

COUNTY OF WARREN  
ELECTRONIC RECORDS  
RETENTION AND RETRIEVAL POLICY

Ordinance No. 1-2015

WHEREAS,

Warren County (hereinafter "County") business is increasingly being conducted between and among County officials, employees, independent contractors, other authorized users of the County intranet system by means of electronic mail and electronic records;

A County policy is necessary to establish procedures for the retention, disposal, archiving, and retrieval of electronic records in accordance with federal and state law, the County Records Manual, the Supreme Court of Pennsylvania's Record Retention & Disposition Schedule with Guidelines and other applicable document retention requirements;

Electronic records may also be confidential and privileged from disclosure under various federal and state statutes and regulations as the records may relate to protected health information, attorney-client communications, law enforcement and other investigations, internal and deliberative processes, and other confidential or privileged matters;

Electronic records must be available for certain purposes, including, but not limited to, Right to Know Requests, discovery in litigation, administrative requirements, and for other business purposes;

The County desires to enhance the legal admissibility of records in electronic format and help to ensure County records may be used as evidence in court proceedings;

The County desires to retain and archive electronic records in a manner that is consistent with and in accordance with requirements governing state records retention policies;

The County recognizes that storing electronic mail messages within an electronic mail system alone is insufficient to meet required retention and disposition schedules set forth by the Pennsylvania Historical and Museum Commission's Division of Archival and Records Management Services;

The County desires to ensure that all electronic records are retained and archived for their full retention period, and to provide for backup and recovery of electronic records to protect against information loss in particular when the electronic record is the original medium for the record;

The County must ensure that all authorized users can identify and retrieve electronic records;

THEREFORE, the County establishes the following policy:

1. DEFINITIONS:

Electronic—relating to technology having electronic, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

Electronic Records—a record created, generated, sent, communicated, received or stored by electronic means, including numeric, graphic, and text information recorded on any medium capable of being read by a computer which satisfies the definition of a record as defined in the County Record Act.

Authorized Users—County officers and employees, Court-related employees and staff, designated Right to Know Officers for departments using the County’s electronic system, and others who are authorized by the County, including any users that have mailbox storage on the system.

Retention Period—the legally mandated period for retention of a record pursuant to the County Records Manual, the Supreme Court of Pennsylvania Record Retention & Disposition Schedule, or other controlling law or regulation.

Legal Hold—the designation of an electronic record for indefinite retention pending further authorization to release for archiving or disposal according to the applicable Retention Period.

County Records Manual—published by the Pennsylvania Historical and Museum Commission, Division of Archival and Records Management Services

Court Record Retention Schedule—the Record Retention & Disposition Schedule with Guidelines for Courts of Common Pleas and Magisterial District Courts published by the Supreme Court of Pennsylvania’s Administrative Office of Pennsylvania Courts

2. RETENTION AND ARCHIVING OF ELECTRONIC RECORDS

All electronic records generated in the course of County business shall be conducted through the County’s computer server and electronic mail service.

Retention and archiving shall utilize sufficiently redundant storage capacity as to provide for future retrieval in the event of a disaster or the failure or destruction of a single storage unit. Storage shall be maintained in physical site-specific locations.

The County Information Technology ("IT") provider shall at all times maintain adequate provision for another IT provider to perform the County IT provider's responsibilities pursuant to this policy in the event that the absence of the County IT provider, whether such absence is caused by illness, unavailability or other physical absence, termination of service, or for any other reason.

Electronic records shall be retained and archived on the hardware / software solution specified on addendum "A". This addendum will be modified as technology (software or hardware) is refreshed due to advancements in technology. Archival of emails will occur in a real-time manner using Exchange 2013 Journaling.

Retention and archiving of electronic records shall conform to the technical requirements of the County Records Manual.

Archiving shall be accomplished in such a manner as to permit retrieval of information by multiple searchable fields including sender, recipient, date, attachment name, subject and body text content.

