



# UCWDC® DOCUMENT RETENTION POLICY

**Version 1.0**

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## 1. INTRODUCTION

The United Country Western Dance Council® is an international organization which promotes country western dance by producing festivals and competitions across the world. We host the annual Country Dance World Championships® for couples and line dancers and we advocate country dancing as a social activity for people of all ages and abilities.

### 1.1 Purpose

The purpose of this Policy is to establish procedures regarding the management and retention of the UCWDC Records, including but not limited to Records created, received, identified, organized, maintained, retrieved, and disposed of by the organization. This Policy does not supersede requirements of any state or federal statute or regulatory agency regulation.

### 1.2 Statement

1. This Policy sets forth the procedures regarding the management and retention of the United Country Western Dance Council (UCWDC) Records, including:
  - Classification of Records,
  - Records Retention Periods,
  - Records Inventory Reports,
  - Management of Records during their Retention Period,
  - Reporting of lost or prematurely destroyed Records and
  - Records Destruction Notices.
2. Records are any recorded information, regardless of medium or characteristics, made or received and retained by an organization in pursuance of legal obligations or in the transaction of business.
3. Records relevant to pending or anticipated litigation, federal and state regulatory proceedings, claims, audits, government investigations, etc. shall be preserved.
4. An Official Record shall not be destroyed prior to the expiration of its Retention Period – Article 2.12 of this policy.

### 1.3 Articles Of Incorporation

The UCWDC is registered in the state of Pennsylvania, USA as a 501(c)(3) organization and shall abide by the Pennsylvania Updated Guidelines for Record Retention; No. 2009-07 and 204 Pa. Code § 213.51 - Record Retention & Disposition Schedule with Guidelines.

### 1.4 Paperless Filing Systems

1. The UCWDC will maintain a paperless filing system with respect to the use of electronic paperless filing systems, Pennsylvania Consolidated Statutes 15 Pa.C.S. § 107, in part states:

Any records maintained by a corporation or other association in the regular course of its business including shareholder or membership records, books of account and minute books, may be kept on, or be in the form of, punch cards, magnetic storage media, photographs, microphotographs or any other information storage device if the records so kept can be converted into reasonable legible written form within a reasonable time.



2. A paperless paperless filing system shall be outlined, developed, and maintained under the UCWDC Data Management Policy.

## 2. DEFINITIONS

### 2.1 Administrative and General Record

A Record that provides evidence of business-related activities, events, and transactions but is not an Official Record because it lacks ongoing business, operational, legal, compliance and historical value. Examples of Administrative and General Records include convenience copies of Official Records.

### 2.2 Attorney-Client Privilege

The legal privilege of the UCWDC to refuse to disclose and to prevent others from disclosing, confidential communications, whether written or otherwise, between and among UCWDC representatives, the organization's lawyers and their representatives, when such communications are made for the purpose of facilitating the rendition of professional legal services to the organization by its lawyers and their representatives, including the securing of legal advice or opinions.

### 2.3 Historical Record

An Official Record with ongoing historical value but no ongoing business, operational, legal, or compliance value.

### 2.4 Litigation

Any potential, threatened, anticipated, or filed adversarial proceeding including any reasonably anticipated, threatened or pending litigation, government investigations and audits, and including any proceedings related thereto, such as hearings, settlement conferences, trials and appeals.

### 2.5 Legal Hold

The status of Records that must be preserved due to anticipated, threatened, or pending Litigation.

### 2.6 Legal Hold Release

Removal of the status of Legal Hold allowing the Records formerly placed on Legal Hold to resume being maintained pursuant to the Records' applicable Retention Period.

### 2.7 Policy

This Document Retention Policy.

### 2.8 Privileged Records

Records, whether in written or electronic format, protected by the Attorney-Client Privilege or Work Product Privilege.

### 2.9 Record

Records are recorded information, regardless of medium or characteristics, made or received by an organization in pursuance of legal obligations or in the transaction of business. They are business assets that support an organization's mission, operations, and activities. They have value and add to the intrinsic worth of an organization. Records come in many forms; including a contract, policies and procedures, emails and more.



## 2.10 Records Custodian

A Records Custodian shall be appointed by the President and shall be a member of the Board of Directors. By default, the Secretary shall be Records Custodian; however, if the Secretary does not feel they can adequately perform the duties of Records Custodian they may request the President to appoint another member of the Board of Directors to perform the tasks. The Records Custodian is responsible for conducting an annual Review of Records, in conjunction with the Fall Meeting. The annual Review of Records Procedure shall be outlined in a separate policy.

## 2.11 Reference Materials

Materials used for general information or research purposes that are not used for evidence of business-related activities, events, or transactions (and thus are not categorized as Official Records or Administrative and General Records). Reference Materials may be created by or received from non-UCWDC or UCWDC sources. Examples of Reference Materials include:

- dictionaries, periodicals, vendor catalogs, magazine articles, books, and similar materials,
- blank forms and spreadsheets with embedded formulas but devoid of specific business-related information, and
- copies of publicly available material.

