

# Energy & Mineral Law Foundation

## DOCUMENT RETENTION AND DESTRUCTION POLICY

This Document Retention and Destruction Policy of the Energy & Mineral Law Foundation (the “EMLF”) identifies the record retention responsibilities of staff, volunteers, members of the Board of Trustees, and outsiders for maintaining and documenting the storage and destruction of the EMLF’s documents and records.

1. **Rules.** The EMLF’s staff, officers, members, volunteers, members of the Board of Trustees and outsiders (i.e., independent contractors via agreements with them) are required to honor these rules: (a) paper or electronic documents indicated under the terms for retention below will be transferred and maintained by the Executive Director or her designee; (b) all other paper documents may be destroyed after three years; (c) all other electronic documents may be deleted from individual computers, data bases, networks, and back-up storage after one year; and (d) **no paper or electronic documents may be destroyed or deleted if relevant to or subject to discovery in any ongoing or anticipated government investigation or proceeding or private litigation.**

### 2. **Minimum terms for retention.**

#### a. Retain permanently:

*Governance records* – Charter and amendments, Bylaws, other organizational documents, governing board and board committee minutes.

*Tax records* – Filed state and federal tax returns/reports and supporting records, tax exemption determination letter and related correspondence, files related to tax audits.

*Intellectual property records* – Copyright and trademark registrations and samples of protected works.

*Financial records* – Audited financial statements, attorney contingent liability letters.

#### b. Retain for ten years:

*Pension and benefit records* – Pension (ERISA) plan participant/beneficiary records, actuarial reports, related correspondence with government agencies, and supporting records.

*Government relations records* – State and federal lobbying and political contribution reports and supporting records.

#### c. Retain for three years:

*Employee/employment records* – Employee names, addresses, social security numbers, dates of birth, INS Form I-9, resume/application materials, job descriptions, dates of hire and termination/separation, evaluations, compensation information, promotions, transfers, disciplinary matters, time/payroll records, leave/comp time/FMLA, engagement and discharge correspondence, documentation of basis for independent contractor status (retain for all current employees and independent contractors and for three years after departure of each individual).

*Lease, insurance, and contract/license records* – Software license agreements, vendor, hotel, and service agreements, independent contractor agreements,

- employment agreements, consultant agreements, and all other agreements (retain during the term of the agreement and for three years after the termination, expiration, non-renewal of each agreement).
- d. Retain for one year:  
*All other electronic records, documents and files* – Correspondence files, past budgets, bank statements, publications, employee manuals/policies and procedures, survey information.
3. **Exceptions.** Exceptions to these rules and terms for retention may be granted only by the EMLF’s chief staff executive with the concurrence of its President.
4. **Maximum Retention Times.** For records management purposes, the Executive Committee may set maximum retention times for categories of records, which shall be longer than the minimum retention periods required by this policy.

This policy was approved at the Annual Meeting of the Board of Trustees of the Energy & Mineral Law Foundation on May 15, 2011 in Farmington, Pennsylvania.