further developed.

NOW, THEREFORE, BE IT RESOLVED that the Board of Port Commissioners of the San Diego Unified Port District does hereby amend Board of Port Commissioners Policy No. 371, Records Retention Policy in order to address records over their entire life cycle, from creation to final disposition and to provide guidance upon which a modernized Records and Information Management Program will be further developed, and that the Policy be renamed to "Records and Information Management Policy."

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL


By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 12th day of September, 2018, by the following vote:

AYES: Bonelli, Castellanos, Malcolm, Merrifield, Moore, and Zucchet

NAYS: None.

EXCUSED: Valderrama

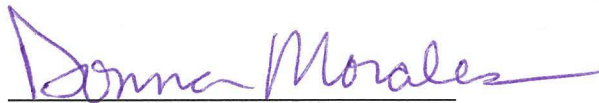
ABSENT: None.

ABSTAIN: None.



Rafael Castellanos, Chairman
Board of Port Commissioners

ATTEST:



Donna Morales
District Clerk



(Seal)



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Item No. 7

Resolution No. 2018-145

File #: 2018-0369

DATE: September 12, 2018

SUBJECT:

RESOLUTION AMENDING BOARD OF PORT COMMISSIONERS (BPC) POLICY No. 371, RECORDS RETENTION POLICY AND RENAMING THE POLICY TO RECORDS AND INFORMATION MANAGEMENT POLICY

EXECUTIVE SUMMARY:

Staff recommends revising Board Policy No. 371 (Policy) in its entirety and renaming the policy "Records and Information Management Policy". See Attachment A.

In order to modernize the District's records and information management program, staff engaged Kaizen InfoSource in the spring of 2018. Their scope of work includes recommending a long-term, comprehensive solution to managing records with the use of technology. This proposed Policy addresses records over their entire life cycle, from creation to final disposition providing the guidance upon which a modernized Records and Information Management Program will be further developed.

RECOMMENDATION:

Adopt a Resolution amending Board of Port Commissioners Policy No. 371, Records Retention Policy and renaming the Policy to Records and Information Management Policy

FISCAL IMPACT:

This agenda item has no fiscal impact.

COMPASS STRATEGIC GOALS:

This agenda item supports the following Strategic Goal(s).

- A Port that the public understands and trusts.
- A Port with an innovative and motivated workforce.
- A financially sustainable Port that drives job creation and regional economic vitality.

DISCUSSION:

On June 4, 2002, the Board of Port Commissioners (BPC) established BPC Policy No. 371, Records Retention Policy and Retention Schedule. This action established the policy for identifying,

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receiving, retaining, storing, protecting and disposing of Port District records which laid the foundation for the District's current records management program. This program was modeled after the State of California's Records and Information Management (CalRIM) Program codified in California Government Code Sections 12270-12279.

Since 2002, the Board has taken the following actions to amend BPC Policy No. 371 resulting in the current Policy (Attachment B):

April 10, 2007	Addressed email retention
March 4, 2008	Authorized staff to amend the records retention schedule without additional Board action
January 14, 2014	Further clarified email retention

In October 2015, the California Secretary of State released the Electronic Record Guidebook reference on the CalRIM website. This guidance and other developments in the records management industry prompted the Office of the District Clerk (ODC) to begin taking steps to address electronic records management and move toward digitization. Until recently, the District's records program has been focused solely on paper records with complex and difficult-to-implement retention. The latest thinking in records management best-practice is an approach referred to as the "Big Bucket Theory". The Big Bucket approach allows organizations to consolidate both paper-based and electronic information into categories ("buckets"), further providing the ability to classify records into a handful of groupings. Those groupings can be based on time periods; business functions or process; legal and/or regulatory requirements; or whatever best fits the needs and requirements of the organization. The Big Bucket approach assists with simplification of records retention, and allows for the systematic and automated creation of record retention rules upon record declaration. Thus, employee compliance can be greatly improved, and the risk of mismanaged files greatly reduced, in an organization's records and information management program.

