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March 27, 2023

SENT VIA WEBSITE

MuckRock.com—Chad Loder

Re: Email Retention Policies (Placer County District Attorney)

To whom it may concern,

This office has completed its review of the records requested in your February 17th, 2023 CPRA request. Responses to each request are detailed below.

- 1. The District Attorney's general retention period for emails. I will accept a plain and simple explanation of the email retention period in lieu of production for this numbered item.**

RESPONSE: The general retention period for emails for District Attorney Office staff is one year.

- 2. The District Attorney's office current policies and guidelines related to records management, retention, and disposition.**

RESPONSE: All records relating to current policies discussing the record management, retention, and disposition are attached.

- 3. The current, complete Master Records Schedule for the District Attorney's office, or equivalent master index of records.**

RESPONSE: Our office does not have any records that satisfy this request. The California Public Records Act applies to existing records and does not require a public agency to create a record that does not exist. (California Government Code § 7920.530, 7920.545 and (f).)

- 4. The most recent version of California State form STD. 70 (Records Inventory Worksheet) for the District Attorney's office.**

RESPONSE: Our office does not have any records that satisfy this request. The California Public Records Act applies to existing records and does not require a public agency to create a record that does not exist. (California Government Code § 7920.530, 7920.545 and (f).)

5. The current Department Retention File plan for the District Attorney's office, or equivalent documents.

RESPONSE: A copy of the Retention File plan is attached.

6. All in-house requests to delete or destroy records for the dates Sep 1, 2022 through Feb 17, 2023.

RESPONSE: Our office does not have any records that satisfy this request.

7. Information sufficient to determine how the DA's office performs email searches when searching for public records. I would like to understand what kinds of keyword searches can be performed, especially advanced or so-called "boolean" searches.

RESPONSE: Our office does not have any records that satisfy this request. The California Public Records Act applies to existing records and does not require a public agency to create a record that does not exist. (California Government Code § 7920.530, 7920.545 and (f).)

8. Information sufficient to determine the technical limitations of the aforementioned system(s) for searching emails when it comes to searching and exporting results, such as the maximum number of records that can be exported for a single search and the maximum file size that can be exported for a single search.

RESPONSE: Our office does not have any records that satisfy this request. The California Public Records Act applies to existing records and does not require a public agency to create a record that does not exist. (California Government Code § 7920.530, 7920.545 and (f).)

9. Information sufficient to determine the processes and tools used by the DA's office to redact sensitive information before returning records. I do not need policy documents that explain the legal bases for redacting; only the records that explain HOW redaction is carried out.

RESPONSE: Our office does not have any records that satisfy this request. The California Public Records Act applies to existing records and does not require a public agency to create a record that does not exist. (California Government Code § 7920.530, 7920.545 and (f).)

Sincerely,



David H. Tellman
Chief Assistant District Attorney



PLACER COUNTY RECORD MANAGEMENT, RETENTION, AND DESTRUCTION POLICY

1.0 DEFINITIONS

For purposes of this policy only,

- a. "County Departments" includes any and all County of Placer departments and offices.
- b. "County Employees" includes all County of Placer elected officials, charter officers, department heads, employees, Extra Help, and temporary help, and co-located contractors.
- c. "County Records" are those types of records identified at law as records of a California county, created or maintained upon something tangible, and regardless of the format in which they are maintained. County Records subject to this Policy include originals, reproductions, electronic information or data, paper, audio or visual recordings, metadata, and successor technologies to these. County Records include public records, confidential records, employee working files, and information contained on computers, servers, websites, voice mail, portable devices, the cloud, and successor technologies. See also, Cal. Public Records Act section 6252 and California Evidence Code section 250.
- d. "Legal Hold" is the process used to suspend the destruction, deletion, or other disposal of County records that are identified as potentially relevant to pending or reasonably anticipated litigation, a current public records request, or some types of investigations.

2.0 APPROVED SCHEDULES

Approved record retention schedules will govern record retention and destruction for all County Records regardless of the record format. County Departments and Employees are authorized to retain County Records pursuant to the Approved Schedules, and thereafter to destroy or otherwise dispose of Records that exist beyond the time periods specified in the Approved Schedules, except as otherwise provided herein. A County records management coordinator will be responsible for coordinating the creation, amendment, and maintenance of the Approved Record Retention Schedules, and will maintain and publish the Approved Schedules as appropriate. Destruction of County Records is only authorized pursuant to an Approved Schedule maintained by the County records management coordinator. A copy of all historical retention schedules will be maintained by the County records management coordinator as a permanent record.

