

**P19-002 Record Detention and Destruction Procedures**

WHEREAS, Article IX, Section 1(c) of the Bylaws states that the Board of Directors (“Board”) shall have all of the powers and duties necessary for the administration of the affairs of the Association and may exercise powers and duties as are not required by the Act or the Association Documents to be exercised and done by the members; and

WHEREAS, Article VIII of the Articles of Incorporation provide that the affairs of the Association shall be managed by the Board. IV, Section 4.1 (4) and (6) of the Bylaws permit the Board to adopt and amend any reasonable rules and regulations not inconsistent with the Governing Documents, and to enforce the provisions of the Governing Documents, respectively; and

WHEREAS, the Board has determined it to be in the best interests of the Association to generate policies to dictate the retention and destruction of documents in a standard method;

NOW THEREFORE, it is hereby RESOLVED THAT the following procedures related to electronic voting are hereby adopted:

**I. PURPOSE**

This purpose of the Record Retention and Destruction Policy is to establish requirements to ensure the effective implementation and compliance for the Exeter Homeowners Association (HOA) with applicable federal, state, and local records retention and destruction laws.

**II. POLICY**

It is the policy of the Exeter HOA to identify, maintain and safeguard all records that are essential to its business, and to retain those records for periods that satisfy business, legal, regulatory, audit, and contractual requirements.

**III. APPLICABILITY**

This policy applies to all affiliated persons of Exeter HOA including the Board of Directors, committee chairs, agents, contractors, volunteers, or other business partners when supporting the Exeter HOA. Requests for exception to this policy should be made to President of the Board of Directors, who will review and grant on a case-by-case basis.

**IV. POLICY SUCCESSION**

This policy supersedes and replaces all previous versions or policy statements. Where inconsistencies exist, this policy shall at all times be superseded by applicable federal, state, or local law.

## V. DEFINITIONS

1. Approved Electronic Media – Storage methods used to retain records in digital, magnetic or optical storage media that can be recalled by a computer application, e.g., CDs, DVDs, and internal and external hard drives, or cloud storage.
2. Approved Photographic Media – Storage media used to retain records; e.g., microfiche, microfilm and aperture cards or a scanned copy of an original source document.
3. Original Source – The first version of the data or record in the form intended for business purposes. If there are duplicate copies, the copy designated by its author or equivalent as the “Official Copy” or “Copy of Record”
  - i. Drafts of an Original Source do not have to be retained.
  - ii. Any notation on or modification of an Original Source creates a new record, which is in itself an Original Source.
  - iii. Generally only the “Original Source” should be kept of each record that is required to be retained under this policy.
  - iv. Duplicate copies of the Original Source may be kept as long as required for business purposes, but shall not be retained longer than the retention period for the Original Source.
  - v. A document created electronically becomes an Original Source once it is printed and signed, once it is signed electronically, or once it is used for the business purpose for which it was created, as in the case of a data base, report, etc, which may not require a signature.
4. Records – All information received, created, purchased, or otherwise obtained by Exeter HOA in the course of business that reflect the organization, functions, decisions, policies, procedures, operations, or other activities of the organization, or that is otherwise valuable to the organization.
  - i. Records can be in all forms and in any medium, including, but not limited to, handwritten, typed, or printed documents on paper; film; or electronic documents such as emails, material on web sites, diskettes, video or audio recordings, or other electronic media.
  - ii. Records should be interpreted broadly to encompass all official records of day-to-day transactions, including reports, email messages, graphic representations, engineering notebooks, correspondence, contracts, maps, logs, memoranda, computer files or other machine-readable items, and all similar materials.
  - iii. Only the Original Source of a record must be retained.
5. Retention Period – The length of time a record should be retained based on legal, tax, regulatory, contractual, business, and other requirements.
  - i. The Retention Period for each category of records is provided in the Exeter Record Retention and Destruction Schedule Matrix.
  - ii. The Retention Period may be lengthened, and disposal dates suspended because of a pending or threatened audit, investigation, subpoena, government inspection, or litigation.
6. Record Hold Order – Any type of imposed moratorium that prohibits destruction of the record until further notice. The Exeter HOA Board of Directors (BOD) or Legal Counsel is responsible for providing direction on any retention suspension order. In the event that such an order becomes necessary, legal council will issue instructions to the Exeter HOA BOD on how that Record Hold Order is to be implemented.

## VI. RESPONSIBILITY

1. The Board of Directors of Exeter HOA is responsible for the implementation of this policy and will designate the Property Manager to serve as the Exeter HOA records

coordinator. The Property Manager will manage the implementation of and serve as the point of contact for all issues relating to this policy.

