

**GNRC RESOLUTION 2018-13**

**A RESOLUTION ADOPTING REVISIONS TO THE  
RECORDS MANAGEMENT POLICY**

**WHEREAS**, the Greater Nashville Regional Council (GNRC) was established in 1965 by the Tennessee General Assembly as public body politic to serve as the development district for northern Middle Tennessee, and further empowered by the legislature in 1988 as a regional council of governments; and

**WHEREAS**, the GNRC has a Records Management Policy to provide guidance to agency staff regarding the retention and disposal of public records created by the organization; and

**WHEREAS**, it has become necessary for GNRC to make revisions to the policy to update the retention schedules for specific types of records produced by the organization; and

**WHEREAS**, the proposed revisions have been drafted according to best practices for government agencies throughout the state.

**NOW, THEREFORE, BE IT RESOLVED** by the Executive Board of Greater Nashville Regional Council that the revised Records Management Policy attached hereto is hereby approved and adopted.

**RESOLVED**, this 18th day of April, 2018, the public health, safety, order, prosperity and general welfare of the citizens of this Region requiring it.

**APPROVED AS TO FORM AND LEGALITY:**

  
\_\_\_\_\_  
Laylah Smith  
Chief Legal Counsel

**APPROVED:**

  
\_\_\_\_\_  
The Honorable Ken Moore  
President

**ATTEST:**

  
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Michael Skipper  
Executive Director and Secretary

# RECORDS MANAGEMENT POLICY FOR THE GREATER NASHVILLE REGIONAL COUNCIL

## I. Purpose

The purpose of this policy is to provide guidance with regard to the creation and management of records and information and to explain staff responsibilities. The Greater Nashville Regional Council's (GNRC) records management policy is intended to ensure that GNRC records are adequately protected and maintained, and that records that are no longer needed or of value are disposed of at the appropriate time and manner.

## II. Policy

Records of the GNRC, whether electronic or paper, will be retained with these guidelines. Records that do not need to be retained will be destroyed after the retention period as defined in the GNRC Records Retention Schedule, attached hereto as Appendix A. A log or other documentation of records disposition/destruction may be created to ensure compliance and to assist in evaluating the effectiveness of this policy. Government Investigations, potential or pending litigation, and other circumstances may require a "hold" or suspension of regularly scheduled destruction of records or other information. The GNRC Executive Director will promptly notify staff of any such hold or suspension.

## III. Scope

This policy applies to all GNRC staff and applies to all GNRC business including all information created and received, and covers all public records as defined below. Further, this policy covers all information and records created and managed in-house and off-site.

## IV. Definitions

Tenn. Code Ann. § 10-7-301 provides the following definitions:

- "Public record or records" means all documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency;
- "Confidential record" means any public record, electronic or otherwise, which has been designated as confidential in its entirety or portion of which have been designated as confidential by state law and/or federal law and includes information or matters or records considered to be privileged and any aspect of which access by the general public has been generally denied.
- "Records creation" means the recording of information on paper, printed forms, punched cards, tape, disk, or any information transmitting media. "Records creation" includes preparation of forms, reports, state publications, and correspondence;
- "Disposition" means preservation of the original records in whole or in part, preservation by photographic or other reproduction processes, or outright destruction of the records, and;
- "Records management" means the application of management techniques to the creation, utilization, maintenance, retention, preservation, and disposal of records in order to reduce costs and improve efficiency of recordkeeping. "Records management" includes records retention schedule development, essential records protection, files management and information retrieval systems, microfilm information systems, correspondence and word

processing management, records center, forms management, analysis, and design, and reports and publications management.

For purposes of this policy:

- "Records Committee" means the directors of each GNRC department who are charged with responsibility of implementing each department's inter-agency records management program.

