

E7. Records Retention

Policy Summary:

General Policies:

Staff employee activities are documented by records kept by either a Service Center or a Central Office (e.g. SHR or Payroll), depending on the contents of the record.

These files and documents pertain to an individual's staff employment at the University and are maintained, accessed, copied, transferred, stored and/or destroyed in accordance with the SHR Procedures Manual and the UCSC Retention and Disposition Schedule (RAD) maintained by the Campus Records Officer of the Chancellor's office: [<http://iam.ucsc.edu/RaD/>].

Documents are kept because they:

- are necessary to accomplish the functions for which a unit or central office is primarily responsible
- constitute items whose retention is mandated to fulfill regulatory requirements
- are records of financial transactions, or because their retention is a generally-accepted "best" business practice

A record may consist of a single document ("record") or a set of documents ("file of record") in any medium (paper or electronic). A record (in most cases) need not be an original to be the "official" record; it need only to be an accurate representation of the information contained in the record.

Note: Record or file contents should not include items of "immediate value" only, such as routing slips, "sticky notes", envelopes, worksheets, rough drafts, reminders and requests for printed materials.

Office of Record:

The office charged with maintaining the "official" record on behalf of the University. The Office of Record is not necessarily the office of origin. Should access to a record be necessary, the Office of Record is the location to which requests will be directed.

The Office of Record has the responsibility for producing the record if needed for audit, public records requests, subpoenas or other obligations or business purposes. Additionally, the Office of Record must maintain records for the duration of the retention period of the record, and no longer.

The Office of Record also establishes a regular schedule for purging documents that have reached the end of their retention period as specified by the UCSC Retention and Disposition Schedule (RAD) [<http://iam.ucsc.edu/RaD/>].

Decisions about how documents should be stored by the Office of Record should be based on an assessment of the need for accessibility, the length of retention and the physical qualities of the records (RMP-4-VI-A) and whether a document is a "vital record" (as defined by RMP-4). Responsible destruction of records that have expired should be accomplished through shredding by a bonded vendor. More information concerning these issues and their applicability to a particular unit's situation can be requested from the Campus Records Officer in the Chancellor's Office [<http://iam.ucsc.edu/>].

**Policy Summary,
continued:**

Records Custodian:

A "Records Custodian" oversees records maintenance in the unit or central office (see RMP-2-V-A and IS-3-IX). Their duties include:

- ensuring file maintenance in accordance with this procedure, bargaining agreements, UCOP policy, State and Federal laws and regulations.
- providing access on request in accordance with this procedure, bargaining agreements, UCOP policy, State and Federal laws and regulations.
- ensuring that records are purged and properly disposed of upon reaching the end of their retention period.
- serving as the principal contact for an employee of the unit, the Campus Records Coordinator, or other UCSC personnel pursuing information contained in the records of the unit.

Requests for Access:

An employee may review or obtain copies of the employee's own personnel records. Given reasonable advanced notice, the request is subject to conditions set forth in the appropriate personnel program or bargaining unit agreement, legal privileges, and State or Federal laws.

University employees and agents shall have access to specific information in an individual's personnel file that is necessary to the performance of their assigned University duties, provided such access is related to the purpose for which the information was acquired. The Records Custodian should review such requests for appropriateness.

Pursuant to UCOP's Personnel Policies for Staff Members 80 (PPSM 80), Records Management Program sections 8 and 9 (RMP 8 & 9), information that has been determined to be public information (including name, date of hire, current position title and salary, unit assignment, date of separation, office address, office telephone number, current job description, appointment type, full or part time status) should be released upon request.

Releasing information such as (but not limited to) the individual's home phone number and address, spouse's or relative's names, birth date, social security number, citizenship status and tax information has been determined by University policy (PPSM 80) to be an invasion of privacy.

Note: Employee information may be subject to subpoena or other legal inquiries as well as requests for public information. General information concerning subpoenas can be found in RMP-10. The Campus Records Officer has developed a campus-wide procedure for receiving and responding to subpoenas and other releases of information to public authorities:

http://iam.ucsc.edu/Subpoena_Process/UCSC_Subpoena_Process_FAQ.htm

Transfers:

An employee's official personnel file (as defined in E7-3) must be transferred to the employee's new unit if they change Units or Service Centers in accordance with the procedure on E7-6.

Pre-employment background checks/fingerprinting or on-going Alcohol/Drug tests and DMV pulls are required by certain positions as a condition of employment. Unless the employee is transferring to a new service center in the identical capacity as that held in the previous job, records of this type may NOT be transferred to the new service center. See the UCSC Retention and Disposition Schedule: Security/Background Information for more details.

