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GA-004-135 Record, Retention, Storage and Disposal

I. Purpose

To establish a uniform policy and procedure for the maintenance, retention, preservation, storage, and disposal of the Records of Broward Health in accordance with the applicable retention schedules as established by the Division of Library and Information Services of the Florida Department of State as well as other governing state and federal authorities. This Policy applies to Records in both the electronic and hardcopy formats.

II. Key Terms

Broward Health: the North Broward Hospital District and all of its departments, divisions, facilities, entities, and subsidiaries.

Duplicate: a copy or copies of a Master Record.

Electronic Records: Records, which may or may not be Public Records, that are in electronic format, including but not limited to (i) databases, (ii) data files, (iii) text document files (e.g., PDF, Word, PowerPoint, Excel), (iv) program files, (v) image files (e.g., JPEG, TIFF), (vi) email messages and files, (vii) instant messages and files, (viii) back-up files and archival tapes, (ix) website files, and (x) website information stored in textual, graphical, or audio format.

Legal Hold: a temporary suspension—issued by a notice or communication—of Broward Health’s Record retention policies for documents that pertain to anticipated, pending, or ongoing legal or administrative proceedings or federal, state, or local law enforcement investigations and ensures that the documents are not destroyed and are available for any litigation pertaining to those legal proceedings or investigations.

Master Record: a Records specifically designated as the official Record.

Non-Records: duplicate copies of correspondence, duplicate copies of Records used for short-term reference purposes, blank forms, stocks of publications, magazines, publications from professional organizations, newspapers, public telephone directories, and Transitory Messages, personal notes and correspondence, or any other recorded information that does not fall under the definition of a Public

Record under Florida law.

Protected Health Information (PHI): Individually Identifiable Health Information that is transmitted or maintained in any medium, except as specifically excluded by the Health Insurance Portability and Accountability Act of 1996, Privacy and Security Rules (“HIPAA”). Individually Identifiable Health Information means information that is a subset of health information, including demographic information collected from an individual, and that (a) is created by or received from a healthcare provider, health plan, employer, or healthcare clearinghouse and (b) relates to the past, present, or future physical or mental health or condition of an individual, the provision of healthcare to an individual, or the past, present, or future payment for the provision of healthcare to an individual; and (c) which identifies the individual or (d) with respect to which there is a reasonable basis to believe that the information can be used to identify the individual.

Record or Records: all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

Transitory Messages: Records which have a short-term value based upon the content and purpose of the message, not the format or technology used to transmit it. Examples of Transitory Messages include, but are not limited to, e-mail messages or other communications reminding employees about scheduled meetings or appointments; most telephone messages (whether in paper, voice mail, or other electronic form); announcements of office events such as holiday parties or group lunches; and recipient copies of announcements of agency-sponsored events such as exhibits, lectures, workshops, etc.

Vital Records: Records that are essential to the continued functioning or reconstitution of the Broward Health during and after an emergency and also preserve the rights of the Broward Health, its employees, customers, shareholders, and other constituent groups.

III. Policy

It is Broward Health’s policy to apply effective and cost-efficient management techniques to maintain complete, accurate and high quality Records, and to avoid the cost and burden of storage and retention by routinely disposing of Records that do not serve an ongoing business purpose and are not otherwise required to be maintained by law or regulation. Records that have satisfied their required period of retention, and that are not subject to a Legal Hold or audit, will be destroyed in an appropriate manner and in accordance with this Administrative Policy. Records that have not satisfied their required period of retention shall be retained in accordance with all applicable laws and regulations and this Administrative Policy and all Broward Health officers, employees, and agents are responsible for ensuring that all Records are maintained, preserved, stored, and destroyed in accordance with this Administrative Policy.