2. Working with legal counsel, the Exeter HOA records coordinator shall address the following areas:
  - i. A classification system for electronic and hard copy records for the categories of records listed in the Exeter HOA Record Retention and Destruction Schedule Matrix and the process for differentiating between original source records and duplicate copies.
  - ii. A mechanism to ensure electronic records are appropriately archived and that hard copy records are scanned and appropriately archived electronically or properly classified, cataloged, and sent to the records retention center designated by the Exeter HOA records coordinator. Unless otherwise required, all documentation shall be stored electronically.
  - iii. A mechanism to ensure that only those records listed in the Exeter HOA Record Retention and Destruction Schedule Matrix are electronically archived or sent to a records retention center.
  - iv. A method to maintain cognizance over the categories of records for which the organization has primary responsibility.
  - v. A plan to assure records retention requirements are understood and that records are managed in accordance with those requirements.

## **VII. IMPLEMENTATION**

1. Retention Method- To provide for easy retrieval or disposition of records, a centralized storage device will be maintained identifying the location of electronic files as well as each container of hard copy files.
2. Destruction- At the end of the retention period specified in the Exeter HOA Record Retention and Destruction Schedule Matrix, steps will be taken in accordance with legal counsel to ensure the timely and proper destruction of those records.
  - i. Certificates of record destruction describing the records destroyed and signed by the person responsible for their destruction will be retained as noted in the Exeter HOA Record Retention and Destruction Schedule Matrix.
  - ii. Care will be taken to ensure that destruction of other records shall be in accordance with applicable law or regulation which requires sensitive handling and destruction of records that personal information.
3. Permanent Records- All records identified for permanent retention must be distinctly differentiated from all other records. Permanent retention is defined as the time that Exeter HOA exists.

## **VIII. RECORD HOLD ORDER**

1. Record Hold Orders are issued by or at the direction of the Exeter HOA's Board of Directors, Property Managers, legal counsel or as required by Federal, State, or local law or by order of a duly appointed judge.
  - i. A Record Hold Order suspends the destruction of records because of a pending or threatened audit, investigation, subpoena, government inspection, or litigation or the reasonable expectation of those events.
  - ii. Once a Record Hold Order is issued, it remains in effect until and unless explicit notice to the contrary is given by the Exeter HOA legal counsel.
  - iii. The Exeter HOA records coordinator is responsible for administering all Record Hold Orders.

- iv. All Record Hold Orders should be read broadly. If there is any doubt or question, the document or record in question should not be destroyed or disposed of.
- v. Any questions regarding Record Hold Orders should be referred to the Exeter HOA records coordinator, which is responsible for communications with the Exeter HOA legal counsel to resolve all open questions, issues, concerns, or actions required.
- vi. Record Hold Orders may also be issued in connection with internal audits or investigations.
- vii. In many cases the “Order” may require retention of records even though those records are not listed in the Exeter HOA Record Retention and Destruction Schedule Matrix.
- viii. The Exeter HOA records coordinator shall ensure that all third-party service providers who maintain records on behalf of the Company comply with any Record Hold Orders. Compliance must be verified in writing by the third-party supplier to the Exeter HOA records coordinator.

**IX. NEW RECORDS**

In the event Exeter HOA identifies a record that is not listed in the Exeter HOA Record Retention and Destruction Schedule Matrix, the Exeter HOA legal counsel shall be notified as appropriate:

- 1. If a regulatory requirement establishes the need to retain records which are not listed, the Exeter HOA will provide an Addendum to the Exeter HOA Record Retention and Destruction Schedule Matrix indicating the specific records and retention periods.
- 2. Likewise if the Exeter HOA believes that there is an additional requirement to retain a record, that requirement should be reviewed with the Exeter HOA legal counsel so that an appropriate retention requirement can be established.<sup>1</sup>

**Exeter Homeowners Association**  
 Resolution Action Record

Resolution Pertaining to: Records Retention and Destruction Procedures (P19-002)

Duly adopted at a meeting of the Board of Directors held March 28, 2019.

Motion by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

VOTE

	YES	NO	ABSTAIN	ABSENT
Christopher Tuck, President	_____	_____	_____	_____
Andrew Dunn, Vice President	_____	_____	_____	_____
Misha Ptak, Treasurer	_____	_____	_____	_____
Jeremy Williams, Secretary	_____	_____	_____	_____
Shannon Cook, Member-at-Large	_____	_____	_____	_____
Matthew Smith, Member-at-Large	_____	_____	_____	_____

Resolution Effective Date: March 28, 2019

ATTEST: I hereby certify that a vote was duly taken and the Board of Directors adopted the above Resolution on the 28th day of March, 2019.

\_\_\_\_\_  
 Jeremy Williams, Secretary

March 28, 2019  
 Date