



RECORD RETENTION AND DESTRUCTION POLICY

A. What is the Purpose of this Policy?

The records generated and kept by The American Society for the Prevention of Cruelty to Animals (the “ASPCA” or the “Organization”) are valuable assets because they support and relate directly to the Organization’s business affairs and its mission to provide effective means for the prevention of cruelty to animals throughout the United States (the “mission”). As described by the Internal Revenue Service (“IRS”), a record retention and destruction policy identifies the record retention responsibilities of staff, volunteers, board members, and outsiders for maintaining and documenting the storage and destruction of the Organization’s documents and records. The ASPCA is fully committed to adhering to applicable law, as well as to good governance policies and best practices. With these interests in mind, the ASPCA has developed this Record Retention and Destruction Policy (the “policy”) for retaining and destroying electronic and paper records, which is to be applied consistently and uniformly across the Organization. From time to time, the ASPCA may modify this policy and/or establish additional policies to reflect updates and changes in relevant law, technology, or best practices.

As described in more detail in Section I of this policy, please note that the destruction of documents described in this policy shall not apply in the event that records are relevant to any existing or potential litigation or official governmental investigation. Any such records shall not be destroyed and should be preserved unless and until you are instructed otherwise through a written notification from the Legal Department.

B. What is Contained Within this Policy?

This policy contains record retention and destruction schedules for various categories of documents and records. The ASPCA is a large organization with a breadth of programmatic and operational activities. Accordingly, every category of record maintained or produced by the ASPCA may not be specifically addressed by this policy. Guidance is provided herein, and if you are unsure of whether an item maintained by you or your team is considered a record, or if you are sure it is a record but are unsure of the retention and/or destruction guidelines applicable to such record, please contact the Legal Department.

C. Why is it Important that the Organization Comply with this Policy?

The ASPCA’s records are central to its mission and its business. Failure to retain records in accordance with this policy, or the intentional destruction of records in contravention of this policy, could subject the ASPCA, its directors, officers, and/or employees, to penalties and fines; jeopardize the ASPCA’s charitable status; undermine the ASPCA in legal



proceedings; or otherwise disadvantage the ASPCA in its mission-related, business and legal affairs.

D. Who Must Comply with this Policy?

The ASPCA requires all of its employees, volunteers, and other agents to comply fully with this policy and with the record retention and destruction procedures described herein. **Violations of this policy may result in disciplinary action up to and including termination of employment, in the case of employees, and separation from ASPCA volunteer or other activities, in the case of nonemployees governed by this policy.**

E. What are Records?

As a guiding general principle, the corporate and business records of the ASPCA include all work-related records and documents generated and/or received by its employees, regardless of the form or media in which such records are retained. Corporate or business records include, among other things, memoranda, contracts, financial records, employment records, animal medical and behavioral records, emails, voicemails, computer back-ups, expense records, video recordings, electronic messages (including, for instance, text and Workplace Chat messages), and appointment books. All records generated in the course of doing business on behalf of the ASPCA are the property of the ASPCA, and employees should assume that any and all communications transmitted via the ASPCA's Electronic Communication Systems (defined in Section G below) are not private. If you are unclear whether an item qualifies as an ASPCA record, please contact the Legal Department at legal@aspc.org. Your email should contain the subject line: "Record Retention Question."

F. What Categories of Records are Covered by this Policy and for How Long Should these Categories of Records be Retained?

To ensure compliance with this policy, please be aware of the following categories of records, and the minimum time periods for which they should be retained. The list of documents provided in each category below is for illustrative purposes only and is not intended to be complete. For convenience, Exhibit A provides a summary of the categories of records to which this policy applies and the relevant record retention periods.

- a. Organizational and Corporate Records. These records include the ASPCA's incorporating legislation, Restated Certificate of Incorporation, Certificate of Amendment of the Restated Certificate of Incorporation, Bylaws, and certain other records relating to the legal existence of the ASPCA. This category also includes the ASPCA's director and officer insurance policies, the minutes of meetings of the Board of Directors (the "Board") and of all committees of the Board and of the ASPCA, copies of all resolutions adopted at such meetings,



and committee charters. **Organizational and corporate records shall be retained in perpetuity under the direction of the Legal Department.**

