**DOCUMENT RETENTION POLICY**

**PURPOSE**

[EMPLOYER'S NAME] considers its records and information to be critical assets that require effective management throughout their lifecycle. Records include all information created, transmitted, or received during business operations, and [EMPLOYER'S NAME] retains these records for both business and legal purposes.

Federal, state, and local laws require [EMPLOYER'S NAME] to retain specific records for defined periods. Additionally, certain records are maintained to:

* Serve as [EMPLOYER'S NAME]'s corporate memory.
* Provide evidence of business transactions, rights, obligations, or legal interests.
* Ensure continuity of operations and compliance with legal, accounting, or regulatory standards.

Examples include [SPECIFIC RECORD EXAMPLES, such as tax filings, personnel records, or financial statements, and their retention periods]. Unauthorized destruction of these records can result in severe consequences, such as:

* Fines and penalties.
* Legal liabilities, including spoliation claims.
* Obstruction of justice charges.
* Negative outcomes in litigation or regulatory proceedings.

This policy prohibits any unauthorized destruction, falsification, or concealment of records and ensures compliance with the Sarbanes-Oxley Act of 2002, which criminalizes actions taken to impede official investigations or proceedings.

By adhering to this policy, [EMPLOYER'S NAME] safeguards its operational, legal, and regulatory integrity and supports a company-wide system for the review, retention, and appropriate destruction of business-related records.

[EMPLOYER'S NAME] ensures compliance with all applicable Montana state-specific laws and regulations related to document retention, storage, and destruction, including any unique requirements for specific records or industries in the state. Please contact [NAME/DEPARTMENT] for guidance on state-specific compliance obligations.

**CATEGORIES OF DOCUMENTS**

Records

Records are any information created, received, or transmitted in the normal course of [EMPLOYER'S NAME]'s business, regardless of format. Examples include:

* Appointment books and calendars.
* Audio and video recordings.
* Contracts and electronic files.
* Emails and correspondence.
* Invoices and performance reviews.
* Social media postings (e.g., Facebook, Twitter, Instagram).
* Voicemails and test samples.

Records must be retained according to the retention periods outlined in the APPENDIX A. Retention beyond the specified period is permitted only for valid business reasons, litigation holds, or other special situations. If uncertain about whether to retain a document, consult [INSERT TITLE/DEPARTMENT].

Disposable information

Disposable information is non-record material that can be discarded or deleted once it has served its temporary purpose. Examples include:

* Duplicate documents without annotations.
* Preliminary drafts, worksheets, or notes that do not reflect significant decisions.
* Reference materials like books or manuals obtained from external sources.
* Spam and junk mail.

Confidential information belonging to others

Confidential information obtained from external sources, such as previous employers or other organizations, must not be disclosed or used at [EMPLOYER'S NAME]. Employees should:

* Refuse and return unsolicited confidential information, where possible.
* Delete unsolicited confidential information received electronically.

Maintaining compliance with these categories ensures proper document handling and safeguards against unauthorized use or disclosure of sensitive materials.

**COMPLIANCE REQUIREMENTS**

Employee responsibility

All employees of [EMPLOYER'S NAME] must adhere strictly to this policy and any litigation hold communications. Compliance with applicable laws, rules, and recognized best practices is mandatory. Violations of this policy can expose [EMPLOYER'S NAME], its employees, and contractors to severe civil or criminal liability. Non-compliance may result in disciplinary actions, including suspension or termination of employment.

Reporting violations

Employees are encouraged to report any suspected or actual violations of this policy immediately. Reports can be made to:

* The employee’s direct supervisor.
* The [Records Management Officer/manager at the next level above the supervisor/[OTHER]] if the immediate supervisor is not a suitable contact or has not addressed the matter appropriately.

[EMPLOYER'S NAME] prohibits any form of retaliation, reprisal, or intimidation against employees who report potential violations, pursue a claim related to record destruction, or cooperate in investigations. Prompt reporting ensures [EMPLOYER'S NAME] can address and rectify potential issues effectively.

**RECORDS MANAGEMENT OVERSIGHT**

Role of the records management department

The Records Management Department is tasked with identifying which documents [EMPLOYER'S NAME] must or should retain and determining appropriate retention periods in collaboration with the Legal Department. Key responsibilities include:

* Arranging proper storage and retrieval of records.
* Coordinating with outside vendors for record storage or destruction, where applicable.
* Managing the destruction of records that have exceeded their retention period.

