

Document Retention Policy



Introduction

In carrying out its mission of evangelization, the Church must engage in the administration of temporal goods. As part of the responsible administration of these goods, those who minister in the Church produce and receive many documents which must be protected with the greatest care. The Code of Canon Law states, "In every curia there is to be erected in a safe place a diocesan archive, or record storage area, in which instruments and written documents which pertain to the spiritual and temporal affairs of the diocese are to be safeguarded after being properly filed and diligently secured." (CIC, c. 486 §2) The oversight of the archives is the responsibility of the Chancellor, whose "principal function" is to "take care that acts of the curia are gathered, arranged, and safeguarded in the archive of the curia" (CIC, c. 482 §1). Accordingly, this Document Retention Policy ("Policy") for the Archdiocese of Portland in Oregon ("Archdiocese") defines which records must be maintained for ecclesiastical, canonical, legal or historical purposes.

All Archdiocesan employees and staff are expected to comply fully with this Policy.

Definition of Records

The word "records" as used in this Policy refers to all recorded information, documents, letters, maps, books, photographs, films, sound recordings, tapes (magnetic and otherwise), electronic data processing records, emails sent and received, recorded voice mails, electronic data banks and other documentary material created, received, maintained or preserved by any department or employee of the Archdiocese in the course of business or ministry or in pursuit of its legal obligations.

Ownership of Records

All records defined above and created or preserved by a department, ministry or employee of the Archdiocese in the course of employment or in the transaction of Archdiocesan business are solely the property of the Archdiocese.

Conservation of Records

No records shall be removed, destroyed, transferred, stored, transferred into another media or otherwise disposed of except in compliance with this Policy.

Administration

Administration of this Policy will be the responsibility of the Chancellor, who will publish the exact dates and confirm conformance to this Policy by all departments. Each department will designate a person to be responsible for document review, storage and disposal according to the retention schedule. The Archivist will submit a written report of conformance to the Chancellor by December 31 of each year.

Retention Periods

Retention periods stated in this Policy are absolute, except when legally halted by official notice from the Archbishop's Office, the Chancellor or the General Counsel They will follow the schedule attached to this Policy.

Electronic Records

Records generated and/or stored electronically, including emails, are subject to this Policy and retention schedule in the same manner as printed documents. Retention decisions are to be based on the content of the electronic record in the same manner as a printed document. As is the case with all records, they must be accessible and retrievable for the stated retention period.

Adherence to Retention Schedules

Records are to be maintained only for the recommended retention period; documents no longer required for any ministerial, canonical, legal, historical or operational purpose must be disposed of or destroyed.

Annual File Review

If records of different date ranges are stored and interspersed with active files, the person in each department or location who is responsible for document retention compliance should undertake an annual review of files to remove and segregate those records that no longer need to be retained under the applicable retention period. Any such records should then be destroyed.

Litigation Holds

When litigation, an audit, or investigation occurs or is reasonably anticipated, a written notice (referred to as a "litigation hold notice" or "legal hold") will be issued to employees and staff. All records potentially relevant to the matter must be retained until the litigation hold is terminated. The effect of this notice is to suspend the destruction or alteration of records, electronically-stored information, and other materials identified in the notice. Records relevant to the matter may not be destroyed—even if the retention period in the records retention schedule has expired or expires during the litigation hold—until the action is resolved and a notice terminating the hold has been issued. There are serious legal and employment consequences for individuals who alter or destroy records under a litigation hold or know of a pending issue and do not halt destruction.

Disposal of Expired Records

Annually, each office or department of the Archdiocese shall dispose of records whose retention time has expired. Records may be shredded or, if electronic, deleted or destroyed by another approved method.

Storage of Records

Filing Method

All offices and departments at the Archdiocese are to file and retain documents in a manner that permits ready application of the retention period for particular records. For example, documents or records of a uniform or like type and date range should be stored in boxes bearing a written designation "Destroy After _____ [insert date]."

Records that are generally inactive but must be retained permanently or for a set period of time will generally be stored off site. Records will be prepared for storage annually during the second week of July. Boxes will be provided for the records. Each box will be identified with a label to be provided.

Each office or department is responsible for maintaining its own records. Records may be maintained on-site or stored off-site at a secure location determined by the Chancellor. The Chancellor, in consultation with the Archbishop's canonical adviser and the General Counsel, is responsible for establishing retention schedules for any records not identified in the Record Retention Schedule (sorted by category and record type). If two retention times appear to conflict, the longer retention time controls.

Conversion of Records to Electronic Medium

Paper records may be scanned or otherwise transferred to an electronic medium. When the conversion is complete the paper records will be destroyed.

Authorized Access to Files

The general rule on access to confidential documents is that regardless of where confidential records are located, they may be accessed at any time by the Archbishop or his delegate. In addition and the Chancellor, the Director of Human Resources or the General Counsel, may access these documents if the documents pertain to their functions, and by such persons as may be authorized by any of the foregoing.

The Archdiocesan lay personnel and medical records will be maintained at the Archdiocese in by the Human Resources Department, which supervises access to such files. Records other than the general personnel file (such as medical or disability files) will be separately maintained in a confidential and secured manner, separate from general personnel records. Lay personnel records for the Archdiocese may be accessed only by the Human Resources Department or the Office of the General Counsel. An employee may review his/her file upon following the

procedures outlined in the Employee Handbook. Financial records may be accessed by staff of the Financial Services department and any persons granted access by the Chief Administrative Officer.

Enforcement

The success of this Policy for the Archdiocese lies in uniform and diligent application of its provisions. For this reason, the failure by a staff member to comply with these provisions may subject that staff member to disciplinary action, up to and including termination of employment, where applicable. Any staff member found to have knowingly and intentionally violated this Policy will be subject to serious sanctions.

Criminal Background Check Records

Consistent with the U.S. Conference of Catholic Bishops' Charter for the Protection of Children and Young People, criminal background check records are retained for as long as the individual continues to be associated with any location. Retention according to this schedule is an operational necessity for the Archdiocese, given that staff members may engage in ministry, work or volunteer at different locations (or may work in one location and volunteer at another). The records will be destroyed when the individual ceases engaging in ministry, being employed, or volunteering at any location, and when the individual provides the Archdiocese with notice that he or she no longer intends thereafter to volunteer or work for any location.

Working Documents Not Included in Retention Schedules

Working documents, including drafts, rough notes, revisions and the like are not listed in the Schedules. Working documents may be destroyed once a final work product is produced and there is no longer any reference needed.

Archives

The Archives of the Archdiocese are a distinct part of the Archdiocesan records and are not subject to a retention schedule because they may contain records of historical and spiritual value, as well as sacred objects important to the Archdiocese. The Archives are to be kept in a separate, secure location. The Chancellor, in consultation with the Archivist, will determine what records and other items are kept in the Archives. The Chancellor and Archivist will review the contents of the Archives on an annual basis to make sure the materials there are still needed and are organized appropriately.

Confidential Canonical Files (Archivum Secretum)

Pursuant to the Code of Canon Law, the Archdiocese maintains a separate grouping of files with records that are of canonical value or great sensitivity and that need to be kept in conditions of maximum care and security. These records shall be kept in a secured file room (Canon 489.1).

Access to Files

Only the Archbishop shall have the authority to access Confidential Canonical files; but he may authorize others to have access to such files on his behalf.