## **V. Administration**

The Records Committee will be responsible for developing, implementing, and reviewing this policy, and governing the retention and disposition of GNRC's records. The Records Committee will designate additional staff as necessary to implement this policy, including the following:

- Preparing an appropriate retention and disposition schedule;
- Identifying and evaluating which records should be retained in accordance with the GNRC retention schedule;
- Monitoring local, state, and federal laws affecting record retention;
- Annually reviewing the records retention and disposal program; and
- Monitoring for compliance with the record retention and disposal program.

## **VI. Reformatting Records**

Records may be reformatted to paper or electronic format if approved by the Department Director and the Executive Director. Staff will consider the advantages and disadvantages to reformatting a record before a final determination is made.

### **Paper**

Photocopying records provides access to documents while eliminating too much handling of originals. Photocopies will need to be duplicated over time, however, and too much photocopying damages the original.

Advantages to Paper:

- Reduces wear and tear on originals
- Does not require special technology aside from a photocopier
- Inexpensive

Disadvantages to Paper:

- Increases the need for physical space
- Excessive deterioration of original
- Results in image degradation

### **Electronic**

Electronically saving records requires that GNRC staff be able to find, open, and read a record over the length of its retention period. This requires that an indexing and quality control system be developed.

Advantages to e-Records:

- Reduces the need for physical space
- Reduces wear and tear on originals
- Reduces costs of printing, mailing, and filing

- Facilitates indexing, searching, and retrieval
- Allows for multiple access points
- Recreates high-quality user copies with no image degradation
- Traceable

#### Disadvantages to e-records

- Requires software or hardware to access
- Requires continuous monitoring and eventual or periodic migration and conversion
- Faces hardware and software obsolescence
- Subject to malware and cyber attacks
- Increase cost in server storage, security, migration
- Failure to migrate data could result in loss of information
- Liability if sensitive information is shared or stolen
- Necessitates time-consuming metadata creation
- Requires expensive equipment to create and maintain
- Standards are not universally accepted
- Modification or corruption are potential authentication issues

#### **Destroying Records after Reformatting**

After records have been reformatted, verified, and approved according to standards established in this policy, originals may be destroyed because they are then considered copies. The reformatted version is now an official copy of the record, unless specified by legislation that the original hard copy must be kept.

#### **Securing and Transferring Records**

The GNRC will designate areas within the organization where records will be stored. Select personnel will be provided with access to the records as necessary to conduct regular business activities. Paper records containing confidential or personal health information (PHI) should be, at a minimum, kept in filing cabinets that contain locks. The filing cabinets must remain locked at all times when not being used.

To secure records stored in an office or cubicle, GNRC staff should lock their computers, desks, drawers, and/or doors when they step away from their working area. Records should not be left out on an employee's desk when they are not present.

GNRC will contract with outside records management companies for records storage as determined necessary by the Executive Director.

Caution and preventative measures must be taken when dealing with security for electronic records that are created, used, and stored on computer systems. All GNRC staff should lock their computer when their computer is unattended.

If records need to be transferred, GNRC will ensure that secured procedures and direction are provided to staff.

#### **Retention of Records**

Records will be filed and retained in a manner that provides easy accessibility. Records will be retained for as long as the period stated in the schedule as provided in Appendix A of this policy. This schedule is

based on the minimum periods required by applicable state and federal law. This schedule will be reviewed on an annual basis and amended as necessary to changes in legal requirements, new practices, or business needs. The Records Committee will be responsible for supervising all of GNRC's retention practices and procedures and for ensuring that the appropriate internal controls are implemented.

### **Destruction of Records and Other Information**

Unless a legal hold is in effect or other circumstances require retention, destruction of records shall occur within 1 year after the time period as provided in the retention schedule. Other information should be discarded as soon as practicable after it has served its purpose unless subject to a legal hold or other circumstance requiring retention.

Destruction may occur by the following acceptable methods:

#### **Paper**

- Trash or recycling if there is no sensitive, confidential, or personally identifiable, or personal health information.
- All sensitive, confidential, personally identifiable, and personal health information must be shredded.

