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SUBJECT: Records Management, Retention, and Public Access

POLICY:

The purpose of this policy is to ensure responsible treatment of all records created by or under the control of the Cooperative. The policy shall establish procedures that will be followed by the Cooperative relating to the maintenance, storage, access to, and destruction of records and related information. This policy also ensures that the Cooperative will use due care and consideration in the collection, use and maintenance of personal information ("Information") to keep it confidential in nature and protect it from release to unauthorized third parties.

PROCEDURE:

The CEO/General Manager shall be the Records Custodian responsible for supervising all of the Cooperative's retention practices and procedures and ensuring that appropriate internal controls are implemented. This includes responsibility for assuring that the Cooperative maintains and protects membership records, accounting records, corporate records, insurance records, employee records, and tax records in accordance with all laws, regulations and generally accepted practices and that the same be stored in locations to ensure their safe and long-term security.

Records of the Cooperative, which may be in electronic or paper form, shall be retained in accordance with these guidelines. Records may be destroyed after the requisite retention period, if any, has passed. Records stored electronically by the Cooperative's iVue suite of software applications may be stored longer than the required retention period at the discretion of the CEO/General Manager. A log or other documentation of records destruction may be created to track compliance and assist in evaluating the effectiveness of this policy. Pending or potential litigation, governmental investigation and other circumstances may require a "hold" or suspension of regularly scheduled destruction of records or other information. Employees will be promptly notified of any such hold by the CEO/General Manager.

Retention of Records: Records shall be maintained for as long as the period stated in the schedule appended to this policy. The retention schedule will be reviewed periodically

and amended as needed to reflect changing legal requirements, business needs or evolving practices. Paper and electronic records and other information shall be maintained in the formats and/or media that ensure a life expectancy that, at a minimum, preserves the records for as long as specified in the schedule.

Destruction of Records & Other Information: Unless a legal hold is in effect, destruction of records shall normally occur within six months after the time period stated in the schedule has been met, or as soon as practical thereafter. Other information should be discarded as soon as practicable after it has served its purpose unless subject to a legal hold.

Destruction may occur by the following acceptable methods:

a) Paper Records:

- Recycling or trash if no sensitive, personally identifiable, or confidential information is included.
- Shredding, burning, or pulverizing if sensitive, personally identifiable, or confidential information is included.

b) Electronic Records:

- Deletion of records and data on shared network files as well as computer desktop and laptop hard drives (this includes personal copies)
- Deletion of distributed data and records on peripheral devices and portable storage media (e.g. PDAs, memory sticks, CDs, floppy disks, etc.)
- Erasing or recycling of magnetic tapes

Suspension of Destruction or "Legal Hold": A legal hold is the process for suspending the destruction of records and other information that becomes necessary for the Cooperative to preserve for various reasons, such as:

- A complaint is filed against the Cooperative
- A credible threat of litigation has been received by the Cooperative
- A discovery request is received
- A records preservation order has been issued
- A subpoena has been served on the Cooperative
- A governmental, regulatory, or law enforcement agency has instituted an investigation
- An event has occurred that resulted in substantial damage to property or death or serious bodily injury to a person
- A circumstance has arisen that is likely to cause the Cooperative to file a lawsuit against someone or some entity

- An employee has made a complaint, allegation, or report regarding a violation of law, Cooperative policy, or other improper conduct prompting an internal investigation

If a staff member of the Cooperative receives any such complaint, request, subpoena or inquiry, he or she should immediately submit it to the CEO/General Manager. Following consultation with legal counsel, a determination will be made regarding the need to preserve records. If such a need is determined to exist, then the CEO/General Manager will issue a legal hold notification.

The legal hold requires the preservation of all records and other information detailed in the legal hold notice until otherwise notified. With regard to electronic records and information, all such active, distributed and archived materials must be preserved. Back-ups that only contain records or other information redundant to that which is being maintained as active or archived data, will be recycled or destroyed in accordance with the Cooperative's regular back-up practice.

If a computer or peripheral device (e.g. smart phone, tablet, external disk drive, etc.) has records or other information stored on it which are subject to the legal hold, then any scheduled replacement of that computer or device must be suspended until the stored materials on such computer or device are copied to a secure medium before the computer or device is taken out of service.

#### Members' Personal Information

- 1) Member-consumers shall, upon request by the member, be provided access to service, billing, capital credit, and other related account information about themselves and may correct any inaccurate, incomplete, or untimely information.
- 2) The Cooperative shall use Information about member-consumers in a responsible way only for the purpose of carrying out its operations and to the benefit of member-consumers. The Cooperative may not disclose such Information to affiliates, partners, and other third-parties unless specifically permitted to do so by the member, either in writing or on a recorded phone line. Member-consumers may request that their information not be shared with affiliates for the offering of new products and services. The Cooperative will not sell, rent, loan, exchange, or otherwise release mailing lists or telephone lists of member-consumers for marketing purposes, nor to non-affiliated third parties without the prior written consent of the member-consumer.

