



CONCORD POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

RECORDS RETENTION

GENERAL ORDER: 03.20

CREATED: September 11, 2018

ISSUE DATE: October 1, 2022

ACTION: Re-numbers general order dated September 18, 2018.

EFFECTIVE DATE: October 1, 2022

03.20.0 **PURPOSE**

The purpose of this general order is to set guidelines for the retention and disposal of public records related to the official business of the Concord Police Department.

03.20.1 **POLICY**

It shall be the policy of the Concord Police Department to retain and dispose of its public records in accordance with the Municipal Records Retention and Disposition published by the North Carolina Department of Cultural Resources Division of Archives and Records. Public records exist in many forms, including email messages and attachments. All records, including email, are to be managed based upon their content.

03.20.2 **DEFINITIONS**

A. ELECTRONIC OR MACHINE-READABLE RECORDS

All records on an electronic storage media. Electronic record means any information that is recorded in a form that only a computer can process.

B. ELECTRONIC MAIL (EMAIL)

Electronic mail is the transmission of memos, images, notes, linkages and attachments between computers.

C. HISTORICAL VALUE

Historical records document significant events, actions, decision, conditions, relationships, and similar developments. These records have administrative, legal, fiscal, or evidentiary importance for the government or its citizens.

D. PUBLIC RECORD

All documents, papers, letters, maps, books, photographs, films, audio recordings, magnetic, or other tapes, electronic data-processing records, or other material, regardless of form, made or received, pursuant to the transaction of public business by the Concord Police Department. Public records excludes personnel files and criminal investigations files.

E. USERS

All department coworkers, volunteers, and reserve officers that have email accounts on the City of Concord's email system.

03.20.3 PUBLIC RECORDS

A. RETENTION OF PUBLIC RECORDS

Public records must be retained for the length of time required by the Municipal Records Retention and Disposition Schedule. The schedule categorizes public records into standards. Each standard contains a list setting different retention periods depending on the content of the record. Retention requirements for records pertaining to the Concord Police Department are found in the following standards:

Standard 1 - Administrative and Management Records
Standard 4 - Budget, Fiscal and Payroll Records
Standard 6 - Emergency Services and Fire Department Records
Standard 7 - Fleet Maintenance Records
Standard 8 - Information Technology (IT) Records
Standard 9 - Law Enforcement Records
Standard 10 - Legal Records
Standard 12 - Personnel Records
Standard 15 - Public Relations Records
Standard 18 - Risk Management

NOTE: Concord Police Department records shall be retained as required by the Law Enforcement Records Minimum Retention Standards as published in the Municipal Records Retention and Disposition Schedule

B. DISPOSAL OF PUBLIC RECORDS

1. Records contained in the Municipal Records Retention and Disposition Schedule may be destroyed after the specified retention periods. Records eligible for destruction must be shredded by a firm contracted to provide this service.
2. Original records that have been duplicated shall not be destroyed before the retention period specified in the schedule without further approval.
3. Computer printouts and other data processing input/output may be destroyed without specific authorization and recording if the information is maintained on an electronic media (e.g., magnetic tape, diskettes, flash drive, CD-ROM).
4. Records not authorized for destruction or other disposition may be disposed of by completing and submitting the North Carolina Department of Cultural Resources "Request for Change in Local Government Records Schedule" form to have records destroyed.

03.20.4 **EMAIL RETENTION**

- A. Records communicated through the email system are public records under the North Carolina Public Records Act and must be made accessible unless its content is exempt from inspection by statute or other regulation. As such, email messages must be easily identifiable, protected and retained according to the schedule.
- B. Email that has no administrative, fiscal, legal or historical value may be deleted as soon as it has served its purpose. Such records include meeting notices or requests for meetings, confirmations of appointments, travel reservations, personal messages, junk mail, or transmittal of documents without comments.

NOTE: Coworkers should restrict their personal emails to a personal email account to reduce the risk of personal email being disclosed in a bulk public records request. Similarly, coworkers who use personal email accounts to conduct public business are creating public records and should know they are expected to provide public access to any such messages in the event of a public records request.

03.20.5 **NON-PUBLIC RECORDS**

- A. Records of Criminal Investigations, as defined in NCGS 132-1.4(b), whether open, pending or closed, **are not public records**, pursuant to NCGS 132-1.4(a) and are not subject to disclosure except as required under NCGS 132-1.4(c) or NCGS 15A-903 unless the chief of police determines that disclosure is necessary to satisfy an important governmental interest in solving a crime or maintaining the public's trust and confidence.
- B. Personnel Records in their entirety are not public record. In accordance with NCGS 160A-168(b) only the following information contained in a personnel record are public record:
 - 1. Coworker name;
 - 2. Coworker age;
 - 3. Coworker date of employment;
 - 4. Terms of any contract by which the coworker is employed whether written or oral, past and current, to the extent that the city has the written contract or a record of the oral contract in its possession;
 - 5. Coworker current position;
 - 6. Coworker current title;
 - 7. Coworker current salary;
 - 8. Date and amount of each increase or decrease in salary while employed with the City of Concord;

9. Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification while employed with the City of Concord.
10. Date and general description of the reasons for each promotion while employed with the City of Concord.
11. Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the municipality setting forth the specific acts or omissions that are the basis of the dismissal.
12. The office to which the coworker is currently assigned.



GARY J. GACEK
CHIEF OF POLICE