- b. Records Relating to Tax-Exempt and Charitable Status. These records include the ASPCA's IRS determination letter and all other related records and correspondence and also include all records submitted to or received from any federal, state, or local governmental or quasi-governmental agency in connection with the registration with, or disclosure to, such entity of the charitable activities of the ASPCA (including, but not limited to, charitable solicitation filings and filings relating to tax exemptions). **Records relating to the tax-exempt and charitable status of the ASPCA shall be retained in perpetuity under the direction of the Legal Department.**
- c. Financial and Accounting Records. These records include all annual federal information returns (e.g., the Organization's IRS Form 990), annual state-required reports and information returns, bank statements, checks, check registers, journals, ledgers, investment records, investment policies, periodic income statements and balance sheets, management representation letters and all other related documents and records. **Financial and accounting records shall be retained under the direction of the Finance Department. Annual Financial Statements shall be retained in perpetuity under the direction of the Legal Department. All other financial records shall be retained for seven (7) years.**
- d. Records of Donations, Fundraising and Charitable Support. **The ASPCA shall retain a list of its members and donors for thirty years under the direction of the Development Department. Other records relating to fundraising and charitable support of the ASPCA, including donor letters and other communications with donors, shall be retained for five (5) years under the direction of the Development Department.**
- e. Employment and Personnel Records. These records include all records relating to the recruitment, employment, and personnel information of the ASPCA's employees, including, but not limited to, performance reviews and disciplinary actions or proceedings. These records also include waivers, training sign-in sheets, and shift sign-up sheets relating to ASPCA volunteers. **All employment and personnel records shall be retained under the direction of the People Team. Employee retirement and pension plan records shall be retained permanently. Workers' compensation and any medical records of personnel shall be retained for at least thirty (30) years after termination of an individual's employment with the ASPCA and should be maintained separately from other employee records. Other employment and**



personnel records shall be retained for six (6) years from the date an individual's employment with the ASPCA ceases.

I-9 forms shall be retained separately from personnel files and retained for the longer of either three (3) years from the date of hire or one (1) year after the date employment ends. Access to I-9 forms shall be restricted to those who require access to the information contained therein.

- f. Publicity Materials. Publicity materials shall include all press releases, promotional materials, and any related records. **Copies of all publicity materials created by or on behalf of the ASPCA shall be retained under the direction of the Communications Department for three (3) years.**
- g. Criminal Case Materials. Criminal case materials shall be maintained under the direction of the Legal Advocacy & Investigations department (LA&I). Criminal case materials shall include (a) physical evidence in criminal cases, including but not limited to fighting paraphernalia and animal bodies or specimens; and (b) written documentation, including but not limited to court documents, law enforcement records, and medical records. **Physical evidence should generally be maintained until the conclusion of the criminal matter and any related litigation, which shall be determined by LA&I, but may be destroyed earlier upon the consent of LA&I. Written documentation shall generally be preserved indefinitely due to the historic value of such documentation, provided that such materials may be destroyed only upon the conclusion of the criminal matter and any related litigation, which shall be determined by LA&I.**
- h. Contracts. Final, executed copies of all contracts and agreements entered into by the ASPCA must be forwarded to and retained by the Legal Department. The term "contracts" includes, but is not limited to, primary agreements, renewals, amendments, memoranda of understanding (MOUs), purchase orders, statements of work, animal transfer agreements, and sales invoices. **A copy of each final, executed contract shall be retained for ten (10) years following the expiration or termination of the agreement.**
- i. Real Property Records. Real property records include any records that relate to the creation, extinguishment, or transfer of an interest in real property, including, but not limited to deeds, mortgage documents, as well as any other real property-related records, including, but not limited to, real estate surveys and architectural records. **Real property records shall be retained under the direction of the Legal Department in perpetuity.**



- j. Intellectual Property Records. These records include patents, trademarks, service marks, trade secrets and copyrights registered by or on behalf of the ASPCA and all related documentation. **Intellectual property records shall be retained under the direction of the Legal Department in perpetuity.**
- k. Testamentary Records. These records include trusts, wills and any other records that relate to the creation, extinguishment or transfer of an interest in, or right to, an asset or property. **Testamentary records shall be retained under the direction of the Legal Department for six (6) years.**
- l. Lobbying Records. These records include disclosure reports, lobbying registrations, fundraising solicitations, expenses-related records and all related documentation. **Lobbying records shall be retained under the direction of the Government Relations Department for six (6) years.**
- m. Veterinary, Behavioral, and Adoption Records. **Veterinary, behavioral, and adoption records of animals that have been owned by or in the care or custody of the ASPCA shall be retained for five (5) years from the date of the last known contact with the animal, except that state and federal laws governing medical or controlled substance record retention and destruction shall govern.**
- n. Accident and Incident Records. **Accident and incident reports shall be retained for six (6) years by the department that generated the report.**

These categories of records are not necessarily mutually exclusive. In the event they overlap, the longest applicable retention period governs.

Individuals should check with their department to determine whether any additional record retention and/or destruction policies apply.

G. How are Records Retained?

The ASPCA's records shall be stored in a safe, secure, and accessible manner. All ASPCA records must be retained on ASPCA premises or systems or at a secure physical or electronic storage site approved by the ASPCA.

Retention of Physical or Paper Records

Retention of physical or paper copies of records is generally not required; however, certain physical records may require preservation, including but not limited to real property deeds, certain controlled drug records, certain documents with original seals, and physical



evidence in criminal matters. Please consult with the Legal Department with any questions regarding preservation of paper records.

Any physical records retained at an approved off-site facility shall be:

- a. stored in clearly labeled boxes with a description of the contents and a destruction date consistent with the retention schedule. All records stored off-site shall be indexed and assigned a barcode number to be retained by Office Services; and
- b. whenever possible, converted to an electronic format for storage and the original records destroyed.

