

## **THE PLEASANT HILL CHAMBER OF COMMERCE RECORD RETENTION AND DESTRUCTION POLICY**

**This policy applies only to the conduct of PHTID business funded by PHTID assessment dollars. It has no application to communications to or from Directors in their other public and private capacities or communications to or from the Chamber staff that are personal, private or otherwise not PHTID assessment-funded PHTID business.**

### **STATEMENT OF POLICY**

This policy covers all records and documents of the Pleasant Hill Chamber of Commerce (“the Chamber”), including the Chamber’s TID Committee, related in some substantial way to Pleasant Hill Tourism Improvement District (“PHTID”) business regardless of physical form or type of account used in preparation or transmission, and contains guidelines for how long certain documents should be kept and how records should be destroyed. This policy is designed to ensure compliance with federal and state laws and regulations, to eliminate accidental or innocent destruction of records and to facilitate the operation of the Chamber and the PHTID by promoting efficiency and freeing up valuable storage space.

### **RETENTION SCHEDULE AND ADMINISTRATION**

The Chamber’s Record Retention Schedule is set forth in Appendix A. The President & CEO (“Administrator”) shall administer this Policy. The Administrator is also authorized to: make modifications to the Record Retention Schedule from time to time to ensure that it is in compliance with local, state and federal laws and includes the appropriate document and record categories for the Chamber and the PHTID; monitor local, state and federal laws affecting record retention; annually review the record retention and disposal program; and monitor compliance with this policy.

### **ELECTRONIC DOCUMENTS AND RECORDS**

Electronic documents will be retained as if they were paper documents. Therefore, any electronic files that fall into one of the document types in Appendix A will be maintained for the appropriate amount of time.

#### *Definitions*

1. *Email Message:* An electronic communication sent and received via web mail or email client.
2. *Social Media:* Information posted to websites and applications that enable users to create and share content or to participate in social networking, including Facebook, Twitter, Instagram, Snapchat, and LinkedIn.
3. *Text Message:* An electronic, written communication sent and received via telephone or Internet connection.
4. *Voicemail Message:* An electronic, oral communication sent or received via telephone or Internet connection.

### *Text Messages, Voicemail Messages, and Social Media*

Text messages, voicemail messages, and social media posts not saved to an archive or a more permanent medium are intended to be ephemeral documents, not preserved in the ordinary course of business. Accordingly, they do not constitute disclosable public records, as that term is defined by Government Code section 6252, subdivision (e). The Chamber's directors, officers, employees, volunteers, or agents are not required to retain these electronic documents. Business done on behalf of the Chamber that requires the creation and preservation of records should be conducted in other media.

### *Email Messages*

1. Email messages sent or received by the Chamber's server are intended to be ephemeral and exempt from disclosures unless necessary for PHTID purposes. In that case, emails shall be preserved in an email archive in paper or electronic form and retained for at least five (5) years and made available for public disclosure (except for privilege and other bases for non-disclosure) as other records of the PHTID subject to the California Public Records Act (i.e., those involving PHTID assessment-funded activities).
2. Except as provided in point 3 below, the Chamber's directors, officers, employees, volunteers, or agents are required to copy [phtidrecords@pleasanthillchamber.com](mailto:phtidrecords@pleasanthillchamber.com) on all email messages regarding matters of PHTID business. Such email messages fall within point 1 above, i.e., they will be preserved for five (5) years and made available for public inspection on the same terms as other the Chamber records.
3. Board Members need not copy [phtidrecords@pleasanthillchamber.com](mailto:phtidrecords@pleasanthillchamber.com) on email messages to and from residents, business owners and property owners within the PHTID's jurisdiction that are not addressed or copied to any other the Chamber officials and employees, and these email messages fall outside points 1 and 2 above. This is intended to provide some privacy to private parties who wish to engage with the Chamber relative to the PHTID and avoid making their email addresses public. Nor need these officials copy [phtidrecords@pleasanthillchamber.com](mailto:phtidrecords@pleasanthillchamber.com) on email traffic in their personal, political and professional lives unrelated to PHTID business. These email messages, too, fall outside points 1 and 2 above.
4. The Chamber will comply with Government Code § 54957.5 which deems to be a public record any document communicated to a majority of the Board or applicable committees regarding PHTID-funded activity, whether at the same time or seriatim, with respect to an item of PHTID business regardless of the means of that communication, including via non-Chamber email accounts. Directors and committee members are encouraged to forward such email messages not copied to Chamber staff to [phtidrecords@pleasanthillchamber.com](mailto:phtidrecords@pleasanthillchamber.com) so they can be preserved in the Chamber's email retention system, relieving individual Directors and Committee Members of any duty to preserve such email messages or make them available for public inspection.
5. As provided in points 1, 2 and 4 above, and except as provided in point 3 above, the Chamber's directors, committee members, officers, employees, volunteers, or agents shall conduct all

email communications in the course of PHTID business, other than communications with individual constituents, via email messages copied to phtidrecords@pleasanthillchamber.com.

**CALIFORNIA PUBLIC RECORDS ACT REQUESTS**

Whenever the Chamber receives a California Public Records Act request, the recipient shall immediately forward the request to the Administrator. The Administrator and legal counsel will review any such records and documents to protect the inadvertent disclosure of non-responsive information or protected information exempt from disclosure.

**SUSPENSION OF RECORD DISPOSAL IN THE EVENT OF LITIGATION OR CLAIMS**

No director, committee member, officer, employee, volunteer, or agent of the Chamber shall destroy, dispose of, conceal, or alter any record or document while knowing that it is or may be relevant to an anticipated or ongoing investigation or legal proceeding conducted by or before a federal, state, or local government agency, including tax and regulatory agencies, law enforcement agencies, and civil and criminal courts, or an anticipated or ongoing internal investigation, audit, or review conducted by the Chamber.

During the occurrence of an anticipated or ongoing investigation or legal proceeding as set forth above, the Administrator shall suspend any further disposal of documents until such time as the Administrator, with the advice of counsel, determines otherwise. The Administrator shall take such steps as necessary to promptly inform all staff and the Board of Directors of any suspension in the further disposal of documents.

This Policy was approved by the Board of Directors of the Pleasant Hill Chamber of Commerce on June 15, 2017.

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Secretary of the Board Date

This Policy was approved by the TID Committee of the Pleasant Hill Chamber of Commerce Board of Directors on \_\_\_\_\_, 2017.

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Secretary of the TID Committee Date