



ABP Corporate Policy

Retention Policy

POLICY PURPOSE

This Policy has been adopted by the American Board of Pediatrics (ABP) and the ABPC, LLC and addresses the retention and disposition of ABP records, regardless of format (i.e., physical and electronic). The Policy effectively implements the ABP's Functional Retention Schedule (FRS).

The primary objectives of the Policy are to:

- Retain records necessary for conducting ABP business, complying with applicable legal and regulatory requirements, or preserving the history of the ABP;
- Facilitate the retention and proper disposition of ABP records;
- Retain records relevant to any existing Legal Hold issued by the ABP;
- Provide a consistent, documented, and secure process for destruction of both physical and electronic records; and
- Assist individuals in understanding their obligations and responsibilities with respect to proper records retention and destruction.

Additionally, every effort shall be made by the ABP Records & Information Management (RIM) Program, in collaboration with other responsible ABP departments and staff, to address Information Governance (IG) standards and best practices in regard to proper Records Retention. These IG standards can relate to Information Privacy, Security, or other Risk Management/Compliance considerations mandated by ABP policy and/or legal and regulatory requirements.

POLICY SCOPE

This Policy describes the ABP's Records Retention process, including all elements of the Records Lifecycle and the management and implementation of the FRS. The Policy details the requirements of the entire Records Disposition process, including all necessary documentation of the process. The relationship between the Retention/Disposition process and the ABP's Legal Hold Policy is also defined.

This Policy covers unstructured records in all formats (i.e., physical, electronic, or otherwise). For ongoing business purposes, this Policy and the ABP Retention Schedule do not apply to structured data. However, any legal or other regulatory/compliance requirement(s) regarding the retention of structured data will be reviewed and implemented by the ABP as appropriate.

This Policy applies to all ABP staff and agents of the ABP, as well as any person acting on behalf of and authorized to act on behalf of the ABP. In addition, to the extent reasonably feasible and appropriate, this Policy will apply to outside contractors, vendors and other business associates who are given this Policy and informed to adhere to this Policy. Such applicable contractor, vendor or business associate agreements will include the language that requires the outside contractor, vendor or business associate to comply with the terms of this Policy. Individual responsibilities under this Policy may vary depending on the individual's relationship to the ABP and her/his access to records and other information.

ADMINISTRATION

Administration of this Policy is the responsibility of the ABP RIM Program. Guiding this Policy is the



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FRS as approved by the ABP's Senior Management Team (SMT). The ABP Manager of RIM is authorized to oversee the administration of this Policy and the implementation of the related retention processes. The Manager of RIM also monitors compliance with this Policy, annually reviews (or sooner if necessary) the Records Retention processes and policy, and formally proposes modifications/changes to the Retention Policy and processes as well as the FRS. Any suggested modifications to the Retention Policy or FRS must be approved by the SMT before being implemented. Substantial modifications to this Policy will be presented to the ABP Board of Directors for approval as appropriate.

DEFINITIONS

Archiving: The conduct of all activities related to caring for records of continuing value. The ABP RIM Program uses the term "archive" to refer to the preparation of physical records for long-term or permanent storage.

Generally Accepted Recordkeeping Principles: A framework of definitive principles for governing an organization's information as a strategic asset. The Information Governance principles support organizational goals, facilitate compliance with regulatory, legislative, and information management requirements, and limit risks. These principles were established by ARMA International in 2009 and were synthesized from authoritative international and national standards and global best practice resources for governing information. There are eight principles: Accountability; Integrity; Protection; Compliance; Availability; Retention; Disposition; and Transparency. These eight principles guide the ABP RIM Program and can be found at the end of this document.

Information Governance (IG): The set of multi-disciplinary structures, policies, procedures, processes, and controls implemented to manage information at an enterprise level, supporting an organization's immediate and future regulatory, legal, risk, environmental and operational requirements.

Legally reasonable: Implementation and administration of good-faith strategies, structures, processes, and systems to reasonably safeguard the security and legal compliance of the RIM Program.

NAID Certified: NAID AAA Certification verifies the qualifications of certified information destruction providers through a comprehensive scheduled and unannounced audit program. This rigorous process supports the needs of organizations around the world by helping them meet numerous laws and regulations requiring protection of confidential customer information.

