

Records Retention in Integrated Data Systems: Factors for Success

An organization must consider several key factors when developing a records retention program. These include four essential building blocks crucial to the program's success. Properly maintaining documentation on these building blocks will not only provide context for decision-making but also serve as a reference point when decisions are made.

Specific questions for each building block are provided below to facilitate a thorough evaluation; encourage thoughtful consideration; and ensure that your program is comprehensive, compliant, and effective.

Data Inventory

A records retention program specifies how long data are kept and where and in what format they are stored. To ensure successful implementation, begin with a thorough data inventory that identifies all of the data in the integrated data system (IDS). A comprehensive data inventory ensures

RECORDS RETENTION

refers to the practices around storing data after they are collected. Retention policies detail how long, where, and in what format data records should be stored. Retention periods may be based on state or agency archiving requirements as well as when specific data need to be used or reported.



that all partners have access to the same information. It also serves as a foundational tool in later steps for organizing laws enumerating contractual provisions and ensuring compliance with standards.

- **Is the data inventory organized in a way that allows each contributing partner to clearly identify the data they provide to the IDS?**

A comprehensive data inventory will include details on the source of the data element, including information on how the data element was originally collected. These types of details allow data contributors to clearly identify the data provided by their agency and provide additional clarification on appropriate retention.

- **Is the purpose and utility of stored data and their alignment with the IDS’s mission clearly understood?**

All data stored in the IDS should have a documented purpose and use to mitigate potential risks and protect the individuals represented by the data from possible harm. Aligning data elements or categories of data with the IDS’s research agenda questions or objectives is an effective way to document and record how the data support the overall mission of the IDS.

Federal, State, and Local Laws and Regulations

Because the privacy laws in the United States are sectoral, it is crucial to consider the sources of data to ensure that all relevant laws are accounted for in the records retention program. The data inventory can be leveraged to map each data element to the corresponding federal, state, and local regulations. Data owners from the IDS contributing partners are likely more familiar with the regulations applicable to their data; thus, leveraging their expertise as resources

can help in identifying relevant laws and regulations more effectively.

Besides leveraging staff from contributing agencies, seek support from your legal counsel. Provisions related to the retention of data may be included in open-records laws, consumer protection laws, or even other state agency regulations. Legal counsel can assist in determining whether those laws apply to the data within the IDS.

- **Are relevant laws at the federal, state, and local levels mapped to all collected data, including vague provisions such “as long as necessary”?**

Clearly identifying relevant laws associated with each type of data provides the minimum requirements for a records retention program. Even vague references such as “minimum necessary” or “as long as necessary” provide guidelines for the development of a records retention program.

- **What state processes or procedures apply to agencies’ records retention?**

Depending on the structure of the IDS, different agency records retention policies and procedures may be applicable. Additionally, the state archive agency may offer guidelines and templates and support public agencies in the development of their records retention programs.

- **What state agencies are responsible for the retention or destruction of data within the IDS?**

Because information and technology assets are closely aligned in an IDS, a state’s centralized information technology department may have authority over the retention and destruction of data. Additionally, as more states fill Chief Data Officer positions, there might be additional regulations, policies, or administrative procedures that are applicable to the data within the IDS.

Contractual Provisions

Legal agreements, such as contracts, memorandums of understanding, data sharing agreements, and terms of service, often include provisions related to data retention. Review written agreements carefully, and consider provisions in the context of the partners providing data and the data cataloged in the data inventory. Rely on legal counsel to interpret contractual provisions and determine applicability.

- **What is expected to happen to the data after an agreement is terminated?**

Contractual provisions may require that data be deleted or returned upon termination of the agreement. Alternatively, contractual provisions may dictate limitations on the use or retention of data following the termination of the agreement. Furthermore, contractual provisions may require certification or verification of the deletion, which should be included in the records retention program.

Standards

In today's digital age, in which vast amounts of data are generated and exchanged across various platforms, standards serve as the backbone of effective data management, ensuring that information is accurately shared, securely stored, and readily accessible when needed. Standards provide the essential framework for interoperability, data quality, and compliance, which are critical in facilitating seamless communication between disparate systems.

Data systems are often built aligned with national security and privacy standards. Common standards include the National Institute of Standards and Technology (NIST), the Center for Internet Security (CIS), and the Federal Risk and Authorization Management Program (FedRAMP). Such standards typically encompass requirements for the retention and deletion of data aligned with the particular framework.

