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PLEASE REPLY TO:

OFFICE OF THE STATE ATTORNEY – 8TH CIRCUIT

ELECTRONIC DATA RETENTION POLICY

STATEMENT OF POLICY

THE LAW OF THE STATE OF FLORIDA STRONGLY FAVORS BROAD AND OPEN ACCESS TO PUBLIC RECORDS. THE OFFICE OF THE STATE ATTORNEY FOR THE 8TH JUDICIAL CIRCUIT (THE OFFICE) COMPLIES WITH ALL APPLICABLE PUBLIC RECORDS LAWS. RETENTION OF PUBLIC RECORDS BY STATE ATTORNEYS IS GOVERNED BY STATE OF FLORIDA GENERAL RECORDS SCHEDULE GS1-SL AND GS9 FOR STATE ATTORNEYS (THE GS9)¹. RETENTION OF PUBLIC RECORDS HELD BY THE OFFICE SHALL MEET OR EXCEED ALL TIME FRAMES SET BY THE GS1-SL AND GS9. ALL RECORDS NOT SPECIFICALLY LISTED HEREIN ARE GOVERNED BY THE RETENTION PERIODS LISTED IN THE GS1-SL AND THE GS9.

THE RETENTION PERIODS FOR ELECTRONIC COMMUNICATIONS ARE DETERMINED BY THE CONTENT, NATURE, AND PURPOSE OF THE RECORDS, AND ARE SET BASED ON THEIR LEGAL, FISCAL, ADMINISTRATIVE AND HISTORICAL VALUES, REGARDLESS OF THE FORMAT IN WHICH THEY RESIDE OR THE METHOD BY WHICH THEY ARE TRANSMITTED.

THE RECORDS RETENTION SCHEDULE ESTABLISHES OFFICIALLY THE MINIMUM LENGTH OF TIME THAT THE RECORD SERIES MUST BE RETAINED. THIS RETENTION APPLIES TO THE OFFICE'S RECORD (MASTER) COPY OF THE RECORDS - THOSE PUBLIC RECORDS SPECIFICALLY DESIGNATED BY THE CUSTODIAN AS THE OFFICIAL RECORD. THE RETENTION PERIOD FOR DUPLICATES – COPIES OF RECORDS THAT ARE NOT THE OFFICIAL RECORD OF THE OFFICE – IS ALWAYS "RETAIN UNTIL OBSOLETE, SUPERSEDED, OR ADMINISTRATIVE VALUE IS LOST" ("OSA") UNLESS OTHERWISE SPECIFIED.

DEFINITIONS

"MEDIA": MEDIA INCLUDES, BUT IS NOT LIMITED TO: 911 CALLS, IN-CAR VIDEO, BODY WORN CAMERA VIDEO, SURVEILLANCE VIDEO, LAW ENFORCEMENT UNDERCOVER VIDEO, PHOTOGRAPHS.

"RECORDS": AS DEFINED BY FLORIDA STATUTES.

¹ (<https://dos.myflorida.com/library-archives/records-management/general-records-schedules/>)

“STAC”: THE OFFICE’S CASE MANAGEMENT AND MEDIA STORAGE SYSTEM.

“CLOSING”: THE DATE WHEN THE OFFICE RECORD IS CHANGED FROM STATUS OF OPEN TO STATUS OF CLOSED.

“DISPOSITION”: THE DATE WHEN ANY OF THE FOLLOWING OCCUR: THE COURT ENTERS THE JUDGMENT AND SENTENCE, OR ORDERS DISMISSAL OF A CASE; THE ASSISTANT STATE ATTORNEY ENTERS A “NO INFORMATION” OR “NOLLE PROSEQUI.”

“RETENTION PERIOD”: THE PERIOD OF TIME THAT THE OFFICE SHALL RETAIN THE MEDIA AND THE RECORDS.