Non-record: Any unstructured data/information that does not meet the ABP's definition of "record" or has been excluded from the definition. For example, "convenience copies" and transitory e-mails are typically not considered "records." A non-record can be destroyed/deleted when the business reason for creating or receiving the record is complete.

Record: Any recorded information, regardless of medium, that is made, received, or retained in pursuance of legal obligations, the transaction of business, and/or historical importance. The ABP's Functional Retention Schedule (FRS) details the different functional groups and categories of



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records, as well as defines the retention requirements for those records. The ABP's FRS only addresses unstructured data/information as records (i.e., the FRS is not applicable to structured information/data).

Structured data: Data that is organized into a formatted repository, typically a database, so that its elements can be made addressable for more effective processing and analysis.

Unstructured data (or unstructured information): Information that either does not have a pre-defined data model or is not organized in a pre-defined manner. Unstructured information is typically text-heavy, but may contain data such as dates, numbers, and facts as well.

RECORDS RETENTION

Managing Retention throughout the Record's Lifecycle

Records Retention is managed for each phase of a record's lifecycle, from creation/capture through use/retrieval/storage and culminating in final disposition.

Per the *Generally Accepted Recordkeeping Principle* of "Integrity", the ABP RIM Program shall work with all ABP departments and staff to ensure that the records maintained by the ABP (regardless of format) have a reasonable and suitable guarantee of authenticity and reliability.

Creation or Capture

Once a record is created or captured (i.e., received through mail, email, or some other form of transmission), it should be maintained in the proper electronic repository or physical location per the ABP RIM Policy.

Use, Retrieval, and Storage

The use of records by ABP staff, contractors, and others should be done in accordance with the ABP RIM Policy requirements. Effective retrieval and storage of electronic records are overseen by the RIM Program in collaboration with the IT Systems and Tech Team, and effective retrieval and storage of physical records are overseen primarily by the RIM Program.

Disposition

Disposition is the final action taken on a record per the ABP's FRS. Possible disposition actions for ABP records include: a) destruction or deletion or b) long-term or permanent archiving. All ABP records pertain to a specific FRS category which defines a retention period. All disposition actions are completed, after appropriate authorization has been obtained, per the ABP Records Disposition process (refer to "Records Disposition Process" section).

Addressing Record "Copies"

Convenience Copies

A "convenience copy" is a copy of an official record and is created for access and reference purposes only (i.e., not meant for purpose of long-term preservation). Unless otherwise instructed, a convenience copy should be disposed of in a secure manner when no longer needed for business purposes. A convenience copy is not an official record, is not subject to



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the FRS requirements, and should be kept for the minimum time necessary.

Disaster Recovery and Business Continuity “Copies”

The ABP creates electronic backups, or “copies”, of its electronically stored information for Disaster Recovery and Business Continuity (DR/BC) purposes. To assist in achieving the objectives of this Policy, these backups/copies are primarily for DR/BC purposes and may not be used as a Records repository from which records can be retrieved other than for DR/BC purposes. Please refer to the *ABP Back-Up Information Storage Procedures* for further information.

FUNCTIONAL RETENTION SCHEDULE

The Functional Retention Schedule (FRS) is the cornerstone of the ABP’s Records & Information Management Program for both the ABP and the ABP Foundation.

Purpose

The FRS identifies information created, managed, and retained by the ABP and defines time periods that:

- Establish legal rights or responsibilities for the ABP, its staff, contractors, third party vendors, and other individuals conducting business on behalf of the ABP;
- Assure compliance with regulatory requirements; and
- Support the ABP’s internal administration and mission.

Application

The FRS applies only to unstructured electronic and physical records. The implementation of the FRS is done in accordance with the retention process described in this Policy and provided in detail in the *ABP Records Disposition Procedures*.

Reviewing and Updating the FRS

The retention categories included in the FRS requires review every two years (or sooner, if necessary) to address changes to ABP operations, evolving legal or regulatory need, and/or other considerations. The ABP Manager of RIM formally proposes any changes to the FRS. Any proposed changes to the FRS must be approved by the SMT before being implemented.

