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OKLAHOMA COUNTY RECORDS RETENTION POLICY

Records Management Program

CONTENTS

Records Management Policy	2
1. PURPOSE, SCOPE & TARGET AUDIENCE	2
1.1. PURPOSE	2
1.2. SCOPE.....	2
1.3. TARGET AUDIENCE.....	2
2. KEY DEFINITIONS	3
2.1. Records.....	3
2.2. Official Records	3
2.3. Non-Records.....	3
3. ROLES AND RESPONSIBILITIES	4
3.1. Policy & Governace Committee.....	4
3.2. Executive Leadership	4
3.3. Management information systems (MIS)	4
3.4. OKLAHOMA COUNTY OFFICES AND DEPARTMENTS	5
3.5. County Employees	5
4. OWNERSHIP & ADMINISTRATION OF COUNTY RECORDS	5
5. RECORDS LIFECYCLE MANAGEMENT	6
5.1. Creation and Capture.....	6
5.2. Maintenance and Use	6
5.2.1. Retention Schedule	6
5.2.2. Suspension of the Records Retention Schedule	6
5.2.3. Storage	7
5.2.4. Business Continuity and Vital Records.....	7
5.2.5. Records Disposal	7
5.2.6. Offsite Storage	8
5.2.7. Historical Records Preservation	9
6. ELECTRONIC RECORDKEEPING	9
7. TRAINING	9
8. RECORDS POLICIES, PROCEDURES, AND PRACTICES	10

RECORDS MANAGEMENT POLICY

1. PURPOSE, SCOPE & TARGET AUDIENCE

1.1. PURPOSE

The purpose of this document is to establish a policy to ensure satisfaction of legal and regulatory records retention requirements and business accountability. The Records Management Policy (hereafter referred to as “the Policy”) and attached Records Retention Schedule will establish accountable recordkeeping practices that will reduce storage costs and create more efficient methods in the maintenance and disposal of records.

The Records Management Policy also establishes the organizational governance and placement of records management responsibilities within the organization. In addition, the Policy also provides guidelines for Oklahoma County Offices in defining their internal records procedures and thereby serves as a framework for establishing consistent and accountable recordkeeping practices.

1.2. SCOPE

This Policy and subsequent policies, procedures, and standards adopted under the Records Management Program are intended to apply to:

All records created or received in conjunction with the operations of Oklahoma County, regardless of the media or format (e.g., electronic, e-mail, imaged, paper, voicemail etc.).

All physical locations where records are maintained, including firms and individuals acting as agents of Oklahoma County.

All employees, contractors, agents, business users, and subsidiaries that create, receive, manage, or use Oklahoma County records.

This Policy replaces all previous records management policies, procedures, and standards of Oklahoma County BOCC Departments and Elected Official Offices and sets forth the procedures for amending this, Policy.

In the future, all records management policies, procedures, and standards or amendments thereto must be issued by the Oklahoma County Information Technology Council as defined in this Policy.

To the extent that this policy conflicts with state statute, state statute shall govern.

1.3. TARGET AUDIENCE

For purposes of this Records Management Policy, the term “Oklahoma County” encompasses all BOCC Departments and Elected Official Offices.

2. KEY DEFINITIONS

2.1. RECORDS

For the purposes of this Policy, “records” shall be defined as documents or data created or received by any Oklahoma County BOCC Department or Elected Official Offices in the course of its business.

Records are not specific to any particular media or format. They may take the form of (a) paper documents, forms, reports, manuals, correspondence, and files; (b) computer files such as spreadsheets, databases, word-processed documents, and e-mail messages; or (c) information in other formats such as video tape, audio tape, microfilm, and photographs.

2.2. OFFICIAL RECORDS

Official records shall consist of all complete and final records containing information that requires retention for business or legal reasons. An Official Record satisfies an organization’s legal and administrative retention requirement and provides evidence of organization, business functions, policies, decisions, procedures, operations and internal or external transactions. Any record that discusses or involves county business will meet this definition.

Examples may include:

- Meeting Minutes, Agendas and Attachments to Agendas
- Original Invoices
- Signed Contracts
- Email that defines, uses or interprets county policy or that conducts county business
- Original Receipts
- Original documents that demonstrate compliance with governmental requirements
- Final version of an Audit Report

2.3. NON-RECORDS

Non-records are those not requiring retention for business or legal reasons. A Non-Record is not necessary to satisfy an organization’s legal or administrative retention requirements. Non-Records also include any copy of a record maintained for convenience purposes, rather than to document a final version.