DURATION OF SENTENCE”: THE PERIOD OF TIME THAT THE COURT ORDERS THE DEFENDANT TO SERVE ON ANY FORM OF SUPERVISION OR ANY FORM OF INCARCERATION OF THE DEFENDANT.

“YEAR”: MEANS ANNIVERSARY YEAR.

CASE MANAGEMENT AND STORAGE

THE OFFICE USES STAC FOR CASE MANAGEMENT, RECORD STORAGE, AND MEDIA STORAGE. STAC IS PROPRIETARY COMPUTER SOFTWARE OWNED BY C.I.P., INC. STAC CONSISTS OF A GRAPHICAL USER INTERFACE OVERLAYING MANY MICROSOFT SQL TABLES. STAC CONTAINS RECORDS IN THE FORM OF DATA, IMAGES RECEIVED FROM A VARIETY OF SOURCES, AND MEDIA STORAGE WHICH INCLUDES VIDEO, AUDIO, AND PHOTOGRAPHS. STAC CONTAINS CJIS RESTRICTED INFORMATION, AND THEREFORE MAY NOT BE ACCESSED OR VIEWED BY PERSONS NOT EMPLOYED BY THE OFFICE, OR C.I.P., INC. WITHOUT REVIEW AND REDACTION OF CJIS RESTRICTED INFORMATION AND CONFIDENTIAL AND EXEMPT PUBLIC RECORDS.

PROCEDURE

AT THE TIME OF CLOSING, THE EMPLOYEE WHO ENTERS THE DISPOSITION SHALL DETERMINE AND INPUT THE RETENTION PERIOD IN STAC. CASES MAY BE REOPENED FOR A VARIETY OF REASONS. CASES THAT ARE REOPENED SHALL BE ASSIGNED A NEW RETENTION PERIOD BASED ON THE NEWEST DISPOSITION DATE UPON CLOSING.

ITEMS SUBJECT TO DESTRUCTION

ONLY IMAGES AND MEDIA SHALL BE SUBJECT TO DESTRUCTION. ALL DATA ENTRY SHALL BE RETAINED INDEFINITELY.

RETENTION PERIOD CALCULATION

RETENTION PERIODS SHALL BE CALCULATED BY THE FOLLOWING METHODS:

GENERAL MISDEMEANORS AND CRIMINAL TRAFFIC CASES SUBJECT TO DESTRUCTION

[DISPOSITION DATE] + [2 YEARS] = [DESTRUCTION DATE]

JUVENILE DELINQUENCY CASES SUBJECT TO DESTRUCTION

[EXPIRATION OF JURISDICTION] + [5 YEARS] = [DESTRUCTION DATE]

FELONY CASES SUBJECT TO DESTRUCTION

[DISPOSITION DATE] + [DURATION OF SENTENCE] + 5 YEARS = [DESTRUCTION DATE]

RETENTION PERIODS

RECORD TYPE	RETENTION PERIOD
GENERAL MISDEMEANORS	2 YEARS
CRIMINAL TRAFFIC	2 YEARS
MISDEMEANOR DOMESTIC VIOLENCE	DO NOT DESTROY
GENERAL FELONY	DURATION OF SENTENCE + 5 YEARS
FELONY INVOLVING SEX CRIMES	DO NOT DESTROY
FELONY INVOLVING DEATH	DO NOT DESTROY
JUVENILE DELINQUENCY	5 YEARS AFTER JURISDICTION EXPIRES
JUVENILE DOMESTIC VIOLENCE	DO NOT DESTROY
JUVENILE SEX CRIMES	DO NOT DESTROY
STATE ATTORNEY INVESTIGATIONS	5 YEARS FROM CLOSING DATE
MEDICAL EXAMINER REPORTS (NOT CASE RELATED)	5 YEARS FROM RECEIPT
ABUSE REPORTS (NOT CASE RELATED)	5 YEARS FROM RECEIPT
NON-CASE RELATED, NON-TRANSITORY EMAIL	1 YEAR
TRANSITORY MESSAGES	RETAIN UNTIL OBSOLETE, SUPERSEDED, OR ADMINISTRATIVE VALUE IS LOST.
FINANCIAL RECORDS	5 YEARS
ALL OTHER RECORDS	1 YEAR

