

# ARCHDIOCESAN RECORDS

## OWNERSHIP OF RECORDS

**Policy** All records<sup>1</sup> created, received, used, maintained or preserved by an Archdiocesan entity,<sup>2</sup> employee or volunteer of the Archdiocese of New Orleans during the course of employment or in the transaction of Archdiocesan business are solely the property of the Archdiocese. No records shall be removed, destroyed, transferred, stored, transferred into another media format, e.g. digital imaging, or otherwise disposed of except in compliance with Archdiocesan policies governing properly established Retention Schedules and the procedures developed by the Office of Archives and Records.

## RECORDS RETENTION SCHEDULES

**Policy** Records retention scheduling for the disposition of all Archdiocesan Records shall be approved by the Records Conservation Board<sup>3</sup> and administered by the Office of Archives and Records.

### **Procedures**

A records retention schedule is created by the Office of Archives and Records Staff for the Archdiocese and includes a record's series title, description, retention period and legal citation. This schedule mandates the minimum retention period of records of the Archdiocese and is approved by the entity's head, the Department Director and the Records Conservation Board. As the disposition of all records is to be in compliance with these schedules, all employees should consult the retention schedule for the Archdiocese. Any questions in this regard should be directed to the Archdiocesan Office of Archives and Records.

## LITIGATION HOLD<sup>4</sup> ORDERS

**Policy** When any employee of an Archdiocesan entity receives a subpoena for records, a notification of forthcoming litigation, or is alerted that certain information may be relevant to a legal issue and/or sought in the discovery process in litigation, destruction of all records or related records must cease until further notice.

### **Procedures**

Upon receipt of a subpoena for records, complaint, a demand letter or a "preservation letter" expressly requesting that certain documents be preserved, the employee will notify immediately his supervisor and the Vicar General, Moderator of the Curia of the Archdiocese of New Orleans. The Moderator will notify the Archdiocesan attorney, who has a vital role in communicating to and coordinating with the

Archdiocesan Office of Archives and Records when and how to suspend document retention policies, determining the scope of the potential investigation or lawsuit and the source and location of possible relevant documents. A “litigation hold memo” addressed to the key employees and IT personnel outlining which information would be relevant to the litigation and preferred methods for preservation will be circulated by the Moderator of the Curia.

The Archdiocesan attorney’s written permission is needed to lift a hold order and allow destruction to continue.

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<sup>1</sup>“Records” as used herein shall include, but shall not be limited to, all recorded information, documents, letters, maps, books, photographs, films, sound recordings, tapes (magnetic and otherwise), records generated in an electronic format, and any other documentary material regardless of media format or characteristics that have been created, received, used, maintained, or preserved by an Archdiocesan entity or its employees and volunteers in the course or transaction of its business or pursuant to its legal obligations.

Examples of materials that are not records within the meaning of these policies and procedures include library and museum material made or acquired and preserved solely for reference or exhibition purposes; extra copies of documents that have been preserved for convenience of reference; stocks of publications or blank forms; and similar material not normally included within the definition of record.

<sup>2</sup>An “Archdiocesan entity” as used herein shall include any archdiocesan department, institution, office, parish, mission, archdiocesan school, parochial school, or corporation as found in the Archdiocese of New Orleans section of the Official Catholic Directory whether separately incorporated or not. However, nothing herein shall be construed as affecting the separate corporate nature of any separately incorporated, affiliated entity, and “Archdiocese” is used for descriptive purposes only. “Archdiocesan” is descriptive of “Archdiocese.” This does not apply to independent entities listed in the Official Catholic Directory under the Archdiocese of New Orleans but are recognized as Catholic organizations by the Archbishop as Shepherd of the Archdiocese.

<sup>3</sup>The Records Conservation Board is the governing authority for approval of records retention schedules for the Archdiocese of New Orleans. The Board consists of the Roman Catholic Church of the Archdiocese of New Orleans’ Finance Officer, Legal Counsel, the Archivist or their designates.

<sup>4</sup> A litigation hold is a suspension of document retention/destruction policies for those documents that may be relevant to a legal issue and/or lawsuit that has been actually filed or one that is reasonably anticipated. It ensures that relevant data is not destroyed and that key employees are notified of document preservation requirements.