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## Policy on the Automatic Deletion of Digital Records

**Purpose:** This policy clarifies that digitally-stored data and other information are municipal records, which may only be destroyed or disposed of pursuant to Section 1133 of the New York City Charter. The policy further establishes a process by which an agency may request and obtain prospective approval for the automatic deletion of specific, digitally-stored records following an adequate retention period.

**Policy:** All digitally-stored data and information made or received pursuant to law or ordinance, or in connection with the transaction of official city business are municipal records.<sup>1</sup> No records shall be destroyed or otherwise disposed of absent prior approval from: (1) the head of the agency which created or has jurisdiction over the records, (2) the Municipal Archivist, (3) the Corporation Counsel, and (4) the Commissioner of Records and Information Services.<sup>2</sup>

An agency may obtain approval to initiate **automatic deletion** of digitally-stored records provided that:

- (1) the records that will be automatically deleted are specifically identified;
- (2) the records are retained for the **designated retention period** prior to automatic deletion; and
- (3) a process exists to extract and preserve certain records prior to automatic deletion.

**Definitions:** As used in this policy, the terms “*automatic deletion*” and “*designated retention period*” are defined as follows.

***Automatic deletion*** — Any programmatic process that deletes (purges) digitally-stored records based on predetermined criteria and without any human intervention.

- For example, a database that automatically purges records 180 days after their creation.

***Designated Retention Period*** — The minimum retention period for the applicable record series as defined in the approved records schedules. If the records subject to automatic deletion are not covered by an existing record series, then one will be created or assigned prior to approval of the request for automatic deletion.

**Scope:** This policy does not apply to generic data created or collected during the normal operation of a computer or information system. Generic data is covered by a separate policy and procedure.

- For example, this policy is not intended to cover system or server log files or browser history and cache files.

<sup>1</sup> See New York City Charter Chapter 72, § 3011(2) (“Records’ means any documents, . . . sound recordings, machine readable materials or any other materials, regardless of physical form or characteristics. . . .”)

<sup>2</sup> See New York City Charter Chapter 49, § 1133(f).



**Process & Procedure:** To obtain approval for the automatic deletion of digitally-stored records, an agency must complete an “Application for Automatic Deletion”. Such application must include at least:

- (1) a detailed description of the records (data) that will be deleted, including the origin of those records, and the specific data system(s) on which those records are stored prior to deletion;
- (2) an explanation for the purpose or requirement of automatic deletion of the identified records;
- (3) a description of the proposed criteria that will be used to effect automatic deletion of the identified records, including either the designated retention period or a proposed minimum retention period prior to automatic deletion of the records;
- (4) a description of the process by which specifically-identified records may be manually preserved from deletion, including the business unit that will be responsible for receiving and processing any preservation requests; and
- (5) certification by the head of the agency that has jurisdiction over the records that the proposed automatic deletion will not hinder or disrupt the business of the City.

Where the requesting agency has already implemented a process of automatic deletion, the following additional information and certification will be required:

- (6) the date on which automatic deletion began, and any subsequent dates on which the criteria or process of automatic deletion was modified;
- (7) an affidavit by the Records Management Officer or other appropriate agency employee describing the automatic deletion process and providing a description and date range of records already deleted;

Applications for Automatic Deletion shall be submitted to the Records Management Division of the Department of Records and Information Services, which shall process such applications and submit them for approval by the Municipal Archivist, Corporation Counsel, and the Commissioner of the Department of Records and Information Services. Both the Commissioner of the Department of Records and Information Services and the Corporation Counsel may condition approval on modification of the criteria and processes described in the application. The Records Management Division shall be responsible for maintaining a record of all applications, and shall notify applicants of the approval or disapproval of the application.

Approval of automatic deletion is expressly based on the criteria set forth in the approved application, including the adequate retention period, and those criteria may not be changed without submission of a new application.

The agency that obtained approval for automatic deletion shall be responsible for ensuring that the process for preserving individually-identified records remains up-to-date, and that any changes to that process are communicated to all regular users of the records or information subject to automatic deletion (including business units at other agencies that frequently request such records).