In order to assist in modernization of the District's records and information management program, staff engaged Kaizen InfoSource in the spring of 2018. Their scope of work includes recommending a long-term, comprehensive solution to managing records with the use of technology. This proposed Policy addresses records over their entire life cycle, from creation to final disposition providing the guidance upon which a modernized Records and Information Management (RIM) Program will be further developed.

General Counsel's Comments:

The Office of the General Counsel has reviewed the issues set forth in this agenda and found no legal concerns as presented, and has reviewed and approved the Policy as to form and legality.

Environmental Review:

The proposed Board direction or action, including without limitation, amending and renaming a Board

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of Port Commissioners policy, does not constitute a “project” under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Section 15378 because it will not have a potential to result in a direct or indirect physical change in the environment and is, therefore, not subject to CEQA. No further action under CEQA is required.

In addition, the proposed Board action complies with Sections 21 and 35 of the Port Act, which allow for the Board to pass all necessary ordinances and resolutions for the regulation of the District, to employ officers and employees necessary in the work of the District, and for the use of funds for the necessary expenses of conducting the District. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed Board action is consistent with the Public Trust Doctrine.

Finally, the proposed Board direction or action does not allow for “development,” as defined in Section 30106 of the California Coastal Act, or “new development,” pursuant to Section 1.a. of the District’s Coastal Development Permit Regulations. Therefore, issuance of a Coastal Development Permit or exclusion is not required.

Equal Opportunity Program:

Not applicable.

PREPARED BY:

Donna Morales
District Clerk

Cynthia Holder
Deputy District Clerk

Attachment(s):

Attachment A:	Proposed BPC Policy No. 371, Record and Information Management Policy
Attachment B:	Current BPC Policy No. 371, Record Retention Policy



BPC Policy No. 371

SUBJECT:

PURPOSE:

The Purpose of this Policy is to define the requirements the San Diego Unified Port District (the "District") will follow for managing records and information to meet the District's operational needs and comply with federal, state, and local laws.

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including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.”

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Policy Statement

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1.9. Historical Records

Historical artifacts, documents, memorabilia, and collections, as defined on the Retention Schedule, are valuable in documenting the District's history. Historical Records are to be preserved so as to assure their ongoing availability and access.

Policy Review

This Policy and the associated Retention Schedule may be amended or modified from time to time, as necessary, to account for changes in legal, regulatory or operational requirements.

References

- Retention Schedule
- Administrative Procedure #124-102: Acceptable Use of District Information Technology (IT) Assets



BPC Policy No. 371

SUBJECT: RECORDS RETENTION POLICY

PURPOSE: To establish the policy for identifying, receiving, retaining, storing, protecting and disposing of District records.

POLICY STATEMENT: The Records Management function in the District is to provide management with the information necessary for problem solving and decision making, to find solutions for operating problems that develop during phases of records creation and to assist in controlling the life cycle of all of the District's records.

1. General Guidelines

1.1 Governing Statute:

California and Federal Regulations set forth the rules regarding the disposition of records, including when the District may destroy records, papers, or documents and the procedure for their disposition. Any policy regarding the destruction or retention of records must incorporate these statutes and be approved in a formal action by the San Diego Unified Port District Board of Port Commissioners.

1.2 Scope:

This policy is applicable to the District and all its departments and divisions. The objectives of the Records Retention Policy are:

- To ensure that all legal, historical, fiscal and administrative requirements are satisfied before records are destroyed.
- To conserve District resources, such as space and staff time, by managing records and removing inactive or obsolete material from office files.
- To maintain a regular, controlled flow of records from offices to destruction or archive storage.

1.3 Definitions:

- (a) Public Record - Any writing as set forth in California Government Code Section 6252, but generally shall include any writing containing information relating to the conduct of the public's business prepared, owned, used or retained by the District, regardless of physical form or characteristics.
- (b) Records Management - The planned and systematic control of business records from their creation or receipt, through final disposition.

