

## **Records Retention**

The Board has approved the BOCES's use of the Colorado School District Records Management Manual (records management manual) developed by the Colorado State Archives Department to assist the BOCES in determining the appropriate retention period for various types of records. BOCES records regarding the BOCES's organization, functions, policies, decisions, procedures, operations, or other activities may be considered public records subject to retention.

The BOCES shall retain records for the time periods specified by the records management manual, as may be amended from time to time, unless a longer retention period is required by state or federal law. BOCES employees and Board members shall be responsible for adhering to the records management manual.

Whenever the BOCES is a party in litigation or reasonably anticipates being a party in litigation, Board members and BOCES employees in possession of hard copy or electronic documents, email and/or other evidence relevant to the litigation or reasonably anticipated litigation shall retain all such documents, emails and other evidence until otherwise directed by the executive director or designee.

Documents and other materials that are not "records" required to be retained by BOCES policy, the records management manual, or state or federal law, and are not necessary to the functioning of the BOCES, may be destroyed when no longer needed. Examples include telephone message slips, miscellaneous correspondence not requiring follow-up or BOCES action, and emails that do not contain information otherwise required to be retained by BOCES policy, the records management manual, or state or federal law.

BOCES employees may be subject to disciplinary action for violation of this policy.

Adopted: March 9, 2017

LEGAL REFS.: 2 C.F.R. 200.333 (*retention requirements for federal fiscal records*)  
C.R.S. 24-72-113 (*limit on retention of passive surveillance records*)  
C.R.S. 24-80-101 *et seq.* (*State Archives and Public Records Act*)

CROSS REFS.: EGAEA, Electronic Communication  
GBJ, Personnel Records and Files  
[JRA/JRC, *Student Records/Release of Information on Students*]

*NOTE: State law prohibits the retention of any "passive surveillance record" for more than three years after the record's creation, unless such retention is because of "a notice of claim filed, or an accident or other specific incident that may cause the passive surveillance record to become evidence in any civil, labor, administrative, or felony criminal proceeding." C.R.S. 24-72-113(2)(a). State law also prohibits the BOCES's records custodian from accessing a passive surveillance record after the first year of its creation, unless a claim has been filed or an accident or other specific incident may cause it to be used as evidence. If the passive surveillance record is accessed after the first year of its creation, the custodian must "preserve a record" of the person who accessed the record and the reason for doing so. "Passive surveillance" is defined as "the use by a government entity of a digital video camera, video tape camera, closed circuit television camera, film camera, photo radar recorder, or other image recording device positioned to capture moving or still pictures or images of human activity on a routine basis or for security or other purposes...." C.R.S. 24-72-113(1).*