#### **Electronic**

- Deletion of records and data on shared network files, computer desktop and laptop hard drives, including personal copies
- Deletion of distributed data/records on peripheral devices and portable storage media (i.e. scanner, joy stick, digital camera, media card readers, USB, smartphones and more).
- Erasing or recycling of magnetic tapes

### **Suspension of Destruction/"Legal Hold"**

A legal hold is the process for suspending the destruction of records that becomes necessary for the GNRC to preserve. This process may be used for various reasons including the following:

- A discovery request is received;
- A credible threat of litigation;
- A complaint is filed against the GNRC;
- A records preservation order has been issued;
- A subpoena has been served on the GNRC;
- A government or regulatory investigation;
- A lawsuit brought by GNRC against someone or some entity;
- An employee has a complaint, allegation, or report regarding GNRC policy, other unethical or improper conduct, or violation of the law prompting an investigation; and
- Any other reason deemed necessary by the Executive Director.

If a complaint, request, subpoena, or any other inquiry is received by the GNRC, it will be immediately be provided to the applicable Department Director. Upon receiving this information, the Department Director will promptly report this information to the Executive Director and Records Committee who will determine whether the need to preserve the record exists. If such a need is determined to exist, a member of the Records Committee will issue a legal hold notification to GNRC staff.

The legal hold requires the preservation of all records detailed in the legal hold notice. All electronic records, including active, distributed, and archived materials must be preserved.

If a computer, peripheral device, or portable storage media has records stored on it subject to the legal hold, then any scheduled replacement of that computer must be suspended until the stored records on the device are copied to a secure medium before the computer or device is exchanged or taken out of service. Such steps must be documented and must provide the dates of such copying and the equipment replacement, the person responsible for the copying and replacement, and the location of the copied materials.

## **Email Management**

GNRC staff frequently use email to distribute memos, circulate drafts, disseminate directives, transfer official documents, send external correspondences, and support various aspects of government operations. Well-designed and properly managed email systems expedite business communications, eliminate paperwork, and automate routine office tasks.

Email messages – both sent and received – that provide evidence of government transaction are considered public records. Some examples of email that are considered public records are policies and procedures; correspondences or memo's pertaining the organization's business; work schedules and assignments; documents circulated for approval or comment; and any message that initiates, authorizes, or completes a business transaction, final report, or recommendation. Some examples of email that are not considered public records are personal messages or announcements, courtesy or reference copies, phone message reminders, and announcements.

Email is not a records series. It is a format or manner of delivering content. The content of an email determines the retention requirements. Email is usually considered correspondence. Not all email is a plain correspondence. If you have determined that an email is something other than correspondence, review the appropriate retention schedule to determine the applicable retention period. Just as with all other public records, email must be maintained and accessible throughout the lifespan of the record.

Emails may be printed and maintained in a manual system; all information below must be included in the paper copy.

- Names
- Time and date sent
- Subject line that describes the content of the email
- Text
- Attachments, if applicable

If you are unsure of whether to keep or delete an email, please contact your Department Director or a member of the legal team for guidance.

## **Compliance & Questions**

Every Director, manager, employee, and agent of the GNRC is required to comply with this policy. Basic training will be provided annually and to new employees to ensure that everyone subject to the policy is familiar with its provisions and understands specific tasks and responsibilities associated with carrying out the policy. Department Directors are responsible for ensuring that employees stay in compliance with this policy. Periodic compliance audits and testing of retention, legal holds, and destruction procedures may be undertaken at the direction of the Executive Director.

Any questions about this policy should be directed to the appropriate Department Director or a member of the legal team.

