

DRAFT SAN FRANCISCO DEPARTMENT OF THE ENVIRONMENT RECORDS RETENTION AND DESTRUCTION POLICY

A. RETENTION POLICY

This Records Retention and Destruction Policy (the "Policy") and Records Retention and Destruction Schedule (the "Schedule," attached hereto as Exhibit A) has been adopted by the Department of the Environment (Department) pursuant to Chapter 8 of the San Francisco Administrative Code (Administrative Code), which requires each department head to develop a written record retention policy and schedule that provides for the systematic retention and destruction of the department's records. This Policy and Schedule supersedes all previous records retention and destruction policies issued by the Department. This Policy and Schedule cover all records and documents, regardless of physical form or characteristics, which have been made or received by the Department in connection with the transaction of public business.

B. RECORDS DEFINED

The Department shall retain records for the period of their immediate or current use, unless longer retention is necessary for historical reference, or to comply with contractual or legal requirements or for other purposes as set forth below. For purposes of record retention and destruction, the term "record" is defined as set forth in Section 8.1 of the Administrative Code, and includes any paper, book, photograph, film, sound recording, map, drawing or other document, or any copy thereof, as has been made or received by the Department in connection with the transaction of public business and may have been retained by the Department as 1) evidence of the Department's activities, 2) for the information contained in it, or 3) to protect the legal or financial rights of the City and County of San Francisco (City and County) or of persons directly affected by the activities of the City and County. Documents and other materials that do not constitute "records" under that section, including those described below in Category 4, may be destroyed when no longer needed, unless otherwise specified.

C. CLASSIFICATION OF RECORDS

The records of the Department shall be classified for the purposes of retention and destruction as follows:

Category 1: Permanent Retention. Records that are permanent or essential shall be retained and preserved indefinitely.

- Permanent records: Permanent records are records required by law to be permanently retained. Permanent records should be microfilmed or placed on an optical imaging storage system, with the original film or tape placed in a State-approved storage vault, and a copy delivered to the department (Admin. Code Section 8.4.). The department may destroy original paper copies of permanent records only once this optical imaging and storage process has been followed. The department may destroy duplicate copies of permanent records whenever the duplicate copies are no longer necessary for the efficient operation of the department. Examples of permanent records include official records of a department or commission action.
- Essential records: Essential records are records necessary for the continuity of government and the protection of the rights and interests of individuals (Admin. Code Section 8.9). Essential records should be stored in the same manner as permanent records: by microfilming the

records or placing them on an optical imaging storage system, placing the original film or tape in a State-approved storage vault, and delivering a copy delivered to the department (Admin. Code Sections 8.9, 8.4). Examples of essential records include advice letters and opinions, policy memoranda, building permits, business licenses, and interpretive materials such as manuals. Not every department will have essential records.

Category 2: Current Records. Current records are records which for convenience, ready reference or other reasons are retained in the office space and equipment of the Department. Current records shall be retained as follows:

- Where retention period is specified by law. Where federal, state, or local law prescribes a definite period of time for retaining certain records, the Department will retain the records for the period specified by law. Examples of such records include Statement of Economic Interest (Form 700) and Emergency/Disaster Cost Recovery documents.
- Where no retention is period specified by law. If the law does not specify a particular time period for retention, the department shall retain records for the time periods specified in the Schedule. The department shall retain current records for a minimum of two years, although such records may be treated as “storage records” and stored off-site during the applicable retention period. Examples of current records include invoices for purchases of supplies, departmental memoranda, and budget documents.

Category 3: Storage Records. The department may classify records as storage records and retain them off-site. These records are subject to the same retention requirements as current records.