Examples include:

- Duplicates or “convenience copies” of official records that have not been annotated.
- Document drafts that have been superseded by approved, official versions.
- Published literature, catalogs and trade journals.
- Casual correspondence including records created to facilitate meetings for internal communication (many e-mail messages fall in this category).
- Reference materials which have no on-going value.
- Information copies of memoranda.

3. ROLES AND RESPONSIBILITIES

3.1. POLICY & GOVERNANCE COMMITTEE

The Oklahoma County Information Technology Council is comprised of representatives from each Oklahoma County Elected Officials Office.

The Oklahoma County Information Technology Council has general program management responsibility, including working with the Board of County Commissioners and each Oklahoma County Elected Official Offices to ensure adequate Program resources. The Oklahoma County Information Technology Council is responsible for:

- Reviewing this Records Management Policy and other records management policies, procedures, and standards as needed to address changes in business organization; business processes; recordkeeping systems; and records legal, regulatory, and operational requirements.
- Providing guidance to the Policy & Governance Committee on records management initiatives, activities and regulatory changes.
- Approving the disposal of eligible records per the Oklahoma County Records Retention Schedule.
- Establishing and implementing standards for records and recordkeeping practices.
- Issuing and implementing records management procedures and guidelines.
- Educating and training employees on records management policies and procedures.
- Monitoring, auditing, and reporting on the business units' adherence to records management policies and procedures.
- Working with Oklahoma County Executive Leadership to ensure the effective management of the Records Management Program.
- Managing / overseeing off-site records storage.
- Managing Program change control process.
- Annually reviewing for statutory changes that impact record retention and destruction

3.2. EXECUTIVE LEADERSHIP

The Board of County Commissioners and Oklahoma County Elected Officials are responsible for showing strong sponsorship of the Policy and related records management policies, procedures, and standards within their respective offices.

3.3. MANAGEMENT INFORMATION SYSTEMS (MIS)

The MIS Department is responsible for:

- Assisting with the review of electronic records subject to an "Indefinite" retention period for appropriate retention, accessibility, or disposal decisions.
- Assessing current system capabilities to comply with records management policies and standards.
- Evaluating any new business applications, software, or upgrades to technology for the ability to support compliance with the Records Management Program, including the Records Retention Schedule.
- Developing, issuing, and implementing secure deletion / disposition procedures for COUNTY electronic records.

- Ensuring the accessibility of electronic records needed for business continuity purposes.
- Coordinating with the Oklahoma County Information Technology Council to monitor compliance with the records management program and the records retention schedule for electronic records, including electronic business communications.
- Reviewing and monitoring any media conversions to ensure that all electronic records being converted or reformatted can be managed in compliance with the Records Management Program.
- Developing and implementing plans for the long-term preservation and accessibility of electronic records per the Records Management Program and the Records Retention Schedule.

3.4. OKLAHOMA COUNTY OFFICES AND DEPARTMENTS

Oklahoma County Offices and Departments will establish and maintain record-keeping systems that comply with legal, regulatory, and county business requirements. Leadership of the departments and elected offices are accountable for ensuring that Records Management policies and procedures are implemented at all levels.

3.5. COUNTY EMPLOYEES

Oklahoma County employees are responsible for the appropriate management and storage of their business records and for preparation of their materials for off-site storage. Specific responsibilities include:

- Creating, receiving, and managing records as part of their daily work according to established policies and procedures.
- Evaluating paper and electronic records to determine their appropriate classification and storage.
- Packing and preparing cartons for off-site storage.
- Disposing of records according to established records management policies and procedures as directed by a Supervisor.

4. OWNERSHIP & ADMINISTRATION OF COUNTY RECORDS

Oklahoma County owns all records created, received and / or used in the course of conducting business. All records pertaining to Oklahoma County business, no matter where they are located, are considered Oklahoma County property. These records should not be used for personal or private purposes.

Oklahoma County reserves the right to access and review the content of any records or information created, stored, transmitted or received using COUNTY computers or other resources that are located in COUNTY facilities or on COUNTY property. To the full extent allowed by law, employees should not expect any right to privacy with respect to such records.

All records located in any Oklahoma County facility, or in any facility managed by a third party on behalf of Oklahoma County, are COUNTY property and must be preserved in accordance with Oklahoma County Records Management policies and procedures. Employees who are terminated must also return all records. Third parties, working on behalf of Oklahoma County, must return originals and all copies of Oklahoma County records upon the termination of their contract with the COUNTY.