## APPENDIX A GNRC RETENTION SCHEDULES

### Administrative Records

Type of Record	Description	Retention Period	End Action	Responsible Department
<b>Bylaws</b>	Rules made by the GNRC to control the actions of its members or any of its policy or advisory boards and committees.	10 years	Destroy	Administration
<b>Charters</b>	Documents that explain the purpose for the existence of GNRC.	Permanent	Preserve	Administration
<b>Minutes</b>	Description of events that occurred during the GNRC annual meeting, Executive Board meetings, Personnel and Finance Committee meetings or any other policy/advisory board or committee of the GNRC.	Permanent	Preserve	Administration
<b>Resolutions</b>	Decision or determination of the Full Council and/or Executive Board to take a specified course of action, or actions taken by any policy/advisory board or committee of the GNRC.	Permanent	Preserve	Administration
<b>Real Property Lease Files</b>	Documents relating to lease space in which GNRC is housed.	7 years	Destroy	Administration
<b>Open Records Request</b>	Record series consists of correspondence with the public regarding requests to view or retrieve information from official records. Records include, but are not limited to emails, letters, and attachments.	5 years	Destroy	Administration
<b>Annual Reports</b>	Reports produced by the GNRC showing goals, achievements, statistics, etc.	0 years unless admin or historical value exists	Destroy	Administration

### Fiscal Records

Type of Record	Description	Retention Period	End Action	Responsible Department
<b>Vendor Records</b>	Documentation of payments to vendors	5 years	Destroy	Fiscal
<b>Payroll Records</b>	Number of employee hours worked, salaries, wages, bonuses, commissions, health and pension plans, annual, administrative, sick pay, pension pay.	7 years	Destroy	Fiscal
<b>Inventory Records</b>	Record of equipment items used for depreciation schedules.	6 years	Destroy	Fiscal
<b>Audit Reports</b>	Documents related to both internal and external audit reports and working papers generated by auditors to	12 years	Destroy	Fiscal

	document investigations and/or audit reports conducted that are submitted to the Executive Committee, State Commissioners, or the Comptroller of the Treasury, and other parties.			
<b>Travel Authorization Files</b>	Documents relating to requests and authorizations for in-state and out-of-state travel and related correspondence.	5 years	Destroy	Fiscal
<b>Credit Card and purchase order documentation</b>	Documents relating to the issuing and use of GNRC credit cards and purchase orders. Includes new card application, approved signed agreement form, account maintenance forms, transaction logs, exception logs, fiscal officer's memos, account statements, and receipts.	5 years	Destroy	Fiscal
<b>Request for Proposal (RFP) – not selected</b>	Final submitted bid documents that were not awarded the contract.	5 years	Destroy	Fiscal
<b>Workers' Compensation Records</b>	All records related to workers' compensation claim filed by GNRC staff.	5 years following end of year in which injury occurred except when legal action is pending.	Destroy	Fiscal
<b>Budget and Working Papers</b>	Financial plan for a defined period of time, includes records created for, and used in the preparation of the budget.	5 years	Destroy	Fiscal

**Personnel Records**

<b>Type of Record</b>	<b>Description</b>	<b>Retention Period</b>	<b>End Action</b>	<b>Responsible Department</b>
<b>Active Personnel Records</b>	Applications, Resumes, background checks, disciplinary warnings, leave requests (including FMLA leave), performance evaluations, request for ADA accommodations, and any other personnel document not covered in this schedule.	10 years after separation	Destroy	Human Resources
<b>Attendance and Leave Records</b>	Documents relating to attendance and leave, including correspondences such as notices of holidays and hours worked.	5 years	Destroy	Human Resources
<b>Inactive Records</b>	Documents pertaining to proof of eligibility of work. Examples include cards or sheets showing name, address, telephone number and similar data for each office employee, performance	10 years	Destroy	Human Resources