IV. Procedures

A. General Principles

1. Records Management Liaison Officer: Florida Law requires Broward Health to appoint a Records Management Liaison Officer (“RMLO”) to serve as a point of contact between Broward Health and the Division of Library and Information Services’ (“Division”) Records Management

Program. Any appointment of an RMLO must be communicated to the Division via a RMLO Designation form that can be found on the Division's website. The RMLO is responsible, without limitation, for the following duties:

- a. Reporting of Broward Health's compliance statement annually to the Division;
 - b. Helping to ensure proper disposition of eligible Records and overseeing the implementation of, and on-going adherence to, this Policy;
 - c. Training and advising staff and Records Coordinators in Records management practices;
 - d. Working with the Division to establish retention schedules;
 - e. Inventorying Records;
 - f. Participating in decisions regarding microfilming, imaging, storage and disposal;
 - g. Reviewing this Policy or any related procedures at least annually to ensure it aligns with state and federal law; and
 - h. Coordinating with General Counsel responses to questions from the public regarding Broward Health records in order to ensure compliance with Records retention and Chapter 119 of the Florida Statutes.
2. Records Coordinator: A Records Coordinator shall be designated for each department, division, business region, group, or subsidiary of Broward Health. Coordinators will be responsible for implementing and maintaining Records management programs. This responsibility should be assigned to a staff person with some existing records management skills or with the ability to learn various approaches necessary to develop and operate a Records management program.
 3. Records Review: Records are to be reviewed periodically by Records Coordinators to determine if they are active or inactive. Records that are no longer required as active will be reviewed and assessed for storage at a designated off-site storage facility. Non-Record materials are not to be sent to a designated off-site storage facility, but should be destroyed once deemed no longer administratively necessary.
 4. Training: The RMLO will periodically meet with the Records Coordinators to provide training in the implementation of the Records management program set forth in this Policy annually or as needed. Training also will be provided on an individual basis for new individuals designated as Records Coordinators.

B. Records Retention and Inventorying

1. Records Retention: All Records will be maintained and retained in accordance with federal and state laws and regulations. Records to be retained in accordance with this Administrative Policy will be stored by Broward Health, and shall be accessible for retrieval in the event of a Public Records request, litigation, or other business necessity.
2. Records Retention Schedule: A Records Retention Schedule describes a Record Series and sets a minimum time for which the Records must be retained before final disposition of the Records can be made. Every Record Series must have an approved retention schedule in place before Records from that series can be destroyed or otherwise disposed of. Regardless of whether the Records are Electronic Records, paper records, or another format in which they reside, retention periods are determined by the content, nature, and purpose of records and are set based on their legal, fiscal, administrative, and historical values. There are two types of retention schedules: General Records Schedules and Individual Records Schedules. General

Records Schedules establish retention requirements for Records common to several or all government agencies, while Individual Records Schedules establish retention requirements for Records that are unique to Broward Health.

a. General Records Schedules:

Florida's General Records Schedules establish retention requirements for Records documenting administrative and program functions common to Broward Health. Broward Health is subject to the following General Records Schedules:

- i. GS1-SL State and Local Government Agencies
- ii. GS4 Public Hospitals, Health Care Facilities and Medical Providers

These General Records Schedules can be found at the following URL:

<https://dos.myflorida.com/library-archives/records-management/general-records-schedules>

b. Individual Records Schedules:

Individual Records Schedules are those Records that are unique to Broward Health and are not found within the General Records Schedules. To establish an Individual Records Schedule, officers, employees, and agents must request such schedule be created. Thereafter, the RMLO must submit a Request for Records Retention Schedule (Form LS5E-105REff.2-09) to the Records Management Program of the Florida Division of Library and Information Services for review and approval. This form can be found at the following URL: <https://dos.myflorida.com/library-archives/records-management/forms-and-publications>. Once this form is submitted and approved, this Individual Records Schedule can be used for disposition of the Records Series. The RMLO must retain and properly store all approved Individual Records Schedules.

c. Medical Records and Fetal Monitor Strips:

Pediatric medical records and fetal monitor strips: In all regions, pediatric medical records and fetal monitor strips will be maintained for a minimum of seven (7) years. In addition, at Broward Health Coral Springs and Broward Health Medical Center, pediatric medical records will be maintained until the patient is at least eighteen (18) years of age.

