



# RECORDS RETENTION POLICY AND SCHEDULE POLICY

The American Medical Association (AMA) has adopted a Records Retention Policy that governs the retention and disposal of all AMA records, including electronic records and emails. All employees are required to adhere to the policy. The policy applies to all inactive files stored off-site as well as active files housed in AMA offices.

Records should be retained or discarded according to the period of time specified in the Records Retention Schedule below. If a governmental or legal proceeding is foreseeable or ongoing, pertinent documents must be retained regardless of their age until the Office of General Counsel informs staff that normal retention procedures can resume.

## Definition of a "Record"

Recorded information, regardless of medium or characteristics, made or received by the AMA that is evidence of the AMA's operations and has value requiring its retention for a specific period of time. A "record" is any written, printed, or recorded material, including electronic computer data, whether generated or received at the AMA. It includes all documents, correspondence, memoranda, charts, photographs, books and other similar materials including microfilm and microfiche, e-mail, handwritten notes, videotapes, audiotapes, spreadsheets, reports, and contracts. "Record" includes all AMA records stored anywhere, **including files kept at an employee's home or in an employee's possession.**

## Record Review and Destruction

Employees are responsible for reviewing their records in the ordinary course of business to ensure compliance with the Records Retention Schedule. This includes records that are stored electronically on local hard drives and emails (see e-mail retention). Refer to the Records Retention Schedule to identify the length of time a record must be retained before it may be destroyed. The schedule includes record categories with a corresponding retention/disposal time period.

**If a record pertains to a foreseeable or ongoing legal proceeding, such as the filing of a lawsuit or a subpoena, the record must be retained until the matter is resolved.** Record destruction in these circumstances could constitute a crime. Retain all documents related to these matters. Departments or individuals will be contacted by the Office of General Council with regards to legal proceedings and holds on record destruction processes.

## Email Retention

Email is a transmission vehicle to share and deliver information. Email communications must be treated like any other business document and retained per the stated retention policies as required for that type of document.

After 90 days emails will automatically be archived in the Outlook Enterprise Vault

for 3 years before it is removed from the email system. Email and attached documents that require longer retention must be archived according to AMA policy outside of the email system.

**Employees are responsible for managing the retention of AMA emails.** As with paper records, retention decisions for email are based on content, purpose, and AMA value. The fact that a message is transmitted by email rather than by another method is irrelevant for retention purposes. AMA emails concern a variety of topics related to AMA operations and must be handled as any other record your department would generate or receive:

- Delete and empty non-record junk emails as soon as you are done with them. Examples of such emails are advertisements, brochures, listserv emails, quarantine emails, newsletters, emails from friends and relatives, personal luncheon appointments, and other transient messages that are not needed for AMA business.
- Record emails (see "definition of a record") must comply with the AMA's records retention policies and schedule. In general, if the email is routine correspondence and possesses little value to the AMA, it should be retained only for the period you need it for business purposes but no longer than three years. If the email contains an attachment which is a record of the type included on the AMA's retention schedule, both the email and attachment must be retained for the retention period stated on the schedule.
- Retain emails that need to be kept longer than 3 years in a recordkeeping system and file them so they can be easily retrieved. This is best accomplished by setting up folders **outside the email system** that match the record titles listed on the Records Retention Schedule. Transfer and retain emails electronically on a network drive. Retained emails must show who sent the message, the date sent, who received it, any attachments, and the message itself.

**Exception:** *When I.T. Security determines that an email (or email attachment) contains malware, viruses or other disabling code, AMA policy is to have such email purged or otherwise rendered harmless if opened. All determinations to purge, lockdown or otherwise alter an email will be made by I.T. Security in a manner such that the rationale for the actions shall leave a clear audit trail.*

## **Litigation Hold**

- Definition: A "Litigation Hold" is an instruction on how to archive the timely preservation of potentially discoverable materials, documents, data, etc. which may be relevant to a legal claim or defense.
- Triggers: A "Litigation Hold" process may be initiated by the General Counsel after being notified by anyone at the AMA that:
  - a. there is a reasonable basis to anticipate litigation by or against the AMA;
  - b. a claim or lawsuit has been threatened or filed against the AMA, an affiliate, director, officer or employee; or
  - c. a discovery request has been received by the AMA,

an affiliate, director, officer or employee; or

d. an investigation has been or is expected which will require the retention of records.

- Process: a. Anyone who receives a notice or has a belief as described in the triggers listed above should immediately contact the General Counsel (“GC”) or his/her designee.

- b. If the GC determines a Litigation Hold is appropriate, he/she will issue specific instructions with respect to the preservation of records.

- Timeliness: Business managers should understand that timely compliance with Litigation Hold instructions is critical.

### **AMA Archives Collection Retention Policy**

The Archives Department retains records that have enduring value because they reflect significant historical events or document the history and development of the AMA. These historical records are permanently retained in one central location within the AMA Archives to preserve the AMA's corporate wisdom/memory for use by AMA staff, members and medical societies. To preserve the integrity of the AMA Archives collection, all records listed on the AMA's Retention Schedule that 1) are slated for permanent retention and 2) fall under the Archives collecting policy as outlined in *Section 1700.06 AMA Archives* of the HR Administrative Guide must be transferred to the AMA Archives when no longer needed for the ongoing administrative functions of the office of record.

### **Dynamic Policy**

The AMA anticipates there will be a need to update and revise this policy over time. Records that are not covered in the retention schedule below will need to be added. If you need guidance on a record type that is not currently described in the retention schedule or have a question on the development of this policy or retention values listed on the retention schedule please contact the Director of Records Management and Archives on extension 4183.

### **About AMA's Records Retention Schedule**

AMA's Records Retention Schedule is organized into sections, each section representing a specific business function or sub-function. Each section includes the following information about the records listed:

- Type of Record: Lists the records name and description.

- Period of Retention: Lists the period of time during which the records must be maintained. The retention period was determined by considering the various

lengths of time a record needs to be kept for administrative, legal, fiscal and historical reasons. The longest of these values was then chosen as the official period of retention. Retention terms included on the records retention schedule are defined as follows:

- ACT: Retain record while a matter is active. A record is active when it is regularly referenced or required for current use.
- ACT + X years: Retain record for X years after a matter is no longer active.
- Indefinite: Records designated with an “Indefinite” retention period indicate that the retention period could not be determined in advance and that these records will be reviewed periodically to determine whether they can be destroyed.
- Permanent: Retain record permanently.
- Superseded: Retain record until it is replaced by a newer version.

• Office of Record: Lists the office responsible for maintaining the official set of records. Copies of records held in offices other than the Office of Record should be retained only as long as needed to support the administrative functions of the holding office, never to exceed the established retention period.