Unless a different retention period has been established for a particular record, all electronic records shall be retained and archived for the retention period applicable to a physical record of its type, and pursuant to this policy for a period of no less than seven (7) years from the date of the most recently saved portion of the electronic record.

### 3. LEGAL HOLD

County Department Chairpersons, the County Fiscal Director, the 37<sup>th</sup> Judicial District, and the County's Chief Clerk shall notify the County Solicitor immediately concerning any known, pending or threatened litigation involving the County and/or any authorized user. In the absence of the County Solicitor, notification shall be made to the Chief Clerk.

Upon notice of any known, pending or threatened litigation, the County Solicitor or Chief Clerk shall immediately notify the County IT provider in writing to place a "legal hold" on electronic records that may relate to known, pending or threatened litigation.

Any authorized user may make a request in writing to the County Solicitor or Chief Clerk for a legal hold of any electronic record. The recipient of the request shall immediately forward the request for legal hold to the County IT provider. Requests for legal holds will be liberally interpreted so as to archive any documents that may be required in the future for litigation or other legal purposes.

It is the intent of this policy that the broadest reasonable parameters be established to identify electronic records that may relate to the known, pending or threatened litigation.

Electronic records placed in "legal hold" status shall be removed from any periodic destruction schedule immediately and shall be retained and archived indefinitely until their release for destruction is provided for in writing pursuant to the terms of Paragraph 6 herein.

On an annual basis the County IT provider may produce a list of material placed on legal hold and confer with the County Solicitor concerning the necessity for continued retention in legal hold status.

#### 4. RETRIEVAL

An authorized user shall submit a written request for retrieval of an electronic record to the Chief Clerk, or in the absence of the Chief Clerk, to the County Solicitor. The form for a written retrieval request is set forth in Addendum B.

The Chief Clerk shall determine whether any other request for records includes by implication a request for retrieval of electronic records pursuant to this Ordinance.

If the requested material is not court-related, the Chief Clerk shall forward the request to the County Solicitor for review. A request for retrieval of an electronic record shall be reviewed, approved in writing and submitted to the County IT provider by the Chief Clerk or County Solicitor within 3 business days of the date of its receipt unless additional time for review is required. Additional review shall be accomplished within 5 additional business days.

If the requested material is court-related, the Chief Clerk shall forward the request to the Court's Right To Know Law officer for review and action. The Court's RTKL officer shall request retrieval of an electronic record in writing to the County IT provider.

Following receipt of a written authorization, the County's IT Provider shall produce the requisitioned electronic records to the Chief Clerk.

The County IT Provider shall ensure that any access to archived electronic files will be documented by means of an audit trail.

The written request shall be approved when the requester would be entitled a copy of this record if it were not maintained in electronic form. The written request shall be denied if the requester would not be entitled to the record if it were not maintained in electronic form.

The Chief Clerk shall maintain a log containing all requests for electronic documents, and the disposition of the request, including but not limited to, the identification in general terms of any documents released pursuant to the request.

## 5. DISPUTE RESOLUTION

- a. If a request for retrieval is denied by the County or Court, the reason for the denial shall be stated in writing. Upon receipt of a denial, the requester may request a review of the denial by submitting a written request for review to the Chief Clerk.
- b. If a request for retrieval is approved by the Chief Clerk or the County Solicitor, the Chief Clerk shall notify the chairperson of the department(s) whose records are requested of the decision to approve. If the department chairperson desires a review of the decision, they shall request any review of the decision to retrieve electronic documents in writing within two business days.
- c. Upon receipt of a request for review under Paragraph 5(b), the Chief Clerk shall request an extension under the RTKL, if applicable, and convene a review committee as set forth in Paragraph 5(d).
- d. The review shall be undertaken by the following individuals:
  1. At least one County Commissioner; the chairperson for the County whose records are being requested; the designated RTKL officer for the department whose records are being requested; and the County Solicitor.
  2. In the event that any of the persons identified in Paragraph 5(a)(1) is also requesting release of information, that person shall be disqualified from serving on the committee reviewing the request.
- e. The review committee shall meet within five business days and render its decision in writing within seven (7) business days. The decision will be made by majority vote of the review committee members in attendance.
- f. The decision of the review committee will be final.

