



Department of Elections Record Retention and Destruction Policy

The Department of Elections Record Retention and Destruction Policy is adopted pursuant to Chapter 8 of the San Francisco Administrative Code, which requires each department head to maintain records and create a records retention and destruction schedule.

This policy covers all records and documents, regardless of physical form or characteristics, which have been made or received by the Department of Elections in connection with the transaction of public business.

Part I: Policy and Procedures

A. Retention Policy

The Department of Elections (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shall retain records for the period of their immediate or current use, unless longer retention is necessary for historical reference, or to comply with contractual or legal requirements, or for other purposes as set forth below.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 record retention and destruction purposes, the term “record” is defined as set forth in Section 8.1 of the San Francisco Administrative Code. 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 in Part II. The records of the Department shall be classified for 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 and which are ineligible for destruction unless they are microfilmed or placed on an optical imaging system and special measures are followed (Admin. Code Section 8.4). Once these measures are taken, the original paper records may be destroyed. Duplicate copies of permanent records may be destroyed whenever they are no longer necessary for the efficient operation of the Department. Examples of permanent records include Voter Registration Forms of active voters and Charter amendments filed with the Secretary of State.
- **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). Examples of essential records include advice letters and opinions, policy memoranda, interpretive materials such as manuals, building permits and business licenses.

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 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 records required to be maintained for a specific period are voted and unvoted ballots and FPPC forms.

- Where no retention period specified by law. Where no explicit retention period is specified by law, the retention period of records that the department is required to retain shall be specified in the attached Record Retention and Destruction Schedule. Records shall be retained for a minimum of two years, although such records may be treated as “storage records” and placed in storage at any time during the applicable retention period. Examples of current records include vote-by-mail and provisional envelope templates, voter correspondence, and press releases.

Category 3: Storage Records. Storage records are records that are retained offsite. Storage records are subject to the same retention requirements as current records.

Category 4: No Retention Required. Documents and other materials that are not “records” as defined by Admin. Code section 8.1 need not be retained unless retention is otherwise specified by local law or by the attached Record Retention and Destruction Schedule. Documents and other materials (including originals and duplicates) that are not otherwise required to be retained, are not necessary to the functioning or continuity of the Department and which have no legal significance may be destroyed when no longer needed. Examples include materials and documents generated for the convenience of the person generating them, draft documents (other than some contracts) which have been superseded by subsequent versions, or rendered moot by departmental action, and duplicate copies of records that are no longer needed. Specific examples include telephone message slips, miscellaneous correspondence not requiring follow-up or departmental action, notepads, e-mails that do not contain information required to be retained under this policy, and chronological files.

B. Records Not Addressed in the Record 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.

C. Storage of Records

Records may be stored in the Department’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 the Department’s office space or equipment include active chronological files, research and reference files, legislative drafting files, pending complaint files, administrative files, and personnel files. Inactive records, for which use or reference has diminished sufficiently to permit removal from the Department’s office space or equipment, may be maintained in the Department’s storage facility.

D. Historical Records

Historical records are records which are no longer of use to the Department but which 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.

E. Pending Claims and Litigation

The retention periods set forth in the attached Record Retention 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.

Once the Department becomes aware of the existence of a claim against the Department, it should retain all documents and other materials related to the claim until such time as the claim has been resolved. Where the Department has reason to believe that one or more other departments also have records relating to the claim or litigation, those departments shall also be notified of the need to retain those documents.

F. Back-Up Tapes

Back-up tapes serve the limited purpose of providing a means of document recovery in cases of disaster, departmental system failure or unauthorized deletion. Documents that City officers and employees properly delete may appear on back-up tapes, but they are trash no different from paper records that the City lawfully places in the trash. Back-up tapes are not available for departmental use except in the limited situations described above. City officers and employees may not rely on back-up tapes to comply with City and state record retention laws.

G. Destruction Policy

After the expiration of the retention period of a record, the Department will cause it to be destroyed according to its destruction category as listed in the Department's Record Retention and Destruction Schedule. The two destruction categories are as follows:

Category 1: Destruction. Any documents containing confidential information must be destroyed in a manner that renders all information contained in the document unreadable and irretrievable, e.g., shredding. Any vendor that provides destruction services to the Department must provide a certificate of destruction for each set of records it destroys. Confidential information may include, but is not limited to, signatures, personal addresses, phone numbers, driver's license or identification numbers, and Social Security numbers. Examples of Department documents that may contain confidential information include rosters of voters, used vote-by-mail and provisional envelopes, and payroll documents.

Category 2: Recycling. Any documents that do not contain confidential information do not require document destruction services and may be recycled. Examples of Department documents that may be recycled include ballots, Voter Information Pamphlets, and unused vote-by-mail and provisional envelopes.