
CITY OF ANAHEIM PUBLIC UTILITIES DEPARTMENT ORDER

171 – RECORDS AND INFORMATION MANAGEMENT

I. BACKGROUND

Department Order (D.O.) 171 establishes the Public Utilities Department's policy and procedure for the creation, management, retention, storage, and destruction of Public Utilities Department (Department) records. This Department Order supersedes all prior versions of D.O. 1045 - Utilities Records Management Plan.

II. APPLICABLE CITY REGULATIONS

Department Order 171 complies with the City of Anaheim (City) codes, rules, and practices as well as California state law regarding the management of records and information, including:

- Administrative Regulation 145 - Response to Subpoenas
- Administrative Regulation 148 - Public Records Requests
- Administrative Regulation 155 - Information Services Technology
- Administrative Regulation 410 - Use of Office Communication Equipment
- Anaheim Municipal Code Chapter 1.10 – Records Management
- California Government Code Sections 6200-6203 – Crimes Relating to Public Records, Documents and Certificates
- California Government Code Sections 6250-6270 – California Public Records Act
- California Government Code Sections 34090-34093 – Government of Cities

III. STEP-BY-STEP PROCEDURE

A. Ownership of Records (in accordance with AMC 1.10.050)

1. All records created or received by the Department and its employees in the course of business shall remain the property of the City of Anaheim.
2. Records include any writing containing information relating to the conduct of the City's business that is prepared, owned, used, or retained by the Department regardless of physical form or characteristics, including but not limited to all paper documents, handwriting, typewriting, printing, photocopies, drawings, maps, exhibits, photographs, computerized data, electronic mail (e-mails), telephone voice messages, sounds, audio and video tapes, magnetic recording, film, compact disks, microforms, microfilm, optical disks, print, and all electronic documents, digitally scanned images, digital documents and other digital representations, and every other means of recording upon any form of communication or representation, and other documents.
3. Non-records include, but are not limited to, "post-it" notes; informal notes; work sheets and rough drafts of letters, memos, or reports that are not final issue; shorthand notes and dictating media which have been transcribed; miscellaneous notices of employee meetings, holidays, and upcoming activities; magazines, newsletters, and information of a general nature not produced by or for the City; extra copies of documents preserved for convenience only; and such mementos as plaques, awards, or trophies.

B. Roles and Responsibilities

1. General Manager responsibility
 - a. Act as designated legal custodian of all Department records.
 - b. Receive subpoenas for records received, prepared or held in the Department.
 - c. Designate the Records & Information Administrator as the responsible records coordinator for the Department.

- d. Designate alternates who may also receive subpoenas on behalf of the General Manager to include the Administrative Services Manager, the Records & Information Administrator, and the Executive Assistant.
2. Administrative Services Manager responsibility
 - a. Develop, administer, and maintain the Department's Records and Information Management program, including policies and procedures for records creation, confidentiality, management, retention, storage, inventory, and destruction.
 - b. Ensure that the program complies with all relevant City of Anaheim, State of California, and Federal public records regulations.
 - c. Coordinate a Department records disaster recovery plan; identify electronic document repository and physical file storage locations and recovery procedures.
3. Records & Information Administrator responsibility
 - a. Manage, organize, and maintain the Department's central records facility including all personnel files.
 - b. Implement the Department's records retention and destruction through coordination with division Record Coordinators, Division Managers, Assistant General Managers, General Manager, and in the instance of records destruction, the City Attorney's Office.
 - c. Designate records storage areas in other divisions of the Department.
 - d. Ensure organized transition of records from employees leaving the Department.
 - e. Conduct training to ensure accurate and efficient processing of Department records, including records maintenance, organization, indexing, electronic imaging, and off-site storage procedures.
4. Assistant General Managers/Division Managers responsibility
 - a. Appoint division level records coordinator(s) for each area of responsibility.
 - b. Ensure compliance with Department records procedures and changes in records and information management technologies.
5. Records Coordinators responsibility
 - a. Implement the Department records retention, imaging, and destruction procedures for each assigned division.
 - b. Manage, organize, and orderly maintain the records storage areas for each assigned division, including yearly rotation of records from each work area according to established procedures.
 - c. Prepare, index, and electronically image records as designated for retention by the Records & Information Administrator, in accordance with the Department's retention schedule.
 - d. Index, prepare, and arrange for hard copy records to be stored at the City's designated off-site location according to established procedures.
 - e. Attend all training and meetings as determined by the Records & Information Administrator as necessary to implement Records Coordinators responsibility.
6. All Department employees' responsibility
 - a. Protect, preserve, store, maintain, and/or transfer Department records created or received during the course of his/her work duties.
 - b. Relinquish possession of records to the Records & Information Administrator (AMC 1.10.050) for response to subpoenas, public records act requests, records storage, preservation, or destruction.
 - c. Rotate records out of individual work locations yearly. Inactive records may not be stored in employee work stations or on employee computers longer than two (2) years in order to maintain effective use of physical office and network server space, and to insure compliance with the Department records retention schedule. Note: certain reference materials may be excluded from the earlier referenced process upon approval of the Records & Information Administrator.
 - b. Deliver to his/her supervisor all records maintained within their respective work areas upon resignation, retirement, transfer, or dismissal.