Category 4: No Retention Required. The department may classify documents and other materials that do not meet the definition of a “record” under Administrative Code Section 8.1 as Category 4 documents. Unless applicable law or the Schedule states otherwise, the department may destroy such documents and materials (including originals and duplicates) that it no longer needs in order to function or continue operating. Examples include materials and documents generated for the convenience of the person generating them, draft documents (other than drafts subject to disclosure under Administrative Code section 67.24(a)) that are superseded by subsequent versions or rendered moot by departmental action, duplicate copies that are no longer needed, telephone message slips, miscellaneous correspondence that do not require follow-up or departmental action, notepads, and emails that do not contain information that the department is required to retain under this policy. Documents with legal significance may not be classified as Category 4 documents.

D. RECORDS NOT ADDRESSED IN THE RECORDS RETENTION SCHEDULE

Records and other documents or materials that are not expressly addressed by the attached schedule may be destroyed at any time provided that they have been retained for the periods prescribed for substantially similar records.

E. PENDING CLAIMS AND LITIGATION

The retention periods set forth herein and in the attached schedule shall not apply to materials that are otherwise eligible for destruction, but which may be relevant to a pending claim or litigation against the City and County. Once the department becomes aware of the existence of a claim or litigation against the City, it must notify the City Attorney’s Office, who must then shall notify all affected City

departments. Notwithstanding the Schedule, the respective departments must retain all documents and other materials related to the claim or litigation until the City Attorney's office reports that the claim or litigation has been finally resolved.

F. RECORDS RELATING TO FINANCIAL MATTERS

The Controller's Office must approve the destruction of all records pertaining to financial matters before the department destroys them (Admin. Code Section 8.3). The Controller's Office reviews and approves each department's Records Retention and Destruction Schedule. Once the Schedule is approved by the Controller, the department may destroy documents consistent with the Schedule. You must obtain the Controller's approval for documents pertaining to financial matters that do not fall within the Schedule.

G. RECORDS RELATING TO PAYROLL RECORDS

The Retirement Board must approve the destruction of all records pertaining to payroll checks, time cards, and related documents proposed for destruction before the department destroys them. Admin. Code Section 8.3. The Retirement Board reviews and approves each department's Records Retention and Destruction Schedule. Once the Schedule is approved by the Retirement Board, the department may destroy documents consistent with the Schedule unless the Retirement Board requests that the documents be sent to them. The department must obtain approval from the Retirement Board to destroy documents pertaining to payroll checks, timecards, and related documents that do not fall within the Schedule.

H. RECORDS WITH LEGAL SIGNIFICANCE

The City Attorney's Office must approve the destruction of all records that contain legal significance (Administrative Code Section 8.3). The City Attorney's Office reviews and approves each department's Records Retention and Destruction Schedule. Once the Schedule is approved by the City Attorney's Office, the department may destroy documents consistent with the Schedule. You must obtain the City Attorney's Office approval for documents that contain legal significance and do not fall within the Schedule.

I. RECORDS RELATING TO FEDERAL AWARDS: EMERGENCY/DISASTER AND COST RECOVERY

Records relating to federal awards, including public assistance following an emergency or disaster, are governed by 2 C.F.R. § 200.333. This regulation requires retention of any and all records relating to a federal award for three (3) years after the State has closed the claim by the City. The Department shall retain all records relating to the federal award for three (3) years from the date the State has closed the claim by the City (i.e., the date of the final Financial Status Report (FSR)(FEMA Form 112-0-1), unless certain exceptions apply (see 2 C.F.R. § 200.333).

The department must retain all records relating to emergencies/disasters and cost recovery for the Federal Emergency Management Agency (FEMA) and California Governor's Office of Emergency Services (CAL OES) programs and activities that are governed by 44 CFR §13.42. Title 44 Section 13.42 of the Code of Federal Regulations requires the department to retain any and all records relating to cost recovery documentation incurred during an emergency or disaster for three (3) years after the State has closed the claim by the City. The California Code of Regulations requires the department to retain all financial and program records related to cost or expenditures eligible for state financial assistance for

