

**CENTRAL INTERSTATE LOW-LEVEL RADIOACTIVE WASTE COMPACT COMMISSION
("CILLRWCC")**

**RECORDS RETENTION POLICY
AND
RECORD RETENTION AND DISPOSAL SCHEDULE**

ADOPTED: September 21, 2023

Introduction

Managing records in a systematic and reliable manner is essential to help ensure our compliance with legal retention requirements, such as the laws of our home state and our party states. It also reduces costs and risks of disclosure associated with retaining unnecessary information.

This Record Retention Policy ("Policy") and accompanying Record Retention and Disposal Schedule ("Schedule") have been developed to guide Commission Officers and Staff to properly manage the records ("Records") of the Central Interstate Low-Level Radioactive Waste Disposal Commission (the "Commission"). The Policy and Schedule set out the length of time different types of Records must be retained and the manner in which they must be stored, transferred and destroyed. If you have any questions about any element of this Policy, contact the Chair of the Commission.

Purpose

The aim of this Policy is to help the Commission:

- Identify and capture accurate and authentic Records.
- Maintain Records to meet the Commission's needs.
- Dispose of Records that are no longer required in an appropriate manner.
- Protect vital Records.
- Comply with statutory and regulatory requirements relating to record-keeping.

Scope

This Policy applies to all Staff and Officers of the Commission. The Commission may supplement this Policy with additional policies, procedures or guidance that are consistent with this Policy and the Commission By-Laws.

What are Records?

"Records" are documents, communications and other materials that are written, recorded or otherwise machine readable, except as set out in this Policy. Records are media neutral and can

exist in a number of different formats including electronic (e.g., email), paper, book, facsimile, film, videotape, audiotape, and other formats available through existing and emerging technologies.

Business Records

“Business Records” are Records created or received in the course of the Commission’s business which are needed for business and/or legal purposes and must be managed in accordance with this Policy and related Schedule. These include Records that:

- Document a business-related event or activity;
- Demonstrate a business transaction;
- Identify individuals who participated in a business activity;
- Support facts of a business-related event, activity, or transaction; or
- Are needed for other legal, business, or compliance reasons, such as if relevant to a pending or anticipated lawsuit or audit.

Records with no enduring business or operational value and for which there are no legal retention requirements are not Business Records and may be deleted. These include, but are not limited to:

- General Commission announcements, notices or updates that you receive;
- Routine and general correspondence having only an immediate or short-term value;
- Recorded/saved voicemail (including those converted to email), texts and instant messages; and
- Personal files, emails or other documents.

If Records that otherwise were not needed for business or legal purposes become relevant to actual or anticipated litigation (and subject to a “litigation hold”), they must be retained per the Suspension of Records Disposal section below.

Retention of Business Records

Business Records are to be retained for as long as required by applicable laws and regulations and in accordance with the Commission’s business needs. The retention periods specified in the Schedule have been established by type of record to meet these needs and requirements.

If multiple record types describe the same Business Record, retain that Business Record in accordance with the longest retention period.

Unless Record disposal has been suspended (as described below under “Suspension of Records Disposal”), Business Records should be disposed of upon expiration of the relevant retention period as set out in the Schedule.

Records Retention Officer

The Commission may from time to time, designate a Records Retention Officer. If no Records Retention Officer has been designated, then the Chair of the Commission shall be the Records Retention Officer.

Draft, Duplicates and Convenience Copies

Ordinarily, drafts should not be retained once they are superseded by later drafts or final Business Records. The Commission may retain a duplicate or convenience copy of a Business Record only while they need it for valid business reasons and never longer than the applicable retention period set out in the Schedule or any applicable suspension periods.

Electronic vs. Paper

Most Business Records are retained electronically, with hard copies considered to be duplicates that need not be retained. However, before retaining contracts or other binding Business Records exclusively in electronic form, you must ensure that the electronic versions:

- Accurately reflect the information set out in the applicable Business Record; and
- Are in a form that is capable of being retained and accurately reproduced for later reference throughout the required retention period.

Storage of Business Records

Commission Officers and Staff members are to retain Business Records on Commission premises or systems, or at a secure location or website approved by the Commission to provide physical or electronic storage facilities.

Suspension of Records Disposal

If a claim, audit, investigation, subpoena or litigation has been asserted or filed by or against the Commission, or is reasonably foreseeable, the Commission has an obligation to retain all relevant Records, including those that otherwise would be scheduled for destruction under the Schedule and those that otherwise were not subject to retention requirements. An Officer or Staff member who learns of any such actual or anticipated matters must immediately report the matter to the Records Retention Officer and discontinue any regularly-scheduled disposal.

Upon learning of an actual or reasonably-anticipated legal action, Records Retention Officer will notify relevant Officers or Staff members to suspend disposal and destruction of applicable Records (known as a “litigation hold”). Commission Officers and Staff members must carefully and diligently comply with any such notices. In particular, Commission Officers and Staff members must not alter, dispose of, discard or destroy for any reason any Records—including emails—that are subject to a suspension notice. Commission Officers and Staff members also are to continue to retain any and all such Records until the Records Retention Officer issues a notice indicating that the matter has been resolved and that the retention and disposal of such Records should resume in accordance with the retention period(s) set out in the Schedule.