C. Subpoenas (15 calendar days to respond)

1. Records & Information Administrator responsibility
 - a. Accept and process subpoenas for records in accordance with City of Anaheim regulations.
 - b. Immediately contact the City Attorney's Office upon receipt of a subpoena for records in which the City, including the Department, is a named party and coordinate Department's response with the City Attorney's Office.
 - c. Respond to the subpoenaing party, and collect and deposit fees for record preparation.
2. All Department employees' responsibility
 - a. Refer all subpoena service attempts to the Records & Information Administrator. Do not accept service of a subpoena on behalf of the City, including the Department, or an individual.
 - b. If advised of a service of a subpoena by another City department, immediately advise the Records & Information Administrator of the case as well as the records requested.
 - c. Immediately provide all requested documentation to the Records & Information Administrator or the City Attorney's Office, if requested. Do not provide documentation to the subpoenaing party or any other party.

D. Public Records Act Requests (10 calendar days to respond)

1. Records & Information Administrator responsibility
 - a. Accept and process all Public Records Act requests for Department records pursuant to City of Anaheim regulations and the California Public Records Act.
 - b. Immediately contact the City Attorney's Office upon receipt of a Public Records Act request in which the City, including the Department, is a party to a legal action and coordinate Department's response with the City Attorney's Office.
 - c. Respond to the subpoenaing party, and collect and deposit fees for record preparation.
2. All Department employees' responsibility
 - a. Immediately refer all Public Records Act requests to the Records & Information Administrator.
 - b. Immediately provide all requested documentation to the Records & Information Administrator or the City Attorney's office, if requested. The Records & Information Administrator will respond to the requestor. Do not provide documentation to any other party.

E. Confidential Records

1. The Department file shall be considered the official employee personnel file.
2. Records & Information Administrator responsibility
 - a. Maintain employee personnel, medical, driver's license, grievances, and other confidential files in the Department Records in a manner that protects the confidentiality of such records. Medical and related records shall be maintained in a separate part of the employee personnel file so that those records are accessible only to those persons on a need to know basis.
3. Supervisor responsibility
 - a. Copies of personnel evaluations and performance issues may be retained in a supervisory file by each supervisor and shall be stored in a manner that protects their confidentiality. Under no circumstances shall any supervisor file be stored in any other location than a supervisor's work station.
 - b. Upon receipt of any medical information, including doctor's notes, prescriptions, or other information involving an employee's medical condition, immediately forward those to Department Records in a confidential envelope. Do not keep copies of medical information in supervisor files.
 - c. Upon an employee's separation, all employee personnel records including the supervisory file shall be immediately forwarded to Department Records for retention.

