



DOUGLAS COUNTY
ADMINISTRATIVE POLICIES AND PROCEDURES

TITLE Disposal of Personal Identifying Information Policy	Approval Date 9/1/18
POLICY CUSTODIAN County Manager	Revision Date

PURPOSE: Colorado law changed on September 1, 2018 to require local governments to have a written policy requiring the deletion/destruction of County records containing personal identifying information. Pursuant to CRS §24-73-101, the purpose of this policy is to provide direction for the disposal of paper or electronic documents containing such personal identifying information.

DEPARTMENT RESPONSIBLE: County Manager

DEPARTMENT(S) AFFECTED: ALL

POLICY:

This Policy applies to ALL County records, paper or electronic, that contain personal identifying information as defined below.

Unless otherwise required by state or federal law or regulation, each Department’s records custodian shall ensure the destruction or proper disposal of those paper and electronic documents containing personal identifying information per this **Disposal of Personal Identifying Information Policy**.

DEFINITIONS:

“**Litigation Hold**” means Records that may be pertinent to any anticipated, pending or ongoing litigation, claim, complaint procedure or other legal proceeding. Laws require the preservation of such records and such records may not be destroyed, even if the record is otherwise eligible for destruction under the Records Retention Schedule and even if the record should have been previously destroyed. Although the County Attorney’s Office will send out formal Litigation Hold letters when it receives notice of such a claim, the obligation to preserve potentially relevant evidence arises even in the absence of such a letter. Consult with the County Attorney if there is any question regarding the destruction of records involving possible legal actions.

“**Personal identifying information**” means a social security number; a personal identification number; a password; a pass code; an official state or government-issued driver's license or identification card number;

a government passport number; biometric data, as defined in [section 24-73-103\(1\)\(a\)](#); an employer, student, or military identification number; or a financial transaction device, as defined in [section 18-5-701\(3\)](#). CRS §24-73-101(4)(b)

“**Records Retention Schedule**” means the County’s records retention schedule located at <https://www.douglas.co.us/government/departments/county-administration/records-retention/records-retention-schedule-organization/>.

PROCEDURES:

This policy is applicable to all County Departments and Offices.

1. County records that contain personal identifying information shall be maintained and destroyed in accordance with the County’s Records Retention Schedule, as approved by the Colorado State Archives.
2. Consult with the County Attorney if there are any questions regarding the destruction of records potentially subject to a Litigation Hold. Records may be directly or indirectly related to pending or threatened litigation which would at least temporarily prohibit destruction. This exception would override the County’s records retention schedule.
3. Per CRS §24-73-101(1), paper or electronic documents containing personal identifying information must be destroyed by shredding, erasing, or otherwise modifying the personal identifying information rendering the personal identifying information unreadable or indecipherable through any means.
 - a) When no longer needed, Electronic Media shall be destroyed by the Department of Information Technology, and/or the County’s contracted vendor or recycler in accordance with the Department of Information and Technology’s Media Sanitation Policy.
 - b) When eligible for destruction per the County’s Records Retention Schedule, *paper documents* containing personal identifiable information shall be destroyed by the recycling vendor contracted by the County Department of Facilities, Fleet & Emergency Support Services.
4. Per CRS §24-73-101(2), County records, otherwise regulated by state or federal law which establish procedures for the disposal of personal identifying information, are deemed in compliance with this policy.

EFFECTIVE DATE:

September 1, 2018