- (c) Records Retention Schedule – The document that outlines how long a document must be kept by law, or longer, if needed for District operations.
- (d) Official Record – The records to which retention schedules apply.
- (e) San Diego Unified Port District – Hereafter referred to as the “District”, is a public corporation formed by the California State Legislature in 1962.
- (f) Board of Port Commissioners – Hereafter referred to as the “Board”, are the individuals appointed by the City Councils of the cities that comprise the Port District.
- (g) Senior Management – The decision making employees responsible for the daily operation and long range planning functions of the District.
- (h) E-mail - Informal messages produced via a computer.
- (i) Retention Period – The length of time a record needs to be maintained to satisfy the purposes for which it was created, and to fulfill legal, fiscal and administrative requirements of the District and interested external agencies.
- (j) Department of Record – The department which is designated as the primary repository for a record, and has the primary responsibility for producing the records for an audit or other purposes. The department of record is not necessarily the department of origin. An example would be confidential records kept by the Harbor Police Department, financial records kept by the Finance Department etc.
- (k) Records Management – The section of the Office of the District Clerk that is responsible for coordinating records management for the District.
- (l) Indefinite Records – These are records that are vital to the ongoing operation of the District and should be retained indefinitely (sometimes referred to as permanent records).
- (m) Transitory Records – These records are informal communications produced via a computer, posted note or other temporary medium. They are designed to have a limited retention period and as such, are not considered records in and of themselves unless they are saved in relation to another document or project.
- (n) Digital Record Images – These are records that have been photographed, microphotographed, or electronically preserved on any medium which does not permit additions, deletions, or changes to the original document in compliance with the minimum standards or guidelines, or both, as recommended by the American National Standards Institute (ANSI) or the Association for Information and Image Management (AIIM).
- (o) American National Standards Institute (ANSI) - ANSI is a private, non-profit organization (501(c)3) that administers and coordinates the U.S. voluntary standardization and conformity assessment system.
- (p) Association for Information and Image Management (AIIM) - AIIM is a neutral global records industry organization that helps users connect with suppliers of records technology.

- (q) **Abbreviations** - The following abbreviations are used in the Records Retention Schedule:
- AC = Active.** For example, while the contract is active or while the employee is still working for the company.
- AD = Adoption.** Date that the Board either awards or authorizes the document.
- Appt. = Appointment Date.** Date that the Commissioner was appointed to the Board.
- AU = Audit.** Date of last completed audit. For example, the current budget and the two previous years are kept for the current year until the audit is completed.
- CL = Closed/Completion.** For example, claims are retained for five additional years after the case is closed.
- CU = Current Year.**
- “+” = Plus sign.** For example, the records would be kept for the current year, plus 2 past years.
- L = Life.** For example, Certificates of Compliance or Occupancy would be kept for the life of the building.
- I = Indefinite.** These records are vital to the continued operation of the District and should be maintained indefinitely.
- S = Supersede.** Keep these records until more current ones replace them.
- T = Termination.** For example, certain personnel records would be kept for five years after the termination of the employee.

1.4 Responsibility:

- (a) The Office of the District Clerk has the overall responsibility for implementing and maintaining the District-wide Records Management policy. This includes:
- Ensuring the Senior Management and/or their designated representatives are knowledgeable regarding their responsibilities and the provisions/requirements of the records management process;
 - Maintaining records retention guidelines in conjunction with legal requirements/considerations in cooperation with the Port Attorney's Office.
- (b) The respective Senior Management or their designated representatives are responsible for ensuring that accurate and complete records for their Departments are identified, retained and disposed of in accordance with the District's Records Retention Schedule. At least once a year, the Records Retention Schedule is to be reviewed by each Department. Any new Records Series (Category) that needs to be placed on the Schedule should be so noted and a request to revise said Schedule should be coordinated with Records Management.

2. Record Classifications

2.1 Indefinite Records

An "I" in the "Retention" column shall mean that the document is to be retained indefinitely in original form in the District's records. Examples of records that would not be destroyed include:

1. Public records affecting the title to real property, or liens thereon
2. Public records required to be kept by statute
3. The minutes, ordinances and resolutions of the Board

2.2 Transitory Messages (E-mail)

E-mail means informal communications produced via a computer.