**Policy Summary,
continued:**

File Disposition upon Separation:

The employee's personnel file must be retained for the period specified by the UCSC Retention Schedule and no longer.

If the University rehires a separated employee during the retention period of their inactive personnel file, it shall be returned to active status and transferred to the employee's new service center.

Once the retention period for an employee's file has expired, it should be destroyed in a responsible manner according to campus guidelines to be established by the Campus Records Officer [<http://iam.ucsc.edu/>].

Disaster recovery plans:

Disaster recovery plans are required for records identified as "vital" to University business, including personnel records, and provides guidelines for protecting them. The Campus Records Officer will provide assistance to an Office of Record in assessing the current file storage system and in creating a "disaster recovery" plan for a unit or service center managing vital records [<http://iam.ucsc.edu/>]. See definition in E7-4 for "vital" records.

Policy References:

PPSM	80
CX	27
EX	28
SX	28
NX	26-G
PA	15
HX	26
RX	25
TX	28
K7	9

UC-Business and Finance Bulletin: Records Management Program Series [1-12]
[<http://www.ucop.edu/ucophome/policies/bfb/bfbrmp.html>]

UC Records Disposition Manual
[<http://www.ucop.edu/recordsretention/>]

UC-Business and Finance Bulletin IS-3: Electronic Information Security
[<http://www.ucop.edu/ucophome/policies/bfb/bfbis.html>]

UCSC-specific guidelines available from Campus Records Officer
[<http://iam.ucsc.edu/>]

Authority:

Campus Records Officer:

- Assigns an Office of Record and retention periods to new records
- Makes changes to existing Office of Record assignments or retention periods

Service Center Manager or Central Office Unit designee:

- establishes regular purge schedule for the unit
- assigns a Records Custodian for the unit
- requests changes of retention period or Office of Record assignment from the Campus Records Officer

Definitions:

Personnel file:

The official record of job-related activities of a University employee. It is maintained by the employee's *current* service center or unit and contains records such as applications, performance evaluations, EARs and related documentation, layoff notices, etc...

For information about the contents of this file, refer to the UCSC Retention and Disposition Schedule: Personnel File. [<http://iam.ucsc.edu/RaD/index.htm>]

Supplemental Employee file:

These files contain information about employees maintained by their supervisor or a central office separately from the personnel file. **They are maintained by the office or agent that created them and are not the official personnel file.** They must not contain any "official" records and the contents are not intended for long-term retention; they may be retained as long as needed but no longer than the retention period of the official record associated with the employee, action or incident.

For information about the contents of these files, refer to the appropriate UCSC Retention and Disposition Schedule: Supplemental Employee File [<http://iam.ucsc.edu/RaD/index.htm>]

Retention period:

The timeframe stated on the UCSC Retention and Disposition Schedule that represents the amount of time that a document must be kept. The document should be purged at the end of that time during the next purge cycle established by the unit holding the record.

The University expects that records and duplicates will not be retained in excess of the longest period defined for them by the UCSC Retention and Disposition Schedule [<http://iam.ucsc.edu/RaD/index.htm>].

University employees, agents and others (access to records):

Personnel files are available to University employees, its agents and other governmental agencies when performing specific work in the course of their assigned duties. Examples of UCSC employees are the campus Ombudsman, Risk Management Claim Coordinators, or SHR staff. Examples of UCSC agents include attorneys and investigators working on behalf of the University.

Access should also be extended to representatives of governmental agencies in the performance of their statutory duties, such as the United States Department of Labor or the California Department of Fair Employment and Housing.

For more information about providing access to information, please refer to:

- RMP-8: Legal Requirements on Privacy of and Access to Information [<http://www.ucop.edu/ucophome/policies/bfb/rmp8.html#VIIG>]
- RMP-9: Guidelines for Access to University Personnel Records by Governmental Agencies [<http://www.ucop.edu/ucophome/policies/bfb/rmp9b.html>]

For advice on handling specific requests, please contact the Campus Records Officer [<http://iam.ucsc.edu/>].

"Date of Last Transaction":

The retention period for many documents is based on the date of the last transaction recorded on the document. This may be the signature date, the date of Online Entry Update (OEU), the date that a report was generated, or a contract expiration date as applicable. For guidance in determining this date for a particular document, please contact the Campus Records Officer [<http://iam.ucsc.edu/RaD/index.htm>].

