

	Marquette University Police Department	
	Policy and Procedure Manual Records Retention	
Policy: 10.4.	Issued: May 1, 2015	Date Revised: N/A
WILEAG Standards: N/A		IACLEA Standards: 16.1.7

10.4.00 **Purpose**

The purpose of this Policy is to establish procedures for the retention of Marquette University Police Department (MUPD) records. Retention procedures provide for the keeping of records in an active file for a specified time, for transfer of records to archives for an additional period of retention and for the destruction of records after a specified time.

10.4.10 **Policy**

The Marquette University Police Department shall, for the purpose of this Policy, group all records on a yearly basis, unless otherwise indicated. No record shall be destroyed or transferred unless such record meets approved retention schedules. Actual retention schedules are maintained by the Chief of Police through the Records Custodian. Notwithstanding any appropriate record retention schedule, no record shall be destroyed or transferred that is subject to a litigation hold.

10.4.15 **Scope**

This Policy applies to all MUPD Records. All other records of Marquette University are subject to a separate University records retention policy.

10.4.20 **Definitions**

A. ACTIVE RECORD

Means a Record that (1) has been accessed at least once for a business purpose or in connection with the mission of the University during the current or the preceding University fiscal year; (2) is expected to be accessed for a business purpose or in connection with the Law Enforcement Activities of MUPD at some time during the

current or upcoming Marquette fiscal year; or (3) is the subject of a Litigation Hold.

B. ARCHIVES

Means a Records System in which only Inactive Records are stored.

C. DISPOSITION

Means the destruction of a Record by MUPD. Storage in Archives is not Disposition under this Policy.

D. DOCUMENT

Means a Record in paper media.

E. ELECTRONIC RECORD

Means a Record that is retained in electronic format.

F. FILES

Means a Records System in which at least some Active Records are stored. The term Files can include media for the storage of Electronic Records. Inactive Records may also be part of Files when mixed with Active Records. All Records are by definition either in Files or in Archives.

G. INACTIVE RECORD

Means a Record that is not an Active Record.

H. LAW ENFORCEMENT ACTIVITIES

Any activities carried out by MUPD officers that fall within the scope of MUPD policies mandated by State law.

I. LITIGATION HOLD

Means the requirement that Records associated with anticipated or actual litigation, as well as Open Records subject to a pending request for release, may not be subject to Disposition. The notice from the Office of Risk Management to the Records Custodian that a Litigation Hold now exists is also called a Litigation Hold.

J. RECORD

Means a unique version of any stored information created or maintained by MUPD. Information may be maintained in handwritten, typewritten, printed, photostatic, photographic, photocopied, electronic, facsimile, or similar form upon any tangible thing, including but not limited to paper, computer hard-drive, computer server, microfiche, optical disk, computer disk, portable computer memory storage device, videotape, audiotape, CD-ROM, DVD, PDA, or cellular telephone memory. The term Record includes all forms of communication or symbolic representation; anything containing letters, words, pictures, sounds, or other symbols, or any combination of them, regardless of the manner in which they are stored, may be considered a Record. All Records are either Active Records or Inactive Records, and they are maintained either in Files or in Archives. Each Record is necessarily part of a Records System.

K. RECORDS CUSTODIAN

Means the person designated as being primarily responsible for assuring that the requirements of this Policy are met by MUPD.

L. RECORDS INVENTORY

Means the Record containing the identification, description, and quantification of Records retained by MUPD and prepared in accordance with this Policy.

M. RECORDS DISPOSITION AUTHORITY

Means the form used by MUPD to obtain administrative approval for the Disposition of a Record.

N. RECORDS SYSTEM

Means a planned arrangement of Records that is designed to fulfill a business purpose or that advances the mission of MUPD, with a classification scheme that provides for ready accessibility to specific Records. Inactive Records that have been moved from Files to Archives are in a different Records System from similar Active Records in those Files.

O. RETENTION

Means the process of maintaining a Record for possible future use or reference, whether in Files or in Archives.

P. RETENTION PERIOD

Means the minimum length of time that a Record is subject to Retention prior to Disposition. The Retention Period for Records in a Records System is the longest period of time that any Record in the Record System is required by law or University policy to be kept, unless the Records System permits the ready identification and segregation of Records by the description used to define the Retention Periods for the various types of Records within the Records System.

10.4.25 **Procedure**

A. Records Management

The Chief of Police, of MUPD, shall designate a Records Custodian responsible for compliance with this Policy. The designation shall be made by notifying the Office of Risk Management in writing. If MUPD does not advise the Office of Risk Management of the identity of its Records Custodian, or if the Records Custodian designated by the Chief of Police is no longer an MUPD employee or is in a leave status, the Records Custodian shall be the Chief of Police.

The Records Custodian shall at a minimum:

1. Assure that policy and procedure exists within MUPD for Retention of Records as required by this Policy.
2. Educate appropriate staff on the requirements of this Policy.
3. Assure that MUPD's Records Inventory is complete and is updated by July 1 of each year as required by this Policy.
4. Arrange for the timely and proper Disposition of Inactive Records as required by this Policy.

