

RECORDS MANAGEMENT, RETENTION AND PRODUCTION OPERATING PROCEDURES

PURPOSE

This Records Management and Retention Operating Procedures (SOP) establishes procedures for implementing the Policy on Responding to Requests for Public Records and Criminal Justice Records (Resolution 2017-04) and the Records Management and Retention Schedule (Resolution 2017-05) adopted by the Jefferson County Communications Center Authority (Jeffcom) Board of Directors, and complying with the Colorado Open Records Act, the Criminal Justice Records Act, and the State Archives and Public Records Act (C.R.S. 24-80-101 *et seq.*).

Jeffcom considers its records and information as valuable assets. Maintenance of records and information is critical to the accomplishment of our activities and those of our Members and Service Users. It is imperative, therefore, that all Jeffcom records and information be managed effectively and efficiently, and in compliance with state law.

This SOP establishes procedures for Jeffcom and its employees to effectively and efficiently manage, maintain and dispose of records and information in an orderly, reasonable and lawful manner to ensure Jeffcom's compliance the policies adopted by the Board and with business and regulatory requirements.

SCOPE

This SOP is for use by all Jeffcom employees and applies to all records and information, in any format or media, made, maintained, or kept by Jeffcom.

TERMS AND DEFINITIONS

The following terms, as used in this Policy, shall have the meanings ascribed to them as follows:

Confidential - Information that relates to or includes Jeffcom proprietary information and privileged or confidential communications.

Colorado Criminal Justice Records Act ("CJRA") – The provisions of C.R.S., Title 24, Article 72, Part 3, governing the maintenance, access, dissemination and sealing of criminal justice records. Under CJRA, most criminal justice records are open to inspection by any person by submitting a records request form to Jeffcom.

Colorado Open Records Act ("CORA") - The provisions of C.R.S. 24-72-201 to 24-72-309 requiring that most records held by a government entity be available to the public. Under CORA, anyone can request records by submitting a records request form to Jeffcom.

However, some records are considered confidential or are excluded from CORA. Examples of excluded public records include certain criminal justice records and documents prepared for a

criminal investigation, work product prepared for an elected official, trade secrets and proprietary software, including programs and source code, and certain other proprietary and confidential commercial records.

Criminal Justice Agency – Any court with criminal jurisdiction and any agency of the state, including the department of education, any agency of any county, city and county, home rule city and county, home rule city or county, city, town, territorial charter city, governing boards of institution or higher education, school district, special district, judicial district, or law enforcement authority that performs any activity directly related to the detection or investigation of crime; the apprehension, pretrial release, posttrial release, prosecution, correctional supervision, rehabilitation, evaluation, or treatment of accused persons or criminal offenders; or criminal identification activities or the collection, storage, or dissemination of arrest and criminal records information.

Criminal Justice Records – All books, papers, cards, photographs, tapes, records, or other documentary materials, regardless of form or characteristics, that are made, maintained, or kept by any criminal justice agency in the state for use in the exercise of functions required or authorized by law or administrative rule.

Data - Raw facts or elementary descriptions of things, activities and transactions that are captured, recorded and classified but that are not organized to convey any specific meaning.

Encryption - The use of algorithms to encode data in order to render a message or other file readable only for the intended recipient. Encryption is normally employed during transmissions between systems or during storage of sensitive or confidential information.

Highly Sensitive Information - Information that relates to or includes trade secrets, intellectual property, Jeffcom proprietary information and privileged or confidential communications.

Information - Data that have been processed or organized in some way so that they are understandable or meaningful to their intended audience.

Information Systems - Computers, communications facilities, computer and communications networks and the data and information that may be recorded, processed, stored, shared, transmitted or retrieved by them.

Legal Hold - Term used to indicate that certain records and information cannot be destroyed even if otherwise permitted by the Retention Schedule because they are subject to legal action, litigation or government investigation.

Members –Members include the Arvada Fire Protection District, West Metro Fire Protection District, Evergreen Fire Protection District, the City of Arvada, the City of Wheat Ridge, the City of Golden, the City of Lakewood, and the Jefferson County Sheriff’s Office.

Proprietary Information - Industry and financial information, trade secrets, client lists, source

code and other, similar confidential information of a particular business or company.

Public Record - Any writing made, maintained or kept by Jeffcom for use in the exercise of functions required or authorized by law or administrative rule, or involving the receipt or expenditure of public funds. Writings include all books, papers, maps, photographs, cards, tapes, recordings or other documentary materials, regardless of physical form or characteristics. Writings also include digitally stored information, including email messages, pre-existing in a form and format, such as a spreadsheet, text document, photograph, etc., which does not require aggregation, formatting or other manipulation, other than printing, to enable a requestor to access the information. Public records specifically include the correspondence of elected officials, with certain exceptions.

Records – All Jeffcom records, including public records, criminal justice records, and non-public records made, maintained, and kept by Jeffcom.

Record Copy - The copy of a public record or document that is maintained and protected as the official copy, regardless of physical form or characteristic. Any copy that is not the Record Copy is a duplicate, and/or convenience copy, and may be destroyed at any time. Duplicate and convenience copies should not be kept longer than the retention for the Record Copy.

Records Custodian – The Records Custodian is the official custodian of Jeffcom’s records and is responsible for ensuring compliance with the Records Retention Schedule and Records Request Policy. The Executive Directors serves as the official Records Custodian, but may designate other Jeffcom employees as necessary to respond to requests for records.

