EHB-R

DATA RECORDS RETENTION

The Superintendent shall develop and maintain (a) a schedule for the minimum retention of various district records ("Record Retention Schedule") as required under RSA 189:29-a, and (2) procedures for records retention and/or destruction. The procedures should ensure that all pertinent records are stored safely and are stored for such durations as are required by state or federal law. The Superintendent shall develop procedures necessary to protect individual rights and preserve confidential information.

This policy applies to all district records, irrespective of the specific medium of the record, i.e., paper, electronic, digital, cloud, etc.

A. Record Retention Schedule. Records of the District shall be retained no less than the time prescribed in District's Record Retention Schedule EHB-R. The Superintendent shall update the Record Retention Schedule from time-to-time in accordance with legislative or regulatory changes, directives of the Board, as recommended by the New Hampshire School Boards Association, or upon advice of counsel. The Superintendent shall inform the Board of any revisions to EHB-R no later than the second School Board meeting after the changes were made.

B. Special Holding or Destruction Provisions. Notwithstanding the District's Record Retention Schedule, (a) special destruction rules may apply to student special education records, and, (b) for other records, the normal retention periods may be suspended when the records are implicated by either a litigation hold or a request for records under the New Hampshire Right to Know law, RSA 91-A.

1. **Special Education Records.**
   a) Upon a student's graduation from high school, his or her parent(s)/guardian(s) may request in writing that the District destroy the student's special education records, including any final individualized education program.
   b) The parent(s)/guardian(s) may, at any time prior to the student's twenty-sixth birthday, request, in writing, that the records be retained until the student's thirtieth birthday.
   c) Absent any request by a student's parents to destroy the records prior to the twenty-sixth birthday, or to retain such records until the student's thirtieth birthday, the District shall destroy a student's records and final individualized education program within a reasonable time after the student's twenty-sixth birthday, provided that all such records be destroyed by the student's thirtieth birthday.
   d) A permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation. 34 CFR 300.624.
   e) The District shall provide parents/guardians, or where applicable, the adult student, with a written notice of the District's document destruction policies upon the student's graduation with a regular high school diploma or at the transfer of rights, whichever occurs first.
   f) The District shall provide public notice of its document destruction policy at least annually.
2. **Litigation Hold**. On receipt of notice from legal counsel representing the District in that a litigation hold is required, the routine destruction of governmental records, including paper and electronic or digital records, which are or may be subject to the litigation hold shall cease. The destruction of records subject to a litigation hold shall not resume until the District has received a written directive from legal counsel authorizing resumption of the routine destruction of those records in accordance with the retention requirements of this

policy and the associated procedures.

3. **Right-to-Know Request Hold.** On receipt of a Right-to-Know law request to inspect or copy governmental records, the Superintendent shall cease any destruction of governmental records which are or may be the subject of the request. The records shall be retained regardless of whether they are subject to disclosure under RSA Chapter 91-A, the Right-to-Know law. If a request for inspection is denied on the grounds that the information is exempt under this chapter, the requested material shall be preserved for no less than ninety (90) days and until any lawsuit pursuant to RSA 91-A:7-8 has been finally resolved, all appeal periods have expired, and a written directive from legal counsel representing the District authorizing destruction of the records has been received.

C. **Disposal of Sensitive Information & Media Sanitization. District records which include "Sensitive Information" shall be destroyed as provided in this paragraph.** All electronic devices with storage capacity shall be deemed to contain sensitive information. For purposes of this section, **"Sensitive Information"** shall mean and include:

- Records containing student or employee personally identifiable information (PII) as defined in RSA 189:65, VII and VII-a;
- Criminal History Records Information (see Board policy GBCD);
- Drug test records;
- Child labor permits;
- Cobra notices;
- Accident reports;
- Special education student records;
- Records pertaining to civil rights investigations;
- Bonds and continuation certificates;
- Accident reports;
- Banking records;
- Business correspondence including confidential information such as account numbers, banking or digital transaction information;
- Tax forms, unemployment records, etc. with confidential data; and
- Any other information that would be exempt from disclosure under RSA 91-A:5 or deemed sensitive information by the Board, the Superintendent, Building Principal or their designees.

1. **Physical media** (i.e., "hard copies", print-outs, etc.) including sensitive information shall be destroyed by one of the following:
   - shredding using District issued cross-cut shredders;
   - placed in locked shredding bins approved by the Superintendent to come on-site and shred, witnessed by District personnel throughout the entire process; or
   - incineration using District incinerators or if conducted by non-authorized personnel offsite, witnessed by the Superintendent or Superintendent's designee.
2. **Electronic media.** *All electronic media should be assumed to contain sensitive information.* When no longer usable, hard drives, diskettes, tape cartridges, CDs, ribbons, hard copies, and other similar items used to process, store and/or transmit district records with sensitive data shall be disposed of as follows:
   - Overwriting (at least three times)
   - Degaussing (removal of magnetism)
   - Physical destruction (i.e., dismantling by methods of crushing, disassembling, etc., ensuring that the platter or other storage device has have been physically destroyed so that no data can be extracted).
   - Computers and other digital or electronic devices or systems that have been used to

process, store, or transmit sensitive information shall not be released from the District's direct control until the equipment has been sanitized and all stored sensitive information has been destroyed using one of the above methods.

D. Destruction of District Records with No Sensitive Information. All records which do not include sensitive information should be destroyed as soon as practicable upon the expiration of the applicable retention period and in a manner deemed most efficient and practical.

Legal References:

RSA 91-A, Right to Know Law
RSA 189:29-a, Records Retention and Disposition
NH Code of Administrative Rules, Section Ed 306.04(a) (4), Records Retention
NH Code of Administrative Rules, Section ED 306.04(h) Records Retention NH Code of Administrative Rules, Section Ed. 1119.01, Confidentiality Requirements
20 U.S.C. 1232g. Family Educational Rights and Privacy Act (FERPA)

***Legal References Disclaimer**: These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

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