

Record Retention and Destruction Policy

1. Policy:

This Record Retention and Destruction Policy (this “Policy”) represents the policy of the ACG Austin/San Antonio (the “Chapter”) regarding the retention and destruction or deletion of documents and records, whether in written or electronic form.

2. Purpose:

The purpose of this Policy is to (a) ensure that necessary paper and electronic records and documents are adequately maintained; (b) minimize the Chapter’s cost of document retention while still properly retaining documents; (c) aid the Chapter’s employees or independent contractors in understanding their obligations in retaining paper and electronic documents; and (d) ensure that paper and electronic records that are no longer required by the Chapter are discarded or deleted at a proper and uniform time.

3. Compliance with Law:

In accordance with 18 U.S.C. § 1519, the Chapter will not knowingly destroy a document with the intent to obstruct or influence an “investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States. . . or in relation to or in contemplation of such matter or case.”

4. Modification of the Policy:

The retention periods outlined in this Policy may be increased by government regulation, judicial or administrative action, private or governmental contract, pending litigation or audit. When appropriate, the Administrator (as defined below) will issue a memorandum to all employees, instructing them regarding the appropriate response to such modifications.

5. Suspension of the Policy:

Litigation Hold. In the event (a) the Chapter is served with any subpoena or request for documents, (b) any employee of the Chapter becomes aware of a governmental investigation or audit relating to the Association, (c) any litigation is commenced against the Chapter or (d) the Chapter plans to institute litigation against any third party, the destruction or deletion of records relating to the matter will be suspended (such suspension being referred to as a “Litigation Hold”). The Litigation Hold will be communicated by the Administrator (as defined below) to all employees and management services providers having access to relevant records by means of a “Litigation Hold Notice” describing the nature of the proceeding giving rise to the Litigation Hold and the categories of documents to be retained. As of the date of delivery of the Litigation Hold Notice, any further destruction or deletion of such documents will be suspended until such time as the Administrator, with the advice of counsel, determines otherwise.

6. Administration:

The Record Retention Schedule attached hereto as Exhibit A is approved as the initial maintenance, retention and disposal schedule for the Chapter’s paper and electronic records and documents. The administrator of this Policy (the “Administrator”) shall be the Chapter Executive, or such other officer as is designated by the Board of Directors. The Administrator shall be charged with implementing such processes and procedures as the Administrator deems necessary and appropriate to ensure that the Record Retention Schedule is followed, including policies and procedures to be followed by management services providers who maintain custody or control of any records or documents of the Chapter on its behalf. The Administrator is also authorized and directed to: (a) review this Policy at least annually; (b) monitor, in consultation with the Chapter’s president, Board of Directors, legal counsel, local state and federal laws affecting record retention; (c) make modifications to the Record Retention Schedule as necessary to ensure that it is in compliance with local, state and federal laws and includes appropriate document and record categories for the Chapter; and (d) monitor compliance with this Policy.

7. Types of Documents Covered by the Policy:

This Policy applies to paper documents, as well as emails, pdfs and other electronic documents and records generated in the course of the Chapter's business.

8. Personal Computers:

Employees or independent contractors may use personal computers to remotely view or access the Chapter's documents and records, and to review and send emails relating to the Chapter's business. However, all such documents and records, including emails, must reside on the Chapter's computer systems.