	evaluations, liens, garnishments, wage related child support orders, employment verifications.			
<b>Employee Medical Records</b>	Documents relating to confidential employee medical records. Examples include physicals and health status, Alcoholics Anonymous treatment statement, drug related treatment, injured in the line of duty, and workers' compensation claims.	30 years	Destroy	Human Resources
<b>Discrimination and Harassment Investigation Files</b>	Documents relating to discrimination and workplace harassment investigations. Examples include investigations intake/referral forms, investigations memos, Equal Employment Opportunity Commission charges/documents, Tennessee Human Rights Commission charges/documents.	5 years	Destroy	Legal
<b>Personnel Policies and Procedures</b>	Personnel policies, procedures, or rules. One copy of the policies, procedures or rules will be kept for retention/reference. Record series will include interim policies, procedures, and rules as well.	10 years	Destroy	Human Resources
<b>Employment applications – candidates not selected</b>	Application documents, hiring information, job registers, and resumes of candidates that were not selected.	5 years	Destroy	Human Resources
<b>Employment Eligibility Verification (Form I-9)</b>	Form used to verify the identity and authorization of individuals hired for employment in the United States.	Permanent	Preserve	Human Resources
<b>Retirement Records</b>	Retirement plan documents, records regarding plan benefits, any records related to distribution, any documents related to plan loans, deferral election forms, investment forms, beneficiary forms, and any Qualified Domestic Relations Orders, proof that an employee has chosen not to participate in a plan, copies of any notices given to employees, records that demonstrate the review and monitoring of investments,	Permanent	Preserve	Human Resources
<b>Affirmative Action Compliance Records</b>	Affirmative Action Program records and any supporting documentation related to recruitment, selection, and advancement of employees that may be used to show compliance with federal Affirmative Action rules and regulations.	5 years	Destroy	Legal

<b>Volunteer Forms and unpaid intern records</b>	Volunteer and intern screening documents and background checks data. Records include, but are not limited to; Applications submitted by individuals volunteering and interning for the GNRC, consent forms, background check information, verification of Social Security numbers and Driver's license, criminal history records, liability forms, training records, training completion, disciplinary action, performance evaluation, etc. This records include only applicants accepted.	30 years	Destroy	Human Resources
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### Area Agency on Aging and Disability Records

<b>Title</b>	<b>Description</b>	<b>Retention</b>	<b>End Action</b>	<b>Responsible Department</b>
<b>AAAD Contracts and Amendments</b>	Documents relating to contracts and amendments to contracts with funders, providers, partners, professionals, and other contractual documents or memorandums of agreement.	6 years	Destroy	AAAD
<b>QA Monitoring Records</b>	Documents relating to monitoring tools, provider licenses, liability insurance, and working papers.	6 years	Destroy	AAAD
<b>I&amp;A Client Records</b>	Documents relating to client records and referrals which are kept electronically in AAAD's database.	At least 3 years	Destroy / Delete	AAAD
<b>I&amp;A CHOICES Reporting Data</b>	Reports relating to CHOICES client data pulled from AAAD's database which are kept electronically on the server.	6 years	Destroy / Delete	AAAD
<b>AAAD Monitoring Reviews/Audits</b>	Documents relating to monitoring reviews or audits performed by funders including monitoring reports and plans of correction.	6 years	Destroy	AAAD
<b>AAAD Area Plan &amp; Area Plan Updates</b>	Non-confidential documents relating to the AAAD's Area Plan and yearly Area Plan update including	6 years	Destroy	AAAD
<b>CHOICES Records</b>	Documents including copies of all consumer records which are kept electronically on the server.	6 years	Delete	AAAD
<b>SAMS Reports</b>	Documents relating to reports generated in SAMS	3 years	Destroy	AAAD
<b>Provider Reports</b>	Documents relating to provider reports such as transportation reports and outreach reports	3 years	Destroy	AAAD
<b>Options / OAA / HDM / FCSP Client File</b>	Contains assessments, case notes, and other related documents in the coordination of HCBS. When case is	6 years	Delete	AAAD

