

## **Supporting Possibilities in Responsible Independent Teens (SPIRIT NYS) Record Retention and Destruction Policy**

**May 2021**

The purpose of this Policy is to ensure that necessary records, documents, and media of SPIRIT NYS are adequately protected and maintained and to ensure that, when no longer needed, they are discarded at the proper time. This Policy is also for the purpose of aiding Board members in understanding their obligations in retaining documents or other files, both physical and electronic, including email, Web files, text files, sound and movie files, PDF documents and all Microsoft Office or other formatted files. The information contained in this policy is intended as a guideline for retention of records and is not a comprehensive list of all types of records SPIRIT NYS, Inc. may have. Record retention will follow all federal and state regulations.

**Legal Holds.** From time to time the Chief Executive Officer may issue a notice, known as a “Legal Hold,” suspending the destruction of records due to pending, threatened or otherwise reasonably foreseeable litigation, audits, government investigations or similar proceedings. No records specified in any Legal Hold may be destroyed, even if the scheduled destruction date has passed, until the Chief Executive Officer withdraws the Legal Hold in writing.

If need for a Legal Hold arises, the Chief Executive Officer will move affirmatively to ensure the preservation of documents that might otherwise be subject to routine destruction under the SPIRIT NYS record retention and destruction policy. The Chief Executive Officer will document when the instructions were transmitted, the notice that the Corporation received that triggered the instruction, and will follow up on compliance using Attachment A, Legal Hold Notice.

SPIRIT NYS takes very seriously its obligation to preserve information relating to litigation, audits, and investigations. The consequences of failing to retain items subject to a Legal Hold can be serious, including possible criminal and civil sanctions against SPIRIT NYS and its employees, and possible disciplinary action against responsible individuals. Each Board member has an obligation to contact the Chief Executive Officer immediately when knowledge arises of any potential or actual litigation, external audit, investigation, or similar proceeding involving SPIRIT NYS. Likewise, it is also imperative that Board members report threatened or actual violations of the Corporation’s record retention and destruction policy to either the Chief Executive Officer or the Chief Financial Officer,.

**Electronic Documents.** All retention periods apply to paper and/or electronic media records. The originator of an electronic message is the record copyholder, just as the creator of a paper document is the record copyholder. The originator is responsible for preserving records of lasting importance to the Corporation.

For informational electronic messages such as meeting notices, reminders, informal notes, and telephone messages, users may delete the message once the administrative purpose is served.

For significant electronic messages used in connection with the transaction of business, users must forward an electronic copy to the Chief Executive Officer so that it may be retained in the appropriate record keeping system. The retention of the message will include the name and email address of who sent the message, names and email addresses of those to whom the email was sent, date email was sent, date email was read, subject line of email, message body of email, any attachments, and all associated metadata.

**Administration.** Attached as Appendix A is a Record Retention Schedule that is approved as the initial maintenance, retention, and disposal schedule for physical and electronic documents. Board members listed under Location in the Schedule are responsible for retaining documents under their purview for the specified time period. Approval for record destruction must be obtained from the Chief Executive Officer or Chief Policy Officer using Attachment B, Record Destruction Approval. Documentation of every instance of information destruction must be maintained permanently.

The Chief Executive Officer or Chief Policy Officer are authorized to make modifications to the Record Retention Schedule to ensure that it complies with local, state and federal laws and includes the appropriate document and record categories for SPIRIT NYS; annually review the record retention and disposal process; and monitor compliance with this Policy. Notification of any changes will be reported to the Executive Board.

## Appendix A

### Record Retention Schedule

At least one copy of each document listed below will be retained according to the following schedule. The Location will apply to all documents for a type unless otherwise specified.

Type	Item	Retention Period	Location
<b>Corporate</b>	Annual corporate filings	Permanent	Chief Executive Officer Files/electronic storage
	Articles of Incorporation	Permanent	
	Board & committee agendas & materials	7 years	
	Board & committee Conflict of Interest disclosure forms	7 years	
	Board & committee meeting minutes	Permanent	
	Board Policies and Resolutions	Permanent	
	Board Trustee files (terms, bios, correspondence)	7 years after end of service	
	Bylaws	Permanent	
	IRS exemption application, determination, and related correspondence	Permanent	
	Sales tax exemption documents	Permanent	
	Tax or employee ID # designation	Permanent	
<b>Financial</b>	Bank reconciliation	7 years	Chief Financial Officer/ electronic storage
	Bank records (check records, cancelled checks, deposits, withdrawals, statements)	7 years	
	Cash receipts log	7 years	
	Contracts, leases, and agreements	7 years after all obligations end	
	Credit card receipts and statements	7 years	
	Financial statements (audited), work papers & auditor management letter	Permanent	
	Fiscal Policies & Procedures	Permanent	
	Insurance policies, claims, accident reports	Permanent	
	Investment records (deposits, earnings, withdrawals)	7 years	
	Ledgers (accounts payable, accounts receivable, general ledger, journal entries, chart of accounts)	7 years	
	Payroll records	7 years	
	Property/asset inventories	Permanent	
	Tax Returns (federal & state)	Permanent	

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<b>Communication</b>	Annual reports	Permanent	Secretary of Board, Electronic shared drive
	Correspondence, legal	Permanent	Chief Executive Officer
	Email	3 months or until moved to a shared folder	Recipients, Electronic shared drive
	Publications/Press	Permanent	Electronic shared drive
	Photos, videos or other media with credits	Permanent	Electronic shared drive
	Press Releases	7 years	Electronic shared drive
	Research reports/surveys	7 years	Chief Executive Officer
<b>Funders</b>	Donor acknowledgements	7 years	Chief Executive Officer/Board Chair/ Electronic storage
	Donor lists	7 years	
	Fund agreements (signed) and correspondence relating to terms of fund	Permanent	
	Grant applications and determinations	7 years	
	Legacy files	Permanent	
	Trust agreements and related correspondence	Permanent	

**Attachment A: Legal Hold Notice**

To: \_\_\_\_\_

**Immediately suspend destruction of the following records:**

Item Description	Location

Legal Hold placed by:

Signed:	
Dated:	

Compliance with legal hold affirmed:

Signed:	
Dated:	

Retain this record permanently.

## Attachment B: Record Destruction Approval

Hardcopies of documents will be destroyed by shredding after they have been retained for the period specified by the Record Retention Schedule. Electronic documents will be permanently deleted after they have been retained for the period specified by the Record Retention Schedule.

To: \_\_\_\_\_

### Destroy the following records:

Item Description	Reason

Authorized by:

Signed:	
Dated:	

Retain this record permanently.