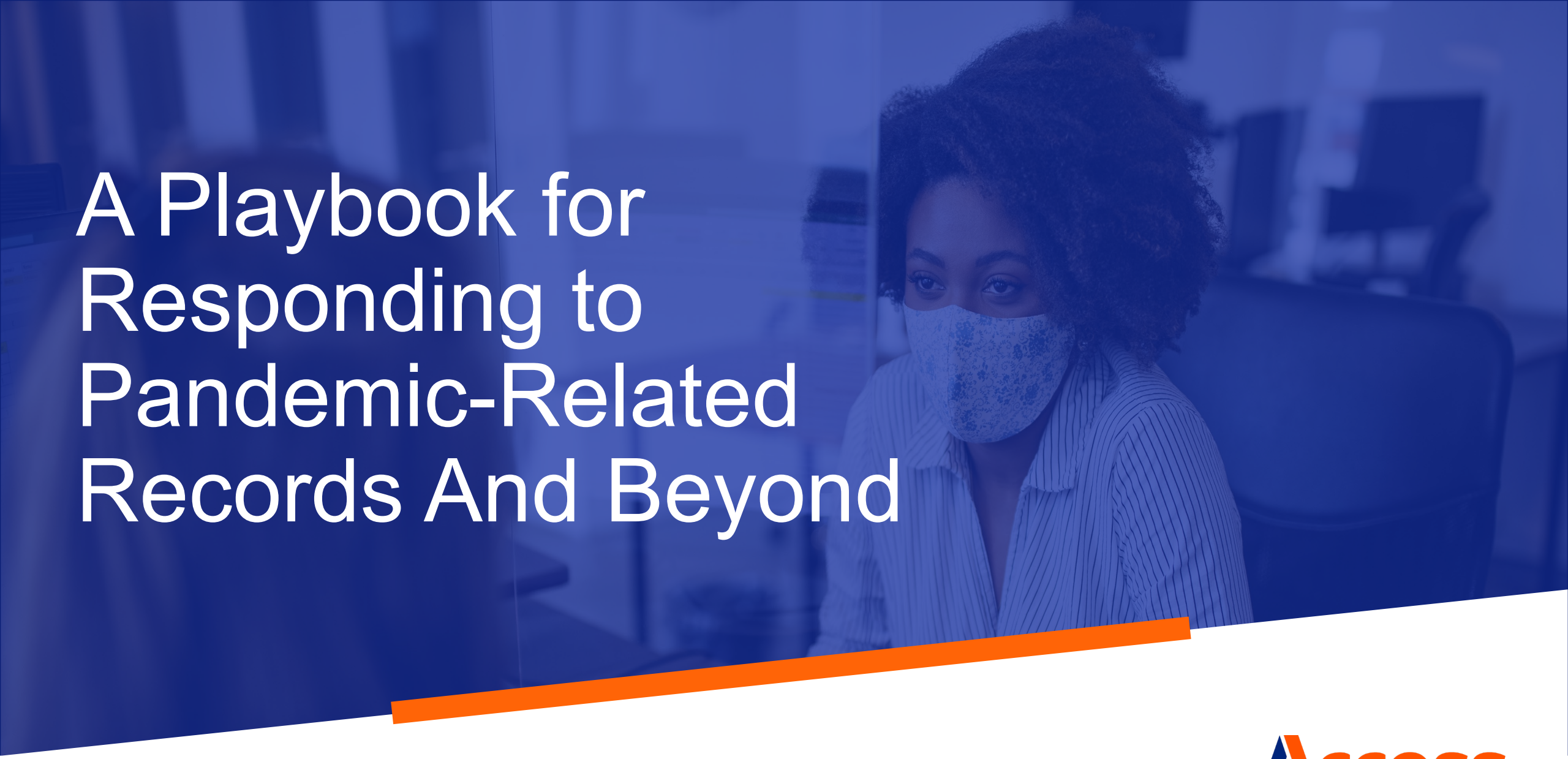
A Playbook for Responding to Pandemic-Related Records And Beyond



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Speakers



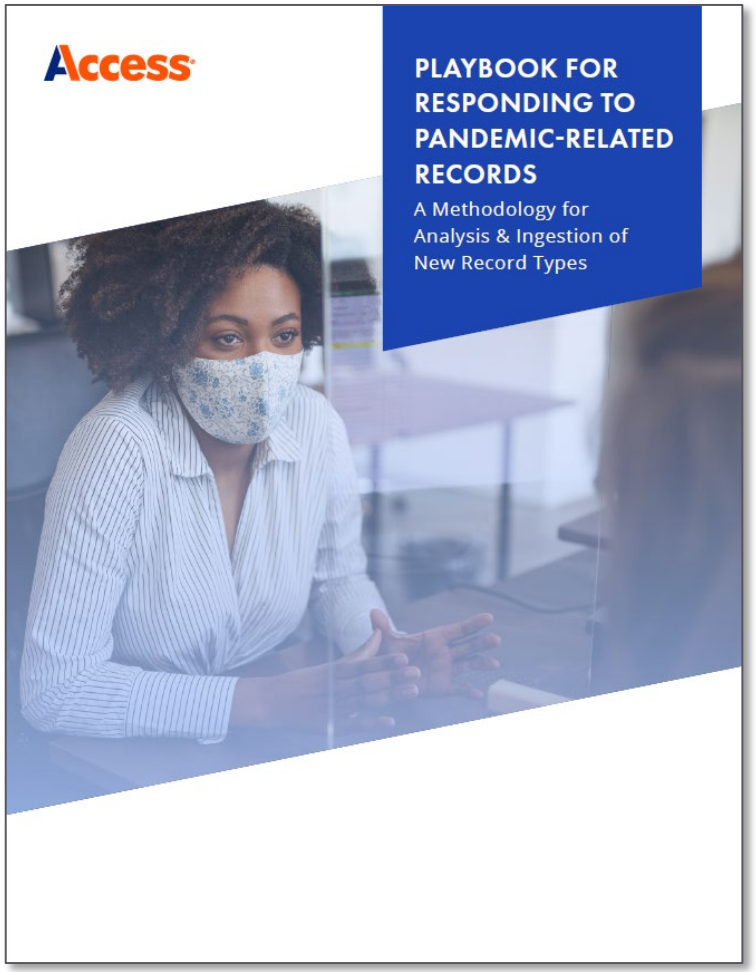
Susan Cisco, Ph.D., CRM, FAI
IG Consultant



John Isaza, Esq., FAI
VP of Information Governance

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Agenda



- Why the Research Group was Formed
- Research Methodology and Findings
- Defining Retention Control Model
- Pandemic-Related Retention Schedule
- Using the Playbook

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COVID-19 Records Research Group

