

June 24, 2020

**RESCIND BOARD REPORT 01-0725-PO3
RETENTION AND MANAGEMENT OF BUSINESS RECORDS
AND ADOPT A NEW RECORDS MANAGEMENT AND RETENTION POLICY**

THE CHIEF EXECUTIVE OFFICER RECOMMENDS:

That the Chicago Board of Education ("Board") rescind Board Report 01-0725-PO3 Retention and Management of Business Records and adopt a new Records Management and Retention Policy.

PURPOSE: The Board of Education of the City of Chicago ("Board") is a Cook County local government agency and is therefore governed by the Illinois Local Records Act, related regulations, and the Local Records Commission of Cook County ("Commission"). The purpose of this Policy is to ensure District-wide compliance with legal obligations to maintain and dispose of District Records, which includes both Student Records and Business Records, in accordance with the Local Records Act, related regulations, and with the Commission. Student Records are also subject to the requirements provided in the Illinois School Student Records Act, related regulations, and the Board's policy that addresses Student Records and retention. In addition to ensuring District-wide legal compliance, this Policy addresses the proper management of District records, including the maintenance, retention, and disposal of District records, which is necessary to support day-to-day operations, promote economy and efficiencies, provide access to necessary information, protect against unauthorized access or release of information, protect against breaches of confidentiality, and reduce the risk of identity theft.

POLICY TEXT:

I. Definitions

A. District Records. Records of the District qualify as Public Records. The Local Records Act defines "Public Record" as any book, paper, map, photograph, born-digital electronic material, digitized electronic material, electronic material with a combination of digitized and born-digital material, or other official documentary material, regardless of physical form or characteristics, made, produced, executed, or received by the agency or officer pursuant to law or in connection with the transaction of public business, and preserved or appropriate for preservation by such agency or officer, or any successor thereof, as evidence of the organization, function, policies, decisions, procedures, or other activities thereof, or because of the informational data contained therein

For purposes of this Policy, all information that qualifies as a Public Record, regardless of format or media used, that has been prepared by or for, has been used by or is in use by, has been received by, or is in the possession or control of any Chicago Public School, network office, central office department, or administrative office of the Board shall be referred to as a District Record and must be managed in accordance with this Policy.

District Records are comprised of Student Records and Business Records:

1. **Student Records.** Student Records include records pertaining to individual students which categories include Permanent Student Records, Temporary Student Records, and Temporary Special

Education Records as defined in and governed by the Board's policy that addresses Student Records and retention.

2. **Business Records.** Business Records include all records that are not considered Student Records as defined in the Board's policy that addresses Student Records and retention.

B. Non-Record Materials. Non-Record Materials are excluded from the definition of Public Record in the Local Records Act and consist of items that are not created, received, or used in the process of transacting or communicating District business, policies, and decisions. Non-Record Materials may include, but are not limited to, extra copies of documents used or maintained for convenience of reference, stocks of publications, blank forms, library and museum material made or acquired and preserved solely for reference or exhibition purposes, notes, journals, diaries, and similar documents created by a District officer or employee for his or her own personal convenience, copies of documents in any media furnished to the public under the Freedom of Information Act or other state law, advertisements, spam, junk mail, textbooks, instructional material, and preliminary drafts, working papers, and informational notes that have no impact on how information is interpreted or used or that otherwise have no value to the District. Non-Record Materials also include transitory messages which consist of material used to communicate information with short-term value that is not intended to formalize or perpetuate knowledge and does not set policy, establish guidelines or procedures, certify a transaction, become a receipt, or have a bearing on actions or decisions taken or not taken.

II. Delegated Authority

The Commission requires each agency's officer having jurisdiction over the agency's records to sign required Commission filings, including the Records Disposal Certificate. The Secretary of the Board is designated to sign such required filings.

III. Administration and Guidelines

The District's Records Management Unit facilitates the day-to-day administration of this Policy and the Board's policy that addresses Student Records and retention and shall distribute the District's Records Retention Schedule approved by the Commission. The Chief Executive Officer or designee and the Records Management Unit shall develop and implement guidelines, procedures, and toolkits to ensure the effective management of the Board's records-related obligations. Information on records management, including record retention requirements and procedures are available to employees of the Chicago Public Schools, network offices, central office departments, and administrative offices of the Board on the District's Records Management Knowledge Center Page. Employees of the Chicago Public Schools, network offices, central office departments, and administrative offices of the Board and the public may also request this information by contacting the Records Management Unit at recordsmgmt@cps.edu.

