

LCCS POLICY 154

Security, Preservation, Maintenance and Disposal of Records

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See new Policy #:	

Scope:	All Employees of LCCS
Responsibility:	All Staff, Records Custodian
Purpose:	To ensure that all records are kept confidential and to protect the privacy of the reporting source, principals of a case and agency personnel.
Legal Cite:	O.R.C. §§ 2151.421, 5153.17, O.A.C. 5101:2-33-23, 5101:9-9-21 and O.R.C. 149.38, 149.381, 149.43, 9.01 and Chapter 1347. The ODJFS –Administrative Procedure Manual Chapter 9, Ohio History Connection, Local Government Records Manual.

POLICY STATEMENT

Lucas County Children Services employees will maintain records and all confidential information in a manner that protects the privacy; of agency personnel, of any family that receives services from the agency, and of any person who makes a report of abuse/neglect to the agency.

DEFINITIONS

Records include: Case Records, Administrative Records, Health Records, and Personnel Records.

Case Records include: agency records as set out in OAC 5101:2-33-23 including those records prepared, maintained, and permanently keep regarding referrals, screening decisions, assessment/investigation activities; ongoing service reports, and adoption records.

The legal records contained in the case's legal file are not "case records" but are work product subject to attorney client privilege. Although the "case record" must contain some legal papers such as the complaint and judgment entries the legal case file, located in the legal department is not part of the "case record".

PROCEDURE

SECURITY

All records will be placed in locked file cabinets when the employee is through using them for the day.

Records may be stored temporarily (during the course of a workday) in the overhead workspace in the employee's workstation.

All file cabinets containing records and/or confidential materials will be locked at the end of the workday.

All confidential materials need to be removed from desktops before an employee leaves for the day and secured in a locked cabinet.

Office doors will be closed and locked, when an office is going to be unattended for an extended period of time (30 minutes or longer).

Office doors will be closed and locked at the end of the workday.

Clients will only have access to the first floor of the agency office building.

Conversations with or about a family must take place in a private manner, i.e., in an office or workstation vs. a hallway, elevator, etc.

When taking any mobile device into a client's home, employees must follow extreme caution as to not expose confidential materials. The employee shall not allow the client to look at information kept on the mobile device and shall not allow any children to play with it. An exception would be if the employee needs to have the client fill out and/or sign a form. The employee will have the document pulled up on the device before it is shown to the client.

DISPOSAL

Lucas County Children Services has a Records Custodian who is responsible for disposal of the original or sole copy of Records. LCCS will maintain an updated RC-2 -Retention Schedule and follow the schedule for disposal of records. If the RC-2 Retention Schedule needs updated, the Records Custodian will work with Lucas County Records Center to update the Retention Schedule per ORC.

To dispose of Records per the RC-2 Retention Schedule, the Records Custodian will complete a RC-3 Certificate of Records Disposal listing the documents to be destroyed. This document is to be sent to the Lucas County Records Center Manager. The Records Center Manager will send the RC-3 to the Ohio History Connection (formerly known as the Ohio Historical Society). If the Records Custodian does not hear back from the Ohio History Connection within 30 days, the documents can be destroyed. This process can be completed multiple times per year but should be completed no less than 2 times per year.

Disposal of Case Records: Case Records are to be kept permanently. Still, ORC 149.38 allows for the disposal of the original paper case record once the record has been entered into a permanently maintained and retrievable electronic file. The Records Custodian may choose to record the disposal of the original paper case record in the same manner as the agency's other Records by using the RC-3 form.

Documents that are duplicates of the original can be destroyed without going through the Lucas County Records Center.

Preserving and Maintaining

The State of Ohio maintains the State Automated Child Welfare Information System (SACWIS) documenting child welfare intakes, case dispositions, activity logs, assessments, and other case specific information.

LCCS will preserve paper case records in an electronic format by utilizing the State Electronic Data Management System, Traverse. This will serve to preserve and protect the document while also reducing the space required for storage. Content items are kept indefinitely in Traverse and are held in a cross-regional replication storage solution (image data) which is real-time replication. Traverse takes a database transactional backup every 5 minutes with a full back up each night (non-image data). Backups are held for 35 days.

Administration, Medical and Legal Records are kept in either electronic format or paper format in their respective departments until destroyed pursuant to the RC-2 Retention Schedule.

This policy will be reviewed with all staff/employees every six months.

CASE PRACTICE GUIDES

LCCS Board Meetings and Unit Meetings are recorded for the sole purpose of allowing the secretary to prepare minutes that are accurate and complete. Once the meeting minutes are approved, the recording is deleted and replaced by the approved Board Meeting or Unit Meeting Minutes.

Records and Case Records are official records that must be kept in accordance with Federal and State laws. Any destruction of official records must only occur by someone authorized to do so. If any employee has questions concerning the issue, these should be directed to the immediate supervisor. Any unauthorized destruction of public records or case records is considered a criminal act that could lead to disciplinary action up to and including termination.

RELATED POLICIES and FORMS

LCCS Policy #130 (Identification and Location of Required Case Record Information that is not Maintained in the Case File)