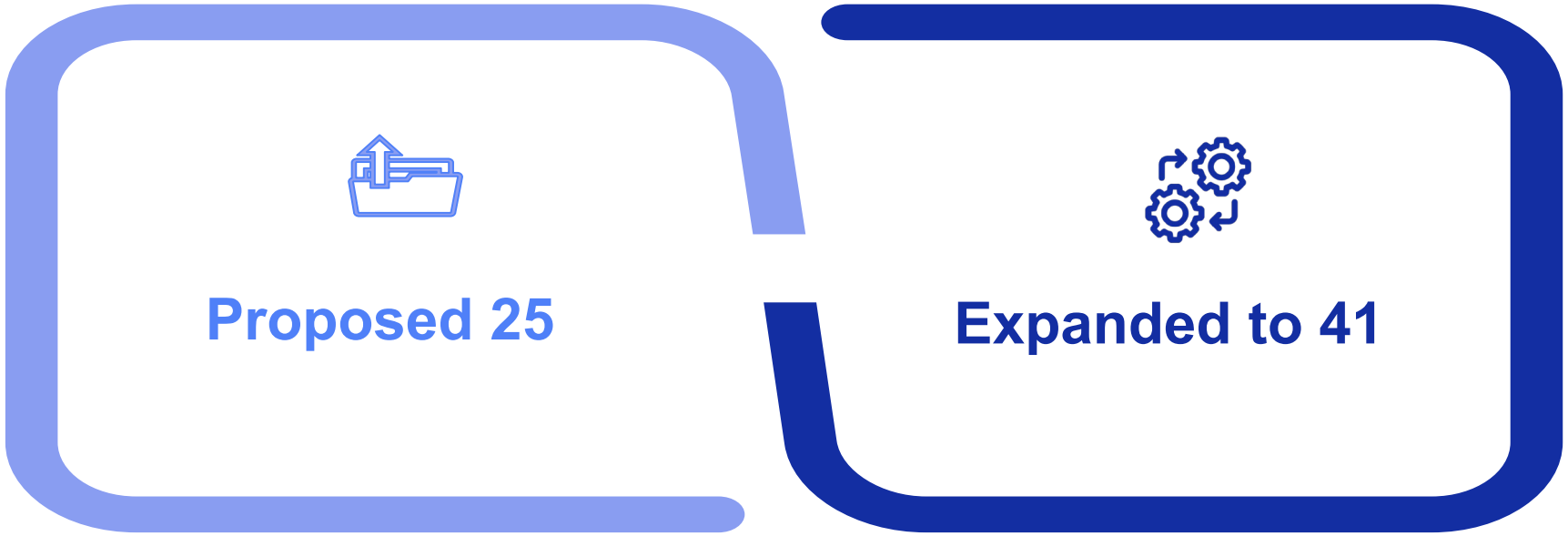
- Nine organizations representing eight industries
  - Air Transportation
  - Accounting, Auditing, and Bookkeeping Services
  - Chemicals and Allied Products
  - Food Manufacturing
  - National Commercial Bank
  - Petroleum, Petroleum Products
  - Petroleum Refining
  - Transmission, Electric Power
- Also participating were attorneys, John Isaza, FAI, and Omero Bañuelos; Dr. Susan Cisco, CRM, FAI



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Research Methodology

Record Types



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Impact Criteria

- Volume of Records
- Privacy and Data Protection Concerns
- Regulatory Concerns
- Legal Liability and Litigation Concerns
- Retention Concerns
- Archival Value

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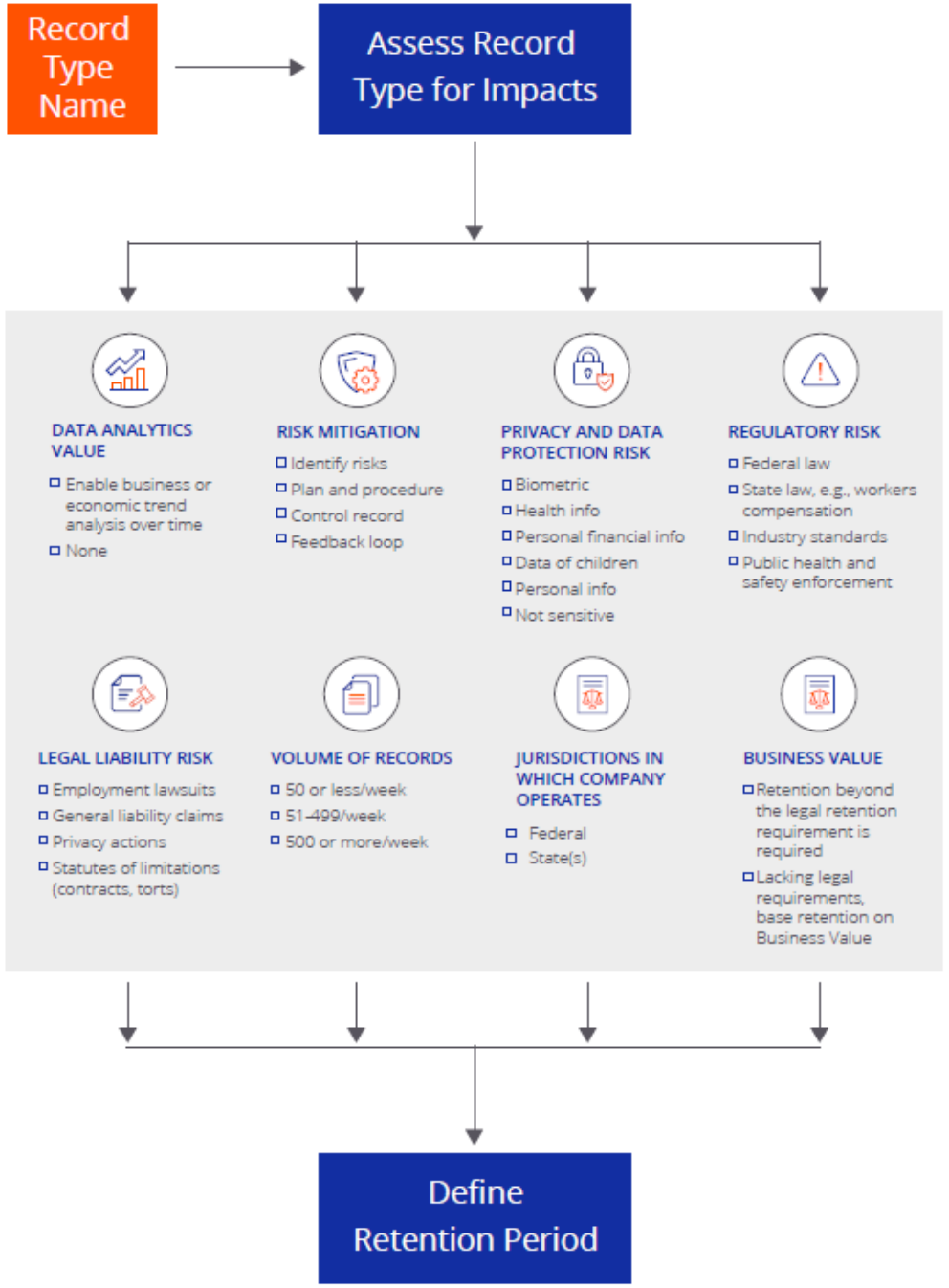
Research Findings