IV. Record Retention

A. Application for Authority to Dispose of Local Records. In accordance with the Local Records Act, the Board shall have on file with the Commission an Application for Authority to Dispose of Local Records ("Application"), which has been approved by the Commission. The Application lists all District Records and the retention requirement for each record as approved by the Commission. Records listed on the Application are media-neutral and retention periods apply to the record, regardless of whether the record exists in paper, electronic, or both formats. Records may be added to the Application by request of

the District's Records Management Unit. The Application may also be referred to as the District's Records Retention Schedule.

B. Retention Periods. Record retention periods are determined based on the content, nature, and purpose of the record and not on its format or the media on which the record is stored. Only the Commission can establish and approve how long the District is required to retain each District Record and will set retention periods based on a record's legal, fiscal, administrative, and historical value. The Application provides the minimum retention period the District is required to maintain for each District Record. Chicago Public Schools, network offices, central office departments, and administrative offices shall comply with the retention requirements as provided by the Commission and shall follow the protocols established by the District's Records Management Unit to have each District Record properly disposed once the record has met its retention period.

V. Record Maintenance During Retention Period

A. Responsibility. All Chicago Public Schools, network offices, central office departments, and administrative offices shall comply with this Policy. Each school principal, network chief, department chief, and/or designee shall ensure all employees, officers, temporary employees, interns, vendors, consultants, contractors, authorized agents, and volunteers are informed about this Policy and comply with its requirements.

B. Confidentiality. Chicago Public Schools, network offices, central office departments, and administrative offices shall ensure appropriate measures are taken to protect the confidentiality of all District Records that require heightened security or that contain confidential information, including, but not limited to, records pertaining to students, personnel, legal or investigation matters, records containing social security numbers, and records containing medical and clinical information.

C. Long-Term Storage and Maintenance. To improve efficiencies, facilitate access to District Records required to support day-to-day operations, and to protect against unauthorized access or release, loss, and damage to District Records, Chicago Public Schools, network offices, central office departments, and administrative offices should send District Records that are not being frequently referenced and that qualify for offsite storage based on the type of record and age of the record to the Board's offsite record storage facility. District Records may remain at the Board's offsite record storage facility for the remainder of each record's required retention period and shall continue to be accessible to and managed by the school, network office, central office department, or administrative office that sent the records to offsite storage. Any transfer of District Records to long-term storage shall follow the protocols established by the District's Records Management Unit.

District Records maintained in electronic format may require migration to other formats, versions, or systems, or may require printing and maintenance in hard copy in order to fulfill retention requirements and to remain accessible and usable at all times while the information must be maintained. District Records maintained in electronic format shall be retained in accordance with the Local Records Act, related regulations, and Commission requirements and guidelines.

D. Historical Records. District Records that document the history of the District or of the District's schools and administration or that are otherwise designated by the Board Secretary as having historical value may be maintained indefinitely and when possible and necessary, in accordance with proper archival preservation and storage methods.

E. Electronic Communications. When information that is communicated electronically, including, but not limited to, through email, voicemail, instant message, chat, website, blog, and other social media channels fits the definition of a Public Record, the information shall be managed in accordance with the Local Records Act, related regulations, the Commission, this Policy, and any additional Board policies that address electronic records and communications, including, but not limited to, the Board's policy that addresses email retention.

VI. Record Disposal

A. Disposal of Records. For purposes of this Policy, the disposal of District Records refers to the destruction of a record or records, regardless of physical format or characteristics, so that information cannot be identified or retrieved, and includes the physical destruction of records in physical form and the deletion of records in electronic form.

B. Required Approval. The Board is required to obtain written approval from the Commission prior to the disposal of any District Record.

1. Application Inclusion. In order for a District Record to be disposed in compliance with this Policy and the Local Records Act, related regulations, and with the Commission, the record must first be listed on the Board's Application that has been filed with and approved by the Commission. Only those District Records that have been included in the approved Application can be disposed when the required legal retention requirements have been met.

2. Records Disposal Certificate. At least annually, the District's Records Management Unit shall submit a Records Disposal Certificate that has been signed by the Secretary of the Board listing all District Records, regardless of physical format or characteristics, that have met the retention requirements as provided in the Board's approved Application. The Records Disposal Certificate must be filed with and approved by the Commission and then returned to the District's Records Management Unit prior to the disposal of any District Records.

