



The San Francisco Department of Child Support Services

RETENTION AND DESTRUCTION POLICY

The Department of Child Support Services (“DCSS”) hereby adopts this Record Retention and Destruction Policy pursuant to Chapter 8 of the San Francisco Administrative Code. This policy supersedes all previous record retention and destruction policies issued by DCSS. This policy covers all records and documents, regardless of physical form or characteristics, made or received by the DCSS in connection with the transaction of public business. The purpose of this policy is to provide a system for managing the records of the DCSS, to safely store and retain those records that need to be retained, to comply with all applicable legal requirements regarding document retention and destruction, and to identify and establish guidelines for the destruction of those documents that are obsolete or for which retention is otherwise not required.

A. RETENTION SCHEDULE

Under City and state law, DCSS must retain any record for the period of its immediate or current utility and thereafter may destroy the record unless City or state law or contractual obligations require the City to retain the record for a specific period. For record retention and destruction purposes, the term “record” is defined as set forth in Section 8.1 of the San Francisco Administrative Code as follows:

“Records,” as used in this Chapter, shall mean such paper, book, photograph, film, sound recording, map, drawing or other document, or any copy thereof, as has been made or received by DCSS in connection with the transaction of public business and may have been retained by DCSS as evidence of DCSS’s activities, for the information contained therein, or to protect the legal or financial rights of the City and County or of persons directly affected by the activities of the City and County.

Email and other electronic materials are “records” for purposes of this document retention policy to the extent they otherwise meet the definition of “records” in Section 8.1. DCSS may destroy documents and other materials that do not qualify as “records” under Section 8.1, including those described below in Category 4, when no longer needed, unless otherwise specified under DCSS’s Records Policy and Schedule. DCSS must classify all records under one of the following four categories:

1. Category 1: Permanent Retention.

- 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 DCSS. 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.

2. Category 2: Current Records.

DCSS may classify as current records those records it retains in the office or facility for employee convenience, ready reference, or other reasons. DCSS shall retain current records as follows:

- Where applicable law specifies a retention period. DCSS shall retain current records in accordance with time periods specified in federal, state, or local law. Examples of records for which the law specifies particular retention periods include the Statement of Economic Interest Form 700 (required by California Government Code Section 81009(e)) and Accident Injury reports.
- Where applicable law does not specify a retention period. If the law does not specify a particular time period for retention, DCSS shall retain records for the time periods specified in the Schedule (See Attachment A). DCSS 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, DCSS memoranda, and budget documents.

3. Category 3: Storage Records.

DCSS may classify records as storage records and retain them off-site. These records are subject to the same retention requirements as current records and is reflected on DCSS Records Retention Schedule. The California Department Child Support Services requires all local child support agencies to maintain Title IV-D closed case records for a period of four years and four months from the date of case closure per 22CCR 111450, and purge from all systems unless the case is subject to an open federal or state audit, civil litigation, or a court order that extends the retention period.

4. Category 4: No Retention Required.

DCSS may classify documents and other materials that do not meet the definition of a “record” pursuant to Administrative Code Section 8.1 as Category 4 documents. Unless applicable law or the Schedule states otherwise, DCSS 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 DCSS 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 DCSS is required to retain under this policy.

B. TYPES OF RECORDS

1. Records Not Addressed in the Retention Schedule

DCSS may destroy records and other documents or materials that are not required to be retained by law and are not expressly addressed in the Schedule, provided that DCSS has retained the documents for the periods prescribed for substantially similar documents.

2. Historical Records

Historical records are records that DCSS no longer uses, but that may be of historical interest or significance because of their age or research value. DCSS may not destroy historical records except in accordance with the procedures set forth in Administrative Code Section 8.7.

3. Records Relating to Pending Claims and Litigation

The retention periods set forth in the Schedule do not apply to materials that are relevant to a pending claim or litigation against the City, even if the records are otherwise eligible for destruction.

Once DCSS 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' office reports that the claim or litigation has been finally resolved.

