



Board of Retirement Administrative Policy

Records Retention Policy

Adopted: 04/23/2013

Last Revised: 09/28/2021

San Mateo County Employees' Retirement Association

BOARD OF RETIREMENT RECORDS RETENTION POLICY

I. PURPOSE

Information recorded in any form, whether paper or electronic, can be considered a record. SamCERA maintains official records that document SamCERA's business matters and this policy concerns the maintenance of such records with the exception of e-mails that are sent or received through the County of San Mateo's e-mail system. Such e-mail records are subject to the County's e-mail retention policy and not this policy. The purposes of this policy are to: (1) ensure that SamCERA maintains official records that are essential to its operations; (2) reduce recordkeeping costs; (3) improve the efficiency of recordkeeping; (4) ensure legal compliance with state, federal, and other regulatory recordkeeping requirements; and (5) set forth the general procedures concerning the maintenance and disposal of SamCERA's records, pursuant to Government Code § 31537.

The retention rules set forth in Section IV below apply to "official records" created or received by the SamCERA Board and/or staff. Whether or not a document constitutes an "official record" is set forth in Section II below.

If a document is an "unofficial record" as defined in Section III below, the Board and/or staff may retain or dispose of such documents at their discretion in accordance with the document's relevance and usefulness to business needs.

On occasion, the Chief Executive Officer or Chief Legal Counsel may issue a "Litigation Hold Notice." A Litigation Hold Notice requests that the Board and/or staff identify and preserve certain documents (both electronic and physical) for litigation purposes. Such a Litigation Hold Notice supersedes any retention requirements and/or schedules set out in this policy.

II. DEFINITION OF OFFICIAL RECORDS

"Official records" are records that reflect the final and official position or activities of SamCERA-related to the specific content of the record. SamCERA will create and maintain trustworthy official records in order to preserve the rights of members and beneficiaries, and to promote quality decision-making and efficient business practices. A record is trustworthy when it has:

- Reliability - a full and accurate representation of the activities or facts to which it attests, and can be depended upon in the course of other transactions or activities.
- Integrity - protected against unauthorized addition, deletion, and alteration.
- Usability - able to be located, retrieved, presented, and read.

III. DEFINITION OF UNOFFICIAL RECORDS

“Unofficial records” include, but are not limited to, works-in-progress, drafts, and copies of documents or other media that have either not been finalized or approved. SamCERA is not required to maintain unofficial records.

Once the minutes of meetings of the Board of Retirement or any Standing Committee of the Board have been approved, recordings of such meetings, if any, are deemed to be unofficial records, and if at least 30 days have elapsed from the meeting date, such recordings may be deleted or otherwise destroyed. If staff determines that portions of the recording need to be retained beyond such 30-day period as the result of an administrative procedure or other legal process, such portion of the recording may be retained, but thereafter should be deleted or otherwise destroyed upon the conclusion of such administrative procedure or legal process. Documents that do not yet reflect the official position of SamCERA and/or which remain subject to change before completion are also considered “unofficial records.” Publications and materials not produced by SamCERA, not produced at SamCERA’s request, or not required to be received by SamCERA are also “unofficial records.” However, such materials may be deemed “official records” if they are necessary for a complete understanding of SamCERA’s actions, operations, and responsibilities.

IV. PROCESS FOR THE MAINTENANCE OF OFFICIAL RECORDS

A. Conversion of Existing Physical Records. All official records that are in paper or other physical format and which are currently stored at the SamCERA office or at a secure offsite location by SamCERA shall be converted into an electronic format. Conversion of records into an electronic format shall be undertaken in such a manner that the records cannot be added to, deleted, or otherwise changed, and that the chain of custody of such records may be established if necessary. Following conversion, the physical records will be destroyed unless there are specific circumstances requiring that such physical records be maintained. To the extent the CEO determines that it is not feasible or cost-effective to convert existing physical records into an electronic format, then such records may continue to be stored in physical form.