Retention of Electronic Records

Electronic records shall be stored in authorized [ASPCA Electronic Communications Systems](#).¹ To the extent employees have a business need to download ASPCA files to their ASPCA-issued local hard drives, removable media or mobile devices, such files should be deleted from local storage after thirty (30) days, migrated to a secure permanent location on the ASPCA's Electronic Communications Systems, and retained in accordance with this policy.

Any records that are essential to the ASPCA's operations during an emergency, and any records requiring permanent retention, shall be saved onto Box, and the Information Technology (IT) team shall manage maintenance and storage on Box.

H. How are Records Destroyed?

Once a year, records are to be reviewed at the department level for potential destruction. Department Heads shall use their best efforts to provide time for relevant team members to ensure appropriate document destruction in accordance with the terms of this policy.

Please keep in mind that when purging sensitive or Confidential Information (as described in the [ASPCA Employee Handbook](#), Section titled "Electronic Communications

¹ "Electronic Communications Systems," as defined in the ASPCA Employee Handbook. The section of the Employee Handbook titled "Electronic Communications Systems Policy" refers to the ASPCA's computers, tablets, electronic files, databases, networks, VPNs, e-mail system and e-mail accounts, instant messaging, Workplace, internet access, telephones, mobile/smart phones (and text messages sent therefrom), voicemail system, personal video conferencing, fax machines, photocopiers, hardware, peripherals, software, security systems, usernames, passwords, pass codes and access cards furnished to remote and ASPCA office-based employees.



Systems Policy”), records must be destroyed in a manner that prevents unauthorized access or use and to ensure the records cannot be recovered, reconstructed or read.

Destruction of Electronic Records

When the retention period for a set of electronic records expires, destruction shall be coordinated with the IT Department.

Confidential information shall be destroyed with the appropriate software for overwriting electronic data, disk degaussing technology or through other means of physical destruction where the information cannot be practically read or reconstructed. Please consult the IT Department for guidance on deleting these records. Please consult the Legal Department to determine which records are considered confidential information.

Destruction of Physical Records

When the retention period for a set of physical records expires, non-confidential records maintained in hard copy or other physical form may be destroyed by recycling. Electronic records may be destroyed by fully deleting records, including emails, Box files, or other electronic records. Please consult with the IT Department if you are unsure of the best means to delete electronic records.

Physical copies of confidential information, financial, and personnel-related records shall be destroyed with a cross-cut shredder or by providing such records to a third-party with shredding capabilities.

I. Are There Any Exceptions to this Policy?

Each person governed by this policy should take note of one important exception to this record retention and destruction policy:

IF YOU BELIEVE, OR IF THE ASPCA INFORMS YOU, THAT CORPORATE OR BUSINESS RECORDS ARE RELEVANT, OR MAY BE RELEVANT, TO ANY EXISTING LITIGATION, POTENTIAL LITIGATION, OR OFFICIAL GOVERNMENTAL INVESTIGATION, THEN YOU SHALL NOT DESTROY (AND SHALL NOT PERSUADE ANYONE ELSE TO DESTROY) ANY SUCH DOCUMENTS OR RECORDS, AND MUST INSTEAD PRESERVE ALL SUCH DOCUMENTS OR RECORDS UNTIL THE ASPCA’S LEGAL DEPARTMENT INFORMS YOU IN WRITING THAT IT HAS DETERMINED THAT SUCH DOCUMENTS OR RECORDS ARE NO LONGER NEEDED. The foregoing exception supersedes any previously or subsequently established or directed (by your supervisor or otherwise) record destruction schedule for the relevant documents and records. If you believe that this exception may apply or have any questions regarding the



possible applicability of this exception, you should contact the Legal Department immediately.

Otherwise, the policy applies without exception.

J. How is this Policy Administered?

Each department shall assign a record management administrator who will be responsible for administering the policy within the department.

K. What if I suspect a Violation of this Policy?

Any suspected violation of this policy shall be reported immediately to the Legal Department (legal@aspca.org).

Any suspected data breach, defined as any incident that could compromise the security or integrity of personal and/or confidential information contained in the ASPCA's records, shall be reported immediately to the IT Department (ithelp@aspca.org) and to the Legal Department (legal@aspca.org). Please refer to the [ASPCA Data Incident Response Incident Policy](#) for further information.



EXHIBIT A - RECORD RETENTION SCHEDULE

Category of Records	(Minimum) Retention Period
Organizational and Corporate Records	Permanent
Records Relating to Tax-Exempt and Charitable Status	Permanent
Financial and Accounting Records	Annual Financial Statements – permanent Other – seven (7) years
Records of Donations, Fundraising and Charitable Support	Five (5) years from date of creation
Employment and Personnel Records	Employee retirement and pension plans – permanent Workers compensation and personnel medical records – thirty (30) years after termination Other – six (6) years after termination
Publicity Materials	Three (3) years from date of publication
Contracts	Ten (10) years from date of expiration
Real and Intellectual Property	Permanent
Testamentary Records	Six (6) years from date of settlement
Lobbying Records	Six (6) years from expiration of lobbying registration
Veterinary, Behavioral, and Adoption Records	Five (5) years from the date of last known contact with animal
Accident and Incident Reports	Six (6) years from date of incident and/or accident