SPECIFIC OFFICE RECORDS RETENTION REQUIREMENTS

ADMINISTRATIVE SUPPORT RECORDS:

THIS RECORD SERIES CONSISTS OF RECORDS RELATING TO INTERNAL ADMINISTRATIVE ACTIVITIES RATHER THAN THE FUNCTIONS FOR WHICH THE OFFICE EXISTS. THESE RECORDS DOCUMENT DAY-TO-DAY OFFICE MANAGEMENT AND DO NOT SERVE AS OFFICIAL DOCUMENTATION OF CASES WITHIN THE OFFICE. EXAMPLES ARE AN INDIVIDUAL'S DAILY ACTIVITY TRACKING LOG USED TO COMPILER PERIODIC ACTIVITY REPORTS; SIGN-UP SHEETS FOR STAFF USE OF OFFICE EQUIPMENT OR FACILITIES (E.G., RESERVING A MEETING ROOM); AND RECORDS DOCUMENTING

OPERATING AND USE OF AN INTERNAL STAFF LIBRARY. RETENTION: RETAIN UNTIL OBSOLETE, SUPERSEDED, OR ADMINISTRATIVE VALUE IS LOST.

ATTENDANCE AND LEAVE RECORDS

THIS RECORD SERIES CONSISTS OF REQUESTS OR APPLICATIONS FOR VACATION, SICK, FAMILY MEDICAL LEAVE ACT (FMLA), AND OTHER TYPES OF LEAVE INCLUDING LEAVES OF ABSENCES; TIME SHEETS OR TIME CARDS ALONG WITH ANY REQUIRED DOCUMENTATION (MEDICAL STATEMENTS OR EXCUSES FROM A PHYSICIAN, JURY DUTY SUMMONS, OR MILITARY ORDERS, ETC.) SUBMITTED BY AN EMPLOYEE TO DOCUMENT AUTHORIZED ABSENCES; REPORTS OF LEAVE HOURS USED AND ACCRUED DURING A PAY PERIOD; AND REPORTS OF LEAVE BALANCES FOR ALL AGENCY EMPLOYEES. RETENTION: 3 FISCAL YEARS.

BACKUPS: ELECTRONIC/DIGITAL RECORDS:

THERE IS NO RETENTION SCHEDULE FOR BACKUP TAPES, DISKS, DRIVES, SERVERS OR OTHER FORMS OF ELECTRONIC/DIGITAL DATA BACKUP. A BACKUP SHOULD BE JUST THAT, A DATA/RECORDS BACKUP KEPT SOLELY FOR DISASTER RECOVERY/BUSINESS CONTINUITY BUT NOT INTENDED TO SERVE AS THE RECORD COPY OR AS A RECORDS RETENTION TOOL. IN THE CASE OF DISASTER, THE BACKUP WOULD BE USED TO RECOVER SYSTEM OPERABILITY AND/OR RESTORE LOST RECORDS; OTHERWISE, OFFICE RECORDS THAT HAVE NOT MET THEIR RETENTION SHOULD NOT BE DISPOSED OF ON THE BASIS OF THE EXISTENCE OF A BACKUP. IF FOR ANY THE ONLY EXISTING COPY OF AN ITEM THAT HAS NOT MET ITS RETENTION PERIOD IS ON A BACKUP TAPE OR DRIVE, THE CUSTODIAN OF THAT RECORD MUST ENSURE THAT THE RECORD ON THE BACKUP IS MAINTAINED FOR THE APPROPRIATE RETENTION PERIOD. A BACKUP CONTAINING RECORD COPIES/ONLY EXISTING COPIES OF ITEMS THAT HAVE NOT PASSED THEIR RETENTION WOULD HAVE TO BE RETAINED FOR THE LENGTH OF THE LONGEST UNMET RETENTION PERIOD.