RECORDS DISPOSITION PROCESS

The following sections explain the Records Disposition process for ABP records whose retention period has expired (i.e., disposition-eligible records) per the ABP’s FRS. The *ABP Records Disposition Procedures* goes into detail about the specific steps required for the Identification, Review & Authorization, and Archiving or Secure Destruction/Deletion stages for disposition-eligible records.

- A. Retention Disposition Process Cycle:** The ABP RIM Program shall oversee the Records Disposition process on an annual basis beginning in the first full week of January every calendar year. At the beginning of the annual process, the records eligible for disposition will be identified in all formats, and the Records Disposition process will commence for these records. The Records Disposition process shall be carried out as efficiently as



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possible and completed by the end of the calendar year in which the Records Disposition process began.

NOTE: The following section explains the processes for the disposition of records with expired retention periods and the current state of the ABP's RIM program. At the time of this Policy's adoption, the ABP is in the early stages of establishing its Records Retention Program. Legacy issues with physical records are still being addressed and a Document/Records Management System capable of effectively managing electronic records disposition pursuant to this Policy is being developed. The systematic disposition of electronic records per an annual Records Disposition process will begin as soon as electronic records and non-records have been consolidated in an Electronic Document Management System and an appropriate Records Management System has been selected and is fully implemented. In the meantime, the ABP shall apply disposition to electronic records in reasonable accordance with all legal and regulatory requirements in a prompt manner per available resources. Disposition of physical records will begin once a Records Management System has been implemented in order to create a unified Records Management System.

B. Identification of Disposition-Eligible Records

The RIM Program is responsible for applying the ABP FRS to all records, regardless of format (i.e., physical and electronic records), and identifying all disposition-eligible records. The RIM Program will automate this identification process, through technology, to the greatest extent possible while ensuring the accurate identification of disposition-eligible records. For collections of disposition-eligible records that cannot be identified through an automated process, the RIM Program will determine the most effective method available to identify these records and carry out the selected process as efficiently as possible.

1. Physical Records

The ABP's RIM Program shall maintain a Physical Records Management System (PRMS) that inventories and tracks all ABP physical (i.e., hard copy or other non-electronic) records. The PRMS will contain pertinent metadata on each record which will allow the RIM Program staff to identify all records with expired retention periods that have become disposition-eligible. The PRMS will also help maintain metadata for all records which have been disposed, including information about the actual disposition.

Any ABP physical "non-record" can be destroyed when no longer needed for business purposes upon confirmation that it does not meet the definition of an ABP "record" (see section on "Definitions").

2. Electronic Records

When implemented, the ABP's RIM Program shall maintain an Electronic Document Management/Records Management System (EDRMS) to manage unstructured electronic documents and records. The retention periods of all electronic records will



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be tracked through the EDRMS, and the system will notify the RIM Program staff when electronic records are disposition-eligible (i.e., their retention period has expired). The EDRMS will generate reports that allow ABP management to review disposition-eligible electronic records for final disposition authorization (see section on “Disposition Review and Authorization”). The EDRMS will maintain metadata for all records that have been disposed, including information about the actual disposition. The EDRMS is currently under development.

Any ABP electronic non-record can be deleted when no longer needed for business purposes upon confirmation that it does not meet the definition of an ABP “record” (see section on “Definitions”).

C. Disposition Review and Authorization: The ABP requires review and authorization of all records scheduled for disposition regardless of format. The review and authorization process is managed by the RIM Program staff. Each ABP Department shall select the appropriate authority (typically a VP, Director, and/or Manager) to review disposition-eligible records and approve the record(s) for destruction or archiving (or request a retention period extension). While the individual reviewing the record(s) and authorizing disposition is not required to visually review the content of each record, that is an option, if preferred. The review and authorization decision-making process is conducted and documented per the *ABP Records Disposition Procedures*.

D. Archiving of Permanent and Historical Records

1. Physical Records

Permanent Records

Absent any ABP-issued Legal Hold or other requirement to maintain on-site, any ABP physical record which has permanent retention value per the ABP FRS will be archived per the requirements of this Policy and the *ABP Records Disposition Procedures: Physical Records*.

Historical Records

Absent any ABP-issued Legal Hold or other requirements to maintain on-site, any ABP physical record with an expired retention period per the ABP FRS and has been authorized for preservation in the ABP Historical Archive (off-site location), will be properly archived per the requirements of this Policy and the *ABP Records Disposition Procedures: Physical Records*.