Top Ten Record Types

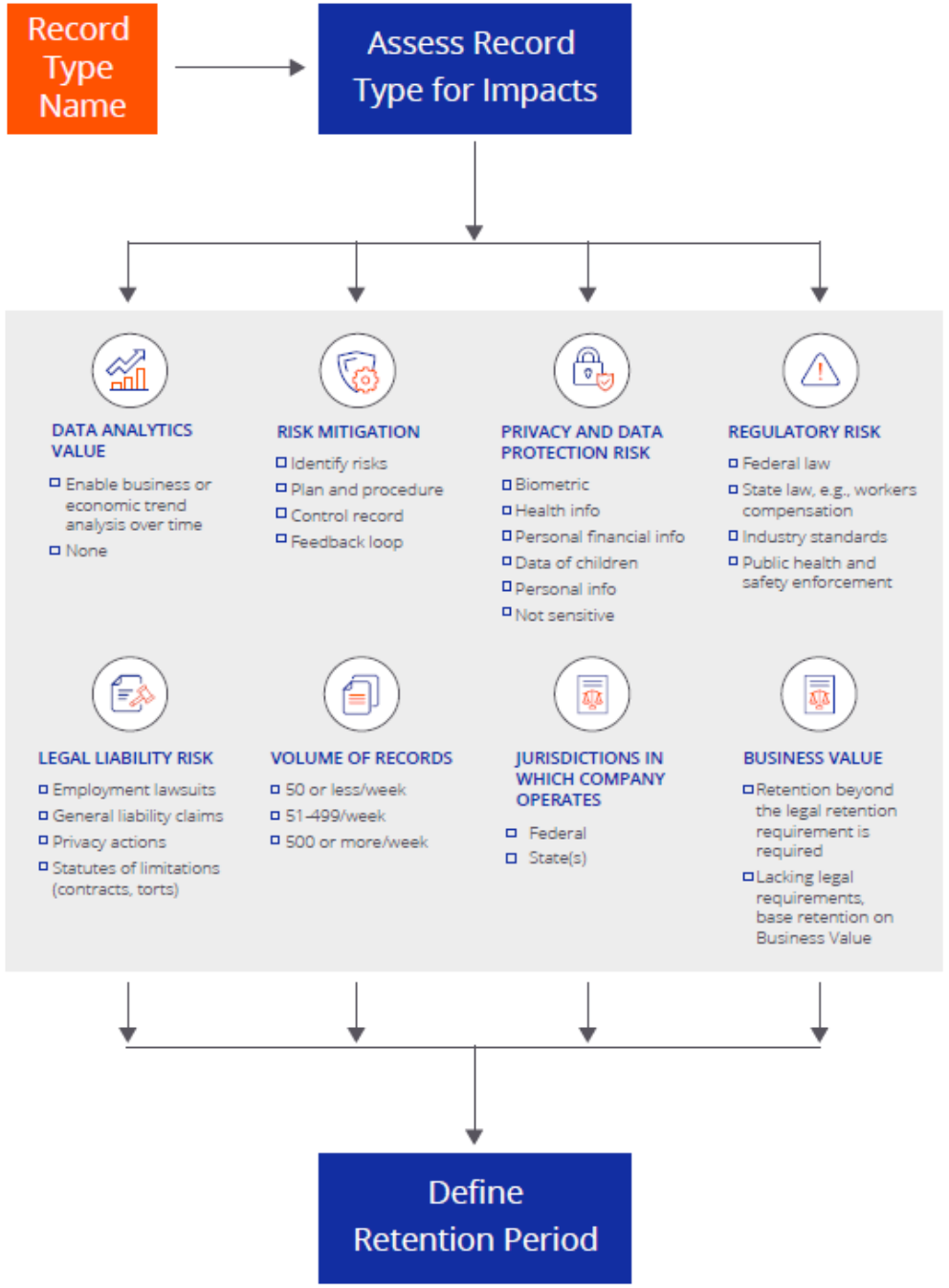
Business Function	Record Type	Impact Rating
HUM (Human Resources)	Employee case and contact tracing including records of calls to positive cases and contacts.	24.81
HUM (Human Resources)	Employee biometric information including recorded temperature readings.	22.74
HUM (Human Resources)	Employee quarantine records, includes housing arrangements.	21.38
FAC (Facilities)	Customer and visitor biometric information including recorded temperature readings.	20.57
HUM (Human Resources)	Health questionnaires of employees, contractors, customers, and visitors.	19.22
HUM (Human Resources)	Disclosure of COVID-19 test results to a workplace contact or health official.	18.64
HUM (Human Resources)	Report for Employees/Visitors Presenting Symptoms at Work.	18.04
HUM (Human Resources)	Documentation of health conditions in the higher risk category.	17.76
HUM (Human Resources)	Company response to temperature screenings and survey questions that do not meet the threshold for access to the facility.	17.67
ACC (Accounting, Finance, and Treasury)	Salary protection records	16.04

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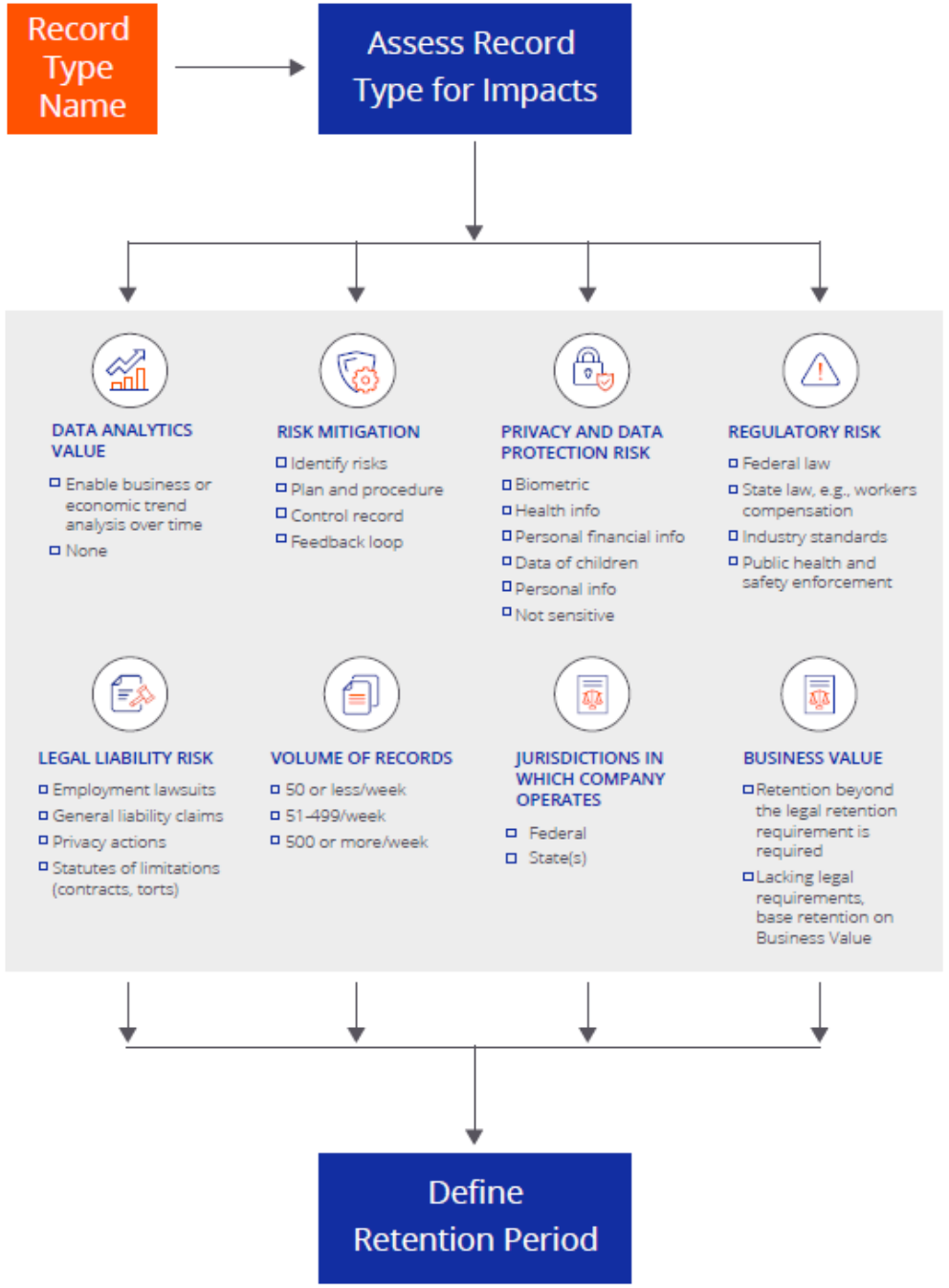
Defining Record Retention Control Model