B. Creation and Maintenance of Records

1. Nothing in this Policy is intended to limit the number or types of Records or of Record Systems that the MUPD may create or retain. Notwithstanding the preceding sentence, MUPD personnel are prohibited from maintaining “desk drawer” files and from storing Records in electronic media that are not subject to University backup and storage.
2. MUPD is responsible for determining whether it has a unique version of any stored information that is used or retained and therefore whether it meets the definition of a Record. Requests for assistance in making such determinations may be addressed to the Office of General Counsel.
3. All Active Records must be kept in readable form. MUPD has the responsibility for assuring that it retains the technological ability to retrieve Active Records. This may involve printing out Records in electronic form as Documents, maintaining old software programs or versions, maintaining old media readers, or importing data from Active Records into new media. Exceptions to this requirement must be approved by the Office of Risk Management.

C. Records Inventory

MUPD shall prepare and update annually its Records Inventory. The Records Inventory shall include, at a minimum:

1. Listing of each Records System utilized.
2. The storage media used for each Records System.
3. The physical location of any Documents that are part of the Records System.
4. The method and manner in which Records in each Records System that are not Documents are stored and how they may be retrieved.
5. A general description of the nature of the Records and a listing of examples of the various types of Records included in each Records System.

6. The approximate volume of the Records in each Records System.
7. By class and not by name, the individuals who have access to the Records in each Records System.
8. Whether the Records in each Records System contain information that may be subject to governmentally-imposed retention requirements or contain confidential and proprietary business information and, if feasible to identify under the circumstances, which one(s).
9. The Retention Period applicable to the Records in each Records System.
10. The timing and circumstances under which such Records are sent to Archives.
11. The timing and method and manner of Disposition of Inactive Records in each Records System.

D. ARCHIVES

MUPD may use any reasonable method to store Records in Archives, keeping in mind that such Records may be required to be retrieved at any time.

E. LITIGATION HOLD

1. Upon receipt of any notice that a claim for the payment of money or injunctive relief may be made against the University or MUPD personnel, a copy of any written communication related to the claim or request or, if none, a detailed description of the claim or request shall be provided to the Office of Risk Management. Litigation Holds shall then be issued by the Office of Risk Management to the Records Custodian. In addition, copies of all Open Records requests received by MUPD shall be provided to the Office of Risk Management for the issuance of a Litigation Hold and a determination of the scope of Records subject to release.

2. Upon receipt of a Litigation Hold, the Records Custodian shall acknowledge receipt in writing, take all steps required by the Litigation Hold, and advise the Office of Risk Management in writing when all such steps are completed. No Record specified in the Litigation Hold shall be subject to Disposition during the pendency of the Litigation Hold.
3. A Litigation Hold shall remain in effect until the Office of Risk Management advises the Records Custodian in writing that the Litigation Hold has been terminated. The Office of Risk Management shall obtain the concurrence of the Office of Finance before terminating a Litigation Hold related to anticipated or actual litigation involving the University.

F. DISPOSITION OF RECORDS

1. No Active Record shall be subject to Disposition by MUPD, unless an exception is set forth in the Records Inventory and is approved by the Office of Risk Management.
2. No Inactive Record shall be subject to Disposition except as permitted by this Policy.
3. The minimum Retention Period for all MUPD Records is seven (7) years.
4. The Records Custodian shall establish and describe in the Records Inventory MUPD's regular schedule for the transfer of Inactive Records to Archives, and for Disposition of Records that are no longer required to be kept in Archives or maintained in Files (for example, annually). Different schedules may, but are not required to, apply to different Records Systems.
5. No Record shall be subject to Disposition until the end of its Retention Period. MUPD shall report in writing to the Office of Risk Management any Disposition of Records prior to the end of the Retention Period set forth in the Office's Records Inventory.
6. Prior to the Disposition of any Record, the Records Custodian shall prepare a Records Disposition Authorization, substantially in the form as set forth in Addendum A.

7. The Records Disposition Authorization shall specify the Records subject to Disposition and the method and manner of Disposition.
8. Documents that may contain any information that may be subject to FERPA or HIPAA or that may contain confidential and proprietary business information must be shredded. If the Records are stored on media that will not continue to be used, such media shall be treated before being discarded in a manner to prevent the recovery of data from the discarded media. To the extent that Inactive Records may contain confidential or proprietary information of Marquette or of third parties who provided such information to Marquette under confidentiality agreements, or contains non-public personal information of individuals that is protected by FERPA, HIPAA, or other state or local laws, the method of Disposition used must assure that none of the information contained in the Record can subsequently be retrieved.
9. The Records Disposition Authorization must be submitted to the Office of Risk Management and be approved by the Office of Finance and the Office of Risk Management before any Disposition occurs. The Records Custodian shall document the completion of the Disposition of Records on the Records Disposition Authorization and maintain a copy of the Records Disposition Authorization until June 30 of the tenth (10th) year following the Disposition of the Records.