F. Records Destruction

1. General Manager responsibility
 - a. Designate the Records & Information Administrator as the individual authorized to destroy Public Utilities record in accordance with this Department Order, Municipal Code Chapter 1.10, and State law.
2. Records & Information Administrator responsibility
 - a. The destruction of Department records, including hard copy and electronically stored records, shall be performed once at the end of the calendar year and again at the end of each fiscal year, and at other times as otherwise determined by the Records & Information Administrator.
 - b. Determine that all records scheduled for destruction are eligible for destruction according to the Department's Retention Schedule and shall be destroyed only after approved by the City Attorney's Office and a Resolution approved and adopted by the City Council.
 - c. Prepare and include a memorandum from the General Manager advising the City Attorney's Office that the records to be destroyed have been reviewed and a determination made that the records are no longer required, including a determination that such records are not subject to a litigation hold or germane to any pending claim, grievance, litigation, or other controversy.
 - d. Prepare a list of all records to be destroyed to be used as an exhibit to the Resolution, which shall be signed off by the respective division manager and the General Manager. The responsible City Attorney, as part of the Resolution, will indicate approval the records destruction.
 - e. Following City Council approved and adopted Resolution of said destruction, arrange for certified records destruction, and provide the City Clerk's Records & Information Administrator with a copy of the records destruction certificate.
 - f. Arrange for designated areas in each engineering work group for subsequent disposal of draft inventory/asset maps, system maps, or substation maps. Designated areas may include the provision of locking bins for transitory storage prior to destruction.
3. The destruction of specific records shall be halted immediately upon notification by the City Attorney's Office of litigation, potential litigation, a litigation hold, any pending claim, grievance, or other controversy.
 - a. Records designated as specific to the litigation, potential litigation, pending claim, grievance, or other controversy shall be preserved until conclusion of the legal matter and/or upon notification by the City Attorney's Office that destruction of the specific, preserved records may occur.
 - b. Records that have been preserved subject to conclusion of litigation, claim, or grievance shall be destroyed only after an approved and adopted Resolution by the City Council.
4. All Department employees' responsibility
 - a. Preserve only the final version of the document(s) and employees are not to retain drafts or multiple versions of any documents in electronic or hard copy format.
 - 1) Drafts or copies of inventory/asset maps, system maps, or substation maps may not be thrown in the trash or otherwise disposed of, but shall be placed in designated areas of each work group for removal.
 - 2) Delete electronic draft documents from assigned computer unless otherwise directed by the Records & Information Administrator or the City Attorney's Office.
 - 3) Non-records may be disposed of by shredding or placing those non-records in trash receptacles for subsequent disposal.
 - b. If the records are not drafts and are electronic records that must be preserved because they are deemed official records, then:
 - 1) Print the record(s) and store in a hard copy file, per the Public Utilities Department Records Retention Schedule; or
 - 2) Save the records to computer disc or CD ROM for future reference.

- c. Consult with the Records & Information Administrator with any questions regarding records retention or destruction.

G. Records Retention

1. All Department employees' responsibility
 - a. Records must be preserved in hard copy or electronic form, as necessary, for the discharge of the employee's duties and in accordance with the Public Utilities Department Records Retention Schedule.
 - b. Adhere to standardized naming conventions for hard copy and electronic project files, subject files, assignments, or other areas of employee responsibility in each work area and computer.
 - c. Organize all hard copy and electronic records so that others may find necessary records in your absence.
 - d. Consult with the Records & Information Administrator for assistance with work space records organization.
 - e. Immediately transfer closed electric and water infrastructure project files to the Records & Information Administrator for electronic scanning and permanent retention.
 - 1) Other files may be retained in the employee work station for up to two years, after which time such records must be transferred to the Records & Information Administrator for disposition according to the Public Utilities Department Records Retention Schedule.
2. Records & Information Administrator responsibility
 - a. Upon receipt of project files, promptly coordinate the electronic scanning of all project records.
 - b. Electronically scan, schedule for off-site storage, or arrange for disposition of other records according to the Public Utilities Department Records Retention Schedule.
 - c. Establish standardized naming conventions for work group files throughout the Public Utilities Department, in coordination with each work group supervisor.