Defining Record Retention Control Model

Jurisdictions in which Company Operates

- ❑ Federal
- ❑ State(s)



Defining Record Retention Control Model

Regulatory Risk

- ❑ Federal law
- ❑ State law, e.g. workers compensation
- ❑ Industry standards
- ❑ Public health and safety enforcement

COVID-related Documents Requested by OSHA*

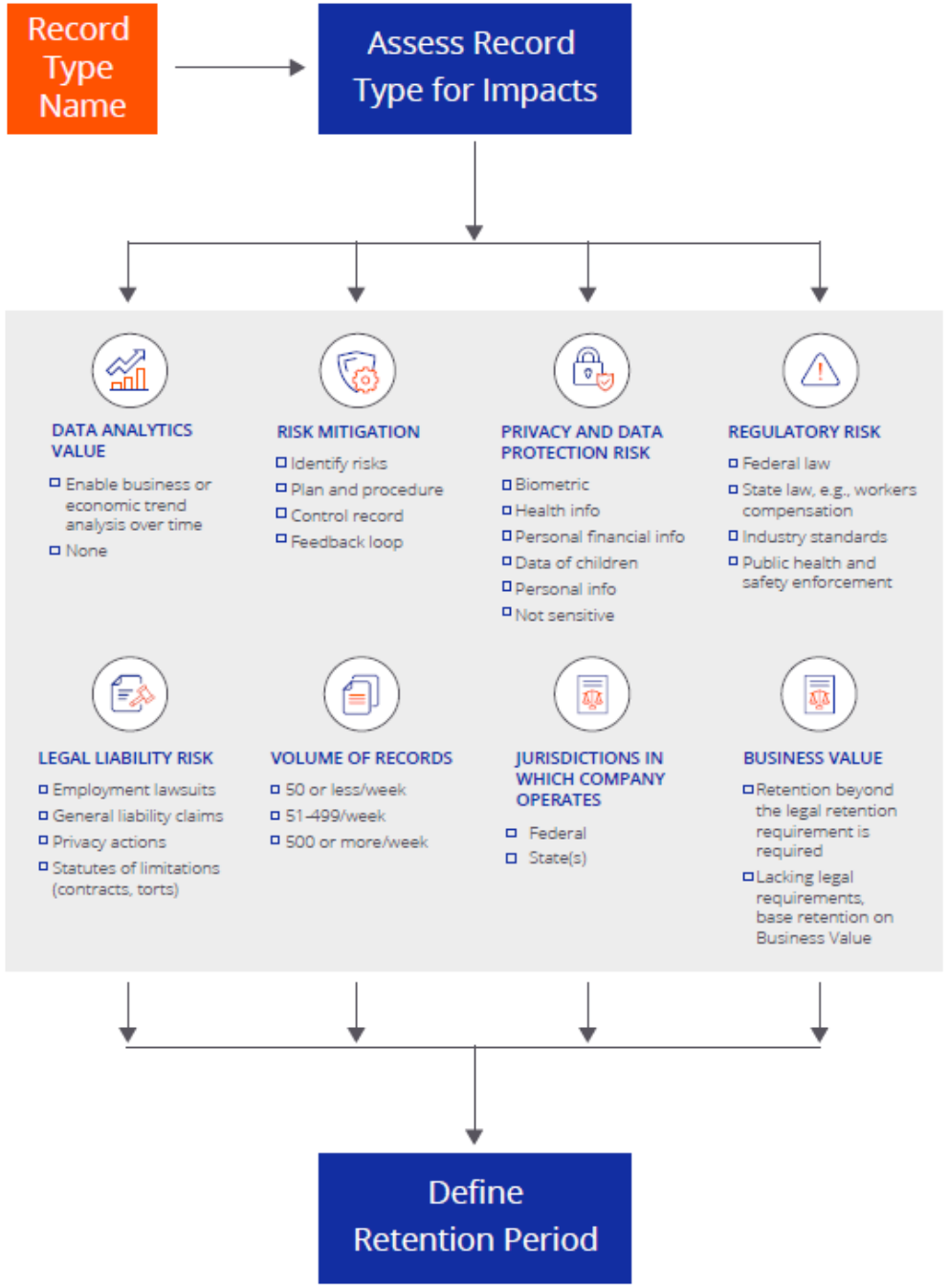
- Accommodation of sick employees
- Corrective action taken
- Documentation of corrected condition
- Emergency action/response
- Hazard communication, identification and control
- Illness records
- Photographs/video
- Plan for outbreaks in the workplace
- Policies and Protocols related to employee exposure
- Policies regarding access to medical records
- Procedures for reporting and responding to COVID illness or potential illness
- Procedures for dealing with worker exposure to the virus
- Procedures for dealing with workers who report having COVID
- Protective equipment required and/or furnished to employees
- Respiratory etiquette and hand hygiene
- Routine environmental testing
- Sanitation practices and procedures
- Safety and health related documents
- Signage
- Specific preparations undertaken
- Training and education of employees
- Travel policies

**NOTE: This list may not be all inclusive. Please consult your legal advisor for more information.*

Slide compiled by Karen Monsen, Partner, Caldwell East & Finlayson PLLC 2021

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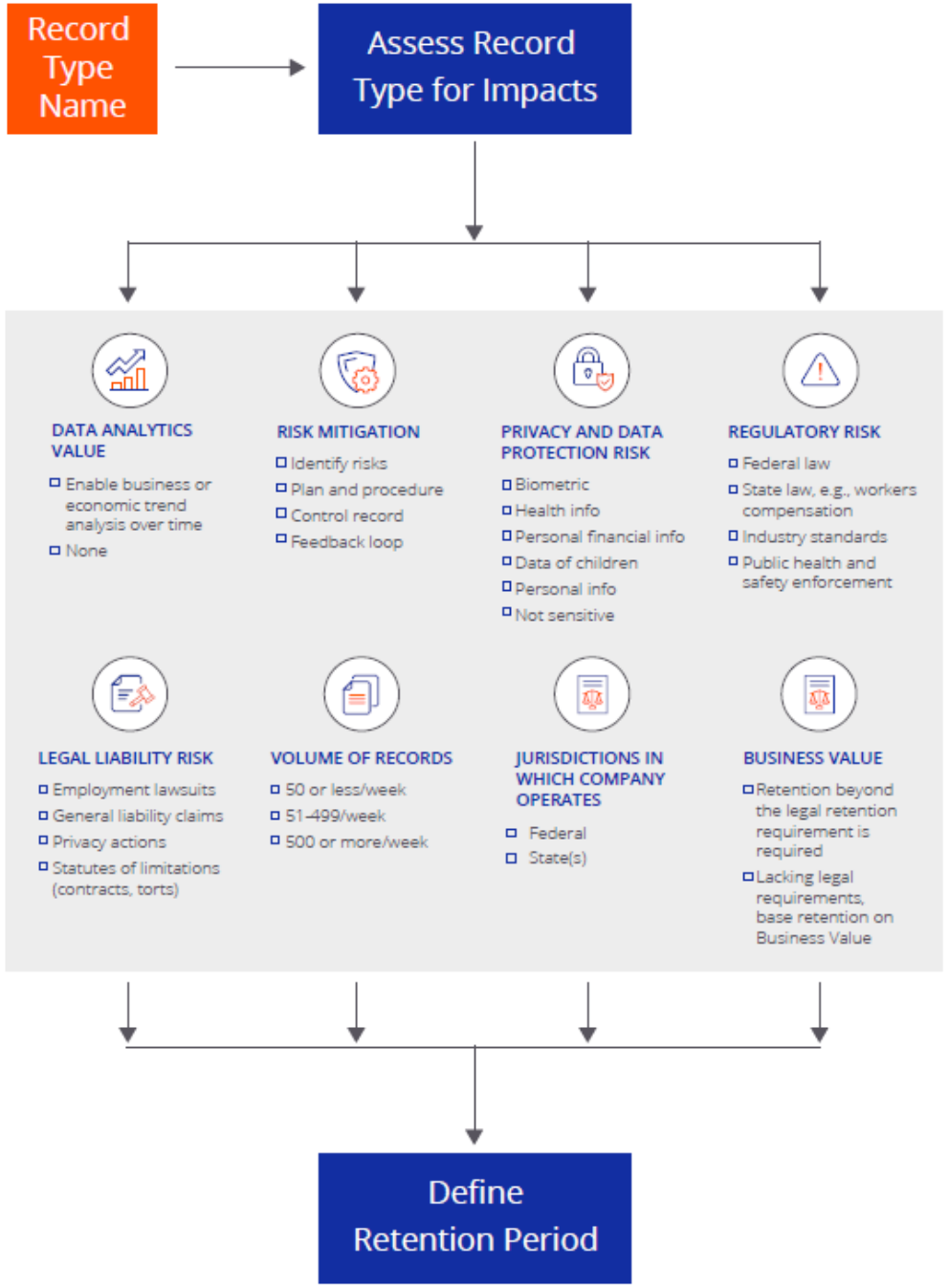
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Defining Record Retention Control Model