All Other Medical Records: In all regions, non-pediatric medical records will be maintained for ten (10) years after the last entry of the medical record or, as otherwise specified in FL GS4 Public Hospitals, Health Care Facilities and Medical Providers General Records Schedule, or other state or federal laws and regulations.

d. Transitory Messages:

Transitory Messages are not intended to formalize or perpetuate knowledge and do not set policy, establish guidelines or procedures, certify a transaction, or become a receipt. Because these are not considered Public Records under Florida law, the retention requirement for Transitory Messages is "retain until obsolete, superseded or administrative value is lost." Therefore, electronic communications that fall into this category can be disposed of at any time once they are no longer needed.

3. Inventory Procedures and Identifying Records: To ensure the proper storage and ultimate disposition of Records, it is essential that proper inventories of Records be kept. To that end, all Records are required to be placed into a Record Series regardless of whether such Records are Electronic Records, paper records, or other media. Examples of a Record Series might be

personnel files, project research files, equipment maintenance and repair records, or procurement files. Each Record Series might contain Records in a variety of forms and formats that document a particular program, function, or activity of Broward Health. The following information must be compiled for each Record Series:

- a. Record Series Title: A brief phrase summarizing the form, function, and/or subject of the Records is required.
 - b. Description: The description of the Record Series identifies the purpose and function of the Record Series about Broward Health's operations. The description indicates how the Record Series is used, why it was created, and the type(s) of information or subject matter the Records contain.
 - c. Inclusive Dates: This is the date range covered by each Record Series in order to determine when they are eligible for disposition under the appropriate retention schedule.
 - d. Volume: The quantity of Records in each Record Series is expressed in terms of cubic feet. A cubic foot is one standard records storage carton or its equivalent.
 - e. Retention: This should identify the retention period and the proper retention schedule as provided by the Florida Division of Library and Information Services.
 - f. Vital Records: If the Record Series is a Vital Record required for the continuation of operations of Broward Health in the event of a disaster or emergency, it should be so stated.
4. Special Procedures for Retention through Electronic Records: In general, scanned images of Records can be designated as Master Records and the original hard copies can be designated as Duplicates and disposed of when no longer needed, provided that the Electronic Records are scanned at a minimum 300 dpi, use "a published International Organization for Standardization (ISO) open standard image format," are in compliance with Rule 1B-26.003, Florida Administrative Code, and the completeness and accuracy of the scanned copies have been verified. Once the Electronic Record is designated the Master Record, the Duplicate original Record may be disposed of at any time and the Electronic Record deemed the Master Record must be retained for the length stated in the applicable retention schedule and in accordance with Rule 1B-26.003, Florida Administrative Code.

C. Disposition of Records

1. Disposition of Records:

Section 257.36(6), Florida Statutes, provides that "[a] public record may be destroyed or otherwise disposed of only in accordance with retention schedules established by the [Division of Library and Information Services]."

Records that have satisfied their legal, fiscal, administrative, and archival requirements shall be destroyed when: (1) the specified retention period has expired; (2) there is not an active Legal Hold or a tax/compliance audit prohibiting destruction; (3) an appropriate current Records Retention Schedule (either a General Records Schedule or an Individual Records Schedule) must be identified; and (4) a Records Disposition Document has been properly filled out and approved by designated Administrative leadership.

All officers, employees, and agents are required to make sure that Records are retained for at least the greater of the time required either under the Record Retention Schedules, other

Florida laws or regulations, federal laws or regulations, or applicable contracts, grants, or other arrangements.