Consider whether there are additional standards that the IDS might want to align with and the steps necessary to meet those standards. These may take the form of data quality, metadata, interoperability, or even industry-specific standards. Seek support from technologists and information security experts on your staff. Those experts can provide additional context and information on the requirements of these standards to inform your records retention program.

- **Does the standard currently in use by the data system include any procedures or controls for retention or deletion?**

Many national standards include protocols for specific types of data. For example, NIST has requirements for the protection of controlled unclassified information. Leverage the data inventory to determine how to apply standards to types of data or categories of data to identify additional requirements for a records retention program.

How the Data Integration Support Center Can Help

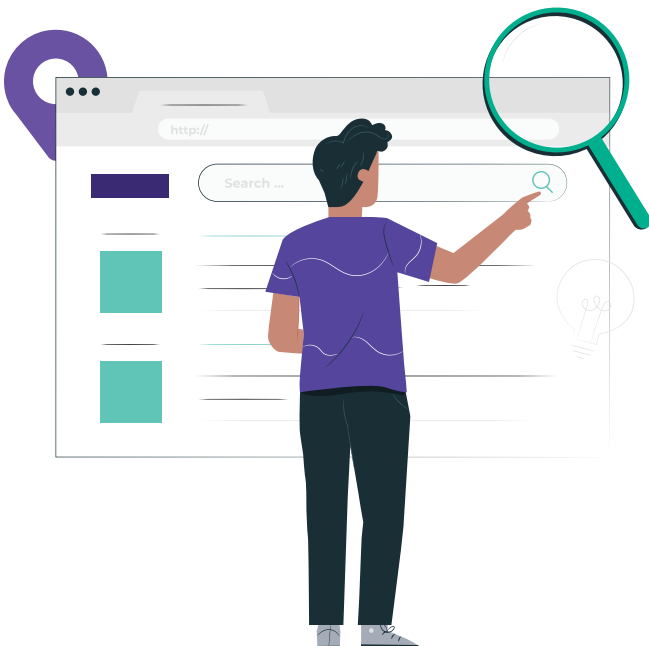
The Data Integration Support Center (DISC) at WestEd is available to support your needs in the development of a records retention program. DISC offers technical assistance to public agencies free of cost. Forms of technical assistance that can be provided by DISC include the following:

- assessing the alignment of IDS data with applicable federal laws
- curating privacy and security resources and tools online for public agencies
- consulting strategically to ensure the records retention program aligns with the needs of your state

Resources

The following are some readily accessible sites that provide informative and useful resources to consult as organizations develop or refine the records retention program for an IDS:

- [*Finding a Way Forward: How to Create a Strong Legal Framework for Data Integration*](#). This resource from [*Actionable Intelligence for Social Policy*](#) addresses legal considerations to establishing cross-sector data integration and is a valuable tool in establishing the legal framework for an IDS. It can be used to assist in the identification of federal, state, and local laws and regulations relevant to your records retention program.
- [*Developing Effective Data Policies and Processes*](#). This guide from the State Longitudinal Data Systems (SLDS) Grant Program describes the differences between data policies and processes, as well as the steps necessary for developing strong data policies and for implementing them effectively. This resource can be used as a starting point for the development of a records retention policy and related processes.
- [*Balancing the Scale of Student Data Deletion and Retention in Education*](#). Although this resource from the Center for Democracy & Technology focuses on student data, it contains practical resources that can be adapted for any records retention program, including samples of a retention policy, a data inventory template, and a deletion certificate.



- [SLDS Record Retention and Data Destruction](#). Developed by the SLDS Grant Program, the State Support Team (SST), and the Privacy Technical Assistance Center (PTAC), this guide discusses considerations that SLDS programs should make when crafting their policies and shares some characteristics of effective policies. It also covers common challenges related to records retention and data destruction that policies should address.
- [Best Practices for Data Destruction](#). This resource from PTAC provides an overview of various methods for disposing of electronic data and discusses how these methods relate to legal requirements and established best practices for protecting student information.

The content of this publication was derived from the webinar [Record Retention and Integrated Data Systems](#), hosted by the Public Interest Privacy Center (PIPC) in partnership with the Data Integration Support Center (DISC) at WestEd.

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