4. Backup Tapes and Similar Archival Systems

It shall be the policy of the DCSS that back-up tapes and similar archival systems serve the limited purpose of providing a means of recovery in cases of disaster, departmental system failure, or unauthorized deletion. They are not available for departmental use except in these limited situations. Electronic records such as e-mails that an employee has properly deleted under the department's records retention and destruction policy but that remain on back-up tapes or similar archival systems are analogous to paper records that the department has lawfully discarded but may be found in a City owned dumpster. Neither the Public Records Act nor the Sunshine Ordinance requires the City to search the trash for such records, whether paper or electronic

5. Records Relating to Emergencies/Disasters and Cost Recovery

DCSS 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 DCSS to retain any records documenting the costs it incurs in responding to an emergency or disaster for three years. The California Code of Regulations requires DCSS 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 three-year retention period starts on the date the Project Worksheet file is officially closed by receipt of a closure letter from the State of California. Because state and federal regulations change from time to time, the Controller's Office will issue specific rules for file retention on any given disaster that will reflect the most up to date retention requirements.

6. Records Relating to Financial Matters

The Controller's Office must approve the destruction of all records pertaining to financial matters before DCSS destroys them. Admin. Code Section 8.3. The Controller's Office reviews and approves each department's Schedule. Departments may destroy documents consistent with the Schedule. DCSS must obtain approval from the Controller's Office to destroy documents pertaining to financial matters that do not fall within the Schedule.

7. Records Relating to Payroll

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

8. Records with Legal Significance

The City Attorney's Office must approve the destruction of all records having legal significance proposed for destruction before DCSS destroys them. (Admin. Code Section 8.3). The City Attorney's Office reviews and approves each department's Schedule. DCSSs may destroy documents consistent with the Schedule. DCSS must obtain approval from the City Attorney's Office to destroy documents that contain legal significance that do not fall within the Schedule.

C. EMAIL SYSTEM

The email system does not fulfill DCSS's record retention obligations. DCSS 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 DCSS's records.

If DCSS's Schedule requires the retention of an email itself, an attachment to the email, or a link in the email, DCSS may not rely on the email system to satisfy the retention requirement. DCSS staff must determine with regard to each email or attachment whether DCSS'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 DCSS) 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.

D. STORAGE OF RECORDS

Records may be stored in DCSS's office space or equipment if the records are in active use or are maintained in the office for convenience or ready reference. Examples of active files appropriately maintained in DCSS's office space or equipment include active chronological files, research and reference files, active litigation files, administrative files and personnel files. Inactive records, for which use or reference has diminished sufficiently to permit removal from the DCSS office space or equipment, may be sent to the City's off-site storage facility or maintained in DCSS's storage facility.

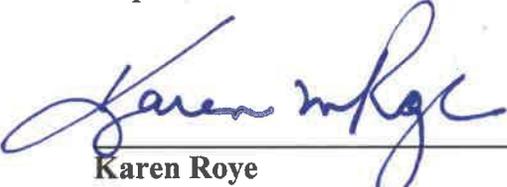
Storage of records imposes considerable costs on DCSS. Accordingly, records should be stored only when necessary, and should be promptly destroyed once the applicable retention period has passed and the records are no longer needed.

Attachment – DCSS Records Retention and Destruction Schedule

APPROVALS

This Record Retention and Destruction Policy and attached Schedule are hereby approved:

Department Head



Karen Roye
Department Head/Director

2/12/2020

Date Approved

Approved by the Mayor’s Designee:

Sean Elsbernd
Chief of Staff



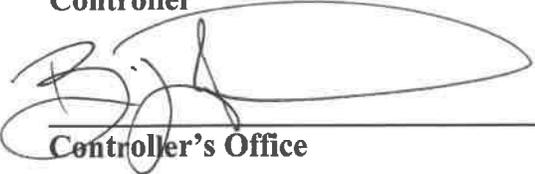
Mayor’s Designee

2/19/20

Date Approved

Approved as to Records Relating to Financial Matters:

Ben Rosenfield
Controller



Controller’s Office

2/17/2020

Date Approved

Approved as to Records of Legal Significance:

Dennis Herrera
City Attorney



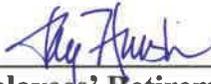
City Attorney



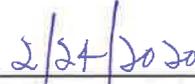
Date Approved

Approved as to Records Relating to Payroll Matters:

Jay Huish
Employees' Retirement System



Employees' Retirement System



Date Approved