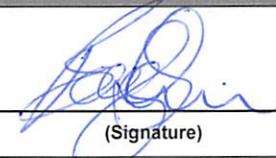


**CONTRA COSTA SUPERIOR COURT**  
**POLICY / PROCEDURE / FORM / COVER SHEET**

<b>POLICY #:</b>	PO-80		
<b>PROCEDURE #:</b>		<input type="checkbox"/> Amend Existing	
<b>FORM #:</b>		<input type="checkbox"/> Proposed	
<b>What Is Form?</b>	<input type="checkbox"/> Optional <input type="checkbox"/> Mandatory <input type="checkbox"/> Instructions <input type="checkbox"/> Information <input type="checkbox"/> Internal <input type="checkbox"/> Public		
<b>Print Instructions:</b>			
<b>Contains Address Information:</b>			

<b>TITLE:</b>	E-Mail and Document REtention Policy
<b>Effective Date:</b>	5/17/19
<b>Revision Date(s):</b>	
<b>Lead Bench Officer(s):</b>	<b>Submit Date:</b> 5/20/19
<b>Lead Staff:</b> Kate Bieker, Matt Kitson	

**Approved By:**  
 Kate Bieker, CEO /  Admin. Exec.    **Date:**  
 Committee Date:                       Hon. Barry Baskin, PJ  
 Ex Comm. Approval Date: 5/17/19

  
 \_\_\_\_\_  
 (Signature)

<p><b>Subject Index:</b></p> <input checked="" type="checkbox"/> COURTWIDE <input checked="" type="checkbox"/> Administration <input type="checkbox"/> Appeals <input checked="" type="checkbox"/> Bench Officers (all) <input type="checkbox"/> Presiding Judge <input type="checkbox"/> Supervising Judge <input type="checkbox"/> Commissioner <input type="checkbox"/> Temporary Judges <input type="checkbox"/> Benefits <input type="checkbox"/> Branch Courts <input type="checkbox"/> Civil (limited) <input type="checkbox"/> Civil (unlimited) <input type="checkbox"/> Civil Harassment <input checked="" type="checkbox"/> Court Executive Officer	<input type="checkbox"/> Court Records <input type="checkbox"/> Courtroom Clerks <input type="checkbox"/> Court Reporters <input type="checkbox"/> Court Security <input type="checkbox"/> Criminal <input type="checkbox"/> Domestic Violence <input type="checkbox"/> Drug Court <input type="checkbox"/> Elder Court <input type="checkbox"/> Facilities, Custodial, Couriers <input type="checkbox"/> Family Law <input type="checkbox"/> Firearms <input type="checkbox"/> Financial Services <input type="checkbox"/> Grand Jury <input type="checkbox"/> Homeless Court <input checked="" type="checkbox"/> Human Resources <input checked="" type="checkbox"/> Information Technology	<input type="checkbox"/> Interpreters <input type="checkbox"/> Jury <input type="checkbox"/> Juvenile Law <input type="checkbox"/> Legal Libraries <input checked="" type="checkbox"/> Managers <input type="checkbox"/> Master Calendar <input type="checkbox"/> Mental Health <input type="checkbox"/> Oaths of Office <input type="checkbox"/> Payroll <input type="checkbox"/> Probate & Court Investigators <input checked="" type="checkbox"/> Public Information <input type="checkbox"/> Research Attorneys <input type="checkbox"/> Small Claims <input type="checkbox"/> Traffic <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Warrants
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<b>Related to Local: (attached)</b>	<b>Policies:</b>	
	<b>Procedures:</b>	
	<b>Forms:</b>	
	<b>Rules:</b>	

<b>Mandate / Enabling Legislation:</b>	Achieve uniformity in document and e-mail retention
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**Summary and intent / Notes:**

Establishes retention periods for various categories of e-mails and documents.

**POLICY #80 – E-MAIL AND DOCUMENT RETENTION POLICY**

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**I. INTRODUCTION**

The Court has a significant operational interest in ensuring that the e-mails, documents, and records addressed by this policy are retained only as long as they are necessary for ongoing court operations, or are required to be retained by law.

This policy identifies and describes six (6) categories of e-mails and documents, defines the default retention policy applicable to each category of material, and outlines some circumstances that might warrant a departure from the default retention period.

**II. POLICY STATEMENT**

It is the policy of the Contra Costa Superior Court that:	
1-2.	Unless otherwise required by law, or unless an exception pursuant to this policy is made, e-mails and documents sent, received, drafted, or maintained by individuals no longer employed by the Court in either the employee’s active e-mail, e-mail archive, or U Drive (as all of those terms are defined herein), are retained for 30 days, after which those materials are irrevocably and irretrievably deleted.
3.	Unless otherwise required by law, or unless an exception pursuant to this policy is made, e-mails sent, received, drafted, or maintained by current Court employees are stored in an employee’s active e-mail (as that term is defined herein) for 90 days, after which those materials are irrevocably and irretrievably deleted.
4.	Unless otherwise required by law, or unless an exception pursuant to this policy is made, e-mails sent, received, drafted, or maintained by current Court employees are stored in an employee’s e-mail archive (as that term is defined herein) for two (2) years, after which those materials are irrevocably and irretrievably deleted.