Privacy and Data Protection Risk

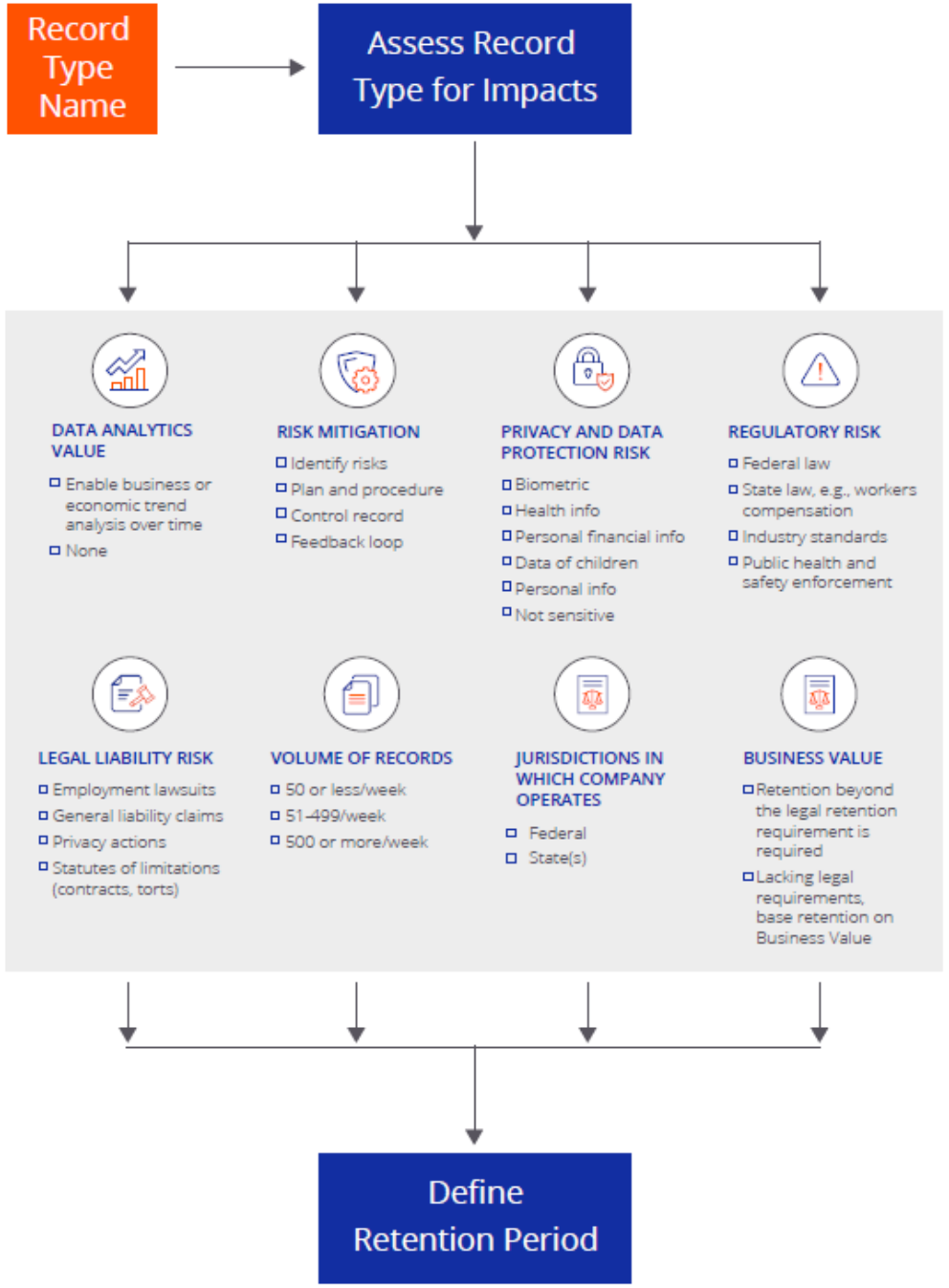
- ❑ Biometric
- ❑ Health info
- ❑ Personal financial info
- ❑ Data of children
- ❑ Personal info
- ❑ Not sensitive



Defining Record Retention Control Model

Legal Liability Risk

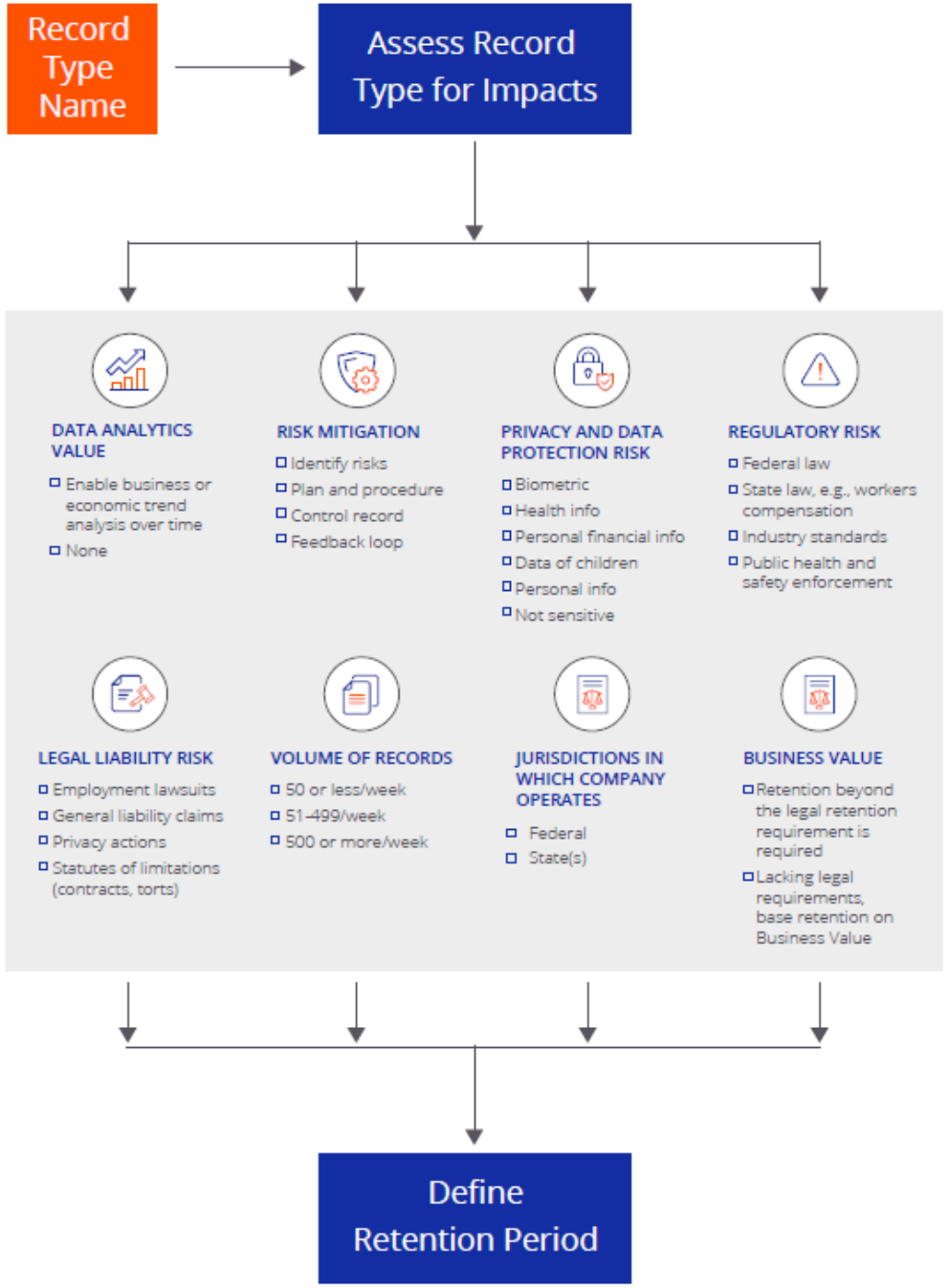
- ❑ Employment lawsuits
- ❑ General liability claims
- ❑ Privacy actions
- ❑ Statutes of limitations (contracts, torts)