	closed, file is scanned into computer, and hard copy is shredded.			
<b>Referrals on Wait List</b>	Information obtained when applicant is screened over the telephone that would establish their eligibility to be on the wait list as well as prioritization. Referrals are maintained electronically in data base.	6 years	Maintain Electronic File	AAAD
<b>Referral Updates</b>	Documentation (per contract) to corroborate yearly contact of people on wait list in order to update information and to ensure that applicant is still in need of HCBS. This includes referrals that have been closed, and referrals that need to remain open.	6 years	Maintain hard copy until scanned into computer. Once scanned, paper copy is shredded.	AAAD
<b>SHIP Client Contact Information</b>	Documents and electronic records relating to client contacts regarding the SHIP program	6 years	Destroy	AAAD
<b>QA Consumer Surveys</b>	Non-confidential documents relating to anonymous surveys sent to consumers regarding their Options, OAA, and Nutrition services.	6 years	Recycle	AAAD
<b>Guardianship Client Files</b>	Documents relating to legal documents, application, revenue, disbursements, SSA, Medicaid, insurance, burial, taxes, etc for Public Guardianship for the Elderly clients	7 years after client's death	Destroy unless potential legal issues exist	AAAD
<b>Guardianship Transportation Contracts</b>	Documents relating to Guardianship's transportation contract with Perennial Services for individual clients	7 years after client's death	Destroy	AAAD
<b>Evidence-Based Programming Documents</b>	Documents relating to evidence-based programs such as participant information sheets, participant surveys, and attendance sheets	6 years	Destroy	AAAD

### Small Business Assistance/MADC Records

GNRC employees will maintain records in accordance with the U.S. Small Business Administration (SBA) guidelines as set forth below.

Type of Record	Description	Retention Period	End Action	Responsible Department
Loan Documents Includes the following below:				
Inquiries, partial applications, and applications withdrawn, canceled or denied	2 years after notification of incomplete application, withdrawal, cancelation or decline		Destroy	MADC Program Staff
Paid off loan files (including the original application file, servicing file and closing file)	9 years after the loan is paid in full		Destroy	MADC Program Staff
Files from liquidated loans (including the original application file, servicing file, closing and servicing files)	10 years after the loan is charged off		Destroy	MADC Program Staff

### Other GNRC Products

Type of Record	Description	Retention Period	End Action	Responsible Department
<b>Fee for Service or Grant Administration Contracts</b>	Includes planning and ECD contracts, administration contracts, State/Federal funding contracts, and programmatic contracts.	6 years	Destroy	Appropriate Department
<b>Grants</b>	Records included in this series are documents pertaining to grants, such as applications, contracts, mandated reports, invoices, asset documentation, monitoring documentation, evaluations, photographs, reports, close out documents and reports.	5 years	Destroy	Appropriate Department
<b>Project Photographs</b>	Photographs used as proof of performance.	5 years	Destroy	Appropriate Department
<b>Income Verifications</b>	Documents used to verify the income of a household or project beneficiary. Used in THDA-HOME, CDBG, and the THDA Emergency Repair Program.	5 years	Destroy	Appropriate Department
<b>Liens and Deeds</b>	Liens and deeds required by THDA for beneficiaries.	5 years after expiration of the lien or release of deed.	Destroy	Appropriate Department
<b>Marketing Materials</b>	Posters, pamphlets, and other marketing materials used for tourism promotion.	0 or as otherwise determined by the Program Manager	Recycle	Appropriate Department
<b>Annual Progress Reports/Needs Assessments</b>	Solid Waste reports prepared on behalf of the communities through our contract with TDEC.	5 years	Destroy	Appropriate Department
<b>Regional Plans and Programs</b>	Documents developed to satisfy federal, state, or local requirements or requests	5 years	Destroy	Appropriate Department

	for regional planning, work programming, or capital improvements			
<b>Local Meeting Summaries</b>	Summaries of local planning or project meetings prepared by GNRC planners.	5 years	Destroy	Appropriate Department
<b>Zoning ordinances, subdivision regulations, and land use plans</b>	Fully updated local planning records for contract communities	5 years	Destroy	Planning Department
<b>News and Press Releases</b>	Documents relating to the distribution of information to new media about a department and its work, including proclamations and dedications.	0 years unless admin or historical value exists	Destroy	Communications