

RECORDS MANAGEMENT POLICY
Effective October 2015

PURPOSE

It is the policy of the Wayne Metropolitan Housing Authority (WMHA) to accommodate the timely storage, retrieval, and disposition of records created, utilized, and maintained by various departments and to articulate and implement an appropriate records retention policy (Policy) that meets the following criteria:

1. All records are retained for the period required by applicable state and federal laws and regulations.
2. Adequate records will be developed and maintained to document WMHA's compliance with all relevant laws and regulations.
3. All records necessary for business reasons are retained for a period of time that will reasonably assure the availability of those records when needed.
4. Vital records will be identified and appropriately safeguarded.
5. All records not necessary for legal and business reasons can be destroyed in order to reduce the high cost of storing, indexing and handling the vast amount of documents and paper which would otherwise accumulate.
6. Destruction of records shall take place only in compliance with a standard policy that has been developed for business reasons in order to avoid the inference that any document was destroyed in anticipation of a specific problem.
7. Documents that are not subject to retention may need to be retained due to otherwise unusual circumstances, such as litigation or government investigation. If for any reason it is felt that a document should be retained due to an unforeseen circumstance, WMHA's legal counsel should be consulted. When litigation or investigations occur, legal counsel will notify the appropriate departments and direct that relevant categories of documents be labeled for retention until further notice.
8. The privacy and security of records shall be appropriately assured.
9. Records maintained on microfilm, microfiche, magnetic tape, CD-ROM, USB flash drive, or other electronic data processing storage media are legally acceptable media for records retention and are governed by the same guidelines as other records.
10. It is imperative that WMHA know which documents have been retained and which documents have been discarded. Therefore, extra files including correspondence, notes, memoranda, computer discs, tapes, etc. which are maintained in individual offices, at home or any other off-site location are subject to this Policy and shall not be retained in excess of these guidelines.

I. Role of Management Personnel

Management personnel are designated as “record owners” and, as such, are responsible for public records generated by their development and/or under their purview. It is the responsibility of Management to ensure that their departmental records are forwarded to inactive records storage before the expiration of the retention periods. Management personnel ensures records are tracked and entered into the provided electronic records management software system which tracks record descriptions, contents of boxes, box/record location, destruction dates, and listing of destroyed records.

II. Record Retention Schedule

The Record Retention Schedule is provided to indicate how long agency records should be retained. The Record Retention Schedule is compiled from information received by management personnel, U.S. Department of HUD guidelines, and state and federal laws and regulations.

Audit & Review

The Finance Director shall be responsible for auditing the existence and content of the Policy and the Retention Schedule. The Policy & Retention Schedule will be reviewed annually and any suggested changes should be submitted in writing to the Finance Director. Changes in the Policy and/or Retention Schedule made necessary by changes or additions to the law will be communicated directly to the Finance Director, who will cause appropriate changes to be made.

Exceptions

Requests for exceptions to the Policy and/or Retention Schedule must be submitted in writing to the Finance Director. In order to obtain an exception, there must be a program that will assure compliance with the basic objectives stated above at least as effectively as the WMHA Record Management Policy. Any suspension of the normal disposition of a record for litigation purposes must be communicated in writing by the WMHA legal counsel to the Finance Director.

I. Types of Documents Maintained in Inactive Records Storage

- Personal, active, or any records not included on the WMHA Record Retention Schedule are not to be sent to WMHA’s inactive records storage facility.
- Inactive and permanent records are received and stored in inactive records storage until final disposition according to State and Federal retention guidelines.

II. Electronic Data Policy

- Electronic data includes information such as e-mail messages, instant messaging transcripts, databases, spreadsheets, web browser history files, and information from system backup. Sources of electronic data include things such as desktop computers, cell phone records, voice mails, smart phones, PDA’s, zip drives, hard drives, USB flash drives, servers, digital cameras, fax machines and servers, security systems and camera footage, backup tapes, archival CDs, and floppy disks. All of this information can be subject to discovery in litigation and should be controlled.
- Employees must preserve information they know is relevant to pending or potential litigation; this duty is the same for electronic data as it is for paper-based information.

OHIO PUBLIC RECORDS LAW

I. Requirements

- Adherence to guidelines set forth in Ohio Sunshine Laws Update (“Yellow Book”) regarding the Public Records Act and the Open Meetings Act.
(<http://www.ohioattorneygeneral.gov/Legal/Sunshine-Laws>)
- Adherence to guidelines set forth in 2007 Ohio HB 9, § 149.43 regarding public records requests.

II. Public Record Requests

- WMHA must provide “prompt inspection of public records and provide copies of public records within a reasonable period of time”. (2006 Ohio Sunshine Laws Update)
- Requestors cannot be charged to view public records, but they shall be charged actual costs for any copies of records. (2006 Ohio Sunshine Laws Update)
- “Public record” does not include these exemptions: medical records, trial preparation records, peace officer residential and familial information, confidential law enforcement investigatory records, etc. More exemptions are listed in the 2006 Ohio Sunshine Laws Update and in 2007 Ohio House Bill (HB) 9.
- If there is information within a public record that is exempt, the exempt information shall be redacted and made plainly visible. (2007 Ohio HB 9, § 149.43(b)(1))
- Public record requests of active and inactive departmental or development records shall be filled by the employees of the corresponding department or development.
- WMHA shall create a poster that describes its public records policy and post in a conspicuous place within all WMHA management offices. The policy is available on the WMHA Intranet shall be provided to the public or any employee upon request. (2007 Ohio HB 9, § 149.43(e)(2))

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