Defining Record Retention Control Model

Volume of Records

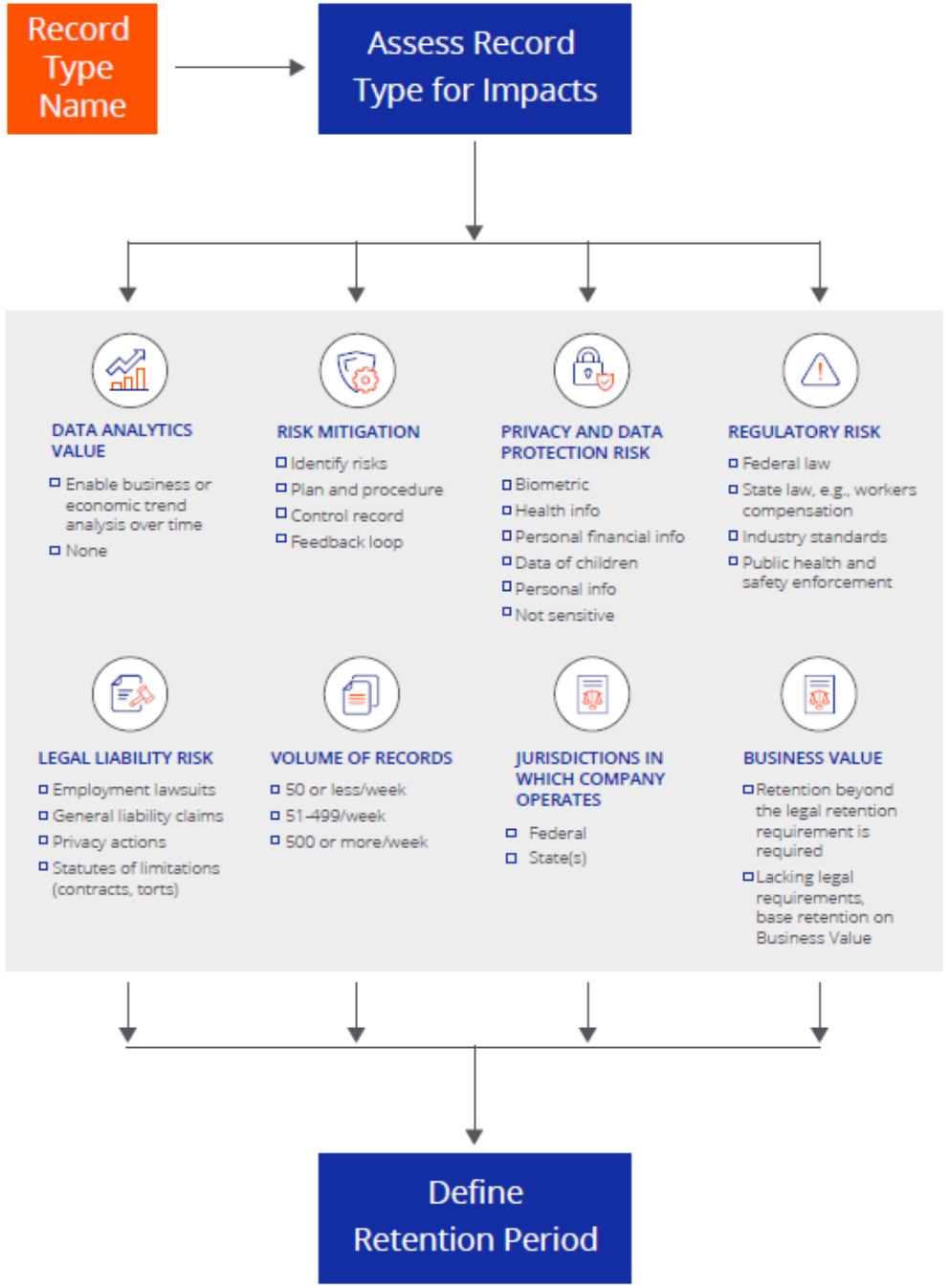
- ❑ 50 or less/week
- ❑ 51-499/week
- ❑ 500 or more/week



