FAWN GROVE BOROUGH
YORK COUNTY, PENNSYLVANIA

RESOLUTION NO. 2018-02

A RESOLUTION TO ESTABLISH PARAMETERS FOR THE RETENTION OF BOROUGH RECORDS AND PROCEDURES REGARDING ELECTRONIC MAIL

WHEREAS, Fawn Grove Borough is an agency regulated by the Right-To-know Law, 65 P.S. §67.101 et seq ("RTKL"); and

WHEREAS, The Borough desires to declare its intent to follow the schedules and procedures for disposition of records as set forth in the Municipal Records Manual ("Manual") of the Pennsylvania Historical and Museum Commission ("Commission"), as required by the Municipal Records Act ("MRA"); and

WHEREAS, at the time of the adoption of this Resolution, per the Manual, the following items must be retained for the following time periods:

Annual Budget, Audit Reports, Administrative and Legal Records, Agendas, Resolutions, Minutes, Easements—Permanently;

Accounts Payable, Files and Ledgers, Accounts Receivable, Files and Ledgers, Budgetary Records, Balance Sheet, Bank Statements and Reconciliations, Cancelled Checks, Check Registers, Deposit Slips, Purchase Order Files—Seven (7) years;

BioSolids Disposal Records—Retain permits and applications until superseded or obsolete; Retain reports and related records for Thirty (30) years;

Contracts and Agreements—Six (6) years after termination, except Construction Contracts Twelve (12) years after termination;

Permits and Permit Revisions—Ten (10) years.

WHEREAS, the Manual does not set forth a retention period for audio or digital recordings (each a "Recording") of public meetings of a municipality created for the sole purpose of assisting the Borough's Secretary to prepare meeting minutes, each a Recording or collectively the Recordings; and

WHEREAS, the state's Office of Open Records (OOR) created pursuant to the RTKL has determined that such Recordings are public records, the destruction of which is subject

governing body setting forth the policy for retention and destruction of such Recordings; and

WHEREAS, the Borough also desires to establish a written policy for the use and retention of electronic mail ("Email") for Borough employees and appointed officials; and

NOW, THEREFORE, BE IT RESOLVED by the Fawn Grove Borough Council that:

1. **Record Retention.** The Borough hereby adopts, the Commission's Municipal Records Manual dated December 16, 2008, and automatically adopts any future updated versions of the Manual.

2. **Audio Recordings.**

A. The Borough declares that the meetings of the Borough may be recorded by the Secretary, Assistant Secretary, or other Borough employee or agent designated by the Borough for the purpose of assisting the Secretary or the Assistant Secretay or such other agent in preparing the Minutes of each meeting.

B. All Recordings of every meeting shall be retained by the Secretary of the Borough or her/his designee, until the Minutes of that meeting have been formally approved by the Borough, which approval is expected to occur at the next regularly scheduled public meeting of the Borough.

C. Within forty-eight (48) hours after the Minutes have been approved, the Secretary of the Borough, shall destroy, erase, or otherwise permanently delete the Recording of the public meeting for which the minutes were approved.

D. The OOR has determined that such meeting Recordings are public records. To the extent that Recordings of meetings are public records, then this policy shall regulate their retention and destruction as public records. In the event that a written records request for a copy of a meeting Recording is made to the Borough before the destruction of the Recording, then a copy shall be provided to the requester.

i. In the event that such a records request is timely made, then the Borough shall provide the requestor with a copy of the Recording in the same medium as that in which it was created, or such other medium that the Borough and the requestor shall agree upon, at the expense of the requester, which fees are set out in the Right-to-Know Fee Schedule.

ii. If a copy of a meeting Recording is provided pursuant to a RTKL request, then a copy of that Recording shall be maintained indefinitely by the Borough unless and until its destruction is authorized by the Borough or the Borough's solicitor. Such Recording, together with a copy of the public records request, shall be separately stored in a different location from regular and routine meeting Recordings.

E. Additionally, no Recording which, prior to its destruction pursuant to the policies set out in this Resolution, is the subject of any lawfully issued subpoena or discovery request of any parties in litigation shall be destroyed or erased except upon agreement of the litigation, including all appeals, at which time it shall be destroyed pursuant to and consistent with this policy. Copies of any such Recordings shall be stored in the same manner as provided in Section 2.B., and shall be provided to and maintained by the solicitor as an attorney's work product.

3. **Executive Sessions**. Executive sessions are not public records under either the MRA or the RTKL, and are not subject under any circumstance to requests for public records. At no time and under no circumstances shall an executive session of the Borough be recorded. In the event that any portion of an executive session is inadvertently recorded, that portion of the Recording of the executive session shall immediately be erased or deleted. No minutes shall be kept of any executive sessions of the Borough, and notes taken in an executive session are not public records, and are not subject under any circumstance to requests for public records under the RTKL.

4. **Emails**. Emails shall be processed as follows:

A. Emails received from "unknown" sources WILL be deleted immediately without opening.

B. Emails that are "conversations" between the Borough employees and local officials, friends, family members, or other officials from Fawn Grove Borough and do not conduct official Borough business WILL be deleted after reading.

C. Emails that are received as notices for training classes or sales promotions WILL be deleted after its loss of administrative value.

D. Emailed "Right to Know Request Forms" WILL be copied on paper and filed with other paper Right To Know Reques forms. Then the emails WILL be deleted.

E. Official correspondence may be attached on an email from time to time. Paper copies of these letters will be kept on file. The email notice of attachment WILL be deleted upon creation of paper copy.

F. Any emails that are required to be retained for any period of time will be analyzed by the Open Records Officer or other agent identified by the Borough from time to time. If necessary, the Borough Solicitor shall be contacted regarding questionable emails. Any emails that must be retained pursuant to the Municipal Records Manual will be retained in hard copy or by alternative electronic storage, but shall be removed from the Borough's email messaging system.

G. To summarize, it is the intention of the Borough to delete all emails that do not meet the definition of "Public records" outside of the email messaging system.

5. **Effective Date**. This Resolution shall be effective immediately.

RESOLVED, by Fawn Grove Borough this 1st day of May, 2018.

ATTEST:

Cathy E. Kirkwood

Secretary

FAWN GROVE BOROUGH

By: _____

President