

# **ROSE FITZGERALD KENNEDY GREENWAY CONSERVANCY, INC.**

## **DOCUMENT MANAGEMENT POLICY**

**ADOPTED: 2005; REVISED: OCTOBER 2015**

The records of the Rose Fitzgerald Kennedy Greenway Conservancy, Inc. (the “Conservancy”) are important assets of the Conservancy. This Document Management Policy (the “Policy”) seeks to ensure that the Conservancy retains complete and accurate records for as long as required by law and for as long as needed for the effective administration of the Conservancy. This Policy applies to all records. All employees have the responsibility to fully comply with this Policy.

### **DOCUMENT RETENTION**

All employees of the Conservancy must comply with federal and state laws and ensure that records are available for the effective administration of the Conservancy, but must also keep the Conservancy’s inventory of records at a manageable level.

Generally, if there is no belief of potential litigation or investigation, a record may be destroyed after seven years unless a longer period is prescribed within one of the categories listed below. Thus, this Policy has a general record retention period of seven years. Examples of records that may be destroyed after seven years are correspondence and other records that are not mentioned in the list below.

Certain records, however, shall be routinely destroyed, such as drafts of Board Minutes (after the subsequent or final version is prepared), proposed resolutions and proposed agendas after they are incorporated into the approved minutes, drafts of policy statements or business or strategic plans after the subsequent or final version is prepared, and drafts of press releases after the subsequent or final version is prepared.

If any employee believes, or is informed, that there are records relevant to pending or potential litigation or a pending or potential investigation, then such person must preserve all such records and may not alter, conceal, or destroy such records until such person is informed that the records are no longer needed. This rule trumps all record retention periods.

The following documents shall be retained according to the corresponding time period. One copy of the records that fall under the categories listed below shall be retained at the offices of the Conservancy for the applicable time period.

- a) Corporate Documents: Corporate documents include but may not be limited to Articles of Organization, Bylaws (both current and prior versions), Corporate Governance Guidelines, the Memorandum of Agreement by and between The Massachusetts Turnpike Authority, the City of Boston, the Commonwealth of Massachusetts, and the

Conservancy, dated July 12, 2004, and a list of the names and addresses of current directors and officers. These documents shall be retained permanently.

- b) Board and Committee Materials: Board and Committee meeting minutes, policies and resolutions shall be retained permanently.
- c) Records of Donations: Records of all donations shall be retained permanently.
- d) Donor Solicitation Materials Reports: Records of solicitation materials shall be retained for no less than seven years from the date they were created.
- e) Endowment/Investment Records: All endowment and investment records shall be retained permanently.
- f) Financial Statements: All financial statements shall be retained permanently.
- g) Tax Records: All tax records shall be retained permanently.
- h) Independent Auditor Reports: All independent auditor reports shall be retained permanently.
- i) Financial Records: The following financial records shall be retained as follows:
  - Accounts payable ledger – 7 years
  - Bank reconciliations – 3 years
  - Bank statements – 3 years
  - Checks (for important payments and purchases) – permanently
  - Depreciation schedules – permanently
  - Deposit slips – 2 years
  - Expense reports – 7 years
  - Insurance records (including binders and policies) – permanently
  - Invoices – 7 years
  - Simple IRA records – permanently
- j) Policy Statements or Strategic Plans: All policy statements or strategic plans shall be retained for no less than seven years from the date they were created or such longer period, if any, that is required by state or federal law.
- k) Employment/Termination Agreements: All employee employment and termination agreements shall be retained permanently.
- l) Employment Records/Personnel Records: All employee and payroll records and personnel files (including, but not limited to, attendance records, application forms, performance evaluations, promotion records, termination papers, I-9s, withholding information, exit interview material, bonus records, and payroll registers) shall be

retained for at least seven years after termination of the employee or such longer period, if any, that is required by state or federal law.

- m) Grievances filed by directors, officers, or employees: All records relating to grievances filed by directors, officers, or employees with the Board of Directors, the Attorney General, or any other government agency and records relating to the resolution of such grievances shall also be retained for at least seven years after either the director or officer no longer serves in his or her position or the termination of the employee, or such longer period, if any, that is required by state or federal law.
- n) Press Releases: Copies of all press releases shall be retained for at least seven years after the issuance of the press release or such longer period, if any, that is required by state or federal law.
- o) Legal Files: Records pertaining to litigation shall be retained permanently.
- p) Contracts: All contracts shall be retained for seven years after the termination or expiration of the contract.
- q) Disclosure Statements: All disclosure statements of directors, officers, or employees filed with the Audit, Finance, and Risk Management Committee pursuant to the Conflict of Interest Policy shall be retained for seven years from the date of such filing.
- r) Retention Periods Prescribed by Law: Any other document not specifically listed herein shall be kept according to any period of time required by law, if such prescribed period of time is more than this Policy's general record retention period of seven years.
- s) Electronic Mail: The retention period for e-mail sent or received by the Conservancy's employees in such capacity shall be dictated by the category listed above to which the substance of the e-mail pertains. E-mail that needs to be saved shall be either 1) printed in hard copy and kept in the appropriate file or 2) downloaded to a computer file and kept electronically or on a disk as a separate file.

Electronic documents will be retained as if they were paper documents. Therefore, any electronic files, including records of donations made online, that fall into one of the document types on the above schedule should be maintained for the indicated time period.

While minimum retention periods are suggested above, the retention period may be changed by the Board of Directors. The Executive Director will oversee the implementation and interpretation of the Document Management Policy. Any questions or concerns regarding the Document Management Policy should be directed to the Executive Director. The Executive Director shall review annually the usefulness of the Policy and shall review annually whether the Policy is being effectively implemented.

## **PUBLIC RECORDS LAW**

Consistent with the Conservancy's enabling act and amendments adopted by the Legislature in 2012, the Conservancy is subject generally to the Massachusetts Public Records Law, Section 10 of Chapter 66 of the Mass. General Laws in the enabling act. The Conservancy shall appoint a records custodian, who shall be responsible for responding to Public Records Law requests in compliance with law. Certain documents are exempt from disclosure under the Public Records Law pursuant to Chapter 4, Section 7(26) of the Mass. General Laws. In addition, the Conservancy's enabling act exempts from disclosure records pertaining to potential contributions and any donations received by the Conservancy from a private individual, corporation, or any other private source.

The records custodian, in consultation with the Executive Director and legal counsel if necessary, shall determine whether a document is subject to disclosure in accordance with the Public Records Law and this Policy.

8559368.3