Furthermore, intellectual property rights in all records belonging to Oklahoma County are owned by Oklahoma County in perpetuity. Intellectual property rights extend to all renewals, extensions, revivals, consents, and applications.

5. RECORDS LIFECYCLE MANAGEMENT

5.1. CREATION AND CAPTURE

Records are created to provide evidence of business transactions. All employees, contractors, and agents of Oklahoma County are responsible for creating and documenting business events and transactions in a professional and concise manner utilizing the appropriate language, facts, and integrity. Records may also be received by business units in the ordinary course of business and must be retained as evidence of business transactions. Records should be systematically captured and indexed to allow for their access and retrieval. Rules for creating and capturing records and metadata about records should be incorporated into the procedures governing all business processes for which there is a requirement for evidence of the activity.

5.2. MAINTENANCE AND USE

5.2.1. RETENTION SCHEDULE

Oklahoma County Records Retention Schedule is the only retention policy authorized for use. The Records Retention Schedule identifies what records are being managed and defines how long they need to be retained based upon their business, legal, compliance, operational, and / or continuing use to the County.

If an elected official or director believes that a record scheduled for destruction under the standard disposition schedule needs to be preserved longer than the minimum retention time for a legitimate business purpose, a notification of intent to retain the identified record beyond the retention period will be submitted to the Policy and Governance Committee. The notice will: (1) identify the document by type or name; (2) explain and describe the reasons or need for the document to be retained beyond the minimum retention period; and (3) provide an estimated date for when the document can be safely destroyed. After the Notice is received, the document will be retained until the new date identified for destruction listed in the notice has expired. If additional retention time is needed, a second notification may be filed but no more than two extensions by notice will be allowed and the time frame for additional retention will not exceed seven (7) years without amendment or permanent policy change. The director or elected official who has submitted the notice of extended record retention may also withdraw the notice at any time in writing to the Policy and Governance Board prior to proceeding with destruction of the record.

5.2.2. SUSPENSION OF THE RECORDS RETENTION SCHEDULE

The disposal of records may be suspended under special circumstances, including litigation, regulatory inspections, government investigation, audits, or other actions that require the retention of records otherwise eligible for disposal. The duty to preserve and protect records during or in anticipation of litigation, government investigation, or audit supersedes the scheduled retention and disposal of records.

All records, including email records, instant message records, other electronic records, and paper records, are potentially discoverable in litigation or in regulatory investigations, regardless of storage medium (i.e., paper, optical, magnetic, microfilm) and physical location.

Oklahoma County's District Attorney & Treasurer Offices are the only offices with the authority to issue or release a legal hold order that suspends the retention and disposal requirements for records. Oklahoma County's District Attorney & Treasurer Offices will maintain a record of all of their respective disposal orders, both active and superseded.

Oklahoma County's District Attorney & Treasurer Offices will issue a legal hold order to custodians and back-end users identifying potentially relevant records and notifying them of the duty to preserve the information. Custodians acknowledge receipt of the hold order and return the acknowledgment to the issuing department within seven (7) days. District Attorney & Treasurer Offices will periodically review hold orders and will notify custodians that the duty to preserve continues. District Attorney & Treasurer Offices will notify custodians when a matter is closed and the duty to preserve records is no longer required.

5.2.3. STORAGE

Records will be stored to ensure their protection, usability, and integrity for as long as they are needed by the COUNTY as defined by the Records Retention Schedule, notice of extended retention, or active legal holds.

Appropriate storage systems environments, handling procedures, media, and the physical and intellectual safeguarding of records will be considered in achieving compliant recordkeeping and in the implementation of the Records Management Program.

Employees are prohibited from putting records on their home computers. Records are not the property of employees and must be returned to Oklahoma County premises or other Oklahoma County approved storage locations approved by the Elected Official or Department Head.

5.2.4. BUSINESS CONTINUITY AND VITAL RECORDS

Business continuity planning and contingency measures must ensure that records that are vital to the continued functioning of the COUNTY are identified, protected, and recoverable when needed. The county elected officials and departments will identify records needed for business continuity purposes, and the County IT Department will ensure their accessibility.

5.2.5. RECORDS DISPOSAL

Official records that have met the Oklahoma County Records Retention Schedule requirements and are not subject to any legal holds are eligible for disposal, per the disposal procedures issued by the Policy.

When records are approved for disposal, all copies in the possession of employees must also be destroyed. This includes copies in all media and formats, such as hard paper copies, photocopies, microfilm copies, and electronic files stored on removable media, hard disks, file servers, magnetic tape, or other storage devices, subject to the limitations of specific software applications.