**Definitions,
continued:**

Vital Record [RMP-4 and -7]:

Records are designated as vital “ when the re-establishment of an authentic replacement of a lost or unavailable record would be impossible or prohibitively difficult and, thus, abridge, jeopardize, or otherwise affect a significant right of an individual, a significant right or asset of the University, or the performance of an essential function of the University so adversely that extraordinary precautions are required to preserve and protect effectively that record from both normal and unusual hazards, present and potential.” [<http://www.ucop.edu/ucophome/policies/bfb/bfbrmp.html>]

For more information about protection for these records, please contact the Campus Records Officer [<http://iam.ucsc.edu/>].

“Confidential” Information:

Any information which meets any of the following criteria:

- compiled for the purpose of investigation of suspected criminal activities or identification of individual criminal offenders or alleged offenders.
- maintained for the purpose of an investigation of an individual's fitness for University employment, or of a grievance or complaint, or a suspected civil offense, so long as the information is withheld only so as not to compromise the investigation or a related investigation. The identities of individuals who provided information for the investigation may be withheld pursuant to Section 1798.38. (See Section VII.H.1) of the California Information Practices Act.
- would compromise the objectivity or fairness of a competitive examination or appointment or promotion in University service, or is used to determine scholastic aptitude.
- pertains to the physical or psychological condition of the individual. The information shall be disclosed upon the individual's written authorization to a licensed medical practitioner or psychologist designated by the individual.

For more information, see RMP-8:
[<http://www.ucop.edu/ucophome/policies/bfb/rmp8toc.html>]

“Personal” Information:

Identifies or describes an individual. Its disclosure constitutes an unwarranted invasion of personal privacy.

Examples include:

- Birthdate
- Citizenship status
- Social Security Number
- Home address and home telephone number
- Income tax withholding
- Staff performance evaluations or letters of corrective actions
- Spouse's or other relatives' names

Generally, both “personal” and “confidential” information should be kept in locking cabinets in areas not subject to regular public access. Some “confidential” information (e.g. medical records, counseling memos, background checks) must be kept separately from the official personnel files, under more restrictive access rules.

For information about the specific security levels required for each file type, refer to the UCSC Retention and Disposition Schedule. [<http://iam.ucsc.edu/RaD/index.htm>].

Processes:

Responsibility

Action

SHR
Employment

New Hire Personnel File:

Forwards Staff ER, Data Collection Document, BELI, and original, signed UCSC Application for Employment to the service center. Forwards W-4, Oath and Patent Agreement, PIN Authorization and I-9 forms to Payroll.

Sends request for validation of past service to campus unit(s), to other UC campus(es), and/or to State employer. If applicable, notifies service center of any change to leave accrual codes after receipt and evaluation of documentation.

Forwards record of validation documentation to service center; retains duplicate for SHR Supplemental Employee file.

Hiring Unit/
Service Center

Establishes new personnel file to include ER Data Collection form, departmental copy of BELI form, original signed UCSC Application (including CTO agreement). If service validation documents are received from SHR, include them in Personnel file.

Requests transfer of old personnel file from previous unit/service center if employee is a UCSC rehire and rehire action is completed before retention period expires (5 years after separation in most cases).

Requests for Access to Information in Personnel Files:

By Subject of Information:

Employee

Requests review or copy of their file in writing. The first copy should be made available without cost to the employee; subsequent or additional copies may be subject to a fee to cover the costs of copying, as specified by bargaining agreement or personnel program.

Records
Custodian/
Central Office
Designee

Reviews and processes the request within thirty (30) if records are on-site and sixty (60) days if records are in storage.

By University Employees, Agents, Hearing Officers, and Hearing Committees:

Records
Custodian/
Central Office
Designee

Reviews request [within thirty (30) days if records are on-site and sixty (60) days if records are in storage] from University employees and agents for specific information in an individual's personnel file for appropriateness to specified use of information.

By Public or by Subpoena or Other Legal Action

Records
Custodian/
Central Office
Designee

The Campus Records Officer in the Chancellor's Office should be the initial contact for subpoenas and information requests outside of normal business operations. If help is needed to determine whether a request for information should be honored, please contact the Campus Records Officer in the Chancellor's office.

A campus-wide policy for answering subpoenas has been developed by the Campus Records Officer and is available online:

http://iam.ucsc.edu/Subpoena_Process/UCSC_Subpoena_Process_FAQ.htm

Contacts the Campus Records Officer for more information.

Processes, continued:

Responsibility

Action

Requests for Correction or Deletion of documents from the Personnel File:

Employee Requests in writing to Central Office or Service Center in accordance with the procedure outlined by the appropriate personnel program or bargaining unit agreement; requests may be reviewed by Labor Relations to insure compliance.

Records Custodian/
Central Office Designee Review and process request within thirty (30) days and either make the correction or deletion as requested or inform the individual in writing of a refusal as well as the reason(s) for it.