CALENDARS:

THIS RECORD SERIES CONSISTS OF CALENDARS, APPOINTMENT BOOKS, PLANNERS OR OTHER RECORDS SHOWING OFFICIAL DAILY APPOINTMENTS AND MEETINGS. THE SERIES MIGHT ALSO INCLUDE LISTS OF "PRIORITIZED DAILY TASKS," BACKGROUND MATERIALS, ISSUES FOR DISCUSSION, AND SPEAKING POINTS OR REMARKS. RETENTION: 1 YEAR.

COMPUTER LOGS

THIS RECORD SERIES CONSISTS OF FIREWALL LOGS, SYSTEM LOGS, NETWORK LOGS, OR OTHER LOGS USED TO MAINTAIN THE INTEGRITY AND SECURITY OF THE AGENCY'S COMPUTER SYSTEMS. THE LOGS MAY RECORD SUCH INFORMATION AS: SOURCE AND DESTINATION INTERNET PROTOCOL (IP) ADDRESSES; USER IDENTIFICATION INFORMATION; FILES, DIRECTORIES, AND DATA THAT HAVE BEEN ACCESSED; USER RIGHTS; AND RUNNING APPLICATIONS AND DATABASES. SINCE THESE LOGS MAY PLAY AN INTEGRAL PART IN PROSECUTION OR DISCIPLINARY ACTIONS, AGENCIES ARE RESPONSIBLE FOR ENSURING THAT INTERNAL MANAGEMENT POLICIES ARE IN PLACE ESTABLISHING CRITERIA FOR WHICH LOGS OR ENTRIES SHOULD BE RETAINED FOR FURTHER

INVESTIGATION. **RETENTION:** 1 YEAR OR UNTIL REVIEW OF LOGS IS COMPLETE, WHICHEVER OCCURS FIRST.

DISCIPLINARY CASE FILES: EMPLOYEES

THIS RECORD SERIES DOCUMENTS THE INVESTIGATION OF ALLEGATIONS OF EMPLOYEE MISCONDUCT AND/OR VIOLATION OF DEPARTMENT REGULATIONS OR ORDERS, STATE OR FEDERAL STATUTES, OR LOCAL ORDINANCES. THE SERIES MAY INCLUDE, BUT IS NOT LIMITED TO, STATEMENTS BY THE EMPLOYEE, WITNESSES, AND THE PERSON FILING THE COMPLAINT. CASES INCLUDE BOTH FORMAL AND INFORMAL DISCIPLINARY PROCEEDINGS RELATING TO ALLEGATIONS THAT WERE DETERMINED AS SUSTAINED, NOT SUSTAINED, UNFOUNDED, OR EXONERATED. “FORMAL DISCIPLINE” IS DEFINED AS DISCIPLINARY ACTION INVOLVING DEMOTION, REMOVAL FROM OFFICE, SUSPENSION, OR OTHER SIMILAR ACTION. “INFORMAL DISCIPLINE” IS DEFINED AS ANY DISCIPLINARY ACTION INVOLVING WRITTEN AND VERBAL REPRIMANDS, MEMORANDA, OR OTHER SIMILAR ACTION. THESE RECORDS ARE FILED SEPARATELY FROM THE EMPLOYEE PERSONNEL FILE, BUT THE FINAL ACTION SUMMARY BECOMES PART OF THE PERSONNEL FILE. **RETENTION:** 5 ANNIVERSARY YEARS AFTER FINAL ACTION.