Defining Record Retention Control Model

Business Value

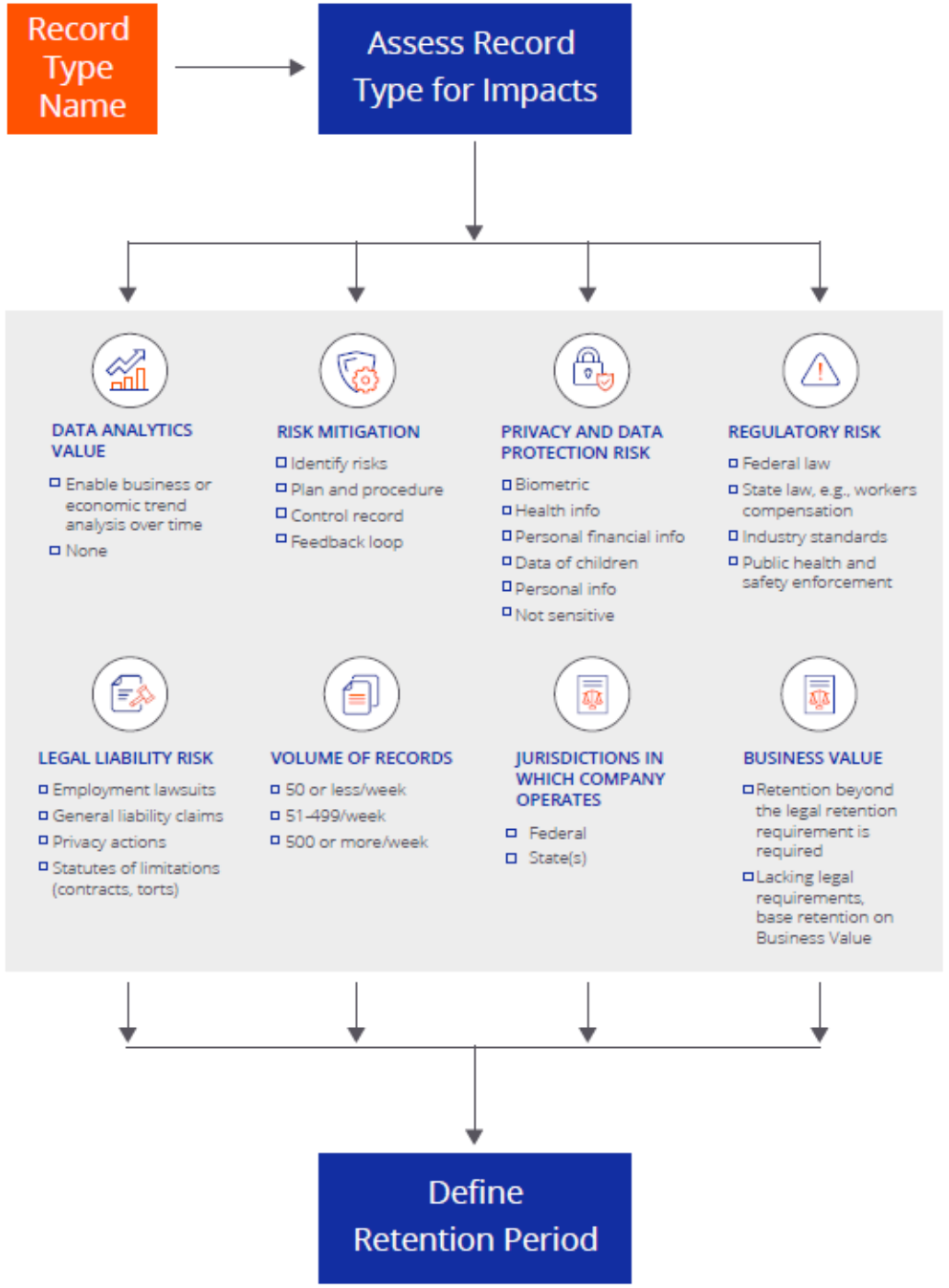
- ❑ Retention beyond the legal retention requirement is required
- ❑ Lacking legal requirements, base retention on Business Value



Defining Record Retention Control Model

Risk Mitigation

- ❑ Identify risks
- ❑ Plan and procedure
- ❑ Control record
- ❑ Feedback loop



Defining Record Retention Control Model

Data Analytics Value

- ❑ Enable business or economic trend analysis over time
- ❑ None

New Pandemic-Related Record Series

Record Series Code	Record Series Name	Record Series Description	Retention Period	Trigger Event	Defining Authorities	Record Types
FAC100	COVID-19 Health and Safety Information for Visitors and Other Third Parties	COVID-19 related health and safety information for visitors and other third parties. Includes recorded temperature readings by organization and customer health information.	5 Years	Creation	Business Need	• Company Response to Visitors Temperature Screenings and Survey Questions • Health Questionnaires of Visitors • Location Data of Third Parties within a Facility • Reports for Visitors Presenting Symptoms at Work • Threshold Determination Records - Third Party • Visitor Biometric Information
HUM070	Personnel Files - Medical (Non-Hazardous Exposure)	Individual employee and contractor non-hazardous exposure medical history. Includes vaccine certificates and health passports for employees who have been tested for COVID-19 antibodies / have recovered from the virus. Refer to HUM120 for COVID-19 negative test results and HUM130 for COVID-19 related general facility health information .	5 Years	Termination	Regulatory Requirement - 29 C.F.R. § 1910.1018(q)(2)(iv)	•Accommodations of Sick Employees • Case and Contact Tracing Records • COVID-19 Positive Test Results • Disclosures of Positive Employee COVID-19 Test Results to a Workplace Contact or Health Official • Employee COVID-19 Illness Records • Health / Vaccine Passports • Threshold Determination Records • Vaccine Certificates • Vaccination Orders • Vaccination Reaction Records • Vaccination Refusals
HUM120	COVID-19 Test Results - Negative	Employee and contractor COVID-19 test results which are negative. Includes disclosure of negative test results to a workplace contact or health official.	5 Years	Creation	Business Need	• COVID-19 Negative Test Results • Disclosures of Negative Employee COVID-19 Test Results to a Workplace Contact or Health Official
HUM130	COVID-19 Health and Safety Information	COVID-19 related general facility health information for employees and contractors. Includes recorded temperature readings by organization and self- assessments. Refer to HUM070 for non-hazardous exposure medical records for employees and contractors.	5 Years	Creation	Regulatory Requirement 29 C.F.R. § 1910.119(m)(7)	• Company Response to Employee Tempera+A1:H20ture Screenings and Survey Questions • Corrective Actions Taken • Documentation of Corrected Conditions • Documentation of Employee Health Conditions in the Higher Risk Category • Employee Biometric Information • Facility Quarantine Records • Health Questionnaires of Employees and Contractors • Location Data of Employees • Reports for Employees Presenting Symptoms at Work • Signage Conveying COVID-19 Health and Safety Information

Playbook 2.0



Third-Party Data Collection

Biometric Data

Health Passports, Health Certifications, Vaccine Passports

New Regulations

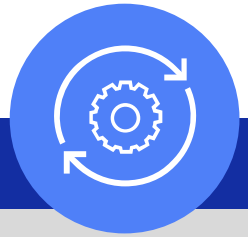
Cal. Lab. Code § 6409.6

CDC 41 CFR 71.20

Additional Themes & Uses

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Using the Playbook



Getting Ahead of the Curve



Communication & Collaboration



Benchmarking



Elevating the Role of the IG Professional

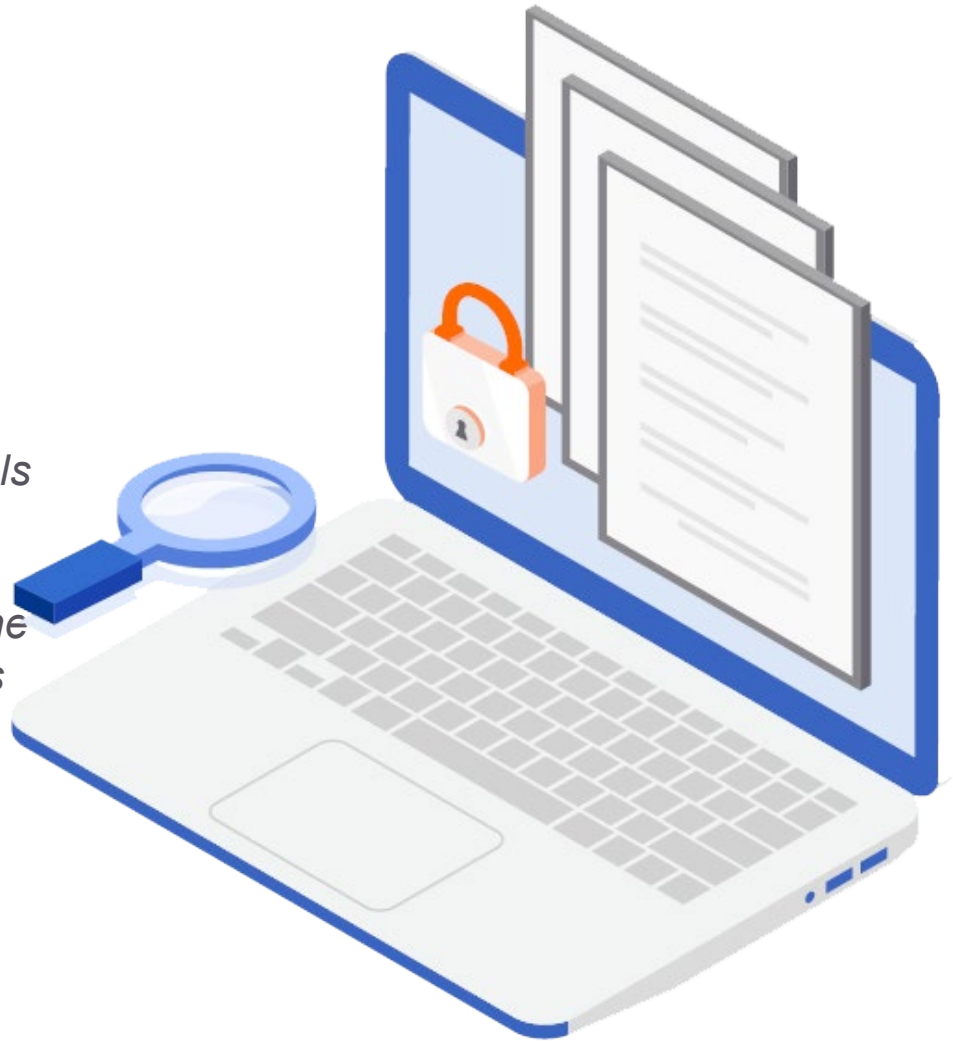
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Getting Ahead of the Curve