## 2.12 Retention Period

The specific period a Record Series shall be retained in accordance with federal and/or state law or in accordance with business, operational, legal, compliance or historical purposes.

The general requirement for retention of records is 7 years from execution of the record, unless otherwise specified in the Pennsylvania Guidelines.

## 2.13 Sensitive Records

Records containing Sensitive Information. These Records must be afforded enhanced protection and must not be indiscriminately disclosed to others due to the highly confidential or proprietary nature of the information contained in them.

## 2.14 Work Product Privilege

The legal privilege of the UCWDC to refuse to disclose and to prevent others from disclosing any Record or tangible item prepared in anticipation of Litigation by or for the UCWDC (including its lawyer, consultant, surety, indemnitor, insurer, or agent) and the mental impressions, conclusions, opinions or legal theories of a lawyer or other representative of the UCWDC concerning the Litigation.

## 3. RESPONSIBILITY

**3.1 The Board of Directors** is responsible for the administration of the UCWDC Document Retention Policy and approving any deviations from this Policy.

**3.2 All members, agents, and contractors of the UCWDC** shall immediately report known, suspected or potential violations of this Policy.



## 4. DETAILS

### 4.1 Classification of Records

#### 4.1.1 Records

Records shall be assigned to one of the following categories:

- a. Official Records,
- b. Administrative and General Records, or
- c. Reference Materials.

### 4.2 Retention Period for Records

#### 4.2.1 Official Records

An Official Record shall be retained for a minimum period, where such minimum period is the longer of:

- a. The time the Official Record is subject to a Legal Hold (see Section 4.2.4),
- b. The time the Official Record is required to be retained by statute or regulation (see Section 4.2.5) or
- c. The Retention Period specified in the Records Retention Schedule for the Record Series assigned to the Official Record (see Section 4.2.6).

#### 4.2.2 Administrative and General Records

An Administrative and General Record shall be retained no longer than three (3) years unless it is subject to a Legal Hold (see Section 4.2.4). If it is subject to a Legal Hold, the Administrative and General Records shall be retained for a period no shorter than the period it is on Legal Hold.

#### 4.2.3 Reference Materials

There is no minimum or maximum Retention Period for Reference Materials.

#### 4.2.4 Legal Hold

A Record is placed on Legal Hold due to the Record's relevance to anticipated, threatened, or pending Litigation.

- a. Legal Hold Notifications are issued only by attorneys contracted by the UCWDC to handle legal matters.
- b. Records may be removed from Legal Hold only following receipt of a Legal Hold Release Notification.

#### 4.2.5 Time Period Required to be Retained by Law

A Record's required period of retention may be addressed by federal regulation and/or federal and state statutes.

- a. If more than one regulation or statute addressing a required period of retention is applicable to a Record, the Retention Period shall not be less than the longest of any such legally required periods of retention.
- b. In the event a UCWDC member, agent or contractor believes that a Record's legally required period of retention is longer than the Retention Period specified in the Records Retention Schedule, they shall **immediately** notify the Board of Directors.



#### **4.2.6 Records Retention Schedule**

The Records Retention Schedule shall specify the Retention Period for each Record Series considering business, operational, legal, compliance and/or historical purposes. The Records Retention Schedule shall be set forth in the document outlining the procedure for the Annual Review of Records to be performed by the Records Custodian (see section 2.10 of this Policy).

### **4.3 General Records Maintenance**

In addition to the following requirements, the Board of Directors shall maintain its Records in accordance with all record-keeping requirements specified by regulations and/or statutes governing the organization's Records.

#### **4.3.1 Privileged Records**

Privileged Records should be marked in a manner such as "ATTORNEY-CLIENT PRIVILEGED/WORK PRODUCT PRIVILEGED/CONFIDENTIAL" and managed in accordance with guidelines issued by the contracted legal firm. Privileged Records shall be kept confidential, and access shall be restricted to members with a "need to know."

- a. Unauthorized reproduction of a Privileged Record is prohibited. Any inadvertent or unauthorized distribution or publication of a Privileged Record shall be immediately reported to the Board of Directors.
- b. Any request to produce a Privileged Record shall be immediately reported to the Board of Directors.

#### **4.3.2 Sensitive Records**

Sensitive Records should be marked in a manner such as "SENSITIVE RECORD/CONFIDENTIAL." Sensitive Records shall be kept confidential, and access shall be restricted to members with a "need to know." Sensitive Records shall not be disclosed to a third party without the prior written authorization of the Board of Directors.

### **4.4 Destruction of Records**

The Record Custodian shall at least annually conduct a review of all Records to determine which Records have reached the end of their Retention Period and are eligible for destruction.

#### **4.4.1 No Official Record shall be destroyed:**

- a. prior to the expiration of its Retention Period.
- b. **if required to be preserved pursuant to a Legal Hold.**
- c. Privileged Records and Sensitive Records that have reached the end of their Retention Period (and are not on Legal Hold) and are scheduled for destruction shall be destroyed by secure and confidential methods that obliterate the content of those Records (e.g., shredding or, for electronic records, in a manner that ensures the information cannot practicably be read or reconstructed).

**END OF POLICY**