WestVirginiaUniversity.

RECORD RETENTION FAQs

Q. What is the WVU Record Retention Policy?

A. The policy recently was enacted to provide employees guidance on the maintenance and retention of documents and other material (hard copy or electronic) made or received in connection with WVU's operations.

Q. Why do we need a Record Retention Policy?

A. The policy is designed to help the University remain compliant with federal and state laws and regulations related to the retention of records. It also is intended to help us be more efficient by reducing the unnecessary storage of records.

Q. Is the policy a Board of Governor's rule or something else?

A. The policy is not a Board of Governor's rule, but rather an internal WVU policy.

Q. Does the policy extend to WVU Tech and Potomac State?

A. Yes, the policy covers the entire WVU System, including WVU Tech and Potomac State College.

Q. What is considered a record?

A. There are two types of records — **Retainable Records** and Incidental Records:

- **Retainable Records** are contained within the University Retention Schedule or are otherwise required by law to be retained by a unit. Retainable Records must be kept for the specified periods of time within the Retention Schedule to satisfy the University's business and legal obligations and to preserve its history.

Although certain Retainable Records may have shorter or longer retention periods, as a general rule, most Retainable Records should be kept for five years. For Retainable Records involving minors, the retention period should be the amount of time until the minor reaches the age of 18 and then the normal retention period.

- **Incidental Records** are not contained within the University Retention Schedule or otherwise required by law to be retained by a unit. Examples of Incidental Records include routine communications, internal meeting notices, cover letters or transmittal memoranda, drafts, notes and duplicate copies of Retainable Records that are not stored in an official location or with an official custodian.

Incidental Records must be retained only so long as is necessary to complete the action or resolve the issue that is the subject of the record.

Q. What items might be considered a record?

A. Records may include written and printed material, books, drawings, maps, plans, photographs, microforms, motion picture films, sound and video recordings, email, electronic data on hard drives or network drives or copies of these items.

Q. What about email and other electronic records?

A. Units have an obligation to preserve and safeguard information in email and other electronic records that constitute Retainable Records. In such cases, the email or other electronic records must be retained and then destroyed in accordance with the retention periods set forth in the Retention Schedule.

Q. What about documents and files that are subject to Litigation Holds?

A. The University may have an obligation to preserve all records that might be implicated in litigation, an investigation or other proceeding. In such events, the Office of General Counsel will issue a Litigation Hold to notify the specific units and their employees that they must preserve all their records relating to a specific subject matter. This includes any email or electronic records.

If a Litigation Hold is issued, destruction of all records related to those matters subject of the Hold must immediately stop. Further, the employee or unit subject to the Litigation Hold is obligated to preserve the information effective immediately and, if applicable, notify faculty and staff of the obligation to preserve the records.

In addition, the employee or unit that receives a Litigation Hold must preserve any new information that is generated that could be relevant to the litigation, investigation or other proceeding.

Q. What is the Retention Schedule?

The Retention Schedule is a timetable that employees should follow for retaining records. It is determined based on a record's category and type. The Retention Schedule also identifies a record's custodian and provides guidance on disposition of records once their retention period has expired.

Q. What is an Official Document Custodian?

A. The Retention Schedule identifies specific units that serve as the Official Document Custodian for certain categories of Retainable Records. Other units (i.e., ones not listed as the Official Document Custodian) also may keep courtesy copies of these records so long as is necessary to address a transaction or issue. However, courtesy copies of records should not be retained longer than two years after the transaction or issue has been completed.

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All units must ensure any records contained in the courtesy copy are provided to the Official Document Custodian and the courtesy copy does not contain any records different than those maintained by the custodian.

Q: I have a record that may be a copy or duplicate to another record already on file. How can I confirm?

A: If you have a record you believe may be a copy or duplicate, you should contact the appropriate office or business unit responsible for that particular record (i.e., the official Document Custodian as listed in the Retention Schedule) to ensure the original record already is on file.

Q: I have several records (some copies and some originals) in my control, but my unit is not identified as the official Document Custodian. Should I just forward it to the appropriate office or business unit responsible for that particular record?

A: You should always contact the appropriate office or business unit responsible for that particular record (i.e., the official Document Custodian as listed in the Retention Schedule) to determine the best and most efficient means of transferring the record and to determine whether an original record is already on file.

Q. How should records be safeguarded?

A. Units are responsible for ensuring all records (both Retainable and Incidental) are secured in a way to provide appropriate confidentiality and protection from unauthorized inspection, theft and/or physical damage. Each unit should assess the risks of damage or destruction to its records in storage areas and determine a retention strategy.

All records must be easily retrievable for examination by authorized individuals, including auditors and the Freedom of Information Act Office. Further, each unit must comply with the Electronic File Storage and Back-Up policies defined by Information Technology Services (ITS).

Q. Where can I find additional information?

A. Visit the General Counsel site for more information and to view the official Record Retention Policy and Retention Schedule. Contact a member of the General Counsel team with any questions.