C. Disposal Protocols. All Chicago Public Schools, network offices, central office departments, and administrative offices shall maintain District Records, regardless of format or media used, for the duration of each District Record's applicable retention requirement. Once a District Record has met the required retention period, the school, network office, central office department, or administrative office shall request the District's Records Management Unit to authorize the disposal of the eligible District Record and to make all related filings with the Commission. No Chicago Public School, network office, central office department, or administrative office employee, officer, temporary employee, intern, vendor, consultant, contractor, authorized agent, or volunteer shall discard, destroy, delete, or otherwise dispose of any District Record without proper approval and shall follow protocols established by the District's Records Management Unit for the appropriate method of destruction. Protocols for the retention and scheduled and/or automatic deletion of some records maintained electronically, including, but not limited to, email messages and attachments, chat and instant messages, calendars, and records maintained in licensed third-party applications and databases, on network servers, and in cloud storage may be implemented for the District in accordance with technology provisions, record retention requirements, and Commission approval.

D. Disposal of Original Records that have been Digitized and/or Microfilmed. Microfilmed and digitized District Records, including scanned records, may only be substituted for the original record if the microfilm or scanned copies meet the requirements in the Local Records Act, guidelines of the Commission, and all rules and regulations for microfilming or digitizing local government records. Original District Records

that have been reproduced in a digitized electronic format or in microfilm may be disposed of provided that the records have been accurately and reliably reproduced in a durable medium so that they can be accessed and used throughout the record's required retention period.

Prior to the disposal of any original District Records that have been digitized or microfilmed, the Board is required to obtain written approval from the Commission by filing a Records Disposal Certificate for such original District Records. No original District Records that have been digitized or microfilmed shall be disposed until the Commission returns the approved Records Disposal Certificate to the District's Records Management Unit.

E. Other Considerations. District Records that may be required for reasons including, but not limited to, any current, pending, or anticipated legal actions, audits, investigations, student record requests, or public information requests shall not be disposed until all requirements have been met, even if the records have met all retention period requirements and approval for the disposal of records has been granted by the Commission.

F. Unauthorized Destruction of Records. Chicago Public Schools, network offices, central office departments, and administrative offices shall take appropriate measures to ensure that District Records are not mutilated, destroyed, transferred, removed, or otherwise damaged or disposed of, in whole or in part, except as provided by law. The penalty for violating the Local Records Act can be a Class 4 Felony under the Illinois Criminal Code.

1. Accidental Loss or Destruction of Records. District Records destroyed or damaged by fire, flood, natural disaster, environmental conditions, or lost due to theft or disposal-in-error must be immediately reported via the District's electronic incident reporting system.

2. Remedies. Original District Records that were lost, damaged, or destroyed without authorization must be recreated whenever possible. Recreation of original records may include, but is not limited to, printing records from electronic systems, obtaining copies of records from their original source, copying the damaged original records, and cleaning or otherwise restoring the original records. Before any damaged original District Records that have been used to create restored or recreated copies of original District Records may be destroyed, the Board must obtain written approval from the Commission by filing a Records Disposal Certificate for the damaged original District Records. Damaged original District Records must not be disposed until the Commission returns the approved Records Disposal Certificate to the District's Records Management Unit.

3. Reporting Requirements. Records that have been disposed prior to the Board obtaining Commission approval must be reported to the Commission. The District's Records Management Unit must make all necessary reports and filings with the Commission related to the loss or destruction of the District Records.

G. Destruction of Non-Record Materials. Non-record materials may be destroyed at any time without prior approval from the Commission. Non-record materials that contain confidential information, including, but not limited to, social security numbers, student information, employee information, and information pertaining to legal or investigation matters must be physically destroyed in a manner so that such information cannot be identified or retrieved.

VII. Violations

Failure to abide by this Policy or related guidelines will subject employees to discipline up to and including dismissal in accordance with Board Rules and Policies.

Legal References: Local Records Act (50 ILCS 205/1 et seq.); Illinois School Student Records Act (105 ILCS 10/1 et seq.); Tampering with Public Records (720 ILCS 5/32-8); Governmental Records, Local Records Commission (44 Ill. Admin. Code 4000 et seq.)

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