Record Retention

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Record Retention

- Record Retention
- Think of it as data/information retention.
  - Format of the document is not important — so long as it stores content.
Record Retention

- There is an excellent Record Retention Guide located online at:
  - www.obf.wmich.edu/business-services
    - Review the guide as it applies to your area.
      - It’s a guide — not every document is described.
      - Ask us.
    - Set an annual or semi annual compliance date.
    - Document your compliance (and retain it).
Record Retention

- Most common question: “Is it ok to scan the original into an electronic form and then destroy the original?”
- There is no official university policy on this, so do not do it without supervisory approval.
Record Retention

- The law does not usually require original documents — so long as the copy can be authenticated as an exact duplicate.
- So, when you scan you must document the process used or else the subject document could be challenged.
- Check with a supervisor before scanning and shredding documents.
- Scanned documents are inherently inferior to physical documents.
Record Retention

- NEVER destroy a document that should be retained according to the Record Retention Guide!
- Much of what we have is electronic.
  - We should strive to be able to preserve snapshots of our regularly maintained electronic content.
    - Electronic catalog, for example.
    - Before permanently altering an electronic page, preserve the page that is being modified.
    - Electronic content may not be easy to truly destroy.
Other things affecting Record Retention

- Federal and state tax laws — It is not uncommon for retention of the same information and/or documents to be required by more than one governmental agency for different periods of time. Those records that have more than one retention period should be kept for the longest period to ensure compliance with laws and regulations.
Other things affecting Record Retention

- **Other government regulations** — When there is no legal requirement for the retention of records, the retention policy should be reasonable and developed in good faith. For example, the Federal Paperwork Reduction Act of 1990 adopts a maximum 3-year retention period for any records other than tax, medical, or health.
Other things affecting Record Retention

- Statutes of limitation on litigation that may affect your business — Consider statutes of limitation when decisions are made over the length of time particular records are retained. A systematic record retention and destruction program will reduce both litigation costs and exposure to liability. A general guideline would be six years.
Other things affecting Record Retention

• The general needs of your business for information retrieval — In a centralized filing system, record maintenance, retention, and destruction are appropriate for documents used by more than one person. Decentralized filing systems are appropriate for documents not needed by more than one person.
Other things affecting Record Retention

- **Email and freedom of information** — Email messages, both those stored in the computer and those printed out, should not be considered private. Email messages may be considered public records pursuant to Michigan and federal law and may be subject to disclosure. If there is no official university business reason to keep, store, or print an email message, it should be disposed of promptly.
Other things affecting Record Retention

- **Note** — Notwithstanding the above, if you encounter a situation that has the potential of resulting claims or litigation against the University, you should retain any and all records that would support the University’s position for as long as that potential exists. If you have any questions about how long to retain a record in such an instance, contact the Office of the General Counsel.
Questions? Please contact:

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