B. Conversion of Physical Records on an On-Going Basis. All official records that are hereafter created or received in a paper or other physical format should be converted into an electronic format in such a manner that allows for the record to be trustworthy, efficiently stored, and retrievable. Conversion of records into an electronic format shall be undertaken in such manner that the chain of custody of such records may be established if necessary, and the records cannot be added to, deleted, or otherwise changed. Following conversion, the physical records will be destroyed unless there are specific circumstances requiring that such physical records be maintained.

C. Electronic Records. All official records that are created or received electronically shall be maintained and stored electronically in such a manner that allows for the record to be trustworthy, efficiently stored, and retrievable.

V. DISPOSAL OF OFFICIAL RECORDS

A. Electronic Records - With respect to official records in an electronic format, staff will monitor SamCERA's electronic storage capacity on an ongoing basis. If the CEO determines that it is not feasible or cost-effective to continue to maintain such electronic records, and if SamCERA is not legally required to maintain such records, then staff will present a disposal schedule for the Board's approval.

B. Physical Records - With respect to official records that are in a physical format, those physical records set forth on **Attachment A** may be destroyed following retention for the period required thereon or conversion into electronic format, whichever is earlier. All other official records, whether in physical or electronic form, that are not specified in the attached schedule shall be stored indefinitely until such time as the Board authorizes their disposal.

C. Process for Disposal of Official Records - In accordance with Sections IV.A. and IV.B., records in paper form that have been converted into an electronic format shall be destroyed as soon as practicable after they have been converted into electronic format. Additionally, all physical records described in **Attachment A** shall be destroyed following the required retention period at the beginning of each fiscal year or as soon as practicable thereafter. All records which have been designated for disposal, whether in physical or electronic format, shall be destroyed in manner that will prevent their future recovery.

ATTACHMENT A

RECORDS RETENTION SCHEDULE

Finance Division Records

Records Category	Minimum Retention Period	Notes & Citation (if any)
Retirement Payroll Records	Current FY + 15 years	29 U.S.C. § 1027 26 U.S.C. § 6502(a) (IRS Levy limitation period)
Audit Work Papers & Records [does <u>not</u> include financial statements, audit reports, ACFRs]* <i>(e.g., correspondence with auditor; information exchanged with auditor; other support documentation)</i>	7 years after audit	*Financial statements, audit reports, and ACFRs are to be maintained permanently. PCAOB – Auditing Standard No. 3. Securities and Exchange Commission, RIN 3235-A174, Retention of Records Relevant to Audits and Reviews.
Actuary Work Papers & Records [does <u>not</u> include actuarial reports]* <i>(e.g., correspondence with actuary; information exchanged with actuary)</i>	7 years	*Actuarial reports are to be maintained permanently
Tax Records <i>(e.g., 1099 files; annual/quarterly payroll tax returns filed with federal and state agencies; IRS Form 1042)</i>	10 years	
Contract-Related Records <i>(e.g., agreements, invoices; payment support documents; contract deliverable reports or other reports demonstrating performance; procurement documents)</i>	Active + 4 years after contract expiration	Code of Civil Procedure § 337
Journal Entries <i>(e.g., journal entries created through accounting systems such as OFAS and Great Plains)</i>	Current FY + 5 years	Code of Civil Procedure §§ 337, 338, 343 General accounting principles
Accounts Payable, Accounts Receivable, Cash Receipt, and Non-Payroll Payment Records* <i>(e.g., invoices, deposit permits; wire transfers, accounts receivable/payable ledgers and schedules)</i>	Current FY + 5 years	*All contract-related documents must be maintained per the category “Contract-Related Records” above. Code of Civil Procedure §§ 337, 338, 343; 29 U.S.C. § 1027 General accounting principles

ATTACHMENT A

RECORDS RETENTION SCHEDULE (continued)

Benefits Division Records

Records Category	Minimum Retention Period	Notes & Citation (if any)
Disability File – Medical Records*	Active + 7 years*	Govt Code §§ 911.2, 911.4, 31532; Code of Civil Procedure §§ 338, 1094.6; *Cases are considered “active” until all administrative proceedings have concluded, the Board has made a final decision, and the period for appeal has expired. *This schedule only authorizes the destruction of medical records. Other portions of member disability files should be maintained pending further revisions to the records retention policy.