

RECORDS RETENTION POLICY:

SECTION I: PURPOSE:

The purpose of this Policy is to ensure compliance with all applicable state and federal laws and regulations regarding record retention including, but not limited to those listed in RSA 33-A; while simultaneously recognizing the Town of Windham's administrative need to manage its records and provide for their systematic destruction after said legal requirements have been met and the record no longer has value to the Town of Windham or its constituents.

SECTION II: AUTHORITY:

This Policy is adopted in accordance with the following governing laws of the State of New Hampshire: RSA 33-a.

SECTION III: APPLICABILITY:

This Policy applies to all physical records generated in the course of the Town of Windham's operation including original, reproduced, and electronic documents.

SECTION IV: DEFINITIONS:

RECORD - As used herein, shall refer to all municipal documentary materials, whether in paper, electronic or any other form, prepared or received by the Town of Windham in connection with the conduct of its official governmental function. A department that creates a record shall be considered the primary owner of that particular record.

SECTION V: MUNICIPAL RECORDS RETENTION COMMITTEE:

- A) In accordance with RSA 33-A:3, the Town of Windham will establish and maintain a Records Retention Committee charged with governing the retention and disposition of municipal records. Said Committee shall be comprised of the following: a member of the Board of Selectmen; Town Clerk; Tax Collector; Town Treasurer; Tax Assessor; Finance Director; Police Department Records Clerk; Planning Board Administrative Assistant, and; three (3) residents of the Town of Windham, one being an Alternate member. Terms of members shall be for a period of three (3) years; and initial appointments shall be staggered,
- B) As shown in Appendix A, the Town has adopted a Record Retention Schedule detailing the initial maintenance, retention and disposal schedule for municipal records of the Town of Windham. To ensure that this Schedule is followed, the Committee shall:
 1. monitor local, state and federal laws affecting record retention, and;
 2. modify the Record Retention Schedule as necessary to ensure that it complies with local, state and federal laws and/or addresses the appropriate document and record categories for the Town of Windham;
- C) The Committee shall monitor compliance with this Section VI, A) of this policy and, if necessary, develop additional operational procedures to ensure that records are properly stored and accessible.
 1. Any such additional procedures will be developed in a manner which takes into account the organization's operational capabilities. The Records Retention Committee may elect to use electronic methods of document storage, where appropriate.

2. Any such additional procedures and/or storage processes will be incorporated as an Appendix to this Policy and be periodically reviewed by the Committee in order to ensure their level of efficiency and adequacy.
- D) The Committee shall monitor compliance with Section VI, C) of this policy and, if necessary, develop additional operational procedures to ensure that records are consistently disposed of in a proper manner.
1. Any such additional procedures shall take into account:
 - a) Statutory requirements.
 - b) The Town of Windham's operational capabilities.
 - c) That certain records contain sensitive and/or confidential information, and as a result must be destroyed and eliminated with particular care.
 2. These destruction processes will be periodically reviewed in order to ensure their adequacy and level of efficiency.
- E) The Committee shall review annually the Record Retention Policy as a whole and recommend amendments as appropriate to comply with regulatory requirements and/or procedural changes.

SECTION VI: STORAGE, RETENTION, AND DISPOSAL OF MUNICIPAL RECORDS:

- A) Minimum Storage Procedures: Each department shall store their archived records in a box or cabinet and provide the following information on the storage device: the department name, box number, retention period, scheduled disposition date, authority granting or allowing the disposition, and a general description of the contents.
- B) Retention of Documents: The Records Retention Schedule (Appendix A) details the retention period for specific types and categories of records in order to ensure legal compliance. In addition, this schedule is designed to accomplish other objectives such as the preservation of confidential and valuable administrative information, cost effectiveness, and space management. Scheduled records are those that, by state statute and administrative rules or the Code of Federal Regulations, need only be retained for a stated period.

The Records Retention Committee may determine that such records are to be maintained by the Town for a period longer than the minimum required period. If so, such determination shall be made a matter of record by incorporation into the Town-wide Records Retention Schedule.

- C) Destruction of Documents:
1. Documents to be destroyed shall first be reviewed by the applicable Department head to determine if any portion(s) of those records should be retained due to their historical value. If no reason exists to maintain the record beyond the retention schedule then the documents shall be destroyed as follows:
 - a) Non-confidential documents – shall be disposed of with other paper recycled products or shredded.
 - b) Confidential documents – shall be shredded.
 - c) Electronic files – shall be deleted from the individual's computer as well as from any backup or permanent media storage.

Documents being shredded in mass quantities shall be done so by authorized shredding service. The shredding service shall provide the Town with a stamped receipt acknowledging that the identified documents were shredded and the date of which the shredding occurred.

2. Each department head is responsible for maintaining a Document Destruction Log which shall contain the following minimum information:
 - a) Department destroying
 - b) What was destroyed
 - c) The date it was destroyed
 - d) Who destroyed the record
 - e) Site RSA or authority giving the right to destroy record(s)

D) Unauthorized Activities: All Municipal Records belong to the public in perpetuity and shall not be destroyed, maliciously damaged or retained by any person not entitled to do so by local, state, and/or federal regulations.

SECTION IX: SUSPENSION OF RECORD DISPOSAL:

In the event any official or employee of the Town of Windham is served with any subpoena or Right-to-Know request; or becomes aware of an investigation or audit concerning the Town of Windham or the commencement of any litigation against or concerning the Town of Windham; such individual shall ensure that all records are preserved, regardless of the Retention Schedule, until the Town’s legal counsel determines that the records are no longer needed.

SECTION VI : AMENDMENTS:

This Policy may, from time to time, be amended by a majority vote of the Board of Selectmen at a regularly scheduled Selectmen’s meeting.

SECTION X: ADOPTION:

The Town of Windham has adopted the Record Retention Policy effective July 25, 2011.

Ross McLeod, Chairman
Bruce Breton
Roger Hohenberger
Kathleen DiFruscia
Phil Lochiatto
Board of Selectman

AMENDED BY THE BOARD: 10/19/2015, 05/16/2016

APPENDIX A

RECORDS:

1. The records of the boards, committees, and departments shall be kept by the Clerk and made available for public inspection at Windham Town Hall in accordance with RSA 41:58.
2. Minutes of all public bodies are required to include names of board or committee members, persons appearing before the board, a brief description of the subject matter, and any final decisions reached or action taken; and shall be open to public inspection within five (5) business days of the public meeting. (RSA 91-A:2, II)
 - A. Minutes shall be provided, in hard copy, to the Town Clerk for retention within ten (10) calendar days of their approval.
 - B. When forwarding approved minutes to the Town Clerk, there shall be no alterations, markings, or strike-outs of any kind thereon. These documents are permanent records, and it is the Town of Windham's responsibility to preserve the integrity of same.
 - C. Notwithstanding subsection A above, each individual board or committee shall have the ability to retain their minutes for the duration of any calendar year, but will be required to turn same over to the Town Clerk within fifteen (15) business days of the end of calendar year, or when minutes become approved.
 - D. When providing minutes to the Town Clerk in such bulk fashion, it shall be the submitter's responsibility to ensure that they are organized chronologically and properly banded or bound together.