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### Public Access to Records

It is recognized that the Cooperative must protect certain business information and membership data. This policy outlines the practices and procedures for dealing with requests for information, including access to minutes of Board meetings, by third parties. All requests for information must be in writing and addressed to the CEO/General Manager. In the event the Cooperative receives such a request for information, the following procedure shall be followed:

- 1) The office employee receiving the request shall determine that the following information has been provided by the individual making the request:
  - a. Name and address of requester
  - b. Company or professional affiliation (if any)
  - c. Account #
  - d. Purpose or reason for the request
- 2) Upon receipt of the information, office personnel shall advise the individual in writing that the request will be referred to the CEO/General Manager or designee and that a response will be provided within 5 business days.
- 3) The CEO/General Manager shall review the request and, at his or her discretion, determine whether the requested access satisfies legal and policy requirements. Access shall be granted in response to all member requests for the Cooperative's audited financial statements and for any Cooperative policy of the appropriate classification level.
- 4) Written notification back to the requester will then be made.
- 5) If access is granted to certain information, such as meeting minutes, the information will be available as "view only" and not available to be copied.

In no way does this policy permit access to meeting minutes of Executive Sessions of the Board or to other privileged Cooperative information (e.g. member information, payroll, etc.). Further, employees shall not divulge, disclose or provide business-related information or membership information (e.g. membership lists, address information, etc.) without prior approval by the CEO/General Manager. Employees may never access customer records for non-business purposes.



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Compliance & Questions: Every employee, director, and agent of the Cooperative is required to comply with this policy. Training will be provided as needed to ensure that everyone subject to the policy is familiar with its provisions and understands the specific responsibilities and tasks associated with carrying out the policy. Periodic compliance audits and testing of retention, legal hold, and destruction procedures may be undertaken at the direction and supervision of the CEO/General Manager. The CEO/General Manager shall make periodic reports to the Board of Directors regarding overall compliance.

Questions about this policy should be directed to the CEO/General Manager.

Reporting of Suspected Noncompliance: Should any employee, director or agent of the Cooperative become aware of information indicating that a person responsible for the retention or destruction of records is not in compliance with this policy, such information shall be promptly reported to the CEO/General Manager.

DELAWARE COUNTY ELECTRIC COOPERATIVE, INC.

Approved by Board of Directors	December 18, 2013
Reviewed by Board of Directors	November 24, 2015
Revised by Board of Directors	December 19, 2017
Revised by Board of Directors	December 17, 2019
Reviewed by Board of Directors	November 22, 2022
Revised by Board of Directors	March 26, 2024

This policy combined former policies "Records Management & Retention," "Protection of Consumer Personal Information," "Membership Records," "Public Accessibility," and "Records, Maintenance & Public Access" effective December 18, 2013.

Appendix 1 – Retention Schedule

<b>Record Description</b>	<b>Minimum Retention Period</b>
Annual reports	Life of corporation
Organizational documents	Permanently
Deeds, Mortgages, and the like	Permanently
Board meeting Minutes and Resolutions	Permanently
Contracts	7 years beyond contract life
General Ledger	Permanently
Bank Statements	7 years
Accountants' and auditors' reports	7 years
General Accounting Records	10 years
Journals	50 years
Daily Cash sheets	5 years
Insurance Records	7 years
Transformer history records	Life of transformer
Construction, Retirement & Maintenance work orders (closed)	7 years
Staking Sheets	Permanently
Plant ledgers/Continuing Property Records	Permanently
Construction work in progress ledgers	Until WO closed, then part of WO record
Retirement work in progress ledgers	Until WO closed, then part of WO record
Procurement/Purchase Orders	7 years
Records of sales of scrap	7 years
Rate schedules/Sales Records	Until superseded + 6 years
Tax records	7 years after settlement
Statements of funds and deposits	7 years
Budgets	7 years
Safety, motor vehicle and driver license records	7 years
Payroll records and Timecards	7 years
Personnel files - I-9 Forms	3 years from date of hire or 1 year from termination, whichever is later
Personnel files – New Hire and Annual Employee Notice of Pay Rate and Payday	7 years
Personnel files – Applications & Resumes of Non-Hires	7 years from date position filled
Personnel files – Job Postings & Advertisements filed by position filled	7 years from date position filled



Personnel files – Hiring Documents, Recruitment Documents, Policy Acknowledgement Forms, Job Descriptions, Pay Rate and Compensation Information, Performance Reviews, Disciplinary Documents, Employment Status Changes, Paid Family Medical Leave records, Training Records, Physical Examinations, other Medical Records, Employment and Aptitude Tests, Termination Documents, Exit Interviews	Permanently [Medicals must be in separate file]
Records of Discrimination Charges/Complaints	The last of: 7 years after employee's termination, a final disposition of the action, or the date the applicable statute of limitations expires if no action is brought
Personnel files, Workers Compensation Records	Permanently [Must be in separate file from main employee file]
Personnel files, OSHA Injury/Illness Records (Form 300/301/300A)	7 years
Employee Benefit Plans	Permanently
Personnel files – Employee Benefit Individual Application, Enrollment Forms	Permanently
Personnel files – Wage Garnishment Orders	7 years from end of garnishment
Personnel files – Employment Certificates for Employees Under 18	Retain only while minor is employed, then return to minor.
Personnel files, Other	Permanently [Medicals must be in separate file]
Environmental records	7 years
Licenses and Permits	Permanently or until no longer hold license
Meter history	Life of meter
Injury Records	18 years for employees; 3 years for non-employees
FMLA (Family Medical Leave Act)	3 years
Federal Grant Records	3 years from submission of final grant report
Complaints	3 years from closing of complaint
Training Manuals	Until Superseded