Records with Long-Term Value

Absent any ABP-issued Legal Hold or other requirement to maintain on-site, any record with long-term retention value may be stored per the ABP Archival process until its retention period has expired and a disposition action is required.

2. Electronic Records

Any ABP historical record or record with permanent retention value in electronic format shall be stored in an electronic repository that allows for the proper long-term



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or permanent storage of the record per the requirements of this Policy and the *ABP Records Disposition Procedures: Electronic Records*.

Note that the long-term storage of electronic records requires specific planning to address technical, systems, format, security, storage, and access considerations. The *ABP Records Disposition Procedures: Electronic Records* prescribes the ABP's specific strategy and steps for the long-term preservation of electronic records. This Process shall be updated as needed to reflect changes in ABP technology, technology in general, and/or other relevant retention considerations.

E. Secure Destruction/Deletion of Authorized Records

Absent any ABP-issued Legal Hold, any ABP record with an expired retention period per the ABP FRS which has been authorized for destruction (paper records or electronic media) or deletion (electronic records), shall be destroyed in a secure manner per the requirements of this Policy and the *ABP Records Disposition Procedures*.

For the destruction of ABP records, the ABP follows the requirements listed for personal information destruction in North Carolina General Statute (NC G.S.) § 75-64. This statute provides guidance on the documentation of destruction procedures, destruction/deletion requirements for paper and electronic records, and requirements for contracting with a third-party vendor for records destruction.

1. Destruction of Physical Records

In compliance with NC G.S. § 75-64, the ABP will destroy any physical record (e.g., paper, microform, electronic media, or any other non-digital format) in a manner so that information, contained within the record, cannot be practicably read or reconstructed. The ABP shall use a third-party vendor for the destruction of all physical records (see section on "Use of a Third-Party Destruction Vendor").

(NOTE: The use of ABP on-site shred bins/consoles, even if provided by an approved third-party destruction vendor, is not considered defensible destruction of declared ABP records. The destruction of any ABP record must be appropriately authorized and documented per this Policy and the *ABP Records Disposition Procedures: Physical Records*.)

Electronic Media and Hard Drives - The ABP has deemed that physical destruction of electronic media is the best way to permanently destroy data contained within.

Before selling or giving a previously used hard drive, in any form, to ABP staff or others, IT Tech will securely delete all data from the hard drive.

The ABP maintains a Chain of Custody log for all hard drives "to be destroyed" from the time they are removed from their laptop, desktop, or server until their destruction. This process is detailed in the *ABP Hard Drive Chain of Custody & Destruction Procedures*.



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2. Use of a Third-Party Destruction Vendor

The ABP shall use a NAID-certified (National Association of Information Destruction) third party vendor for destruction of all physical records and electronic media. (NOTE: It is critical that the vendor is NAID-certified and not just a NAID member). The destruction of physical records and electronic media shall take place on-site and be witnessed and verified by a member of the RIM Program staff. The vendor will provide adequate certification of destruction which is included in the Disposition process documentation.

The ABP will routinely audit the third-party destruction vendor to ensure that its NAID certification is current and that the vendor is complying with the requirements of this Policy.

3. Deletion of Electronic Records

In compliance with NC G.S. § 75-64, the ABP will delete any electronic record in a manner such that information, contained within the record, cannot be practicably read or reconstructed. The ABP deletion process requirements are detailed in the *ABP Records Disposition Procedures: Physical Records*.

F. Documentation of Disposition Process

Disposition activities should be legally reasonable and provide proof that disposition was accomplished per ABP policy and in the normal course of business. Therefore, detailed and accurate documentation shall be kept for all declared ABP records that are disposed of pursuant to this Policy and the FRS.

The documentation process is detailed in the *ABP Records Disposition Procedures*. The main elements of the documentation process are to: 1) identify the specific record disposed (including all relevant metadata); 2) identify the method of disposition; 3) identify the date of disposition; 4) list all authorizing ABP personnel; and 5) include any additional notes or documentation regarding the record's disposition process (e.g., certification of destruction or receipt for offsite transfer).