## POLICY #80 – E-MAIL AND DOCUMENT RETENTION POLICY

5.	Unless otherwise required by law, or unless an exception pursuant to this policy is made, an agenda related to a meeting of the Court’s Executive Committee shall be retained for thirty (30) days after the meeting for which it was prepared. After that time, agendas shall be irrevocably and irretrievably deleted. This retention period applies to both draft and final versions of agendas, and applies to all document formats (e.g., electronic versions, hard copy versions, etc.).
6.	Unless otherwise required by law, minutes related to a meeting of the Court’s Executive Committee shall be retained for five (5) years. After that time, minutes (whether related to the Court’s Executive Committee or related to an Executive Session or Closed Session of the Court’s Executive Committee) shall be irrevocably and irretrievably deleted. The five year retention period applies to final minutes only. Draft versions of minutes (if any) should be irrevocably and irretrievably deleted as soon as the final version of minutes are approved by the Executive Committee at a subsequent meeting. These retention periods apply to all document formats (e.g., electronic versions, hard copy versions, etc.).

### III. DEFINITIONS

The following definitions apply to this policy.

- Draft Minutes: the phrase “draft minutes” means those minutes that differ in any respect from the minutes that are subsequently considered and approved by the Court’s Executive Committee.
- Final Minutes: the phrase “final minutes” means those minutes that have been considered and approved by the Court’s Executive Committee at a subsequent meeting of that body.
- E-mail: “E-mail” means electronic mail, and for purposes of this policy, “e-mail” includes e-mails sent, received, drafted, deleted, or otherwise accessible in any manner through (1) Outlook or a similar e-mail program; and/or (2) an e-mail archive, as context requires.
- E-mail Account: the phrase “e-mail account” shall include both those e-mails stored in, and accessible directly from, an e-mail program such as Outlook, and those e-mails stored in, and accessible only by resort to, an employee’s e-mail archive.
- Active E-mail: the phrase “active e-mail” shall refer only to those e-mails stored in, and accessible directly from, an e-mail program such as Outlook.
- E-mail Archive: the phrase “e-mail archive” shall refer only to those e-mails stored in, and accessible only by resort to, a virtual storage location residing on a network drive and specially created for the purpose of permitting current Court employees to access and save e-mails older than 90 days.
- U Drive: the phrase “U Drive” shall refer to any and all virtual storage locations residing on a network drive provided to Court employees for use as a personal repository for work-related materials.

**IV. IMPLEMENTATION AND POLICY DESCRIPTION**

**A. Category 1—Former Employee E-mails**

Whenever an employee's employment with the Court ends—whether by retirement, voluntary separation, termination, or any other means—the Court shall retain that employee's e-mail account in an accessible, active state for 30 days, unless a different retention period is required by law.<sup>1</sup> After 30 days, the employee's e-mail account, including all e-mails sent, received, drafted, or otherwise stored or maintained in the employee's e-mail account, shall be irrevocably and irretrievably deleted.

Exceptions to this policy may be made at the discretion of the Court Executive Officer or the Presiding Judge, who may require a particular employee's e-mails—or some designated subset of that employee's e-mails (e.g., a certain date range, or e-mails containing certain words or phrases)—to be retained for a longer period or indefinitely. While an exception can be made for any reason at the discretion of the Court Executive Officer or the Presiding Judge, some situations that might warrant an exception include:

1. After consultation with the Human Resources Director, the Director of Compliance and Communications, or other appropriate Court staff, the Court Executive Officer and/or the Presiding Judge believe the circumstances of the employee's separation may result in litigation involving the Court and/or Court employees and that retention of the employee's e-mails or some subset thereof would be prudent in light of the possibility of litigation;
2. After consultation with the employee's direct supervisor or manager, or other appropriate Court staff, the Court Executive Officer and/or the Presiding Judge believe that retaining some or all of the employee's e-mail account serves a specific operational need;
3. In the judgment of the Court Executive Officer and/or the Presiding Judge, the individual replacing the separated employee (and thus the Court) would derive a meaningful benefit from accessing or reviewing some or all of the separated employee's e-mails;
4. A litigation hold has been issued with respect to some or all of the employee's e-mails; or
5. A subpoena, Rule of Court 10.500 request, court order, lawsuit, or other legal process is received by the Court within the 30-day retention period that requires a longer retention period.

If an employee's e-mail account or a portion thereof is to be retained longer than 30 days, the Court's Information Technology Department shall take steps to transfer the material to be preserved to a secure location on the Court's network and/or a physical storage device such as a USB drive, accessible only to Court staff who, in the discretion of the Court Executive Officer and/or Presiding Judge, require such access.

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<sup>1</sup> This policy does not apply to judicial officers or their e-mail accounts upon separation from the Court. A separate policy governs the disposition of e-mail accounts assigned to judicial officers upon their separation from the Court. This policy does apply to judicial officers presently performing work at the Court.

