LONG ISLAND POWER AUTHORITY
RECORDS MANAGEMENT POLICY
(December 16, 2010)

Overview

1.1 Policy Statement

This policy establishes a framework for the creation, maintenance, disposition, preservation and destruction of Long Island Power Authority (“the Authority”) records. The Authority’s Records Management Policy requires that all records be identified, that retention periods be established, and that all records be retained until their retention periods expire, at which time they shall be promptly destroyed.

1.2 Definitions

a) Records – For purposes of this policy, a record includes any book, paper, map, photograph, electronic data, or other information-recording device, regardless of physical form or characteristic, that is made, produced, executed, or received by the Authority, or an employee thereof, in connection with the transaction of business or pursuant to law.

b) Non-records - For purposes of this policy, the following materials are not records (i.e., “non-records”): duplicates of Record Copies (see §1.2(d), below); drafts or non-final versions of documents; unapproved or unsigned documents that require approval or signature; copies of documents or notes maintained for information or reference purposes; library or generally published materials acquired solely for reference or information purposes; stocks of publications and of blank forms; and personal records of an employee or contractor which do not relate to his or her employment or other relationship with the Authority.

c) Vital Records – All records that in the event of a disaster are essential to the resumption or continuation of the Authority’s operations.

d) Record Copy – The original or official copy of an Authority record that has been designated for retention and protection.

e) Legal Hold – A directive issued by the Legal Department designed to ensure the preservation (and prevent the destruction) of documents relevant to a pending or threatened legal proceeding, such as a litigation, investigation, subpoena or Freedom of Information Law (“FOIL”) request.

1.3 Applicability

All Authority employees who create or receive Authority records (including documents turned over by LIPA contractors, vendors or consultants as described in Section 3.2 of
this Policy) are responsible for complying with this policy, as well as any associated implementing procedures, instructions or guidelines.

Records Management Program

2.1 The Authority’s records management program shall ensure that Authority records are created, identified, protected and preserved and destroyed in the normal course of business in accordance with the approved retention schedule, and in compliance with federal, state, and local legal and regulatory requirements pertaining to the Authority.

2.2 Records Management Officer

The Records Management Officer is responsible for overseeing the implementation of the Records Management Policy. Duties include drafting new or revised retention schedules, coordinating with individual departments regarding application of the Records Management Policy and retention schedule, and ensuring that the Authority is in compliance with all applicable laws and regulations.

2.3 Records Coordinators

The head of each department shall appoint a Records Coordinator to serve as a liaison between that department and the Records Management Officer. Duties include assisting the Records Management Officer in preparing new or revised disposition schedules, monitoring compliance with the Records Management Policy and retention schedule, and providing other assistance as needed.

2.4 Department Heads are responsible for evaluating this policy to determine its impact on their department’s activities and for ensuring compliance herewith.

Records Creation and Identification

3.1 Each individual covered by this policy is responsible for ensuring that Authority records subject to his or her control or possession shall be legible, complete, accurate, appropriately authenticated (e.g., signed, dated, stamped, etc.), and as contemporaneous as practicable with the event, decision, or action documented by the record.

3.2 Records required to be supplied by Authority contractors should be specifically described in procurement documents. Contracts and purchase orders that require records to be submitted to the Authority should specify the format, the method by and the medium in which records shall be turned over, and the department to which the records should be submitted.

3.3 All Authority records should clearly identify the item or activity to which the record pertains. Departments within the Authority are encouraged to adopt numbering or other labeling that indicates the sequential order of records in a given series. Revisable
documents, such as procedures, drawings, etc., shall indicate revision number. All drafts and non-final documents should be clearly marked as such.

Records Collection, Maintenance and Storage

4.1 Individual departments shall manage the creation, protection, organization and preservation of records in accordance with this policy, the retention schedule, and in compliance with federal, state, and local legal and regulatory requirements.

4.2 Record Copies of Authority records shall be maintained in a retrievable manner, and protected from loss or damage for the entire period specified by the approved retention schedule for that record type. These protective measures shall be appropriate to the record type and comply with any regulatory requirements.

4.3 For records in electronic format, data should be captured that document the context, content and structure of the records. Context establishes who created the record and the transaction of which it was a part; content is the actual data; structure is the format of the record. Structure should be captured so that the record can be migrated into the latest generation of hardware and software as necessary to ensure access throughout the record’s life span. The record’s originating department (or initial receiving department, if the record is created for the Authority by an outside organization) is responsible for ensuring the integrity of the data in the record for the record’s entire retention period, using periodic tests, sampling or other methods. E-mail and other electronic or audio communications deemed important enough to serve as documentation of Authority business should be treated as records in accordance with this policy and any implementing procedures or guidelines.

4.4 Access to all copies of Authority records shall be consistent with Authority business needs and applicable laws and regulations, including the Freedom of Information Law.

4.5 Methods of organization and retrieval shall be established by all departments so that records that are required by law or regulation to be maintained by the Authority can be located and made available on a timely basis.

Records Retention and Disposition

5.1 Records shall be retained pursuant to retention schedule, Records Retention and Disposition Schedule MI-1 (attached hereto), which meets all legal and regulatory requirements.

5.2 Incomplete and non-final documents (such as drafts), in paper or electronic form, are generally unsuitable for retention as Authority records, and therefore should be treated as non-records. They should not be retained after the final version has been issued. All other non-records, such as most e-mails or duplicates of Record Copies, whether in paper,
electronic or other media, should be retained only so long as needed for current work. They should never be kept longer than the retention period set for the Record Copy.

5.3 Record Copies shall be destroyed in accordance with this policy and approved retention schedule. Record Copies that do not have approved retention period, or for which retention is under review for possible change, should not be destroyed. Non-records, including duplicates of Record Copies, in any medium, can be destroyed at any time, unless specifically prohibited by written directive from the Legal Department.

5.4 The Authority may also impose a Legal Hold (see §1.2(e), above) when Authority Records or Non-Records are the subject of, among other things, legal proceedings involving the Authority, a FOIL request or a non-party subpoena. The purpose of the Legal Hold is to prevent the destruction of any such records that are relevant to such legal proceedings or document requests. The Legal Hold process involves the following steps:

   a) The Legal Department will contact key employees in Information Technology (IT), the other relevant departments to inform them of Legal Hold status on specified records.
   b) The Legal Department will also contact other employees who may have relevant records.
   c) After the records/data have been identified and gathered, IT and the Legal Department will coordinate the most effective method for internal review of the material.
   d) The Legal Department will inform IT and other employees who received the Legal Hold memorandum when the Authority’s obligation to preserve the material designated on Legal Hold ends.