

Policies and procedures



Metro

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Subject	Policy and Procedures for the Destruction of Metro Records
Section	Information Services (IS)
Subsection	Records and Information Management (RIM) program
Approved by	Marissa Madrigal, Chief Operating Officer

POLICY

Metro's legal obligations regarding records retention and disposition are established by the State of Oregon in the Oregon Revised Statutes (ORS 192) and Oregon Administrative Rules (OAR 166). Metro's records retention policies, as codified in its records retention schedule, are mandated by these state laws.

This policy and the accompanying procedures address Metro's handling of its records when they have met their retention requirements. Throughout this policy and the accompanying procedures, the term records refers to official copies of records, whether electronic or hardcopy, and not convenience copies.

Metro's policy is to dispose of records that are due for destruction in a timely, regular, and orderly manner that is consistent with all applicable laws and records management best practices. Destruction of Metro's records may occur only under the auspices of the Records and Information Management (RIM) program and in accordance with the accompanying procedures for records destruction. The procedures that follow include provisions for destruction exemptions as well.

Every instance of records destruction will be documented, with the resulting documentation itself being managed by the RIM program as a permanent record.

Applicable to

All employees, including Metro officials, temporary and seasonal employees, interns, volunteers, contractors, and consultants.

Definitions

Terms used in this document are defined in the Records and Information Management (RIM) Glossary of Terms maintained on the RIM program website.

Authority

Metro will comply with all applicable laws and regulations regarding the destruction of public records, including, but not limited to:

- OAR 166 Secretary of State, Archives Division
- ORS 192 Records, Reports and Meetings
- Metro Records & Information Management (RIM) Policy and Procedures

The Chief Operating Officer delegates to the Metro records officer the authority to update these rules as circumstances dictate.

Guidelines

On a regular, periodic basis, each program should assess whether any records, for which it is responsible, are due for destruction in accordance with Metro's records retention schedule. The procedures that follow refer specifically to official copies of records, whether electronic or hardcopy. It should be noted that convenience copies should not be kept longer than their corresponding official records.

I. Starting the Records Destruction Process

When records due for destruction are identified, either by program staff or Records and Information Management (RIM) program staff, a *Records Destruction Notice* form needs to be completed. Each *Notice* needs to include a corresponding records list(s). Review of the *Notice* will be coordinated by RIM program staff who will confirm that the records listed are eligible for destruction and that the *Notice* is complete (if prepared by non-RIM staff).

II. Routing the Records Destruction Notice

All *Records Destruction Notices* need to be routed to Metro's records officer. The records officer will make a preliminary determination whether the records identified on each *Notice* and corresponding records list(s) are eligible for destruction.

If the records are eligible for destruction, the records officer will sign the *Notice* and route it to the department of record for review and approval. In most cases, this approval will consist of electronic signatures by a program manager *and/or* a department director after reviewing the records list attached to the *Notice*. In cases where the management roles are not clear, the *Notice* will be routed to the person closest to the program records who has authority to sign on behalf of the program. Approval indicates that reviewers know of no reason to override destruction of the records under review, as prescribed by the retention schedule. If the reviewer identifies a reason to override the destruction of the records under review, then an *Exemption from Destruction Memo* must be completed. See Section IV: Processing Exemptions to Records Destructions of this policy for more information.

During the review process, reviewer(s) need to determine if any of the records listed in the *Notice* are related to current or anticipated litigation. Based on findings, the reviewer(s) need to complete the **Litigation Review Requested** section of the *Notice* accordingly.

If there is a need for litigation review, the reviewer(s) should consult with their liaison in the Office of Metro Attorney (OMA) to determine the correct course of action, which could result in submitting a request to exempt the record(s) from destruction.

When the department of record has signed the *Notice*, it needs to be returned in electronic format to RIM program staff for processing.

III. Completing the Records Destruction Process

Guidelines for records that have been approved for destruction are as follows:

- Hardcopy records that have been approved for destruction and are stored on-site should be staged in a designated area. RIM program staff will arrange for the records to be destroyed.

- Hardcopy records that have been approved for destruction and are stored off-site will be destroyed through arrangements made by the RIM program staff and Metro's off-site storage provider.
- Records lists stored in Metro's electronic document and records management system (EDRMS) representing physical boxes will be destroyed only after the records officer has confirmed that a Certificate of Destruction has been received from the vendor. When records lists are destroyed by RIM program staff, the following note will be added to the appropriate EDRMS metadata field:

PLEASE NOTE: The contents of this box were confidentially destroyed [note whether on-site or off-site] by [VENDOR] on [DATE], Order No. _____ (as per Metro Records Retention Schedule guidelines). A copy of the records list has been retained as part of the records destruction record. Please contact the Metro Records Officer with any questions.
- If electronic records have been approved for destruction, the records officer will direct their destruction; the person responsible for destroying the records will sign the appropriate line on the *Notice*.

When the records officer determines that all activities required by the *Records Destruction Notice* have been completed, s/he will complete the final section of the *Notice*, indicating that the *Notice* is closed.

IV. Processing Exemptions to Records Destructions

A request that some or all of the records listed on a *Records Destruction Notice* form be exempted from destruction may be submitted only by signatories to the *Notice*. Exemptions may result from a retention review request, operational need, or the identification of historical records. These procedures provide guidance for handling and documenting such requests.

1. Request to Exempt Records from Destruction

Requests to exempt records from destruction must be submitted on the *Destruction Exemption Request Memo* form. This form specifies the three categories of exemption:

- **Retention Review:** The request indicates that the existing retention requirement needs to be reconsidered.
- **Conditional Hold:** The request is related to a specific operational need and covers a specific group of records.
- **Historical Value:** The request indicates that the records have historical significance.

In all cases, the requester must provide the following information:

- The justification for the requested exemption.
- The person who will provide stewardship over the exempted records.
- Where the records will be located for the duration of the exemption period.

2. Evaluating the Destruction Exemption Request Memo

RIM program staff will review the request memo for completeness. Metro's records officer will evaluate whether the records qualify for exemption.

3. Approval of the Exemption Request

If the records officer approves the exemption request, these steps will follow:

- **Retention Review:** The records officer will seek the necessary approval from the Oregon State Archivist to change the retention requirements for the record series indicated.
- **Conditional Hold:** The requester will:
 - Determine the timing or conditions that will trigger lifting the hold.
 - Arrange for the storage of the record(s) for the duration of the conditional hold.

When the review date comes due, RIM program staff will contact staff responsible for the records, let them know that the conditional hold has expired, and that the status of the hold needs to be reviewed to determine whether the destruction process will be completed or extended. If extended, the requester will need to submit another *Destruction Exemption Request Memo* form for review/processing.

- **Historical Value:** The records will be reviewed and preserved in accordance with the Historic Records Appraisal guidelines.

In all cases, RIM program staff will be responsible for tracking the disposition of the request and documenting the final outcomes.

Responsibilities

- RIM program staff is responsible for advising Metro staff on the records destruction and destruction exemption processes, evaluating exemption requests, and tracking conditional holds over time.
- Program managers, Department heads, and the Office of Metro Attorney (OMA) are responsible for reviewing lists of records due for destruction, approving records for destruction, and determining whether there are any reasons to exempt specific record(s) from destruction.
- All Metro staff is responsible for following this policy and accompanying procedures for records destruction and destruction exemption processes.

References

- *Metro Records Retention Schedule (RRS)*
- *Records Destruction Notice Form*
- *Exemption Request Memo Form*