

BLOOMFIELD PUBLIC SCHOOLS
Bloomfield, Connecticut

BOARD POLICY

No. 3543.31(a)

RE: Electronic Mail Records
Retention, Deletion and Litigation Holds
Business and Non-Instructional Operations

Adopted: 5/12/2009

Approved: 10/6/2015

The Bloomfield Board of Education complies with all state and federal regulations regarding the retention, storage and destruction of electronic information and paper records.

E-mail messages sent by school officials and employees as part of their work and/or by using the district's computer network are not private communications and are potentially subject to retention, deletion and/or disclosure to individuals outside the Bloomfield Public Schools. Any retained messages may be retrieved as part of routine monitoring by the Board, an employee investigation or a formal discovery process as part of litigation. Employees should bear in mind that e-mail messages may be retained at different locations within the computer network and that these messages are subject to retrieval.

Electronic communications on the Bloomfield Public Schools' computers or electronic communication systems shall be retained only as long as necessary. The same record retention policy that applies to paper records applies to electronically stored information, including e-mail communications. Therefore, like paper records, the content and function of an electronic record, including e-mail communications, determines the retention period for that document.

All school officials and employees have a duty to preserve all paper records and electronic information, including records that might otherwise be deleted or destroyed, that relate to any matter which is currently in litigation or may be anticipated to involve future litigation.

The Superintendent or his/her designee shall be responsible for developing and implementing administrative regulations concerning – (1) the retention, storage, and destruction of electronic information; and (2) the placing of a “hold” on electronic information and paper records that may reasonably be anticipated to be subject to discovery in the course of litigation; and the dissemination of such administrative regulations to all employees. Such regulations shall comply with applicable state and federal laws concerning the retention of electronic information, including, but not limited to, the Records Retention Schedule established by the Office of the Public Records Administrator for the State of Connecticut and the provisions of the Federal Rules of Civil Procedure concerning preservation of electronic information that may reasonably be discoverable in litigation.

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Legal Reference:

Connecticut General Statutes
The Freedom of Information Act.
1-15 Application for copies of public records.
1-200 Definitions.
1-210 to 1-213 Access to public records.
1-211 Access to computer stored records.
1-214 Public contracts as part of public records.
1-225 to 1-240 Meetings of public agencies.
7-109 Destruction of documents.
10-15b Access of parent or guardians to student's records.
10-154a Professional communications between teacher or nurse & student.
10-209 Records not to be public.
10-221 Boards of education to prescribe rules.
11-8a Retention, destruction and transfer of documents.
11-8b Transfer or disposal of public records. State Library Board to adopt regulations.
31-48d Employers engaged in electronic monitoring required to give prior notice to employees.
46b-56 (e) Access to Records of Minors.
Connecticut Public Records Administration Schedule V - Disposition of Education Records (Revised 1983).
General Letters 98-1, 96-2 and 2001-1 of the Public Records Administrator Record Retention Schedules Towns, Municipalities, and Boards of Education.
Federal Family Educational Rights and Privacy Act of 1974 (section 438 of the General Education Provisions Act, as amended, added by section 513 of P.L. 93-568, codified at 20 U.S.C.1232g.).
Department of Education 34 C.F.R. Part 99 (May 9, 1980 45 FR 30802) regs. implementing FERPA enacted as part of 438 of General Education Provisions Act (20 U.S.C. 1232g) parent and student privacy and other rights with respect to educational records, as amended 11/21/96.
Rules 34 and 45 of the Federal Rules of Civil Procedure (2006 Amendments).
USA Patriot Act of 2001, PL 107-56, 115 Stat. 272, Sec 507, 18 U.S.C. §2332b(g)(5)(B) and 2331.
PL 107-110 "No Child Left Behind Act of 2001" Sections 5208 and 9528.