The ABP shall maintain metadata, per the *ABP Records Disposition Procedures*, that accurately logs ABP disposition efforts.

TRAINING

Personnel should recognize and understand their Records Retention-related obligations and responsibilities under this Policy. All ABP staff and contractors, as well as any other parties deemed necessary by the ABP, shall participate in training on this Policy. The RIM Program and its staff will conduct most training, although Departmental Records Liaisons may provide some training support and can communicate additional staff/departmental training needs to the RIM Program staff. The RIM Program will also administer any remedial training needs identified through policy compliance monitoring and audits.



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Training will be delivered in one or more of the following formats: “in class” group setting; video or web-based; and small group or one-on-one. Training resources (e.g., manuals, procedures, and videos) will be available through the RIM SharePoint site.

MONITORING AND AUDITING POLICY COMPLIANCE

Compliance with this Policy ensures the effective and efficient management of records and information for ABP business purposes. Proper compliance also mitigates various types of risk related to the management of records and information, as well as supports a legally reasonable structure by which records and information are managed throughout the organization.

In order to ensure compliance, organization-wide monitoring of this Policy is the responsibility of the RIM Program. Monitoring shall take place on an on-going basis, with periodic audits conducted as necessary. Through the monitoring and audit activities, areas of non-compliance can be identified, and any necessary corrective action/training can be implemented.

LEGAL HOLD POLICY AND SUSPENSION OF RETENTION PROCESS

The ABP strictly follows its Legal Hold Policy (see the *ABP Legal Hold Policy*). The purpose of the *ABP Legal Hold Policy* is to establish the necessary actions for the preservation of records, information, and data when there is a reasonable anticipation of litigation, an audit, and/or an investigation, or a subpoena or discovery request is received.

When the ABP has issued a Legal Hold, all applicable records and other information and data must be preserved, even where such preservation results in retaining records beyond their applicable retention period under the ABP FRS. If there is a Legal Hold placed on a record, the retention period and any related disposition activities are suspended until the Legal Hold is lifted. Once the Legal Hold is lifted, the retention process resumes, including any necessary disposition activities.

CONFIDENTIALITY

All records and information referenced in this Policy are the property of the ABP. Individuals (as described per the Scope of this Policy) shall hold all ABP records in confidence. ABP records and information must be safeguarded per the requirements of relevant ABP policies and may only be disclosed outside of the ABP upon proper authorization. Access to ABP records and information should be limited to the extent necessary to perform an individual’s ABP business-related duties.

POLICY VIOLATIONS

Compliance with this policy is mandatory. Adherence to the policy requirements is vital to maintaining the security and integrity of the ABP’s record and information assets. Any individual covered under the Scope of this Policy found to have violated this Policy may be subject to corrective and/or disciplinary action, up to and including termination of employment or engagement with ABP. Where legal violations occur, criminal and/or civil penalties may also result.

Generally Accepted Recordkeeping Principles®

- Principle of Accountability
A senior executive (or a person of comparable authority) shall oversee the Records &



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Information Management (RIM) program and delegate responsibility for RIM to appropriate individuals. The organization adopts policies and procedures to guide personnel and ensure that the program can be audited.

- **Principle of Integrity**
A RIM program shall be constructed so the information generated by or managed for the organization has a reasonable and suitable guarantee of authenticity and reliability.
- **Principle of Protection**
A RIM program shall be constructed to ensure a reasonable level of protection for records and information that are private, confidential, privileged, secret, classified, or essential to business continuity or that otherwise require protection.
- **Principle of Compliance**
A RIM program shall be constructed to comply with applicable laws and other binding authorities, as well as with the organization's policies.
- **Principle of Availability**
An organization shall maintain records and information in a manner that ensures timely, efficient, and accurate retrieval of needed information.
- **Principle of Retention**
An organization shall maintain its records and information for an appropriate time, taking into account its legal, regulatory, fiscal, operational, and historical requirements.
- **Principle of Disposition**
An organization shall provide secure and appropriate disposition for records and information that are no longer required to be maintained by applicable laws and the organization's policies.
- **Principle of Transparency**
An organization's business processes and activities, including its information governance program, shall be documented in an open and verifiable manner, and that documentation shall be available to all personnel and appropriate interested parties.