EMPLOYMENT APPLICATION AND SELECTION RECORDS:

THIS RECORD SERIES CONSISTS OF ALL RECORDS THAT DOCUMENT THE SELECTION PROCESS AND JUSTIFY THE SELECTION DECISION, INCLUDING, BUT NOT LIMITED TO, THE JOB OPPORTUNITY ANNOUNCEMENT AND ANY OTHER RECRUITMENT EFFORTS; POSITION DESCRIPTION, INCLUDING THE KNOWLEDGE, SKILLS, AND ABILITIES (KSAs) NECESSARY TO PERFORM THE JOB; APPLICATIONS AND RÉSUMÉS FOR EMPLOYMENT, INCLUDING ANY DEMOGRAPHIC DATA PROVIDED BY APPLICANTS; CORRESPONDENCE; CREDENTIAL DOCUMENTATION; TESTING/EXAMINATION PLANS, DOCUMENTATION, AND RESULTS; BACKGROUND INVESTIGATION/SCREENING DOCUMENTATION; PRE-EMPLOYMENT HEALTH EXAMINATION RECORDS; REFERENCE CHECKS; LISTS OF ELIGIBLE CANDIDATES; LISTS OF APPLICANTS’ RATINGS OR RANKINGS; DESCRIPTION OF THE SELECTION PROCESS AND SELECTION TECHNIQUES USED; NAMES AND TITLES OF ALL PERSONS PARTICIPATING IN THE SELECTION PROCESS; AND OTHER INFORMATION THAT AFFECTS THE SELECTION DECISIONS. DOCUMENTATION (ORIGINAL OR COPIES) REGARDING HIRED CANDIDATES SHOULD BE TRANSFERRED TO THE EMPLOYEE’S OFFICIAL PERSONNEL FILE. **RETENTION:** 4 ANNIVERSARY YEARS AFTER PERSONNEL ACTION PROVIDED ANY LITIGATION IS RESOLVED.

EMPLOYMENT APPLICATIONS: UNSOLICITED

THIS RECORD SERIES CONSISTS OF EMPLOYMENT APPLICATION RECORDS SUBMITTED BY INDIVIDUALS NOT RESPONDING TO A PARTICULAR JOB ANNOUNCEMENT OR VACANCY. THE SERIES MAY INCLUDE, BUT IS NOT LIMITED TO, EMPLOYMENT APPLICATIONS, RÉSUMÉS, CREDENTIAL DOCUMENTATION, OR OTHER RECORDS SUBMITTED BY THE APPLICANT, AS WELL AS CORRESPONDENCE AND ANY RELATED RECORDS REGARDING THE APPLICATION. **RETENTION:** RETAIN UNTIL OBSOLETE, SUPERSEDED, OR ADMINISTRATIVE VALUE IS LOST.

INFORMATION REQUEST RECORDS

THIS RECORD SERIES CONSISTS OF CORRESPONDENCE AND SUPPORTING DOCUMENTATION ACCUMULATED IN ANSWERING INQUIRIES FROM THE PUBLIC. THE SERIES MAY INCLUDE REQUESTS FOR: INSPECTION AND/OR COPIES OF PUBLIC RECORDS (PUBLIC RECORDS REQUESTS), PUBLICATIONS OR SERVICES PROVIDED BY THE OFFICE, CONFIRMATION OF MEETING OR EVENT TIMES/DATES/LOCATIONS, AND GENERAL AGENCY INFORMATION (E.G., MISSION STATEMENT, TELEPHONE LIST, MAP/DIRECTIONS, EMPLOYEE DIRECTORY, ETC.). **RETENTION:** 1 FISCAL YEAR.