## 6. DESTRUCTION AND DISPOSAL

On a regularly scheduled and periodic basis, the County IT provider shall cause the destruction and disposal of electronic records which have been retained for more than seven (7) years, unless any of the following apply:

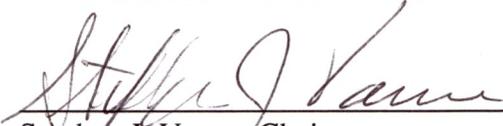
- a. the records have been scheduled for longer retention pursuant to the County Records Manual;
- b. the records have been scheduled for longer retention pursuant to the Court Record Retention Schedule; or
- c. the records have been placed on a legal hold.

Upon the disposition of litigation plus two years from any applicable appeal period, electronic records in legal hold may be released from legal hold upon the express written authority of the County Solicitor or Chief Clerk and shall thereafter be subject to retention pursuant to Paragraph 2 herein.

To the extent to which the County Solicitor or the Chief Clerk are the subject of the known, pending or threatened litigation, then written authorization for release from legal hold shall be authorized only by a County Commissioner or other County official who is not the subject of the litigation.

This Ordinance shall be effective on the 23<sup>rd</sup> day of December, 2015.

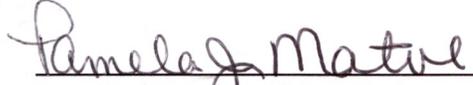
COMMISSIONERS OF WARREN COUNTY

  
\_\_\_\_\_  
Stephen J. Vanco, Chairman

  
\_\_\_\_\_  
John E. Eggleston, Vice Chairman

\_\_\_\_\_  
John R. Bortz, Jr., Secretary

ATTEST:

  
\_\_\_\_\_  
Pamela J. Matye, Chief Clerk



## **Addendum "A"**

### **Technical Specifications for Email Archival**

- 1. Archival system will run on the Virtual Server "Vermont", located in the Warren County Server room.**
- 2. Archival software utilized will be Intradyns' Orca Email Archiver. Archives will be fed from the Exchange server 2013 journaling service.**
- 3. Backups of the virtual machine and its data will be made both onsite to a local Network storage device as well as offsite to 333 Hickory Street and/or Dillon Drive Youngsville Pa on a nightly basis.**

### **Technical Specification for Document Imaging Archival**

- 1. Current Document Imaging System is the LaserFiche Document Imaging 9.2 solution running on "Utah" in the Warren County Courthouse.**
- 2. Metadata is housed in a SQL Database and images are in Tiff Format.**
- 3. Metadata and TIFF Images are stored on UTAH and the NAS "RN4"**
- 4. The Server "Utah" is backed up, and a quiescent copy of the SQL database is made via a maintenance plan each night.**
- 5. Due to the SIZE of the volumes nightly backups cannot be made of the Document Imaging Data. Instead, Volumes are archived to Mdiscs. Mdiscs have a report 500 – 1000 year life. Multiple copies of the Mdiscs will be stored at 3 locations.**

**\*Changes to this methodology will be noted and dated.**

Addendum B

Request for Electronic Records (to be submitted to Warren County Chief Clerk)

Date: \_\_\_\_\_

Name of Requester: \_\_\_\_\_

Department: \_\_\_\_\_

Purpose of Request:

- Requester is responding to Right To Know Law Request
- Information is required for litigation
- Information is required for personnel-related reasons
- Other (Please explain)

Electronic Documents sought (provide key words for search and dates if possible)

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Date Received by County Clerk: \_\_\_\_\_

Disposition: \_\_\_\_\_

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