three years (19 CCR § 2980(e)). The department shall retain all records relating to emergency/disaster recovery costs for three (3) years from the date of the final Financial Status Report (FSR) (FEMA Form 112-0-1) (unless any litigation, claim, negotiation, audit or other action involving the records has been started before the expiration of the 3-year period). The records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular 3-year period, whichever is later. Final closeout (receipt of FSR) is when all Project Worksheets associated with a disaster/emergency are closed. All records related to any and all Project Worksheets associated with an event must be retained for 3 years after the close of the final associated Project Worksheet. Project closure may take up to 25 years in the case of a major disaster, which means that this category of records has a long retention period. Note: State and Federal regulations change from time-to-time, the department will issue specific rules for file retention on any given disaster, should there be a change.

J. MATERIALS OF HISTORIC SIGNIFICANCE

Historical records are records which are no longer of use to the Department, but because of their age or research value may be of historical interest or significance. Historical records may not be destroyed except in accordance with the procedures set forth in Administrative Code Section 8.7.

K. EMAIL SYSTEM

The email system does not fulfill the department's record retention obligations. The department provides an email system to its employees as a convenient and efficient medium of communication. However, the email system is not a medium for storage of information or any of the department's records.

If the department's Schedule requires the retention of an email itself, an attachment to the email, or a link in the email, the department may not rely on the email system to satisfy the retention requirement. Departmental staff must determine with regard to each email or attachment whether the department's Schedule requires retention of a particular record. If the Schedule requires retention of the email, staff must retain it in a form outside the email system (i.e., scanned and saved to electronic files or other storage systems used by the department) in accordance with the Schedule. If the Schedule does not require retention of the email the staff may either delete it as soon as it is no longer necessary for the immediate discharge of official duties or store it elsewhere for as long as the staff deems appropriate. In any case, whether to satisfy records retention obligations or merely to serve administrative needs, the staff must not store the email communication on the email system.

L. RECORDS STORAGE

The use of storage areas listed below is limited to the Department and under no circumstances may include personal belongings of any sort.

Location. The Department will contract with a vendor for storage of those records other than Current Records, which are retained at the Department, and Permanent Records, which must be microfilmed or placed on an optical imaging storage system.

Records Retention and Destruction Schedule. All Department records that are to be retained must be listed on this schedule by the responsible Department division. This schedule will provide the basis for destruction and storage of records.

Organizing Records Storage. All records within the same box destined for storage shall have the same destruction date. The destruction date should stem from the end of the fiscal year in which the document was created unless specified differently.

M. DIGITAL FIRST POLICY.

To be aligned with San Francisco's commitment to reducing solid waste generation (consumption) by 15% by 2030, the Department of the Environment has adopted a digital first policy. This policy covers physical and digital records, and documents regardless of physical form or characteristics, which have been created or received by the Department of the Environment in connection with the transaction of public business.

All files shall be stored digitally or electronically unless otherwise specified in the below schedule.

Records should never be stored on removable media, such as USB drives, external drives, or local drives and desktop. Electronic storage that is acceptable include and is not limited to, network drives, servers, cloud services, electronic document, records, or content management systems.

RECORD RETENTION AND DESTRUCTION SCHEDULE

TYPE OF RECORD	RETENTION CATEGORY [e.g., current, permanent]	RETENTION PERIOD Total	REMARKS/ DISPOSITION INSTRUCTION OR TRIGGER
GENERAL AND ADMINISTRATIVE RECORDS			
Administrative records, miscellaneous	2	2 years	
Advice Letters	1	Permanent	
Audit Reports	1	Permanent	
Audit Work Papers	2	2 years	
Annual Reports	1	Permanent	
Annual Work Program	1	Permanent	
Budget Files	2	2 years	
Calendar [department head]	2	2 years	Required by Admin. Code §67.29-5
Citizen Complaints	2	9	
Complaint logs	2	9	
Chronological files	4	None	
Code Interpretations	1	Permanent	
Contributions (posted on web site)	2	2 years (3 mos. on website)	
Correspondence, miscellaneous	2	2 years	
Correspondence not requiring f/u	4	None	