PUBLIC INFORMATION FILES

THIS RECORD SERIES DOCUMENTS AN AGENCY'S EFFORTS TO DISSEMINATE INFORMATION TO THE PUBLIC ABOUT ITS PROGRAMS AND SERVICES THROUGH SUCH ACTIVITIES AS SPEECHES, PRESENTATIONS, EXHIBITS, DISPLAYS, SOCIAL MEDIA INVOLVEMENT AND OTHER ACTIVITIES. THE SERIES MAY INCLUDE, BUT IS NOT LIMITED TO, SPEECHES (INCLUDING OUTLINES, SPEAKING POINTS AND DRAFTS), PHOTOGRAPHS OR OTHER ILLUSTRATIONS USED IN AGENCY PUBLICATIONS OR DISPLAYS, APPLICABLE SOCIAL MEDIA POSTS, AND EXAMPLES OF BROCHURES, HANDOUTS, OR OTHER ITEMS MEANT FOR PUBLIC DISTRIBUTION. **RETENTION:** 90 DAYS.

PUBLIC RECORDS EXEMPT STATUS NOTIFICATIONS AND REDACTION REQUESTS

THIS RECORD SERIES CONSISTS OF WRITTEN REQUESTS FROM INDIVIDUALS TO AGENCIES NOTIFYING THEM OF PERSONAL INFORMATION IN PUBLIC RECORDS THAT IS EXEMPT FROM PUBLIC DISCLOSURE. THE SERIES MAY INCLUDE, BUT IS NOT LIMITED TO, NOTIFICATIONS THAT AN INDIVIDUAL HAS EXEMPT STATUS UNDER FLORIDA STATUTES SECTION 119.071, GENERAL EXEMPTIONS FROM INSPECTION OR COPYING OF PUBLIC RECORDS; THE SERIES MAY ALSO INCLUDE REDACTION REQUESTS TO THE CLERK OF COURT TO REMOVE CONFIDENTIAL AND/OR EXEMPT INFORMATION FROM THE OFFICIAL RECORDS AND/OR OTHER PUBLIC RECORDS HELD BY THE CLERK. **RETENTION:** RETAIN UNTIL DISPOSITION OF RECORD(S) TO WHICH NOTIFICATION OR REQUEST RELATES OR UNTIL REQUEST IS WITHDRAWN OR EXEMPTION NO LONGER APPLIES, WHICHEVER IS APPLICABLE.

RECORDS DISPOSITION DOCUMENTATION

THIS RECORD SERIES DOCUMENTS THE AGENCY'S DISPOSITION OF ITS PUBLIC RECORDS. AGENCIES ARE REQUIRED TO MAINTAIN INTERNAL DOCUMENTATION OF RECORDS DISPOSITIONS PURSUANT TO RULE 1B-24.003(9)(D), FLORIDA ADMINISTRATIVE CODE, WHICH STATES IN PART THAT, "FOR EACH RECORD SERIES BEING DISPOSED OF, AGENCIES SHALL IDENTIFY AND DOCUMENT THE FOLLOWING: 1. RECORDS RETENTION SCHEDULE NUMBER; 2. ITEM NUMBER; 3. RECORD SERIES TITLE; 4. INCLUSIVE DATES OF THE RECORDS; 5. VOLUME IN CUBIC FEET FOR PAPER RECORDS; FOR ELECTRONIC RECORDS, RECORD THE NUMBER OF BYTES AND/OR RECORDS AND/OR FILES IF KNOWN, OR INDICATE THAT THE DISPOSED RECORDS WERE IN ELECTRONIC FORM; AND 6. DISPOSITION ACTION (MANNER OF DISPOSITION) AND DATE." **DISPOSITION** MAY INCLUDE EITHER DESTRUCTION OF RECORDS OR TRANSFER OF LEGAL CUSTODIANSHIP OF THE RECORDS TO ANOTHER AGENCY. **RETENTION:** PERMANENT.

DOCUMENTATION OF DESTRUCTION

THE DOCUMENTATION OF THE DESTRUCTION OF A OF A RECORD PERTAINING TO A CRIMINAL CASE FILE, PUBLIC RECORDS FILE, STATE ATTORNEY INVESTIGATION, ABUSE REPORT, AND MEDICAL EXAMINER REPORT SHALL BE NOTED IN STAC BY THE ENTRY OF AN EVENT OF THE TYPE “DESTRUCTION.”