2. Manner of Destruction:

All destruction of Records shall be conducted in a manner that safeguards the interests of Broward Health and the safety, security, and privacy of individuals. Individuals may not bury confidential or exempt Records since burying does not ensure complete destruction or unauthorized access. In destroying Records containing information that is confidential or exempt from disclosure or that contains PHI, destruction methods that prevent unauthorized access to or use of the information and ensure that the information cannot practicably be read, reconstructed, or recovered must be employed. Records must not be placed in trash receptacles unless the Records are rendered no longer recognizable. Where possible, recycling following destruction is encouraged. The following methods, in accordance with Rule 1B-24.003, F.A.C., are approved methods of destruction:

- a. For paper Records containing information that is confidential or exempt from disclosure or that contains PHI, appropriate destruction methods include burning in an industrial incineration facility, pulping, pulverizing, shredding, or macerating. High wet strength paper, paper mylar, durable-medium paper substitute, or similar water repellent papers are not sufficiently destroyed by pulping and require other methods such as shredding or burning.
- b. For electronic Records containing information that is confidential or exempt from disclosure or that contains PHI, appropriate destruction methods include physical destruction of storage media such as by shredding, crushing, or incineration; high-level overwriting that renders the data unrecoverable; or degaussing/demagnetizing.
- c. For other non-paper media containing information that is confidential or exempt from disclosure or that contains PHI, such as audio tape, video tape, microforms, photographic films, etc., appropriate destruction methods include pulverizing, shredding, and chemical decomposition/recycling.
- d. Non-Records shall be maintained for as long as administratively needed and the retention schedules do not apply. Non-Records may be discarded when the business use has terminated, unless there is a Legal Hold in place prohibiting such destruction. Non-Records do not require a Records Disposition Document.

3. Records Disposition Document:

Prior to Records disposition, departments must ensure that all retention requirements have been satisfied. With the exception of Transitory Messages or Non-Records, for each Record Series being disposed of Broward Health shall identify and document the following in the Records Disposition Document:

- a. Records Retention Schedule number;
- b. Item number;
- c. Record Series title;
- d. Inclusive dates of the Records;
- e. Volume in cubic feet for paper Records and the number of bytes and/or Records and/or files if known, or indicate that the disposed Records were in electronic form for electronic Records; and
- f. Disposition action (manner of disposition) and date.

The Records Disposition Document, upon completion, must be sent to the RMLO. The Records Disposition Document can be found at the following URL:

<https://dos.myflorida.com/library-archives/records-management/forms-and-publications>

The disposition of Records with a retention of “Retain until obsolete, superseded or administrative value is lost” is not required to be documented except for Records that have been microfilmed or scanned as part of a retrospective conversion project in accordance with Rules 1B-26.0021 or 1B-26.003, Florida Administrative Code, where the microfilm or electronic version will serve as the Master Record.

4. Records Disposition Compliance Statement:

Once per year, Broward Health should receive from the Division of Library and Information Services a Records Management Compliance Statement form on which Broward Health must indicate its compliance with records management laws and rules and provide updated agency and RMLO information. The RMLO must complete and return the form promptly. If the RMLO does not receive a Records Management Compliance Statement form by the end of November each year, the RMLO must contact the Division of Library and Information Services to obtain the form.

D. Required Reporting

Failure to retain and preserve Records in violation of this Administrative Policy and state and federal law may have serious legal consequences for both Broward Health and the individual. Broward Health officers, employees, and agents are required to report any known destruction event that violates this Policy to Broward Health’s Compliance and Ethics Department to enable Broward Health to investigate and take appropriate mitigation steps if necessary.

V. Related Policies and Compliance Documents

N/A

VI. Regulation/Standards

Public Records Requests, Chapter 119 Requests

Chapter 119 Florida Statute; State of Florida General Records Schedule GS4 and GS1-SL

VII. References

N/A

Attachments

No Attachments

Approval Signatures

Step Description	Approver	Date
Final Approver	Brian Kozik: SVP, COMPLIANCE & PRIVACY	06/2021
	Lucia Pizano-Urbina: AVP, COMPLIANCE	06/2021