Premature disposal of official records is expressly prohibited. The intentional premature disposal of records is against the law and will result in disciplinary action, up to and including

termination of employment, and possible civil and criminal liability. Disposal of confidential official records should be carried out in accordance with the disposal procedures outlined in this Policy.

APPROVED DESTRUCTION METHODS

Records containing confidential information, as well as nonpublic personal information of employees and customers, must be destroyed in a manner that renders them inaccessible and unreadable.

Paper records should be shredded, pulped, incinerated, crushed, or destroyed by other secure methods approved by the Oklahoma County Information Technology Council. Electronic records, including back-ups, must be securely erased, reformatted or rewritten based on Information Technology guidelines.

Oklahoma County approved method of destruction is shredding, which is the removal and shredding of identified records by the storage vendor or by a certified secure shredding vendor/partner. Records are disposed of via shredding, thereby rendering those materials beyond reconstruction. Upon completion, a Certificate of Final Disposition must be provided to Oklahoma County.

5.2.6. OFFSITE STORAGE

Approved offsite storage locations may be used to store Oklahoma County records. The use and selection of offsite storage locations/vendors is at the discretion of Oklahoma County Elected Officials and departments.

Only Official Records should be sent to offsite storage. Unofficial Records (generally duplicates or convenience copies) should remain onsite and be destroyed as soon as possible after their useful life, and must not be retained longer than the Official Record.

Offsite storage facilities should be primarily used for the storage of inactive business records or records identified as closed, completed, or supporting concluded activities, but must be retained for business or legal purposes.

TRANSFER OF RECORDS TO OFFSITE STORAGE

Oklahoma County departments and elected officials are responsible for the transfer of physical records to an approved offsite storage facility managed by Oklahoma County or a commercial storage vendor. Records should be prepared for transfer using the following criteria on each carton label:

- Record Class Code/Series
- Records Description
- From Date (date of oldest records in the carton)
- To Date (date of newest records in the carton)
- Departmental Ownership

To transfer and store Oklahoma County records, the use of Oklahoma County approved cartons and folders should be utilized for the storage of physical records. Oklahoma County Elected Officials and departments should ensure records are boxed properly, combining like record types of a similar age in the same carton to facilitate an easier application of the retention policy to each carton.

Boxes of records should also be packed so that files are easy to retrieve. Boxes should not be over-filled as files will be difficult to pull, and cartons may fall apart. A 1-to-2-inch space should be left in each carton to allow ease of reference. The bottom of the carton should be reinforced with packing tape, if necessary. The carton top should be properly secured to the rest of the carton with 3-4 separate tape locations.

The transfer of the records should be documented in a form commonly known as a transfer or transmittal form document. The transfer/transmittal form captures information about the specific collection of records that were transferred to the storage location or vendor. An inventory of the records transferred should also be created for ongoing tracking and management of the records, including retrievals, as needed.

5.2.7. HISTORICAL RECORDS PRESERVATION

Records of continuing historical value to Oklahoma County must be retained in accordance with archival principles and best practices to ensure their availability and integrity over time.

The Oklahoma County Information Technology Council is responsible for identifying historical records, the County Clerk is responsible for managing Oklahoma County's historical records.

6. ELECTRONIC RECORDKEEPING

Electronic records, including e-mail and other electronic business communications that meet the definition of official records, must be captured, managed, retained, and disposed of or preserved according to the provisions of this Policy and the Oklahoma County Records Retention Schedule.

Official electronic records must be maintained in a COUNTY approved recordkeeping system making them accessible for business and legal purposes and preserving them for their entire retention period. Electronic records that do not meet the definition of official records should only be retained as long as actively needed and in no case longer than the official record.

Backup media, including tapes and other magnetic media, will be created and maintained for disaster recovery / business continuity purposes only. Backup media will not be used to satisfy record retention requirements and should be recycled or disposed of as soon as the content is superseded or has become obsolete.

7. TRAINING

The Oklahoma County Information Technology Council will be responsible for the creation, implementation, and administration of the records management training program. The objective of the training is to notify all personnel of the existence, scope, purpose, and importance of Oklahoma County's Records Management Program. The Oklahoma County Manager will provide the Oklahoma County Records Retention Policy and Schedule to all Board of County Commissioners (BOCC) and Elected Officials.

8. RECORDS POLICIES, PROCEDURES, AND PRACTICES

The Oklahoma County Information Technology Council will issue supplementary records management procedures and guidelines as necessary to ensure the creation and management of COUNTY records in compliance with this Policy and applicable laws, regulations, and best practices.