

General Order

Houston Police Department



ISSUE DATE:

December 3, 2020

NO.

800-12

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 800-12, dated December 18, 2013

SUBJECT: RECORDS RETENTION

POLICY

Employees of the department shall retain records in accordance with applicable laws and ordinances and the Texas State Library and Archives Commission (TSLAC).

All City records are the property of the City of Houston and shall be retained in accordance with this General Order and applicable City *records control schedules*. The unauthorized destruction, removal, or use of City records is prohibited.

All employees shall be mindful of any documents being sent or taken out of their division and notify their supervisor if they have any reason to question or doubt the sending or removal of an item.

This General Order applies to all employees.

DEFINITIONS

Administratively Valuable (AV). There is a business purpose for which the record was created and that purpose has not been fulfilled or completed. There is still a continuing need for the retention of the record to conduct an operation or direction.

Electronic Mail Record (Email). An electronic document, meeting the definition of a record, sent or received in the form of a message on an electronic mail system, including any attachments transmitted with the message.

Record. Any document, paper, letter, book, map, photograph, sound or video recording, microfilm, magnetic tape, electronic medium, or other information recording medium (regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state) created or received by the City government or any of its employees pursuant to law, including an ordinance, or in the transaction of official business.

The term does not include:

- a. Extra identical copies of documents created only for convenience or reference.
- b. Blank forms.
- c. Notes, journals, or similar documents created by an employee for the employee's own convenience.
- d. Notes, journals, or similar documents that do not in whole or in part conduct official business.

Records Control Schedule. A document in accordance with §2-119, of the City of Houston Code of Ordinances and the TSLAC under the authority of chapter 441, subchapter J, of the Texas Statutes, *Government Code*, that establishes a mandatory retention period for City records.

Transitory Information. Records of temporary usefulness that are not an integral part of a records series of the department, are not regularly filed within the department's record keeping system, and are required only for a limited period of time for the completion of an action by an employee or for the preparation of an ongoing records series.

1 **RESPONSIBILITIES**

Employees are reminded that everything created or received regarding their job assignment may be considered a record and shall be treated as such. If an employee is not sure if what they have created or received is a record, then the employee shall work with the division records retention officer (DRRO) for clarification.

City Records Management Officer

The position of City records management officer is held by the director of the City of Houston Administration and Regulatory Affairs (ARA) Department. The ARA Department is responsible for providing annual records retention training. The City records management officer or designee is responsible for citywide file management and the direction and control of the City's records disposition program.

Department Records Officer

The department records officer (DRO) is appointed by the Chief of Police and is responsible for maintaining the department's records retention system in accordance with City ordinance and as directed by the ARA Department, Operations Division, Records Management office. The Deputy Director of the Office of Planning & Data Governance (OPDG) is assigned as the DRO.

The DRO or designee is also responsible for coordinating with the City Records Management office and each DRRO on tasks such as:

- a. Compiling and storing *records control schedules* for every command and division within the department and ensuring they comply with regulations set out by the TSLAC in cooperation with the City Records Management office.
- b. Attending mandated training for the assignment and ensuring all DRROs are adequately trained to perform their duties.
- c. Assisting DRROs in the destruction of records according to the *records control schedule*, and other procedures.
- d. Working with DRROs to ensure *records control schedules* are updated as necessary.
- e. Working with the chiefs' commands or division commanders and DRROs in submitting revised *records control schedules* to the City Records Management office.

Chief of Police and Command Staff Members

The Chief of Police and each command staff member shall be responsible for appointing a DRRO and an alternate for their command or division and submitting these names to the DRO on a *Harris County Department of Education (HCDE) Access Authorization Form* and providing the DRO with updates when any DRRO is replaced for any reason. The *HCDE Access Authorization Form* along with the *Application for Records Management Web User ID* form shall be approved by the DRO prior to submission to the ARA Department. These forms are available on the department's Intranet Portal.

The Chief of Police and each command staff member shall be responsible for:

- a. Conducting a quarterly self-evaluation to ensure compliance with records control schedules and timely destruction of records pursuant to the records control schedules. An authorization memo shall be provided to the DRO when submitting the required paperwork for destruction of records. No destruction of records paperwork shall be processed without this authorization.
- b. Reviewing and updating their command's or division's records control schedule annually or as needed and presenting any changes to the DRO via the chain of command.
- c. Developing an annual records retention report and forwarding a copy to the DRO. This report shall be kept within the command or division files in accordance with its records control schedule and shall:
 1. Summarize quarterly evaluation findings.
 2. Summarize corrective measures taken, if any, in response to quarterly evaluation findings.
 3. List records destroyed in accordance with the records control schedule.
 4. List any updates to the records control schedule.
 5. Document that command or division employees have had annual records retention training (e.g., at roll calls or by other designated division personnel).