Prepare for new record types as they are not a consideration in business continuity and disaster preparedness plan

"This Playbook is a unique opportunity for my organization to be ahead of the curve in proactively identifying records produced by a "once in a career" event. Too often, records & information governance professionals are left playing catch-up in response to the implementation of new products, processes and technologies. The Playbook will allow us to quickly identify, evaluate and analyze our record-keeping response to the current pandemic and account for it in the construct of a mature records and information management program."

Research Participant
Industry: National Commercial Bank



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Benchmarking

Organizations should compare their response to the pandemic with others and close any gaps

"This Playbook will provide a solid framework for talking through the information governance decisions and planning that will be required to incorporate the many records that will be created and retained as a result of the COVID-19 pandemic into the Records and Information Management Program. Having a Playbook to provide a structure for discussion with the various stakeholders about the various risks, plans, controls, monitoring and recordkeeping will help focus and drive the conversation and ensure all of the significant issues are covered. Many other organizations have provided input and many others will be utilizing it so it is a useful benchmarking tool as well. I have learned a lot from working with this panel of experts and look forward to leveraging the Playbook in my organization."

Research Participant
Industry: Food Manufacturing



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Communication & Collaboration

Utilize the Playbook to open the door for discussion across departments

"I've already made use of the work of this working group by reviewing the list of content types with our HR and Legal departments, as well as the project team that is coordinating our pandemic response. We do not collect or create a lot of the content types on the list, but we did identify a few that we are going to incorporate into our Records Retention Schedule. There are a couple that we need to discuss in terms of how the records are stored and protected. And I've talked with our pandemic project team about the usefulness of preserving their records for future generations."

Research Participant
Accounting, Auditing, and Bookkeeping Services



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Elevating the Role of the IG Professional

Leveraging Playbook's Record Retention Control Model Positions IG professionals for more of a "seat at the [leadership] table"

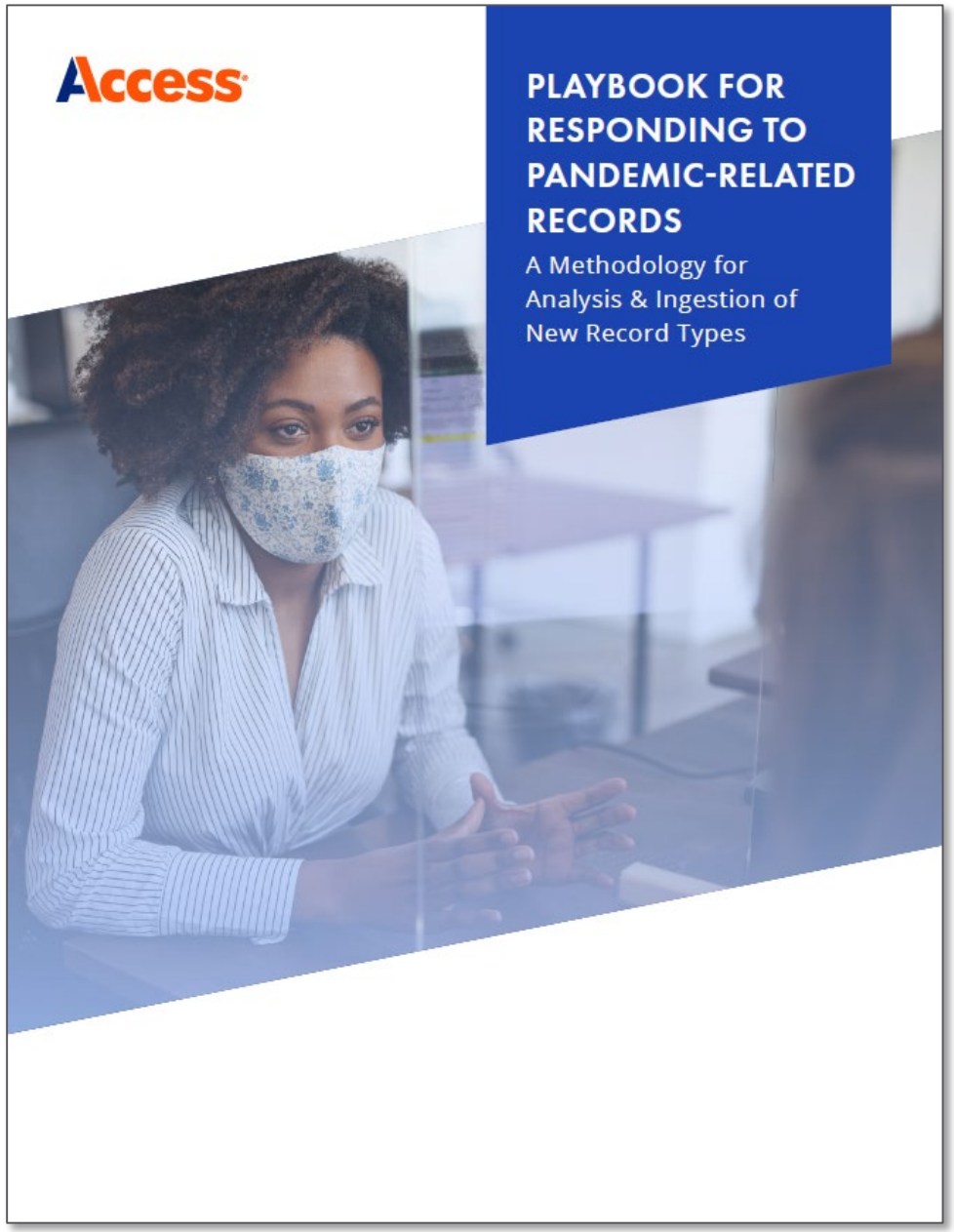
"Using the Playbook's model for record retention when ingesting pandemic records puts IG professionals on the frontlines through their ownership and knowledge in planning for disasters. Also, it promotes them as decision makers in planning for future disasters, mergers and acquisitions, and other significant corporate events."

Research Participant



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Speakers



Susan Cisco, Ph.D., CRM, FAI
IG Consultant



John Isaza, Esq., FAI
VP of Information Governance

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