Records Request Form – The form to be submitted to the Records Custodian by any person requesting a copy of a Public Record or Criminal Justice Record. Jeffcom has developed a Dispatch and Records Requests Form to be used for this purpose.

Records Retention Schedule or Retention Schedule - Pursuant to Resolution 2017-05, the Board adopted the Colorado Special District Records Management Manual and the Schedule No. 03 of the Colorado Sheriff’s Record Retention Schedule, with modifications, which collectively make up the “Retention Schedule”. The Retention Schedule identifies the length of time each type of record is to be maintained and what its disposition is at the end of the retention period.

Requestor - Any person who makes a Public Records or Criminal Justice Information Request.

Service User – Any public agency or private entity who is not a Member and enters into an agreement for dispatching services with Jeffcom.

PROCEDURES

RECORDS REQUESTS

Jeffcom has legal obligations under CORA and CJRA to provide the public with access to public records and certain criminal justice records, upon request, and to maintain the confidentiality of records that are not considered public. The following procedures apply to both requests made under CORA and CJRA.

- Requests for Public Records and Criminal Justice Records should be submitted in writing on a Records Request Form to the Records Custodian.
- Any employee who receives a records request shall immediately forward the request to the Records Custodian. Jeffcom employees should not respond directly to a records request without approval from the Records Custodian.
- Within 3 business days of receipt of the records request either (1) the records must be provided if they are public records or criminal justice records that can be release, (2) the request must be denied in writing and the reasons for denial given, or (3) if the records cannot be provided within 3 business days, an initial response must be provided and the records provided within the following 7 business days.
- Fees may be charged in the amounts established in the Policy on Responding to Requests for Public Records. Any fees must be paid in advance. If the fee is large, the deposit should be received before significant work is done to research, retrieve, or compile the requested records.
- Records requests from Members will be expedited and responded to as quickly as possible.
- Records should be provided in an electronic format, when possible.

RECORDS RETENTION

- **Determination and Identification of Business Records**

It is the responsibility of all Jeffcom employees to determine if the information they use, whether it was created at Jeffcom, or received from other sources, meets the definition of a Public Record or Criminal Justice Record and if so, to follow the corresponding retention requirements. Employees who have questions about records should contact their supervisor or manager.

- **Records Retention Schedule**

The Retention Schedule adopted by the Board establishes retention periods and

disposition requirements for Jeffcom's records. No business records or information may be destroyed unless they meet the requirements set forth in the Retention Schedule and are not subject to any Legal Hold.

- **Protection of Records**

Jeffcom's records and information cover a multitude of subjects and include multiple types of formats. As Jeffcom's assets, they must be protected from unauthorized access, disclosure or destruction and from physical acts due to fire, flood or other natural or man-made disasters. The extent of protection required for records and information is also governed by the nature of the information such as personal privacy, confidential or highly sensitive information, including privileged and confidential communications.

- **Physical Protection**

All employees are required to maintain records and information in their possession in a manner that protects the records and information from unauthorized release, disclosure or destruction. Protection methods may include, but are not necessarily limited to, locking cabinets or rooms, use of fireproof or water-resistant equipment and sign-in and sign-out procedures for both people and records. Employees should use the protection method required for the specific type of information as set forth in the Records Manual.

- **Electronic Protection**

Records and information that are maintained electronically are required to be protected against inadvertent destruction or unauthorized disclosure based on the type of information being stored, and additional protection methods including password protection, encryption and other methods may be required. Employees should use the protection method required for the specific type of information as set forth.

- **Records Location**

The Records Custodian may create a list that identifies where in the organization, and in what physical or electronic systems and repositories, records and information reside. This information will identify the location of the Record Copy, maintained as the official record of Jeffcom. Location information assists Jeffcom in complying with CORA by helping to ensure timely access to public records.

LEGAL HOLD

If deemed necessary by the Records Custodian or Jeffcom Attorney, destruction will be

suspended for any records, in any format or media, determined to be potentially relevant to any actual or anticipated legal actions or governmental review. Affected employees and business areas will be notified when a legal hold is put into effect, the appropriate manner in which to suspend destruction based on the particular requirements of each legal hold, and when the legal hold has ended as directed by the Attorney or Records Custodian.

RESPONSIBILITIES

- **Jeffcom:** Jeffcom is responsible to ensure its employees are provided with the knowledge and means to comply with this Policy and other applicable policies and procedures related to records and information management. Jeffcom is also responsible to ensure its contractors are made aware of their obligations under this Policy.
- **Records Custodian:** Jeffcom's Records Custodian is the official custodian of Jeffcom's records and is responsible for ensuring compliance with the Records Retention Schedule and Records Request Policy.
- **Jeffcom Attorney:** Jeffcom's legal counsel will assist the Records Custodian in identifying and managing all legal holds and will provide assistance upon request in determining whether a record is a public record or criminal justice record that may be released.
- **Managers and Supervisors:** All managers and supervisors are responsible for assuring the compliance of this SOP by their staff.
- **Employees:** Employees are responsible for:
 - Ensuring all business records are generated, retained and disposed of according to applicable Jeffcom policies and procedures.
 - Using the Retention Schedule to determine the retention period and requirements for the business record and information employees manage.
 - Ensuring any record or information suspended from destruction due to a legal hold is held in the manner set forth by the Jeffcom Attorney or Records Custodian.
 - Completing all training required for this SOP and other policies and procedures related to records and information management.

