

PRESERVATION AND PRODUCTION OF ELECTRONIC RECORDS

Court decisions and rules now place substantial obligations on public and private organizations to (1) preserve all electronic materials that could be relevant to pending or anticipated lawsuits and (2) retrieve and produce such materials in the course of such litigation. Failure to meet them may subject the WSD and the individuals involved to sanctions and liability.

The scope of these preservation and disclosure duties are broad. They apply to business-related electronic information wherever it is stored – at a WSD work station, on a laptop or PDA, and even at an employee’s home. The information at issue includes all forms of electronic communications and records such as e-mail, word processing, calendars, voice messages, videos, photographs, and other digital information.

Although these legal duties require that information must be preserved, the preserved information need not be disclosed to the opponents without first being appropriately reviewed to be sure that legally privileged information is removed. In other words, the WSD and its attorneys still can and will take steps to see that information that is legally protected will not be disclosed to the opposing party.

It is worth noting that the rules concerning preservation of hard copies of records have not changed. All printed documents under the control of involved individuals must also be preserved. Also, the new rules do not require the WSD to change any general records retention policies.

The Board of Trustees therefore directs the Superintendent to develop a procedure to accompany this policy.

Adopted: July 25, 2008