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## STATEWIDE INTERNET PORTAL AUTHORITY

### Records Management Policy

Adopted by the Executive Director

Effective: March 1, 2014

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(See Revision History, last page before Appendix)

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#### **1. Introduction**

**1.1.** The Colorado Statewide Internet Portal Authority (hereinafter referred to as "SIPA") was created by the Colorado legislature as a political subdivision and body corporate, independent from administrative direction by any department, commission, board, or agency of the state (section 24-37.7-102 et seq., C.R.S.). Accordingly, SIPA is not governed by specific record retention schedules administered by Colorado State Archives for state agencies, municipalities and counties, school districts, and special districts in Colorado. SIPA therefore has developed this Records Management Policy to provide clear guidelines to govern retention and access of SIPA's records that are appropriate given SIPA's purpose and mission.

**1.2.** This "Records Management Policy" provides guidelines for how long certain documents should be kept and how records should be destroyed. The policy is designed to ensure

compliance with federal and state laws and regulations, to eliminate accidental or innocent destruction of records and to facilitate the operation of SIPA by promoting efficiency and freeing up valuable storage space.

- 1.3.** This policy applies to public records, as defined in the Colorado Open Records Act, section 24-72-201 et seq., C.R.S. (CORA), created by SIPA, including: documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by SIPA. This policy is not intended to supplant or replace any obligation that might apply to any particular Board Member as a result of that Board Member's status or role as a person who might otherwise be subject to the requirements of CORA.

## **2. Retention Schedule and Administration**

- 2.1.** SIPA's Record Retention Schedule is set forth in Appendix A. The Executive Director of SIPA shall appoint an "Administrator" who shall administer this Policy. The Administrator is also authorized to:
  - 2.1.1.** make modifications to the Record Retention Schedule from time to time to ensure that it is in compliance with local, state, and federal laws and includes the appropriate document and record categories for SIPA;
  - 2.1.2.** monitor local, state, and federal laws affecting record retention;
  - 2.1.3.** annually review the record retention and disposal program;
  - 2.1.4.** monitor compliance with this policy.

## **3. Electronic Documents and Records**

- 3.1.** Electronic documents will be retained as if they were paper documents. Therefore, any electronic files that fall into one of the document types in Appendix A will be maintained for the appropriate amount of time. If an employee has sufficient reason to keep an email message, the message should be moved to SIPA's CRM database.
- 3.2.** Employees shall retain a paper or electronic version of only those emails that contain information that is currently being used or will be used in the future. Employees should regularly delete all other emails. Employees with questions about this policy should ask their supervisor.

**4. Public Record Requests**

- 4.1.** Public records requests shall be in writing. Writing for this purpose includes a valid email request.
- 4.2.** The public can normally access records by appointment between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, excepting holidays. The right of access is an affirmative one, and SIPA will make every reasonable effort to provide access during hours when the staff is available.
- 4.3.** SIPA may impose a fee for duplication services rendered, based on the fee schedule below as may be updated periodically.

<b>Colorado Open Records Requests (CORA) Service</b>	<b>Fee</b>
<b>Copies and printouts up to 20 pages</b>	<b>Free</b>
<b>per page after the first 20 pages</b>	<b>\$0.25</b>
<b>CD/DVD</b>	<b>\$2.50</b>
<b>Postage</b>	<b>Actual cost based on weight and size</b>

- 4.4.** If the nature of the request is such that it requires more than one hour for research and retrieval, an additional charge may be made for time in excess of one hour. The hourly rate shall be the maximum hourly fee established pursuant to section 24-72-205 (6), C.R.S. For the purposes hereof, “research and retrieval” means the clerical, professional, and supervisory time to locate, to compile, to review for exempt material, to redact exempt information, to oversee review by the requestor, to copy the records, and to re-file requested records, including the time employed using information technology resources. If the estimated total fees, including research and retrieval, copies, and postage will exceed \$25.00, the requestor will be advised of estimated costs, and payment will be collected before documents are copied, reviewed, redacted or otherwise processed for release.
- 4.5.** Fees and charges shall be collected, deposited, and accounted for in the manner prescribed for the receipt of all revenue. If the actual costs incurred are less than such payment as estimated, the overpayment will be refunded to the requestor. The requestor will be required to remit additional monies upon release of the documents to pay for any costs in excess of the estimate. In the event the requestor fails to remit additional monies to cover costs in excess of the deposit, the requested public records will not be released.

**4.6.** Some public records may be exempt from public inspection by law. For records so exempt from public disclosure, the Administrator will state the legal basis for the exemption (e.g. Social Security numbers). If a file or group of files contains some information that is exempted from public inspection and some that is not, the Administrator may choose to produce the records for examination upon request. CORA does not require the redaction of exempt information. Records with mixed information may lawfully be closed to inspection. However, the Administrator may review the records and decide if it is appropriate and practical to redact the confidential portion and release otherwise public information. For any exemption claimed (whether all disclosure is refused or portions are deleted), the Administrator will state the statutory basis for the exemption and, if requested by the person seeking the record, the Administrator shall state with particularity, in writing, the reasons for the Administrator's conclusion that the record is exempt from disclosure. SIPA's Counsel may be consulted in the event an exemption from disclosure is claimed by the Administrator.

**4.6.1.** Exempt or confidential information, regardless of format, shall be labeled to the maximum extent possible.

**4.6.2.** Exempt or confidential information shall be destroyed in accordance with the applicable retention schedule, regardless of media type, and the requirements of this policy and procedure.

