

<b>COUNTY OF SHASTA</b>		Number
<b>ADMINISTRATIVE MANUAL</b>		3-405
SECTION:	Risk Management	Litigation Hold
INITIAL ISSUE DATE:	November 15, 2011	
LATEST REVISION DATE:	July 13, 2012	
PAGE NO:	Page 1 of 2	

**PURPOSE**

To outline the policies and procedures adopted by the Board of Supervisors regarding retention of electronic information relating to litigated matters.

**BACKGROUND**

This policy addresses the need to preserve and disclose electronically stored information in accordance with the Federal Rules of Civil Procedure and the California Discovery Act.

**POLICY**

Regardless of retention requirements, e-mail and all other electronic or paper documents pertaining to threatened or actual legal proceedings must be retained until the litigation is finally concluded. In the event of threatened or actual legal proceedings, the Office of the County Counsel shall immediately upon notice of the threatened litigation or service of a pleading initiating litigation, notify the affected department(s) of the litigation, and advise the department(s) to retain all e-mail and other electronic or paper documents pertaining to the legal proceedings until the litigation is finally concluded. If outside counsel is retained to represent the County with respect to threatened or actual legal proceedings, the attorney assigned to the matter shall comply with the provisions of this policy following acceptance of the assignment of the matter. E-mail and other electronic documents must be retained in a separate file, including relevant documents generated after litigation was threatened or filed.

As a general rule, the preservation obligation does not extend to backup tapes which are maintained solely for disaster recovery. However, the County does access backup tapes periodically to restore data. If the affected department(s) can identify where particular documents are stored on backup tapes, then the department must extract the pertinent data from those backup tapes and separately store that data on permanent media.

It is counsel's obligation to oversee compliance with the litigation hold in accordance with the following:

1. Issue a litigation hold at the outset of litigation or whenever litigation is reasonably anticipated. The litigation hold should be periodically re-issued so that new employees are aware of it, and so that it is fresh in the mind of all employees.

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PAGE NO:	Page 2 of 2	

2. Communicate directly with the “key players” in the litigation, and advise them of the duty to preserve documents. Periodically remind them of the preservation obligation.
3. Instruct all employees to produce electronic copies of their relevant active files. Assure that all backup media required to be retained is identified, segregated, and stored in a safe place.

**RESPONSIBLE DEPARTMENTS**

County Counsel  
Support Services--Risk Management

**REFERENCES**

Administrative Update--07/13/2012  
BOS Policy Resolution No. 2011-10--11/15/2011 (Adopted)