## **POLICY #80 – E-MAIL AND DOCUMENT RETENTION POLICY**

### **B. Category 2—Former Employee U Drive Materials**

Whenever an employee's employment with the Court ends—whether by retirement, voluntary separation, termination, or any other means—the Court shall retain that employee's U Drive in an accessible, active state for 30 days, unless a different retention period is required by law. After 30 days, the employee's U Drive shall be irrevocably and irretrievably deleted.

Exceptions to this policy may be made at the discretion of the Court Executive Officer or the Presiding Judge, who may require a particular employee's U Drive—or some designated subset of that employee's U Drive materials—to be retained for longer than 30 days or indefinitely. The same exemplar scenarios discussed with respect to Category 1 apply to Category 2.

If an employee's U Drive or a portion thereof is to be retained longer than 30 days, the Court's Information Technology Department shall take steps to transfer the material to be preserved to a secure location on the Court's network and/or a physical storage device such as a USB drive, accessible only to Court staff who, in the discretion of the Court Executive Officer and/or Presiding Judge, require such access.

### **C. Category 3—Current Employee Active E-Mail**

Judicial officers and court employees are assigned an e-mail address to send and receive work-related e-mails. To enable Court employees and judicial officers to send and receive e-mails easily, the Court provides Outlook to its employees and judicial officers. Succinctly, Outlook is a program for sending, accessing, and managing e-mail.

The Court's Information Technology Department shall develop an automated process that will irrevocably and irretrievably delete all e-mails older than 90 days stored or maintained on Outlook or any similar e-mail program in any fashion. This includes all e-mails stored in an employee or judicial officer's inbox, outbox, sent items folder, drafts folder, deleted items folder, or any other folder accessible directly from Outlook or any similar e-mail program. The process shall run on a daily basis; that is, an e-mail received on Day 0 may remain in a Court employee or judicial officer's inbox until Day 90, at which point the automated process will remove it. An e-mail received on Day 1 will be undisturbed by the process on Day 90, but will be removed on Day 91, and so forth.

### **D. Category 4—Current Employee E-Mail Archive**

As set forth above, a current employee or judicial officer's e-mails are to be retained in, and accessible through an e-mail program (e.g., Outlook) for a maximum of 90 days. The Court's Information Technology Department will develop a process that automatically removes (irrevocably and irretrievably) all e-mails (whether sent, received, deleted, draft, or otherwise) from a court employee's active e-mail after 90 days.

However, each employee and judicial officer also shall be assigned a storage location on a network drive, to be accessible exclusively to the employee or judicial officer, with exceptions as set forth in the Court's personnel plan, to store e-mails at the judicial officer or employee's discretion. Such e-mails shall remain in that location for a period of two (2) years.

## **POLICY #80 – E-MAIL AND DOCUMENT RETENTION POLICY**

The Court's Information Technology Department shall develop a process that automatically deletes, irrevocably and irretrievably, all e-mails older than two years from each current employee and judicial officer's e-mail archive. The process shall be run twice per year; once in February of each year and once in August of each year. If the process were run on February 27, 2019, then all e-mails from February 27, 2017 and before would be purged from a current employee or judicial officer's e-mail archive. All e-mails from February 28, 2017 and after would be undisturbed.

### **E. Category 5—Agendas Related to Executive Committee Meetings**

An agenda related to a meeting of the Court's Executive Committee shall be retained for thirty (30) days after the meeting for which it was prepared, after which it shall be irrevocably and irretrievably deleted. The 30-day retention period applies to both draft and final versions of agendas. The 30-day retention period applies to agendas in whatever format they exist or are kept (e.g., hard copy, electronic, etc.).

All court staff and/or judicial officers involved in the creation, editing, or maintenance of agendas shall be made specifically aware of this policy and trained on its execution. Likewise, all court staff and/or judicial officers who routinely receive copies of agendas (e.g., by e-mail in advance of a meeting of the Court's Executive Committee) shall be made specifically aware of this policy and trained on its execution. Such court staff and/or judicial officers shall take any and all steps necessary to ensure that this policy is applied to any and all copies of agendas in their possession, custody, or control (including, but not limited to any hard copies, versions sent, received, or stored as attachments to e-mails, or versions otherwise kept electronically).

Exceptions to this policy can be made only at the discretion of the Court Executive Officer and/or Presiding Judge. The same list of exemplar scenarios discussed with respect to Category 1 applies here.

### **F. Category 6—Minutes Related to Executive Committee Meetings (Including Minutes Related to Executive or Closed Sessions of the Executive Committee)**

#### **1. Draft Minutes**

It is standard practice for the Court's Executive Committee to approve the minutes of the immediately preceding meeting as a consent item. In rare instances, the approval of minutes may be delayed to a subsequent meeting.

Upon approval of the minutes, all draft versions of those minutes (in whatever form kept) shall be irrevocably and irretrievably deleted immediately.

#### **2. Final Minutes**

Final Minutes will be kept for a 5-year period unless otherwise deemed necessary or desirable for longer retention by the Presiding Judge, Assistant Presiding Judge or Court Executive Officer. At the conclusion of the 5-year period, final minutes shall be irrevocably and irretrievably destroyed.