## **5. Suspension of Record Disposal in the Event of Litigation or Claims**

**5.1.** No director, officer, employee, volunteer, or agent of SIPA shall destroy, dispose of, conceal, or alter any record or document while knowing that it is or may be relevant to an anticipated or ongoing investigation or legal proceeding conducted by or before a federal, state, or local government agency, including tax and regulatory agencies, law enforcement agencies, and civil and criminal courts, or an anticipated or ongoing internal investigation, audit, or review conducted by SIPA.

**5.2.** During the occurrence of an anticipated or ongoing investigation or legal proceeding as set forth above, the Administrator shall suspend any further disposal of documents until such time as the Administrator, with the advice of counsel, determines otherwise. The Administrator shall take such steps as necessary to promptly inform all staff by e-mail of any suspension in the further disposal of documents.

## **6. Revisions**

**6.1.** This Records Management Policy may be revised by the SIPA Executive Director, as

deemed appropriate. The revised Policy becomes effective when adopted by the Executive Director and published on the SIPA website. All versions will be dated to ensure that SIPA and the public can accurately determine what provisions were in effect at the time of any public record request.

## **Revision History**

### **March 1, 2014:**

Original date of adoption by Executive Director.

### **July 14, 2014:**

Section 4, concerning public records requests, was updated to conform to the enactment of House Bill 14-1193, "Concerning Requirements Governing the Imposition of a Fee for the Research and Retrieval of Public Records Under the 'Colorado Open Records Act'"

### **October 28, 2015:**

Section 3.2 regarding email retention added. Section 4, concerning public records requests, was updated to clarify fees and access to records.

## Appendix A - Record Retention Schedule

<b>Accounting and Finance</b>	<b>Retention Period</b>
Accounts Payable ledgers and schedules	3 years
Accounts Receivable ledgers and schedules	3 years
Annual Audit Reports and Financial Statements	Permanent
Annual Audit Records, including work papers and other documents that relate to the audit	3 years after audit completion
Bank Statements and Cancelled Checks	3 years
Expense Reports	3 years
General Ledgers	3 years
Electronic Payment Records	3 years
Notes Receivable ledgers and schedules	3 years
Investment Records	3 years after sale of investment
Purchasing Records	3 years
Credit Card Records	3 years
Vendor Files	3 years
Invoices and Statements	3 years
Inventory & Equipment Records	3 years after disposal

<b>Property Records</b>	<b>Retention Period</b>
Lease Agreement	3 years after contract expiration
Property Insurance Policies	6 years after contract expiration

<b>Corporate Records</b>	<b>Retention Period</b>
Annual Reports to General Assembly	7 years
By-laws	Permanent unless superseded
Board Meeting Minutes & Agendas	Permanent
Board Policies	Permanent unless superseded

<b>Corporate Records</b>	<b>Retention Period</b>
Board Resolutions	Permanent
Contracts	6 years after contract expiration
Proclamations	Permanent
Member Records, committee appointments, appointment letters	2 years after appointment expiration
Certificates of Insurance/Insurance Policies	6 years after expiration
Final Adopted Budgets	Permanent
State Performance Audit Reports	Permanent

<b>Tax Records</b>	<b>Retention Period</b>
State and Federal Tax-Exemption Documents and Related Correspondence	Permanent
Tax Bills, Receipts, Statements	7 years
Tax Workpaper Packages - Originals	7 years
Sales/Use Tax Records	4 years
Employment Tax Records	4 Years after the due date of the tax return or the date paid, whichever is later.

<b>Employee Documents</b>	<b>Retention Period</b>
Employee Files	Termination + 3 years
Employment Contracts	3 Years
Forms I-9	3 years after hiring or 1 year after separation whichever is longer
Employment applications, resumes, and other forms of job inquiries, ads or notices	3 years after hiring
Employment applications, resumes, and other forms of job inquiries, ads or notices	1 year for individuals not hired
Payroll Records	At least 3 years after last pay check
Time sheets	2 years
Benefit Plans	Permanent

<b>Employee Documents</b>	<b>Retention Period</b>
Retirement and Pension Records	Permanent
1099 Reports & W9 Forms	4 years
Fair Credit Reporting Act Records	2 years
Family And Medical Leave Act (FMLA) records	3 years
Promotion and Demotion Records	1 year from personnel action taken
Discrimination Charges or Enforcement Action	Until final disposition of charge or action
Group Health Insurance Coverage After Certain Qualifying Events (COBRA notices)	6 years
Veterans - Military Leave Records	5 years from personnel action taken
Request for Reasonable Accommodation	1 year from personnel action taken

<b>Grant Records</b>	<b>Retention Period</b>
Original grant proposal	3 years after completion of grant
Grant agreement and subsequent modifications, if applicable	3 years after completion of grant
Final grantee reports, both financial and narrative	3 years after completion of grant
All evidence of returned grant funds	3 years after completion of grant
All pertinent formal correspondence including opinion letters of counsel	3 years after completion of grant
Documentation relating to grantee evidence of invoices and matching or challenge grants that would support grantee compliance with the grant agreement	3 years after completion of grant
Pre-grant inquiry forms and other documentation for expenditure responsibility grants	3 years after completion of grant
Grantee work product produced with the grant funds	3 years after completion of grant