

# **Port of San Francisco Records Retention & Destruction Policy**

## **A. Retention Policy**

This Record Retention and Destruction Policy has been adopted by the Port of San Francisco pursuant to Chapter 8 of the San Francisco Administrative Code, which requires each department head to develop a written policy which sets forth a written schedule for the systematic retention and destruction of the departments records. This policy supercedes all previous records retention and destruction policies issued by the Port of San Francisco (hereinafter "Port"). This policy covers all records and documents, regardless of physical form or characteristics, which have been made or received by the Port in connection with the transaction of public business.

## **B. Records Defined**

The Port shall retain records for the period of their immediate or current use, unless longer retention is necessary for historical reference, or to comply with contractual or legal requirements, or for other purposes as set forth below. For purposes of record retention and destruction, the term "record" is defined as set forth in Section 8.1 of the San Francisco Administrative Code, and includes any paper, book, photograph, film, sound recording, map drawing or other document, or any copy thereof, made or received by the department in connection with the transaction of public business and retained by the department as: 1) evidence of the department's activities, 2) for the information contained in it, or 3) to protect the legal or financial rights of the City or of persons directly by the activities of the City.

## **C. Classification of Records**

The records of the Port shall be classified for purposes of retention and destruction as follows:

**Category 1: Permanent Retention.** Records that are permanent or essential shall be retained and preserved indefinitely.

- **Permanent Records:** Permanent records are records required by law to be permanently retained and which are ineligible for destruction unless they are microfilmed or placed on an optical imaging system and special measures are followed. (S.F. Administrative Code Section 8.4.) Once these measures are followed, the original paper records and duplicate copies may be destroyed when they are no longer necessary for the efficient operation of the Port.
- **Essential Records:** Essential records are records essential to the continuity of government and the protection of rights and interests of individuals. (S.F. Administrative Code Section 8.9.) Examples of essential records include

building permits and property ownership maps. Essential Records must be preserved against possible destruction by fire, earthquake, etc. Essential records shall be treated and stored in the same manner as “permanent records.” (S.F. Administrative Code Section 8.9.)

- **Historical Records:** Historical records are records which are no longer of use to the Port but which because of their age and/or research value may be of historical interest or significance. These records should be maintained indefinitely or should be disposed of in accordance with the procedures set forth in S.F. Administrative Code Section 8.7.

**Category 2: Current Records.** Current records which for convenience, ready reference or other reason are retained in office space and equipment. Current records shall be retained as follows:

- **Where retention period specified by law.** Where federal, state or local law prescribes a definite period of time for retaining certain records, the Port will retain the records for the period specified by law. Examples include, Conflict of Interest Form 700 retained 7 years pursuant to Gov. Code §81009(e); Accident-Injury reports retained 5 years pursuant to 29 CFR 1904.6.
- **Where no retention period specified by law.** Where no specific retention period is specified by law, the retention period for records that the Port is required to maintain shall be specified in the attached Records Retention and Destruction Schedule. Records shall be retained for a minimum of 2 years, although such records may be treated as "storage records" and placed in storage at any time during the applicable retention period.

**Category 3: Storage Records.** Storage records are those which need not be retained in the office space and equipment of the department, but which are retained offsite. These records are subject to the same retention requirements as current records.

**Category 4: No Retention Required.** Documents and other materials that do not fall within the definition of “records” under Administrative Code Section 8.1 need not be retained unless retention is otherwise required by local law or by the attached Record Retention and Destruction Schedule. They include phone message slips, e-mails that do not contain information that is required to be retained under this policy, miscellaneous correspondence not requiring action, notepads, and chronological files. Similarly, periodicals or publications received by a department that are not of historical significance may be destroyed. Duplicate copies of documents may be destroyed provided that the appropriate City department has retained the original. With one exception, drafts of documents that have been superseded by later drafts or a final version need not be retained. Drafts of agreements which Port staff are negotiating with another party must be retained for public review prior to approval by the Commission.

#### **D. Retention and Destruction of Records**

The Port shall prepare a schedule for the systematic retention and destruction of its records consistent with this policy.

##### Current and Storage Records More Than Two, But Less Than Five Years Old:

These records may be destroyed or otherwise disposed of under the following conditions:

1. if their destruction will not be detrimental to the Port or City or defeat any public purpose; and
2. if a definitive description of such records and the retention period applicable to them are set forth in a records retention schedule that is approved by the Port Director, the Port Commission and approved by the City Attorney for records of legal significance, by the Controller for records relating to financial matters, by the Retirement Board for time rolls, time cards, payroll checks and retirement-related matters.

##### Current and Storage Records More Than Five Years Old

These records may be destroyed if they have served their purpose and are no longer required for any public business or other public purpose. However, records pertaining to financial matters shall be destroyed only after approval by the Controller; those having legal significance only after approval by the City Attorney; and payroll checks, time cards and retirement-related documents only after approval by the Retirement Board.

##### Permanent and Essential Records

These records shall not be destroyed. Paper records may be destroyed if the permanent or essential records have been microfilmed or placed on optical imaging storage system in accordance with S.F. Administrative Code Section 8.4.

#### **E. Pending Claims and Litigation**

The retention periods set forth herein and in the attached schedule shall not apply to materials that are otherwise eligible for destruction, but which may be relevant to a pending claim or litigation against the City. Once the Port becomes aware of the existence of a claim or litigation against the City, the Port should retain all documents and other materials related to the claim or litigation until such time as the claim or litigation has been resolved. Where the Port has reason to believe that one or more departments also have records relating to the claim or litigation, those departments should also be notified of the need to retain such records.

#### **F. Materials of Historic Significance**

Before any book, document, photograph, map, architectural drawing, record, bond certificate, or other material of historical significance is destroyed, the Port will observe the following procedure:

1. It shall be offered by the Port to the San Francisco History Room of the San Francisco Library.
2. Items not accepted by the Library may be sold by the office of the Mayor under provision of Section 8.12-2 of the Administrative Code.
3. Any items not accepted by the Library and remain unsold may be offered to any historical society.
4. After all steps outlined above have been observed, any remaining historical records, as well as any large volume of records without historic significance which are to be destroyed, shall be offered for sale by the City Purchaser.

## **G. Records Storage**

The use of storage areas listed below is limited to Port records and under no circumstances may include personal belongings of any sort.

### Location

The Port will contract with a vendor for storage and destruction of other than Current Records, which are retained in the Port offices.

### Record Retention and Destruction Schedule

All Port records that are to be retained must be listed on this schedule by the responsible Port department. The Business Services Section of the Port will utilize this schedule as the basis for destruction of stored records.

### Organizing Records Storage

All records within the same box destined for storage should have the same destruction date.

**APPROVALS:**

**Approved by San Francisco Port Commission**

(Signed Copy on File with Port Commission Secretary)  
Monique Moyer  
Executive Director

April 26, 2005  
Date Approved  
(by Port Commission)

**Approved as to Records Relating to Financial Matters**

Ed Harrington  
Controller

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Controller Staff

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Date Approved

**Approved as to Records of Legal Significance**

Dennis J. Herrera  
City Attorney

(Signed Copy on File with Port Commission Secretary)  
Deputy City Attorney

August 10, 2006  
Date Approved

**Approved as to Records Relating to Payroll Matters**

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Clare M. Murphy  
Executive Director  
Retirement System

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Date Approved