

**CITY OF NEW ORLEANS
CHIEF ADMINISTRATIVE OFFICE**

POLICY MEMORANDUM NO. 127 (R)

May 24, 2016

TO: All Departments, Boards, Agencies and Commissions

FROM: Andrew Kopplin, First Deputy Mayor and Chief Administrative Officer 

SUBJECT: **Records Management**

I. APPLICABILITY.

The purpose and intent of this policy memorandum is to reaffirm that each department, board, agency and commission of the City of New Orleans is responsible for the preservation and maintenance of its public records.

II. PRESERVATION OF RECORDS.

Unless otherwise required by law, all persons and public bodies having custody or control of any public record shall exercise diligence and care in preserving the public record for the period or periods of time specified for such public records in formal records retention schedules developed and approved by the State Archivist and Director of the Division of Archives, Records Management, and History of the Department of State, and in accordance with Chapter 94 of the City Code.

In accordance with Louisiana Revised Statute § 44:36, all existing records or records accumulated by a department, agency, board, or commission which participates in federal programs or receives federal grants may be destroyed after three years from the date on which the records were made in those cases where this provision is not superseded by guidelines for the operative federal program or grant requiring longer retention periods for the records in question, including but not limited to Federal Office of Management and Budget Circular No. A-110; provided that these records shall not be destroyed in any case where litigation with reference thereto is pending, or until the appropriate state or federal audits have been conducted.

However, in all instances in which a formal retention schedule has not been executed, such public records shall be preserved and maintained for a period of at least three years from the date on which the public record was made.

Discretion and common sense should be used when determining whether a public record should be maintained longer than the three year period, or longer than the minimum retention period prescribed by law. Note that this policy memorandum should not be interpreted as prohibiting a department, board, agency or commission from maintaining its records for longer than three years if appropriate, or otherwise required.

III. DESTRUCTION OF RECORDS.

Public records shall not be destroyed or disposed of unless the custodian has determined, in consultation with the State Archivist and Director of the Division of Archives, Records Management, and History of the Department of State, and the New Orleans Public Library that the records are unsuitable for transfer to the City Archives.

Accordingly, if no applicable formal retention schedule exists, the custodian must consult with the Division of Archives, Records Management, and History in the Secretary of State's Office, and the New Orleans Public Library to obtain permission to destroy or otherwise dispose of public records.

Public records shall not be destroyed in cases where the records may be involved in actual or potential litigation, or otherwise prohibited by law.

The custodian should consider maintaining an electronic database or electronic storage device to store copies of destroyed paper records.

IV. RECORD RETENTION SCHEDULES.

If a department, agency, board, or commission develops a formal record retention schedule, the head of each department, agency, board or commission shall submit to the State Archivist schedules proposing the length of time each record series warrants retention for administrative, legal, or fiscal purposes after it has been created or received by the agency. The submitted schedules must comply with the policies, rules, and regulations prescribed by the Secretary of State and the implementation standards and procedures established by the State Archivist.

V. DEFINITIONS

- a. Public records** are all books, records, writings, accounts, letters and letter books, maps, drawings, photographs, cards, tapes, recordings, memoranda, and papers, and all copies, duplicates, photographs, including microfilm, or other reproductions thereof, or any other documentary materials, regardless of physical form or characteristics, including information contained in electronic data processing equipment, if the record has been used, is in use, or prepared, possessed, or retained for use in the conduct, transaction, or performance of any business, transaction, work, duty, or function which was conducted, transacted, or performed by or under the authority of the constitution or laws of this state, or by or under the authority of any ordinance, regulation, mandate, or order of any public body or concerning the receipt or payment of any money received or paid by or under the authority of the constitution or the laws of this state.

Therefore, as a general rule, all print or electronic documents, including drafts and duplicate copies, handwritten notes, etc. created in the course of City business are public records.

- b. Custodian** means the public official or head of any public body having custody or control of a public record, or a representative specifically authorized by him to respond to requests to inspect any such public records.

The head of each department, board, commission or agency will be considered the custodian for purpose of compliance with this policy memorandum and the Public Records Law.

- c. Public body** means any branch, department, office, agency, board, commission, district, governing authority, political subdivision, or any committee, subcommittee, advisory board or task force thereof, or any other instrumentality of parish or municipal government, including a public or quasi-public non-profit corporation designated as an entity to perform a governmental or proprietary function (e.g., the French Market Corporation).

VI. INQUIRIES.

Questions should be addressed to the Chief Administrative Office at (504) 658-8600.