



<b>Policy:</b>	1.4	<b>Type:</b>	Staff
<b>Title:</b>	RECORD RETENTION & DESTRUCTION POLICY		
<b>Owner:</b>	Office of General Counsel		
<b>Responsible:</b>	All Departments		
<b>Approved By:</b>	Chief Executive Officer		
<b>Effective Date:</b>	07/01/2009	<b>Amendment Date:</b>	1/10/2017
<b>References:</b>	Record Retention Schedule; Records Management and Retention Site		

## **Policy**

NRECA intends to comply with federal, state and local regulations regarding the retention and destruction of corporate records, as well as preserve its history and protect its legal interests by establishing this Policy, Record Retention Schedule, accessible on the [Records Management and Retention Site](#), and procedures pursuant to this Policy. All employees must understand their role in retaining and destroying Records in accordance with the guidelines established in these resources. NRECA prohibits the inappropriate accidental or intentional destruction of the organization's records.

This Policy and the Record Retention Schedule are developed and maintained by the Office of General Counsel, and procedures are developed by the department affected by the procedure.

## **Scope**

This Policy applies to all information created, received, and transmitted in the transaction of business or pursuant to legal or compliance obligation, whether or not directly identified in the Record Retention Schedule, and regardless of format (e.g., paper, electronic, microfilm, microfiche, magnetic tapes, and/or CD-ROM). Hereinafter, these are referred to as "Records." All locations Records reside fall under this Policy, including on-site, off-site, cloud-stored, and NRECA vendor-held Records. Common locations for Records include but are not exclusive to employee file cabinets, local storage areas, remote storage, local, external and share drives, mobile devices, and systems.

## **Record Procedures**

Record procedures are documented processes describing operations NRECA employees must follow to comply with this Policy and the Record Retention Schedule. These procedures are developed by department(s), coordinated by the Designated Document Custodian(s) ("DDC") of the department(s) affected. The procedures are owned by the department(s), who is responsible for maintaining them to comply with this Policy and the Record Retention Schedule, and any changes therein. DDCs are responsible for monitoring compliance to these procedures. Examples of procedures include how employees and departments store, name, and properly dispose of Records. Procedures shall be developed to comply with the defined retention and destruction requirements. Employees must be aware of their roles in these procedures.

## **Record Retention & Storage Requirements**

Records must be retained for the period indicated in the Record Retention Schedule. Departments are required to evaluate their Records at least annually for retention, disposition, and destruction eligibility changes. A Record shall not be retained beyond the period indicated in the Record Retention Schedule, unless a legal hold calls for its continued retention or NRECA requires that the Records be available to conduct its business. Retention exceptions must be communicated to and documented by Designated Document Custodians.

Records must be stored in their designated official locations, which may be more than one place or system. The department DDC will maintain the Record locations on the Records Management and Retention Site. To the extent possible, employees should avoid creating duplicate copies of Records.

NRECA employees must maintain Records in a format and/or media that ensures they can be retained in a safe, secure, and accessible manner. Records may be transferred to formats approved for the Record as permitted by the Record Retention Schedule, provided transfers are verified for accuracy and comply with applicable regulatory requirements. Electronic format is the preferred format for Records when allowed.

### **Destruction of Records**

Records must be destroyed by the end of the calendar year in which they become eligible for destruction, with the exception of legal holds and documented business reasons. The destruction of Records in any format and location must be able to be verified.

Print Records containing information that may compromise NRECA, employees, affiliates, partners, or clients must be shredded. Off-site print Records can be destroyed by the remote storage vendor or returned to NRECA for destruction.

All local electronic Records shall be destroyed according to procedures determined by the Information Technology Department. The Information Technology Department will ensure that protected information and the media on which it exists will be destroyed or rendered unreadable in accordance with regulation or industry practice.

Third-party applications and hosted vendors holding NRECA Records must have the ability to destroy records permanently and completely in their systems.

### **Legal Holds**

The Office of General Counsel will issue a legal hold in the event that it determines that NRECA is legally obligated to preserve its Records or such record retention is determined to be in the best interest of NRECA. A legal hold replaces any previously established destruction schedule for such Records and serves as an exception to any stated destruction schedule noted in the Record Retention Schedule.

If an employee receives any document informing him/her that NRECA is involved in any litigation, potential litigation, a government investigation, audit or other event, or the employee believes that NRECA may become involved in a legal matter, he or she should immediately submit such document or information to an attorney in the Office of General Counsel. The Office of General Counsel will determine what, if any, Records and other material must be preserved. If such a need is determined, then a written legal hold notification will be issued to the appropriate employees with custody, control, or access to all relevant Records and other material. The legal hold issuing attorney will follow up with each recipient of the legal hold as is reasonable under the circumstances to ensure compliance with the legal hold.

A legal hold notification requires an employee to review and take an inventory of his/her Records and other material and to preserve ALL Records and other material that are described or identified in the notification. Upon receipt of a legal hold, all recipients are required to complete a verification document to the issuing attorney attesting to his or her receipt of the legal hold and strict compliance with the obligations contained in the notification. With regard to electronic Records and other material, all active, distributed, and archived copies must be preserved.

If an employee has been presented with a Legal Hold notification and has further questions, he or she should review the notification with the issuing attorney.

The Office of General Counsel will notify the recipient once the legal hold has expired. Once the legal hold has expired, the Record Retention Schedule will be in effect.

### **Employee Roles & Responsibilities**

DDC designated by the departmental Vice President, are responsible for coordinating the development of, maintaining and monitoring Record procedures pertinent to their department. They act as the primary liaisons for their department's Record management.

Employees are responsible for managing Records in adherence to this Policy, the Records Retention Schedule, any legal hold communications and departmental Record procedures. They are responsible for notifying the Office of General Counsel about any legal documents received.

Managers are responsible for enforcing Record retention procedures and ensuring that their employees have the resources to adhere to them.

Vice Presidents are responsible for appointing DDC(s) and approving Record retention procedures for their department(s).

Office of General Counsel is responsible for issuing and releasing legal holds and maintaining the Records Retention Schedule.