During the period of a litigation hold, any automatic processes for the deletion of email will be suspended for relevant persons.

Disposal of Records

Records are to be disposed of in the normal course of business in accordance with this Policy, the Schedule and any applicable disposal suspension notices. No Record subject to a litigation hold or other disposal suspension notice is to be disposed of under any circumstances.

Record Retention and Disposition Schedule

This Record Retention and Disposition Schedule (“Schedule”) accompanies and is incorporated by reference into the Commission Record Retention Policy. It sets out the time periods that individual types of Business Records must be retained for business and legal purposes.

Administrative Records

1-1 Commission Governance Records

Description: Files contain record copies of Enabling Legislation, Amendments, By-Laws, Resolutions and other organization documents (Regional Management Plan, annual reports, tax records, property insurance policies, other general liability insurance policies, if applicable).

Disposition: Retain in office until all audits have been completed and all applicable audit reports have been accepted and resolved by all applicable federal and state agencies, then transfer to records storage. Destroy records when they become five (5) years old provided no legal actions are pending. If legal action is pending, destroy two (2) years after the exhaustion of all legal remedies provided records meet all stipulated retention requirements.

1-2 Commission Minutes

Description: Files contain official minutes, transcripts, meeting notices and copies of Agendas of Commission meetings.

Disposition: Retain official copy in office two (2) years, then transfer to the State Archives for permanent preservation. Retain one (1) copy in office permanently. (May be retained in electronic format.)

1-3 Commission Financial Records

Description: Files contain record copies of bank statements, annual audits, budgets, etc.

Disposition: Retain in office until one (1) year after all audits have been completed and all applicable audit reports have been accepted and resolved by all applicable federal and state agencies, then transfer to records storage. Destroy records when they become five (5) years old provided no legal actions are pending. If legal action is pending, destroy two (2) years after the exhaustion of all legal remedies provided records meet all stipulated retention requirements.

1-4 Commission Audit Report Files

Description: Files contain record copies of Commission audit reports.

Disposition: Retain in office until all audits have been completed and all applicable audit reports have been accepted and resolved by all applicable federal and state

agencies, then transfer to records storage. Destroy records when they become five (5) years old provided no legal actions are pending. If legal action is pending, destroy two (2) years after the exhaustion of all legal remedies provided records meet all stipulated retention requirements.

1-5 Administrative Working Files

Description: Files contain incoming and copies of outgoing general correspondence and memoranda; copies of Commission reports, including Annual Reports to member state Governors; copies of Commission policies and procedures; convenience.

Disposition: Retain in office and review on an annual basis. After completing the review, destroy duplicate and ancillary materials as well as substantive records five (5) or more years old no longer required for administrative purposes.

1-6 Commission Invoices

Description: Files contain agency copies of invoices from vendors and others who have provided goods and services to the Commission.

Disposition: Retain in office until all audits have been completed and all applicable audit reports have been accepted and resolved by all applicable federal and state agencies, then transfer to records storage. Destroy records when they become five (5) years old provided no legal actions are pending. If legal action is pending, destroy two (2) years after the exhaustion of all legal remedies provided records meet all stipulated retention requirements.

1-7 Personnel Records

Description: Files consist of record copies of contracts, employee time reports; payment information, and other records pertaining to contractual employment.

Disposition: Retain in office and destroy records pertaining to individual contract employees five (5) years after final payment, provided all audits have been completed and all applicable audit reports have been accepted and resolved by all applicable federal and state agencies, and provided no legal actions are pending. If legal action is pending, destroy two (2) years after the exhaustion of all legal remedies provided records meet all stipulated retention requirements.

1-8 Litigation Files

Description: Records concerning litigation to which the Commission is a party. Files contain copies of petitions, motions pleadings, depositions, orders, opinions and related material.

Disposition: Retain in office until two (2) years after exhaustion of all legal remedies, then transfer to permanent electronic storage, with authority to weed, for permanent preservation.

Business Records

2-1 **Contracts**

Description: Files contain record copies of contract agreements entered into by the Commission.

Disposition: Retain in office until contract has been completed and statute of limitations for filing litigation has passed. Destroy records when they become five (5) years old provided no legal actions are pending. If legal action is pending, destroy two (2) years after the exhaustion of all legal remedies provided records meet all stipulated retention requirements.

2-2 **Export Applications**

Description: Files contain record copies of export applications and approvals/denials.

A. Disposition: (Approved applications) Retain in office until expiration date has elapsed and statute of limitations for filing litigation has passed. Destroy records when they become five (5) years old provided no legal actions are pending. If legal action is pending, destroy two (2) years after the exhaustion of all legal remedies provided records meet all stipulated retention requirements.

B. Disposition: (Applications not approved) Retain in office two (2) years, then destroy provided no legal actions are pending. If legal action is pending, destroy two (2) years after the exhaustion of all legal remedies provided records meet all stipulated retention requirements.