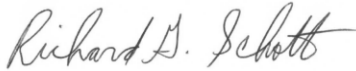


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| Office of the Independent Police Auditor Procedural Memorandum | |
| No: 03 | Subject: Records Management |
| Approval Date: July 23, 2024 | Review Date: July 23, 2026 |
| Signed by Richard Schott, Independent Police Auditor |  |

Purpose: This policy establishes the general responsibilities of staff in the Office of the Independent Police Auditor (OIPA) in regards to retaining and disposing of records in compliance with the Virginia Public Records Act (Code of Virginia § 42.1-76 et seq.).

Agency Records Officer

The Management Analyst III will serve as the agency records officer for OIPA and will be responsible for the development, implementation, and ongoing coordination of the OIPA’s records management program. Responsibilities include:

- Serving as the liaison with the Archives and Records Management Branch, DIT.
- Maintaining a working knowledge of applicable local, state, and federal statutes and/or regulations affecting records management practices.
- Developing procedures to implement OIPA’s records management program and establishing records retention and disposition schedules for the office.
- Providing training and resources as necessary to OIPA staff.
- Ensuring that archival and permanent records are properly identified and maintained.
- Supporting OIPA staff in their individual responsibilities to retain temporary records according to their retention schedules and to dispose of non-records.
- Directing OIPA staff to review their files and emails on an annual basis and certifying that records have been destroyed according to established OIPA procedures.

Definition of Records and Non-Records

- A “Public Record” is any recorded information that documents a transaction or activity by or with any public official if it is produced, collected, received or retained in connection with the transaction of public business (Code of Virginia § 42.1-77). Records include, but are not limited to, notes, letters, documents, printouts, audio recordings, videos, emails, and texts.¹
- A material or email will be considered a record when it is related to one’s responsibilities as a public official and explains/justifies/documents an action or decision. An email will be treated as a record (and retained accordingly) when it does one of the following:
 - Corresponds with staff, complainants, vendors, or the general public about official business (may include incoming messages)

¹ See also the definition of “public record” in the Virginia Freedom of Information Act, Va. Code Ann. §§ 2.2-3700 through 2.2-3714 (FOIA).

- Involves negotiations on behalf of department or locality
- Approves or authorizes actions or expenditures
- Signifies policy changes or developments
- States official opinions relating to a public official’s position
- Creates precedents, such as messages issuing instructions or advice
- Correspondence that is of a routine administrative nature shall be considered a record and will be retained only as long as it is administratively useful. Correspondence will be considered routine when it is part of a regular/established procedure or typical sequence of actions (e.g., building an agenda, scheduling meetings).
- Materials (and emails) that do not meet the criteria will be considered non-records and will not be retained (e.g., informational emails that do not require a response, general announcements, reference materials or copies of materials retained by someone else, draft material related to documents that have since been finalized).

Records Retention and Disposition Schedules

- Records retention and disposition schedules for OIPA were developed in accordance with the Library of Virginia General Schedule No. GS-19 for County and Municipal Governments.
- A summary table of the OIPA Retention Schedules is provided below. A more detailed document, *Retention Schedules for the Office of the Independent Police Auditor*, will be maintained which outlines for each record type: agency retention period, agency disposition process, and related Library of Virginia Record Series information

| Summary of OIPA Retention Schedules | |
|----------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| Record Type | Retention Period |
| OIPA Annual Reports | permanent |
| OIPA Incident Review Reports and Other Public Reports | permanent |
| Videos produced about OIPA | permanent |
| OIPA Procedures | until superseded, obsolete, or rescinded |
| Citizen Complaint (Forms, Emails, PDFs, Voicemails that summarize the complaint) | 1 year from close of complaint (may be redacted and saved for as long as administratively useful) |
| Supporting material submitted by Complainants | at 1 year from close of complaint additional materials submitted by complainants will be purged (e.g. court documents, medical records, photos, videos). |
| FCPD Official Correspondence to Complainants (i.e., Disposition Letters) | none (may be saved for as long as administratively useful) |
| Correspondence/Emails sent by OIPA staff | 2 years after the end of the calendar year |

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| Correspondence/Emails sent by Department Head (Includes official OIPA correspondence) | 3 years after the end of the calendar year Official OIPA correspondence may be redacted and saved for as long as administratively useful |
| Draft Documents/Reports | none, until the subsequent draft or the final document is completed |
| Routine/Administrative Correspondence | none, as long as administratively useful |
| Spreadsheets that track processes | none, as long as administratively useful |
| Reports/Status Updates for Internal Use | none, as long as administratively useful |
| Informal Guidelines, Instructions etc. (not approved procedures) | none, as long as administratively useful |
| Presentation materials | none, as long as administratively useful |
| Voicemails/telephone messages/call logs | none, as long as administratively useful |
| FOIA Requests | 3 years after responses are provided |
| Legal advice from Counsel | permanent |
| RM-3 Forms approved | 3 years after the end of the calendar year |
| Project documentation Files | None, as long as administratively useful |
| Work products/reports by hired consultants | 5 years after the end of the calendar year |

- OIPA will serve as the custodian for all permanent records which will be maintained on the website and/or on the S: Drive.
- OIPA staff will be individually responsible for retaining temporary records (i.e., individual correspondence, draft documents) of which they are the custodian per the retention schedules noted above. OIPA staff should store temporary records on Outlook, H: Drive, or S: Drive.

Disposition of Records and Non-Records

- Documents and emails that are considered non-records will be purged on a regular basis.
- Records that are considered routine administrative will be deleted as soon as they are no longer administratively useful.
- Records that are considered draft materials will be deleted once the subsequent draft or the final document is completed.
- All other temporary records will be deleted according to their retention period on an annual basis.
- The OIPA records officer will provide specific instructions on the type of records that have reached the end of their retention period and can be deleted.

- The destruction of records by OIPA staff will be documented by the submission of Certificates of Records Destruction (Form RM-3) to the Archives and Records Management Branch, DIT.

Succession Planning

- Official records of public officials are the property of Fairfax County and must be returned at the expiration of a term of office or immediately following a resignation.
- Departing OIPA staff will be asked to clean out their Outlook accounts, transfer any records on their Outlook and H Drive to a designated OIPA staff person, and inform OIPA staff of the location of certain records on the S: Drive.

Collection and Handling of Personally Identifying Information (PII)

- Complaints with PII will be stored electronically only on the S: Drive that is accessible by the OIPA staff.
- Hard copy versions of Complaints will be converted to electronic files to be stored on the S: Drive and then disposed of by shredding.
- If directed by the department head, OIPA may redact complainant names and other personally identifiable information (PII) (i.e., phone, email, address, date of birth) of the complainant at the expiration of the retention period. Redacted versions of complaints will be retained for as long as deemed administratively useful, or for statistical or historical purposes.²

Definitions

- **Close of complaint:** The complaint will be considered closed when OIPA publishes the final incident report and provides notice to complainant that the report is complete.
- **Complaint file:** Documentation related to the processing of a complaint, including the written complaint (i.e., on complaint form, in an email, or PDF document), official OIPA correspondence with the Complainant, copies of FCPD correspondence shared with the OIPA.
- **Personally identifiable information or PII:** Information that “describes, locates or indexes anything about an individual... or... affords a basis for inferring personal characteristics.” The following information will be treated as PII by OIPA: name, phone, email, address, and date of birth.

² VA Code 2.2 3705.1 (10) allows OIPA to redact PII (address, email, telephone) in a response to a FOIA request and therefore, preemptively redacting that information from all complaints at 1 year from close of complaint is not necessary to protect complainant PII. Complainant names may be redacted at the discretion of the department head.