3.0 DATA COMMUNICATIONS SYSTEMS

Placer County email systems, voicemail systems, messaging systems, websites, and certain project management tools, whether cloud based or residing on County servers, and their successor technologies, are not records but are Data Communications Systems used for creating and transmitting information and records. These Data Communications Systems are not intended as mechanisms for storing and retaining County Records that are created on or transmitted through them. County Records created on or transmitted through the County's Data Communications Systems shall be retained by action of the County Departments for the period of time contained in a Department's Approved Schedule based on the type of record it is. A Department may retain County Records created on or transmitted through County Data Communications Systems by printing to a

PLACER COUNTY RECORD MANAGEMENT, RETENTION, AND DESTRUCTION POLICY

paper copy or by saving an electronic or digital copy to some approved location, device, or storage media that is owned or controlled by the County, other than the County's Data Communications Systems. Placer County Administrative Services and its divisions will set automatic deletion/ purge schedules for records residing on County Data Communications Systems based on identifiable business standards and security needs.

4.0 SCHEDULE APPROVAL PROCESS

The County records management coordinator will give County archives, County Counsel, the County Information Technology division, and the department head(s) for the affected department(s) a reasonable opportunity to review and comment on all proposed schedules and time frames. After the period of review, the final proposed schedules will be forwarded for approval and adoption by the County Executive Officer. The Adopted Record Retention Schedule(s) shall govern retention and destruction for the Records and/or Departments identified therein until the time that any schedule is amended or modified through the use of this same process. The version of an Approved Schedule applicable at the time of destruction will apply to the destruction of those records.

5.0 STANDARDS FOR DETERMINING RETENTION AND DESTRUCTION TIMEFRAMES

Determination of a particular record retention timeframe to be included in an Approved Record Retention Schedule shall be based on the applicable law and where allowable, a best practices analysis.

5.1 Duplicate Records.

Unless otherwise expressly required by law to be preserved for a certain period of time or in a certain format, duplicate records may be destroyed at any time, as long as an accurate paper or electronic reproduction is otherwise maintained in the custody of a County officer or department, and the reproduction is subject to an Approved Retention Schedule.

5.2 Specific Subject Matter Law Applies.

Where a subject matter specific statute, regulation, or ordinance speaks to a particular record or the records of a particular County Department or program, then an Approved Retention Schedule may not provide for a retention period that is less than the minimum time frame contained in the subject matter specific law.

5.3 California Secretary of State Local Government Records Program.

Where a specific subject matter law does not control the retention period, an Approved Retention Schedule may not provide for a retention period that is less than the minimum time frame contained in the California Secretary of State Local Government Records Program published guidelines and attachments regarding that record type.

5.4 Minimum Retention Otherwise.

Where a specific subject matter law nor the California Secretary of State Local Government Records Program published guidelines apply to a record, an Approved Retention Schedule may not provide for a retention period that is less than two years from the date the record was initially created or received unless the lesser period is expressly approved by action of the Board of Supervisors.

6.0 STANDARDS FOR MAINTAINING AND STORING COUNTY RECORDS

6.1 County Records should be maintained in a fashion that reflects their status as a vital record, a historically valuable record, a legally mandated record, a record containing confidential information, or a record otherwise necessary to the County's business.

6.2 County Records, whether considered permanent or nonpermanent, may be maintained solely in an electronic format so long as the format provides substantially the same or a greater level of availability to the public and the format meets the California Secretary of State's minimum

PLACER COUNTY RECORD MANAGEMENT, RETENTION, AND DESTRUCTION POLICY

Standards for Preservation of Documents in Electronic Media. If a permanent record or other important or historical record is to be maintained solely in an electronic format, the storage location for the electronic formatted record shall be a location that is subject to an automatic and regular back-up process that is authorized by the County Information Technology division.

- 6.3 Records should be maintained based on standards recommended by the California Secretary of State Local Government Records Program and industry best practices.
- 6.4 Record storage facilities, whether County facilities or private commercial facilities, should provide appropriate conditions considering the type of record being stored. The County records management coordinator will be responsible for inspecting and recommending approval for the proposed or continued use of a storage facility to store County Records that are in a physical format such as paper. The County Information Technology Division will be responsible for reviewing and approving the proposed or continued use of a product or facility, including the "cloud", to store County Records that are in a digital or electronic format. Where a facility is proposed to store both physical and electronic County Records, such as paper and diskettes, the County records management coordinator will coordinate the review with the County Information Technology Division.

7.0 PROCEDURES MANUAL

The County records management coordinator may prepare, maintain, and amend a written procedures manual to implement the policies set forth in this resolution and the record retention and destruction practices for the County of Placer. The procedures manual will govern record retention and destruction procedures for all County Departments and Employees and all record types, including paper and electronic records. The County records management coordinator will coordinate with the County Information Technology Division to include procedures applicable to electronic records and the County Counsel to include procedures applicable to Legal Holds. The Records Retention and Procedures Manual shall be approved and amended using the same process set forth in the provision regarding "Record Retention Schedule Approval Process".