Transfers of Files to New Service Center

Transferring Service Center/Unit Transfers contents of main personnel file (as defined in UCSC Retention and Disposition Schedule – <http://iam.ucsc.edu/RaD>).

- a. Transfers SHOULD include ERs, EARs, classification review forms, data collection forms. Transfers should NOT include time and attendance records, medical records or confidential information such as Alcohol/Drug test documentation or DMV pulls, unless the job in the new service center also requires those items as a condition of employment.

The exception to this rule is when a transfer of an employee takes place due to the transfer of a unit to a new service center. In this case, all records should be transferred to the new service center.

- b. Files should be transported in a secure manner or hand-carried, but the employee must not be asked to make that transfer themselves. Personnel files are NOT transferred to another campus.

File Disposition upon rehire after separation

New Service Center/Unit Request transfer of inactive personnel file for rehired UCSC employee from last service center of record.

Last Service Center/Unit Transfers inactive file if retention period has not expired; otherwise, informs requesting service center that file has been purged.

Separation

Records Custodian Determines the retention period for the separated employee's file based on separation reason:

- If separation is due to retirement, disability, or disciplinary discharge, then records are retained until the employee reaches age 70.
- If separation is for any other reason, records are retained for 5 years after separation date.
- If employee separates after age 65, then records must be kept for 5 years after separation date.

Records should be destroyed as soon after the expiry date as dictated by the units' established purge schedule, preferably within the same fiscal year as the expiry date.

Determining the Office of Record for New Documents

Records Custodian Requests assignment of an Office of Record and a retention period for new forms from Campus Records Officer.

Campus Records Officer Reviews requests for additions and changes to the UCSC Retention and Disposition Schedule and communicates those changes to the campus.

Retention Schedule Summary Matrix

Service Center responsibilities indicated in green highlighted boxes				
Record Category	Document Group (See retention schedule for details)	Office of Record	Retention-Record	Retention-Duplicates
Recruitment and Hiring	Recruitment File - SHR	SHR-Employment	3 years after date of last transaction	Until Action Taken
	Recruitment File - Service Center	Service Center	3 years after date of last transaction	Until Action Taken
	Job Offer Pilot Program Files	SHR-Employment	Life of the program	Life of the program
	Preferential Rehire	SHR-Employment	Purge as rights expire	N/A
Personnel File	Personnel File	Service Center	5 years after separation, except in the case of retirement, disability or disciplinary discharge-then retain until age 70. If employee separates after age 65, retain for 5 years.	Separation date + 1 year
Payroll Business Records	Payroll/Expense Transaction forms	Accounting-Payroll	5 years after date of last transaction, subject to contract and grant requirements	Until Action Taken
	Payroll/Expense Regulatory forms	Accounting-Payroll	5 years after separation, except in the case of retirement, disability or disciplinary discharge-then retain until age 70. If employee separates after age 65, retain for 5 years.	Until Action Taken
Service Center Business Records	Time Records / Leave Use and Accrual Records / Time Benefits Roster	Accruing Service Center	5 years after date of last transaction, subject to contract and grant requirements	Until Action Taken
	AB2410 (Separations)	Service Center	5 years after date of last transaction, subject to contract and grant requirements	Until Action Taken
Reports	Reports	Database owner--Database is record copy; all reports generated from it are duplicates	Until no longer needed	Until no longer needed
Restricted/Regulatory/Legal	Vocational/Rehab docs	SHR-Vocational Rehab	5 years after case closure	Until Action Taken
	Grievances/Lawsuits/Complaints	SHR-Labor Relations	Permanent	Until Action Taken
	Leave of Absence/Family Medical Leave docs	Service Center	3 years after date of last transaction	Until Action Taken
	Accident Reports/Worker's Compensation	Risk Management	5 years after case closure	Until Action Taken
	Unemployment Claims	SHR-Benefits	5 years after case closure	Until Action Taken
	Other Employee Medical Information	Case-managing office	5 years after case closure	N/A
Security/Background Information	Background Investigation/Fingerprinting Documentation	SHR-Employment (Background requests only)	Destroy after hiring decision is made --- see schedule for specific details	No duplicates should be made
	DMV Pulls and Drug/Alcohol Test Documentation	See Retention Schedule for Details	Depends on result---see schedule for specific details	No duplicates should be made
Supplemental Employee files	Benefits	Not a file of record	N/A	1 year after separation
	SHR	Not a file of record	N/A	1 year after separation
	Supervisor	Not a file of record	N/A	Purge as necessary
	Consulting Analysts	Not a file of record	N/A	Purge as necessary