Correspondence, draft	4	None	
Executive Director Reports	2	5 years	
FSP Reports	2	2 years	
Fax Transmittal Sheets	4	None	
Financial Records, miscellaneous	2	5 years after of applicable fiscal year	
Invoices	2	5 years after of applicable fiscal year	
Interdepartmental Correspondence	2	2 years	
Journals/Magazines/Catalogs	4	None	
Legal Advice	2	Until superseded	
Legislative Drafts	4	None	
Memoranda, miscellaneous	4	None	
Memoranda, policy/decisional	2	The later of 5 years or until superseded	
Payables (Invoices)	2	5 years	
Publications, reports created by department	2	2 years	
Revolving Funds Records	2	5 years	
Permit Application and Issuance Records	2	Life of permit plus 4 years	
Settlement Agreements	1	Permanent	
Work Orders and Payments	2	5 years	
Audio/Video recordings not otherwise specified	2	2 years	

Files on specific environmental organizations/issues	2	2 years	
Regulations	1	Permanent	
COMMISSION RECORDS			
Commission Correspondence	2	2 years	
Commission Files including contact lists, timesheets, annual reports	1	Permanent	
Commission Packets	1	Permanent	
Motions and Resolutions	1	Permanent	
Agendas, Notices and Minutes of Commission and Committee Meetings	1	Permanent	
Audio/Video recording of meetings of policy bodies	1	Permanent	Required by Admin. Code §67.14
CONTRACT/GRANT RECORDS			
Contracts/Agreements	2	Term of agreement + 5 years	
MOUs/Grants	2	Term of agreement + 5 years	
Contract/Agreement/MOU/Grant Correspondence	2	Term of agreement + 5 years	

Records of Payments on Contracts/Agreements	2	Term of agreement + 5 years	
Records of Payments on MOUs/Grants	2	Term of agreement + 5 years	
Exchanged Drafts of Agreements	2	2 years	Admin. Code §67.24(a)
Lease Files	2	Term of lease + 1 year	
Purchase Orders	2	5 years	
Regulations	1	Permanent	
Requests for Proposals (RFPs)and Request for Qualifications (RFQs); Responses to RFPs and RFQs	2	Term of the resulting agreement + 5 years; or if no agreement, then 2 years	
RFP Scoring Records	2	Term of the resulting agreement + 5 years; or if no agreement, then 2 years	Admin. Code §67.24(e)
HUMAN RESOURCES RECORDS	<p>Records relating to financial matters may only be recycled after the approval of the Controller, and "payroll checks, time cards and related documents" may be recycled only after approval by the Retirement Board. If the Retirement Board determines that they need certain payroll records, they "shall be delivered to the Retirement Board instead of being recycled." (S.F. Administrative Code Section 8.3)</p>		
ADA Request for Reasonable Accommodation Report	2	2 years	
Equal Opportunity Plan	2	2 years	

Discrimination Complaints	2	7 years from final separation of employee from employment	
Conflict of Interest Form 700	2	7 years	
Accident – Injury Reports	2	5 years	
Employment Applications/Resumes	2	2 years	
Ergonomic Records	2	2 years	
Family Medical Leave Act Records	2	7 years from final separation of employee from employment	Required by Fair Labor Standards Act §11(c)
Payroll Records	2	5 years	
Personnel Files	2	7 years from final separation of employee from employment	
Sexual Harassment Complaints	2	2 years	
Time Rosters	2	2 years	
Time Sheets	2	5 years	
Travel and Reimbursement Records	2	5 years	
Workers' Compensation Records	2	7 years from final separation of employee from employment	Title 8, Cal. Code of Regulations, Section 10102

RETENTION CATEGORY: 1 – PERMANENT

2 – CURRENT

3 – STORAGE

4 – NO RETENTION REQUIRED