

National Laboratory for Education Transformation (NLET)

Document Retention Policy

The corporate records of NLET are important assets. Corporate records include essentially all records produced by employees, whether paper or electronic. A record may be as obvious as a memorandum, an e-mail, a contract or a case study, or something less obvious, such as a computerized desk calendar, an appointment book or an expense record.

The law requires NLET to maintain certain types of corporate records, usually for a specified period of time. Failure to retain those records for those minimum periods could subject employees and NLET to penalties and fines, cause the loss of rights, obstruct justice, spoil potential evidence in a lawsuit, place NLET in contempt of court, or seriously disadvantage NLET in litigation.

NLET expects all employees to fully comply with any published records retention or destruction policies and schedules, provided that all employees should note the following general exception to any stated destruction schedule: If an employee believes, or NLET informs an employee, that NLET records are relevant to litigation, or potential litigation (i.e., a dispute that could result in litigation), then that employee must preserve those records until the legal advisors determine the records are no longer needed. That exception supersedes any previously or subsequently established destruction schedule for those records. If an employee believes that exception may apply, or have any question regarding the possible applicability of that exception, that employee should contact the NLET President.

From time to time NLET establishes retention or destruction policies or schedules for specific categories of records in order to ensure legal compliance, and also to accomplish other objectives, such as preserving intellectual property and cost management. Several categories of documents that bear special consideration are identified below. While minimum retention periods are suggested, the retention of the documents identified below and of documents not included in the identified categories should be determined primarily by the application of the general guidelines affecting document retention identified above, as well as any other pertinent factors.

(a) Tax Records. Tax records include, but may not be limited to, documents concerning payroll, expenses, proof of deductions, business costs, accounting procedures, and other documents concerning NLET's revenues. Tax records should be retained for at least six years from the date of filing the applicable return.

(b) Employment Records/Personnel Records. State and federal statutes require NLET to keep certain recruitment, employment and personnel information. NLET should also keep personnel files that reflect performance reviews and any complaints brought against NLET or individual employees under applicable state and federal statutes. NLET should also keep all final memoranda and correspondence reflecting performance reviews and actions taken by or against personnel in the employees personnel file. Employment and personnel records should be retained for six years.

(c) Board and Board Committee Materials. Meeting minutes should be retained in perpetuity in NLET's minute book. A clean copy of all Board and Board Committee materials should be kept for no less than three years by NLET.

(d) Press Releases/Public Filings. NLET should retain permanent copies of all press releases and publicly filed documents under the theory that NLET should have its own copy to test the accuracy of any document a member of the public can theoretically produce against that Organization.

(e) Legal Files. Legal counsel should be consulted to determine the retention period of particular documents, but legal documents should generally be maintained for a period of ten years.

(f) Marketing and Sales Documents. NLET should keep final copies of marketing and sales documents for the same period of time it keeps other corporate files, and in general, three years.

(g) Development/Intellectual Property and Trade Secrets. Development documents are often subject to intellectual property protection in their final form (e.g., patents and copyrights). The documents detailing the development process are often also of value to NLET and are protected as a trade secret where NLET:

- (i) derives independent economic value from the secrecy of the information; and
- (ii) NLET has taken affirmative steps to keep the information confidential.

NLET should keep all documents designated as containing trade secret information for at least the life of the trade secret.

(h) Contracts. Final, executed copies of all contracts entered into by NLET should be retained. NLET should retain copies of the final contracts for at least three years beyond the life of the contract, and longer in the case of publicly filed contracts.

(i) Electronic Mail. E-mail that needs to be saved should be either:

- (i) printed in hard copy and kept in the appropriate file; or
- (ii) downloaded to a computer file and kept electronically or on disk as a separate file.

The retention period depends upon the subject matter of the e-mail, as covered elsewhere in this Policy.

Failure to comply with this Document Retention Policy may result in punitive action against the employee, including suspension or termination.

Questions about this Policy should be referred to the designated person in charge of administering, enforcing and updating this Policy.