H. E-Mails (Electronic Mail)

1. The City's computer system is an informal means of communication and, by City Ordinance No. 5608, is not to be used as a records retention system. E-mail messages in personal folders, public folders, and sent items folders will be deleted from the City's computer server after 90 days for the General Manager and 30 days for all other Department employees. Deleted items will not be retained.
2. All Employees responsibility
 - a. Preserve e-mails for purposes of City business or reference by printing and saving them in hard copy form or by electronic storage to a designated drive. These messages must be placed in the corresponding subject file in a timely fashion and preserved in accordance with the Public Utilities Records Retention Schedule.

I. Records Disaster Recovery Plan

1. Records deemed "vital" to the Department's operations will be identified at each Utility's location and shall be designated "vital" in the Department's Disaster Planning efforts and on the Public Utilities Department Records Retention Schedule.

IV. DEPARTMENT ORDER RESPONSIBILITIES

- A. Administrative Control (Implementation, Interpretation) – Administrative Services Manager
- B. Communication and Training – Administrative Services Manager
- C. Updating – Administrative Services Manager

V. ATTACHMENTS

A. Conditional Release of Customer Data

Submitted:



Dukku Lee
Public Utilities General Manager

3/1/18

Date

Approved by the Public Utilities Board On

02/28/2018
Date

Attachment A
Conditional Release of Customer Data

I. APPLICABLE CITY OF ANAHEIM REGULATIONS AND/OR STATE OF CALIFORNIA CODES

Department Order 171 – Records and Information Management: Attachment A complies with City of Anaheim codes, rules, and practices as well as California state law regarding the conditional release of Customer data to non-Customers (third parties), including:

- California Government Code Sections 6250-6270 – California Public Records Act
- California Government Code Section 6254.16 - California Public Records Act
- California Civil Code Section 1798.98
- California Constitution Article I, Section 1
- California Civil Code Sections 1798.80 - 1798.84

II. STEP-BY-STEP PROCEDURE

- A. Customer name, address, telephone number, billing history, credit history, utility usage data, and meter number(s)/location(s), among other things (collectively Customer Data), are confidential.
- B. Requests for Customer Data from a City of Anaheim (City), Public Utilities Department (Department) Customer Account (Customer Account):
1. At all times, Customers are entitled their Customer Data. A Customer may be an individual, business, company, or corporation (collectively Customer of Record). The Customer of Record has the authority to financially bind the Customer.
 2. Unless authorized by California state law or the Customer, non-Customers (Third Parties) are not entitled to review or receive Customer Data.
 3. In circumstances specified by California state law or upon the written authorization and approval of the Customer, the Department may release Customer Data to Authorized Individuals on the Customer Account or Third Parties specifically identified, authorized, and approved by the Customer.
 4. A Customer of Record that seeks to have the Department release his/her/its Customer Data to Third Parties must complete a Department **Authorization to Receive Customer Data Form (Form)** and return it to:
 1. urecords@anaheim.net via email; or
 2. U.S. Mail: City of Anaheim, Attention: URecords, 201 S. Anaheim Blvd., Suite 1101, Anaheim, California 92805.Upon the Department's receipt of the **Form**, the Department reserves the right to verify any authorization submitted before releasing Customer Data or taking any action regarding the Customer Account.
 5. If the names or information provided on the **Form** are identified on the Customer Account, the requested Customer Data will be released pursuant to the Customer's written authorization. If the names or information provided on the **Form** do not match the names or information identified on the Customer Account, the Department will not release the Customer Data until the Customer of Record, Authorized Individual(s), Chief Financial Officer (CFO) or Chief Executive Officer (CEO) of a company, or corporate officer update the names of Authorized Individual(s) or information on his/her/its Customer Account. Once the Customer Account has been updated and the Department verifies the Customer authorization, Customer Data will be released to the identified Third Parties.
 6. Any Customer Data released by the Department will be provided directly to the Customer of Record that signed the **Form** or only the Third Parties specifically identified on the **Form**.

7. Each request for Customer Data must be accompanied by a **Form**, which is valid for a one time authorization only. A new **Authorization to Receive Customer Data Form** must be submitted for each successive Customer Data request.
8. The Department will not accept Third Party generated authorizations or letters of authorization/authority to receive Customer Data from a Customer Account.