

PRESERVATION OF SCHOOL BOARD RECORDS DUE TO LEGAL ACTION

The Terrebonne Parish School Board recognizes that circumstances occur where the normal and routine retention, disposal, and/or destruction of records must be suspended according to federal and State requirements and Terrebonne Parish School Board policy. Present and future records that are involved in litigation, or reasonably anticipated in foreseeable legal action, shall be preserved until the Superintendent releases the hold on such records. Such preservation of records shall apply to all School Board records owned or otherwise controlled by the School Board and all faculty, staff, administrators, School Board members, contractors or anyone else having access to School Board technology resources. The Superintendent or his/her designee shall be authorized to implement the necessary administrative regulations and procedures for governing and monitoring the preservation of School Board records due to legal action being taken or for potential legal action.

DEFINITIONS

Records – The term *records* shall include all records, whether in electronic or paper form, created, received, or maintained in the transaction of School Board business. Such records may include, but are not limited to, paper records and electronic records transferred and/or stored by or on behalf of the School Board using the School Board's technology resources. Electronic records may exist in a wide variety of formats, including, without limitation, text documents, spreadsheets, presentations, HTML documents, digital images, email messages, databases, voicemails and other digital recordings.

Technology Resources – The term *technology resources* shall mean telecommunications equipment, transmission devices, electronic video and audio equipment, computers, data processing or storage systems, storage media, computer systems, servers, networks, programs, and/or computer-driven or web accessible software that is owned or operated by the School Board.

Preservation of Records – The term *preservation of records* shall mean an order or notice to cease destruction or disposal and to preserve all records pertaining to the nature or subject of the preservation (to place a "hold" on such record).

PRESERVATION OF RECORDS

Notwithstanding School Board policies or procedures to the contrary, School Board records, whether in paper or electronic form, pertaining to any pending or anticipated legal claim against the School Board shall be preserved and maintained until the legal claim, whether litigation or other legal proceeding, is finally concluded. It shall be the responsibility of the Superintendent, or his/her designee(s), to ensure that appropriate holds on any relevant records are timely implemented and monitored and that affected School Board personnel are given timely notice of their responsibility to preserve School

Board records pertaining to any pending or anticipated legal claim until the legal proceeding is finally concluded. The Superintendent shall maintain regulations and procedures that provide for the preservation and maintenance of such records.

Generally, the preservation obligations do not extend to back-up tapes or other media which are maintained solely for disaster recovery. In the event that the Superintendent determines that relevant electronic records can only be obtained via backup tapes or other media maintained for disaster recovery, the School Board may undertake, if reasonable to do so, efforts to extract the pertinent records and separately maintain them until conclusion of the legal proceeding.

The Superintendent shall determine and communicate to affected School Board personnel when a preservation order may be lifted and records are no longer need to be on hold pursuant to the preservation order.

VIOLATIONS

Violations of this policy and any administrative regulations and procedures implemented pursuant to this policy shall subject personnel to disciplinary action up to and including dismissal in accordance with applicable federal and state law and School Board policy.

New policy: July 2016

Ref: Fed. Rules Civ. P., Rules 34, 37; La. Rev. Stat. Ann. §17:81. Board minutes, 8-2-16.