Responsibilities of the Records Management Officer

[EMPLOYER'S NAME] has appointed [NAME] as the Records Management Officer, who heads the Records Management Department. The Officer’s key responsibilities include:

* Program administration: Implementing the document management program and assisting department heads with adherence to best practices.
* Policy development: Establishing clear document disposal policies and writing easy-to-follow procedures for compliance.
* Compliance oversight: Monitoring department adherence to ensure consistent application of the document management program.
* Training and guidance: Educating senior management and employees about document management responsibilities.
* Access and preservation: Ensuring authorized access to records, preserving necessary documents, and eliminating unnecessary files to optimize resources.
* Disaster preparedness: Collaborating with departments to establish disaster recovery plans for critical records.
* Historical preservation: Identifying and preserving historically significant records.
* Filing Systems: Establishing uniform filing systems and standards for recordkeeping.

Periodic review and legal coordination

* Reviewing and updating retention schedules to ensure compliance with state, federal, and international laws.
* Providing departments with relevant legal guidelines for records management.
* Notifying the Legal Department of any noncompliance with document management policies.

Annual audits and reporting

* Conducting annual records destruction exercises and audits.
* Maintaining records of destroyed documents and those stored electronically.
* Reporting annually to the Legal Department and other relevant departments on the program's implementation and effectiveness.

This structured approach ensures the comprehensive management of records in alignment with [EMPLOYER'S NAME]’s legal and operational obligations.

**STORING AND DISPOSING OF RECORDS**

Proper storage of records

[EMPLOYER'S NAME]'s records must be stored securely and in an organized manner that ensures accessibility when needed. Critical documents vital for business continuity during emergencies, such as [ESSENTIAL DOCUMENTS], must be backed up at least weekly. Backups should be stored off-site at [LOCATION], ensuring they remain safe and accessible in case of unforeseen events.

Procedures for record destruction

The [Records Management Officer/[TITLE]] is responsible for overseeing the identification and destruction of records that have fulfilled their retention period.

* Confidential Records: Documents containing sensitive, financial, or personnel-related information must be shredded to ensure complete confidentiality.
* Nonconfidential Records: These may be disposed of through recycling.
* Electronic Records: Destruction must be coordinated with [the IT Department/[TITLE]/[NAME]] to ensure all electronic data is permanently deleted and irretrievable.

Litigation holds

If notified by [the Legal Department/[OTHER]] of a litigation hold due to ongoing or anticipated legal proceedings or investigations, all record destruction must cease immediately. Destruction may resume only after the Legal Department lifts the hold. This ensures compliance with legal obligations and prevents inadvertent spoliation of evidence.

**LITIGATION HOLDS AND SPECIAL CIRCUMSTANCES**

[EMPLOYER'S NAME] requires strict compliance with its records retention schedule and procedures outlined in this policy. However, employees must observe the following critical exception to any stated destruction timelines:

* Litigation holds: If you are aware, or if [the Legal Department/[TITLE]] informs you, that certain records may relate to ongoing or potential litigation, a government investigation, audit, or similar matter, you must preserve and refrain from altering, deleting, or disposing of those records. This includes all formats, such as emails, paper files, and electronic documents. This legal hold supersedes any previously established retention or destruction schedules.
* Special situations: Routine document disposal procedures may also be temporarily suspended during specific events, such as mergers, acquisitions, or changes to [EMPLOYER'S NAME]'s information technology systems.

If you believe this exception applies, or if you have any doubts, immediately contact [the Legal Department/[TITLE]] for clarification. These measures ensure compliance with legal and regulatory obligations and help safeguard [EMPLOYER'S NAME]'s interests.

**AUDITS AND EMPLOYEE INQUIRIES**

Internal policy reviews and audits

[EMPLOYER'S NAME]'s [Chief Financial Officer, Chief Legal Officer, and Records Management Officer] will periodically collaborate with legal counsel and [EMPLOYER'S NAME]'s certified public accountant to review this policy and ensure compliance with any updated laws or regulations. Regular audits of employee files and computer systems will be conducted to verify adherence to this policy.

Questions about this policy

Employees with questions regarding this policy should contact [NAME] at [PHONE NUMBER/EMAIL ADDRESS]. This individual is responsible for administering, enforcing, and updating the policy to ensure it remains relevant and effective.

**ACKNOWLEDGEMENT OF RECEIPT AND REVIEW**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (employee name), acknowledge that on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (date), I received and reviewed a copy of [EMPLOYER'S NAME]’s [NAME OF POLICY]. I understand that it is my responsibility to familiarize myself with the policy and adhere to its terms.

I also acknowledge that this policy is not intended to create an employment contract or alter my at-will employment status, unless otherwise specified in a written agreement signed by an authorized representative of [EMPLOYER'S NAME]. Any delay or failure by [EMPLOYER'S NAME] to enforce the provisions of this policy does not constitute a waiver of its rights to enforce them in the future.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Printed Name

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date

**APPENDIX A**

**RETENTION PERIODS**

[INCLUDE DOCUMENT TYPES OF RETENTION PERIODS]