



OFFICE OF THE GENERAL COUNSEL RECORDS RETENTION POLICY

I. POLICY

It is the policy of Eastern Virginia Medical School (EVMS) to manage its records in an efficient and orderly fashion pursuant to applicable law rules and regulations. This policy provides best practices on the creation, storage, and disposition of important records retained by EVMS.

II. DEFINITIONS

EVMS Records – any information created, received, or sent by an EVMS employee in the course of EVMS business, regardless of whether in paper or electronic format. Records include, but are not limited to documents, minutes, forms, photographs, microfiche, audio, and video recordings, correspondence, invoices, journals, ledgers, purchase orders, grant documentation, and computer data or other machine readable electronic records, including electronic mail.

Areas of Responsibility – EVMS department with responsibility for the creation, storage, retention, and destruction of records related to that department’s function, but with impact across one or more EVMS departments. EVMS Areas of Responsibility include, but are not limited to, Human Resources, Registrar, Financial Aid, Financial Services, Information Technology, Sponsored Programs and Grants Accounting.

III. RECORDS MANAGEMENT

A. Creation and Storage. Departments and Areas of Responsibility should create EVMS Records that appropriately document their core activities and that comply with applicable laws, rules, regulations, EVMS Policies, and best practices. Once created, departments and Areas of Responsibility must store EVMS Records in a manner that facilitates timely and accurate retrieval and ensures that EVMS Records are maintained in a secure and stable environment. In addition, EVMS Records must meet any additional storage or security requirements dictated by any applicable external laws or regulations (i.e. FERPA, HIPAA, etc.).

B. Retention and Destruction.

1. *Retention Schedules*. The Office of the General Counsel shall determine the Areas of Responsibility and departments that will be required to develop an EVMS Record retention schedule and shall assist such areas in the development of same. The final retention schedule and , and any future updates, shall be provided to the Office of the General Counsel and shall:

- a. Describe the type of record;
- b. Specify the length of time that the record must be retained and any law,

rule, or regulation that dictates the retention period;

c. Specify the location of such record if not normally stored by the department or Area of Responsibility; and

d. Specify any special method by which the record must be destroyed, if applicable.

2. *Method of Record Destruction.* All sensitive or confidential EVMS Records (containing social security numbers and/or ID numbers, other sensitive information, or EVMS proprietary business information) and all copies thereof, must be destroyed by cross-shredding or through the use of external shredding vendors. Note that electronic records are not destroyed when merely sent to the trash or recycle bins on the computer. Electronic records must be electronically “wiped” clean or the media or storage device must be physically destroyed by burning, cutting or “chopping-up” of physical disks. For information on external shredding vendors and/or destroying of electronic media, please contact EVMS Materials Management.

3. *Exceptions to Destruction.* EVMS Records may not be destroyed if they are the subject of any potential legal action or proceeding, litigation, audit, investigation, or review, even if the records retention schedules or other policies or procedures indicate that the records are eligible for destruction. In most cases, the Office of the General Counsel will send a “Litigation Hold Notice” to parties that have EVMS Records that should not be destroyed.

C. Requests for EVMS Records.

1. *Internal Records Requests.* Records requested by another EVMS department are subject to the release policies of the department or Area of Responsibility that has responsibility for creation and maintenance of such EVMS Records.

2. *External Records Requests.* No records should be released unless approved by the EVMS Office of the General Counsel. All requests for records by outside entities must be immediately forwarded to the EVMS Office of the General Counsel, OGC@evms.edu, 757-446-7250.

IV. RECORDS RETENTION POLICY ADMINISTRATION

The Office of the General Counsel is responsible for assisting departments and Areas of Responsibility for implementing this Policy and developing and updating their Record Retention Schedules. Questions regarding the Policy should be directed to the EVMS Office of the General Counsel, OGC@evms.edu, 757-446-7250.