8.0 DOCUMENT PRESERVATION AND SUSPENSION OF DESTRUCTIONS SCHEDULES – LEGAL HOLD

Upon notice given by the Office of the Placer County Counsel, the intended, incidental, or actual, destruction, deletion, or other disposal (collectively "Destruction") of identified Records shall be immediately suspended and all records subject to the notice shall be preserved until further notice. When requested, a County Department or division must designate Legal Hold personnel to serve as a liaison with County Counsel's Office to put a Legal Hold in effect in that department. All County Departments and Employees have an obligation to take steps to prevent the Destruction of County Records that may be relevant to pending or potential litigation or claims, public record requests, governmental investigations, or other preservation situations compelled at law. This obligation to suspend destruction and to preserve documents applies to all County Records regardless of their nature and format. The County Counsel, in consultation with the County Information Technology Division and the County records management coordinator, will be responsible for creating, overseeing and coordinating any Legal Hold and record preservation process and procedures. Digital Forensic and data collection services authorized or ordered by a court of law, including discovery orders related to eDiscovery, shall be performed by the County Information Technology Division or a contractor approved jointly by the County Counsel and the Information Technology Division, where the services would implicate any aspect of a Placer County network, core technology system, security system, and related hardware, including computing and communication devices, and infrastructure and emerging technology related to these, or which might make otherwise confidential information vulnerable to disclosure without prior review by appropriate County personnel or the Court.

Company: Placer County (PC)
Division: RECORDS MANAGEMENT (TMP)
Department: D.A. ADMINISTRATION (2171.30)

09/14/2016
11:35:49

Record Title: 975.0 Record Title Name: ACCOUNTS PAYABLE

Retention (months) ----->

Active: 12

Permanent Record? No

Media Code: 01A

Historical Record? No

Vital Record ? No

Record Center: 60

Total Retention: 72

Destruction Code: S

Citation: CAAR-080

Claims and requisitions for materials or services; authorization for travel and expenses; plus backup materials to support payments.

Record Title: 976.0 Record Title Name: PERSONNEL FILES

Retention (months) ----->

Active: 0

Permanent Record? No

Media Code: 01A

Historical Record? No

Vital Record ? No

Record Center: 60

Total Retention: 60

Destruction Code: S

Definition: CAAR-210: For departmental personnel files: retention is 5 yrs after termination of employee.

Citation: CAAR-210

PLACER COUNTY CODE SECTION 3.04.750

Record Title: 977.0 Record Title Name: PAYROLL WORK SHEETS

Retention (months) ----->

Active: 0

Permanent Record? No

Media Code: 01A

Historical Record? No

Vital Record ? No

Record Center: 120

Total Retention: 120

Destruction Code: S

Citation: CAAR-200

CAAR-200: Departments retain Payroll records 5 yrs. or, if applicable, until after final audit, whichever occurs first.

Record Title: 977.1 Record Title Name: PAYROLL TIME REPORTS

Retention (months) ----->

Active: 0

Permanent Record? No

Media Code: 01A

Historical Record? No

Vital Record ? No

Record Center: 120

Total Retention: 120

Destruction Code: S

Company: Placer County (PC)
Division: RECORDS MANAGEMENT (TMP)
Department: D.A. ADMINISTRATION (2171.30)

09/14/2016
11:35:49

Citation: CAAR-200

CAAR-200: Departments retain Payroll records 5
yrs. or, if applicable, until after final audit,
whichever occurs first.

Record Title: 978.0

Record Title Name: TIMESHEETS

Retention (months) ----->

Active: 0

Permanent Record? No

Media Code: 01A

Historical Record? No

Vital Record ? No

Record Center: 120

Total Retention: 120

Destruction Code: S

Citation:

CAAR-200

CAAR-200: Departments retain Payroll records 5
yrs. or, if applicable, until after final audit,
whichever occurs first.

Company: Placer County (PC)
Division: RECORDS MANAGEMENT (TMP)
Department: D.A. CONSUMER FRAUD (2171.10)

09/14/2016
11:33:39

Record Title: 950.0 Record Title Name: CONSUMER FRAUD & ENVIR. CASE FILES

Retention (months) ----->

Active: 0 Event Code: AC

Permanent Record? No

Media Code: 01A

Historical Record? No

Vital Record ? No

Record Center: 84

Total Retention: 84
Destruction Code: S

Definition: Retention: 7 years after closure of case.
(Cases are filed alphabetically by defendant name)

Record Title: 951.0 Record Title Name: ASSET FORFEITURE CASE FILES

Retention (months) ----->

Active: 0 Event Code: AC

Permanent Record? No

Media Code: 01A

Historical Record? No

Vital Record ? No

Record Center: 84

Total Retention: 84
Destruction Code: S

Definition: Retention: 7 years after closure of case.
(Cases files numerically by case file number.)
Civil files.

