

## §2600 DIOCESAN RECORDS

### §2601 OWNERSHIP OF RECORDS

**2601.1. Policy.** All records<sup>1</sup> created, received, used, maintained or preserved by a Diocesan Agency<sup>2</sup> or employee of the Diocese of Springfield in Illinois during the course of employment or in the transaction of Diocesan business are solely the property of the Diocese. No records shall be removed, destroyed, transferred, stored, transferred into another media type or otherwise disposed of except in compliance with Diocesan policies governing properly established Retention Schedules and the procedures developed by the Office for Archives and Records Management.

### § 2602 RECORDS RETENTION SCHEDULES

**2602.1. Policy.** Records retention schedules for the disposition of all Diocesan Records shall be approved by the Records Conservation Board<sup>3</sup> and the respective Department Director and shall be administered by the Office for Archives and Records Management.

#### *Procedures*

<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), born digital (ODMA) records, and any other documentary material regardless of media type or characteristics that have been created, received, used, maintained, or preserved by an agency of the Diocese of Springfield in Illinois or its employees 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 "agency" as used herein shall include any department, institution, office, parish, school, Juridic person or any subdivision thereof governed by the moral authority of the Roman Catholic Bishop of Springfield in Illinois. (The authority to determine policies for these entities is stated in the, **2017 Diocesan Synodal Statues, Part I, General Norms #9**, "*Diocesan policies further specify and delineate in greater detail the fundamental particular laws of these statutes and require all diocesan, parish and Catholic school personnel to act in a prescribed manner in handling specified situations. Diocesan procedures are uniform methods or standards of implementing diocesan policies.*")

<sup>3</sup>The Records Conservation Board is the governing authority for approval of records retention schedules for the Diocese of Springfield in Illinois. The Board consists of the Vice-Chancellor for Archives and Records, Chancellor and General Counsel, Vicar Judicial, the Moderator of the Curia, and/or their designates.

A records retention schedule is created by the Office for Archives and Records Management Staff for each agency of the Diocese and includes a record's series title, description, retention period and legal citation. This schedule mandates the minimum retention period of records of the agency and is approved by the respective 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 his or her respective agency. Any questions in this regard should be directed to the Office for Archives and Records Management.

## **§ 2603 LITIGATION HOLD NOTICES<sup>4</sup>**

**2603.1. Policy.** When any Diocesan entity receives written or verbal notification of anticipated litigation, said person in charge of said entity shall document their notification of the Chancellor of the Diocese (or, if unreachable the Vicar General) preserve all records relevant to the anticipated litigation and shall suspend the routine destruction of relevant records until further notice.

### **PROCEDURES**

1. If a Diocesan entity receives written or verbal notification of anticipated litigation, the Vicar General or Chancellor shall prepare a Litigation Hold Notice for all records relevant to the identified or anticipated litigation.
2. The Chancellor shall determine the initial scope of the anticipated litigation and shall issue a Litigation Hold Notice to the Vice-Chancellor for Archives and Records. The Vice-Chancellor for Archives and Records shall acknowledge receipt of the Litigation Hold Notice in writing to the Chancellor.
3. The Vice-Chancellor for Archives and Records shall identify possible records custodians and the location of relevant records, and, in cooperation with the Office for Information Technology, shall suspend the routine destruction of records and shall take appropriate measures to ensure the preservation of such records for the duration of the Litigation Hold. The Vice-Chancellor for Archives and Records shall communicate the nature of the preservation efforts to the Chancellor.
4. The Chancellor may revise and re-issue a Litigation Hold Notice as needed during the course of investigation or litigation. The scope of a Litigation Hold may be refined in response to discovery requests or orders, or changes to the scope of the real or anticipated litigation. Any revised Litigation Hold Notices will modify the scope of the initial Litigation Hold.

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<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.

5. The Chancellor shall notify the Vice-Chancellor for Archives and Records in writing when a Litigation Hold may be lifted. When a Litigation Hold is lifted, the destruction of records shall proceed in accordance with applicable Diocesan record retention schedules.