Division Records Retention Officers

DRROs shall have full access to all files in their command and shall do the following:

- a. Work with their commander, the DRO, and the City Records Management office in the creation of a records control schedule.
- b. Work with the DRO or designee in the destruction of records according to the records control schedule.
- c. Work with the DRO or designee to ensure specific provisions are complied with and added to the records control schedule.
- d. Submit a list of records to the DRO that were indexed into the COH Web Application that corresponds to the number of PC labels requested from the DRO.

- e. Obtain approval from the DRO prior to submitting any records to the HCDE for retention to ensure all required information has been entered in to the COH Web Application.

2 RECORDS MANAGEMENT

Every command and division shall retain records according to that command's or division's records control schedule. Records common to all commands and divisions include, but are not limited to, the following:

- a. Attendance records (roll-call rosters)
- b. Red books
- c. Personnel files
- d. Overtime records

The Chief of Police and each command staff member is responsible for the security and accuracy of their command's or division's attendance records and red books. Only authorized personnel shall have access to and be allowed to make additions or corrections to the command's and division's attendance records and red books.

Revision of Records Control Schedules

If a command or division determines its records control schedule should be revised, the DRRO shall contact the DRO. The DRRO shall provide the DRO with a revised copy of the modified records control schedule containing the necessary changes with written approval from the commander. The approved forms shall be forwarded to the DRO who shall submit them to the City Records Management office.

The City Records Management office shall submit the revised records control schedule to the City Attorney who shall have 40 *business* days to lodge an objection to the revision. If an objection is made, the City Records Management office shall determine a retention period satisfactory to the office or department concerned and to the City Attorney according to the TSLAC guidelines. If no objection is made, the records control schedule shall be adopted by the City of Houston.

When a records control schedule is adopted by the City, it shall constitute full authority for the office or department to destroy, transfer, microphotograph, etc., records according to that schedule without further notice to the City Council or other City office. However, no records shall be destroyed until formal approval has been obtained from the City Records Management office, unless the records have a retention period designated on the records control schedule of either of the following:

- a. Less than or equal to one year.
- b. *Administratively Valuable (AV)* and the records are no longer *administratively valuable*.

Litigation and Open Records Requests

A local government record that is the subject of litigation may not be destroyed until the litigation is finally settled and closed.

A local government record that is the subject of a request under Chapter 552 of the Texas Statutes, *Government Code* may not be destroyed until the request is resolved.

Email Use, Storage, and Retention

The department's computer system automatically backs up and saves any *electronic mail records (emails)* left on computers that are linked to the system, regardless of whether the email is left in the mail box or the trash bin. This is done at regular intervals as determined by HPD's Office of Technology Services. Pursuant to §441.158 of the *Government Code*, the TSLAC states the retention period for an email depends on the content.

If an email is of a simple routine matter, such as an internal meeting notice or minutes of an internal staff meeting, the email is considered to be *transitory information*. The law does not require this kind of information to be maintained. Therefore, these emails should be deleted as soon as they are no longer *administratively valuable*.

If an email (in whole or in part) falls under the definition of *record*, it is the responsibility of the sender to retain it (in either hard copy or electronic form) according to the records control schedule. The exception is if the email originates from a source outside the department. Then it is the responsibility of the receiver to properly retain the record.

If an email is the only record of correspondence pertaining to a complaint, the complaint and correspondence shall be maintained according to the records control schedule and shall be destroyed only in accordance with the City's records management policy. However, if the email is printed and maintained as the official record, there is no need to keep an electronic copy.

If a request for information (e.g., Texas Public Information request or a subpoena) is received, the employee becomes aware of pending or possible litigation relating to records in custody, or there is an internal affairs investigation, the employee shall not delete those records, regardless of whether the retention period has expired.

Emails of a purely personal nature may be deleted because they are not considered official government documents. However, if a personal email is not deleted and it becomes the subject of an open records request or litigation, it shall not be deleted or edited (in whole or in part) until the open records request or litigation is resolved.

Special Note: If there are issues concerning the retention of emails, employees shall request assistance from the Office of Technology Services or the City Records Management office.

WARNING: Employees shall use discretion when sending emails of a personal or sensitive nature. All emails can be reviewed by a third party and messages are routinely screened at random.

The department realizes employees deal with sensitive issues constantly, and those sensitive issues must sometimes be transmitted to other employees. However, if an employee receives an

unsolicited questionable or offensive email, the employee shall refer to General Order 300-11, **Discrimination, Harassment, and Other Prohibited Conduct**.

Microcomputer Files and Documents

The timetable for the retention of records is based on the content of the records and not the medium used for the storage of information. Therefore, records stored electronically, on the network, hard disk of a computer, magnetic tape, or in other electronic format shall be maintained in accordance with the official records control schedule.

Scanning

Employees shall not scan original documents and place them in an electronic format in lieu of maintaining the original hard copy. Original copies shall still be maintained in accordance with this General Order.

This subsection does not apply to those divisions and units that have in place a scanning process as set up and approved by the Office of Technology Services and certified by the City Records Management office to meet state electronic records standards as long as no changes have been made to the certified scanner.



Art Acevedo
Chief of Police