Record Title: 952.0 Record Title Name: VEHICLE FORFEITURE CASE FILES

Retention (months) ----->

Active: 0

Permanent Record? No

Media Code: 01A

Historical Record? No

Vital Record ? No

Record Center: 84

Total Retention: 84
Destruction Code: S

Definition: Retention: 7 years after date of closure.
(Cases are filed alphabetically by defendant name)

Company: Placer County (PC)
Division: RECORDS MANAGEMENT (TMP)
Department: DISTRICT ATTORNEY-CRIMINAL (2171000)

09/14/2016
11:36:59

Record Title: 874.0 **Record Title Name: BAD CHECK PROGRAM**

Retention (months) ----->
Permanent Record? No
Historical Record? No

Active: 12

Media Code: 01A
Vital Record ? No

Record Center: 108

Total Retention: 120
Destruction Code: S

Definition: THE BAD CHECK PROGRAM FILES ARE BEING KEPT UNTIL 2016 PURSUANT TO THE BACKRUPTCY COURT'S ORDER.

Record Title: 875.0 **Record Title Name: DEATH PENALTY CASE FILES**

Office of Record: DA OFFICE

Retention (months) ----->
Permanent Record? No
Historical Record? No

Active: 0

Media Code: 008
Vital Record ? No

Record Center: 180

Total Retention: 180
Destruction Code: S

Definition: CDR FORMAT KEPT TILL DEATH OF THE INMATE.

Record Title: 877.0 **Record Title Name: SERIOUS FELONY CASE FILES**

Retention (months) ----->
Permanent Record? No
Historical Record? No

Active: 0 Event Code: AR

Media Code: 01A
Vital Record ? No

Record Center: 240

Total Retention: 240
Destruction Code: S

**Definition: CDR FORMAT FOR THE PERIOD OF TIME THE INMATE IS INCARCERATED UNTIL PAROLED.
ALL SEX CRIMES THAT REQUIRE 290 REGISTRATION ARE KEPT FOR 75 YERAS AFTER THE CASE HAS RESOLVED PURSUAN TO PENAL CODE SECTION 290.08.**

Record Title: 878.0 **Record Title Name: HOMICIDE CASE FILES**

Office of Record: DA

Retention (months) ----->
Permanent Record? No
Historical Record? No

Active: 0 Event Code: AR

Media Code: 01A
Vital Record ? No

Record Center: 240

Total Retention: 240
Destruction Code: S

Definition: CDR FORMAT UNTIL DEATH OF THE INMATE.

Record Title: 879.0 **Record Title Name: OTHER INDICTMENTS**

Office of Record: DISTRICT ATTORNEY-CRML

Retention (months) ----->
Permanent Record? No
Historical Record? No

Active: 0

Media Code: 01A
Vital Record ? No

Record Center: 46

Total Retention: 46
Destruction Code: S

Record Title: 880.0 **Record Title Name: NEWSPAPER ARTICLES**

Retention (months) ----->
Permanent Record? No
Historical Record? No

Active: 12

Media Code: 01A
Vital Record ? No

Record Center: 168

Total Retention: 180
Destruction Code: S

Definition: RELATED TO ALL LAW ENFORCEMENT.

Company: Placer County (PC)
Division: RECORDS MANAGEMENT (TMP)
Department: D.A. VICTIM/WITNESS (2175000)

09/14/2016
11:38:38

Record Title: 1000.0		Record Title Name: VICTIM/WITNESS CLAIM FILE		Record Center: 60		Total Retention: 60 Destruction Code: S	
Retention (months)	----->	Active: 0					
Permanent Record?	No	Media Code: 01A					
Historical Record?	No	Vital Record ? No					
Record Title: 1001.00		Record Title Name: GRANTS		Record Center: 96		Total Retention: 120 Destruction Code: S	
Retention (months)	----->	Active: 24					
Permanent Record?	No	Media Code: 01A					
Historical Record?	No	Vital Record ? No					
Definition: OCJP & JPA GRANTS & GRANT RELATED MATERIALS							
Citation:		CAAR - 340					
Documentation that includes proposals, program information, accounting detail, financial reports, and related backup.							
Official record is maintained by originating dept and destroyed in accordance with the grant or 5 years after termination, whichever occurs first. GC34090.							
Duplicate record - destroy when obsolete.							
*Grants that establish or continue county policy or programs should be retained permanently.							
Record Title: 1002.00		Record Title Name: FACT SHEETS		Record Center: 36		Total Retention: 60 Destruction Code: S	
Retention (months)	----->	Active: 24					
Permanent Record?	No	Media Code: 01A					
Historical Record?	No	Vital Record ? No					