E-mails that determine policy or procedures of the department, terms and conditions of contracts and other business related functions are considered records and must be maintained with the specified retention period of the subject area record series.

2.3 Adding New Records Series

The Records Schedule may be modified as needed at the direction of the Executive Director or his designee.

3. Retention of Records

3.1 Digital Record Images

As a matter of policy, the District will continue to retain original administrative, legal, fiscal and/or historical records with continued value, such as records for long-term transactions, pending litigation and/or special projects. (Govt. Code Section 14755(a)).

However, except as otherwise directed by the Board, Records Management staff are authorized at any time to destroy or dispose of any records, as long as the record is photographed, microphotographed, or electronically preserved on mediums which meet American National Standards Institute (ANSI) or the Association for Information and Image Management (AIIM) standards.

For the purposes of this section, every reproduction as described above shall be deemed to be an original record. In the event of any conflict between the Government Code provisions and this policy, the Government Code provisions shall take precedence.

4. Destruction Policy

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4.1 Records Without A Retention Period

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All records not identified in the Records Retention Schedule shall be retained in original form in the District offices or at offsite storage for at least 2 years and thereafter for the number of years indicated in the Records Retention Schedule.

Except where a longer retention period is required hereunder, after two years, the District, with the proper approvals, may destroy or dispose of any original document without retaining a record or copy of these documents.

4.2 Destroying Records

The destruction of any record shall be by burning, shredding or other effective method of destruction and shall be witnessed by authorized records personnel or their agents.

CITATIONS

B & P	-	Business and Professions
CAC	-	California Administrative Code
CCP	-	Code of Civil Procedures
CCR	-	Code of California Regulations
CEQA	-	California Environmental Quality Act
CFR	-	Code of Federal Regulations
EC	-	Election Code
FMLA	-	Family & Medical Leave Act, 1993
GC	-	Government Code
H & S	-	Health & Safety
HUD	-	Housing and Urban Development
OSHA	-	Occupational Safety & Health Act
PC	-	Penal Code
POST	-	Police Officers Standards Training
UFC	-	Uniform Fire Code
USC	-	United State Code
WIC	-	Welfare & Institutions Code

RESOLUTION NUMBER AND DATE: 2014-01 dated January 14, 2014 (Supersedes BPC Policy 371, Resolution 2008-26, dated March 4, 2008; Resolution 2007-55, dated April 10, 2007; and Resolution 2002-127, dated June 4, 2002)

DRAFT**RESOLUTION 20xx-xxx****RESOLUTION AMENDING BOARD OF PORT
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THE POLICY TO RECORDS AND INFORMATION
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WHEREAS, the Program was modeled after the State of California's Records and Information Management (CalRIM) Program codified in California Government Code Sections 12270-12279.

WHEREAS, in October 2015, the California Secretary of State released the Electronic Record Guidebook reference on the CalRIM website; and

WHEREAS, the Secretary of State's guidance and other developments in the records management industry prompted the Office of the District Clerk (ODC) to begin taking steps to address electronic records management and move toward digitization; and

WHEREAS, until recently, the District's records program has been focused solely on paper records with complex and difficult-to-implement retention; and

WHEREAS, the latest thinking in records management best-practice is an approach referred to as the "Big Bucket Theory"; and

WHEREAS, the Big Bucket approach allows organizations to consolidate both paper-based and electronic information into categories ("buckets"), further providing the ability to classify records into a handful of groupings; and

20xx-xxx

WHEREAS, groupings can be based on time periods; business functions or process; legal and/or regulatory requirements; or whatever best fits the needs and requirements of the organization; and

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WHEREAS, the proposed Policy addresses records over their entire life cycle, from creation to final disposition providing the guidance upon which a modernized Records and Information Management (RIM) Program will be further developed.

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APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL

By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 12th day of September, 2018, by the following vote: