



**COURTS AND LAW ENFORCEMENT MANAGEMENT INFORMATION SYSTEM
(CLEMIS) AUTHORITY**

EXECUTIVE COMMITTEE

RESOLUTION 2026-40

Adopt Records Retention and Management Policy

The executive committee (the “**Executive Committee**”) of the Courts and Law Enforcement Management Information System (CLEMIS) Authority (the “**Authority**”) hereby resolves that the Executive Committee adopts the following as the Records Retention and Management Policy of the Authority:

**COURTS AND LAW ENFORCEMENT MANAGEMENT INFORMATION SYSTEM
(CLEMIS) AUTHORITY**

EXECUTIVE COMMITTEE

RECORDS RETENTION AND MANAGEMENT POLICY

(as of May 19, 2026)

ARTICLE I

PURPOSE AND APPLICABILITY

- 1.1. **Purpose.** The Courts and Law Enforcement Management Information System (CLEMIS) Authority (the “**Authority**”) is tasked with the retention and subsequent disposal of all public records of the Authority in accordance with and as required by applicable laws and regulations of the state of Michigan. The executive committee of the Authority (the “**Executive Committee**”) recognizes that good records management is vital to the effective and efficient flow of government operations.
- 1.2. **Applicability.** The Records Retention and Management Policy (the “**Policy**”) shall apply to all officers, directors, employees, agents, independent contractors, and volunteers of the Authority. The chief operating officer of the Authority (the “**COO**”) shall have the final responsibility to oversee the management and retention of all Authority records. However, it is the responsibility of all Authority officers, directors, employees, agents, independent contractors, and volunteers for the proper record keeping, filing, and security of the Authority records in their care and for the preparation for final retention and disposition of the same.

ARTICLE II
LAW ENFORCEMENT RECORDS MANAGEMENT SYSTEM

- 2.1. **Public Record Exception.** Pursuant to section 5(9) of the Freedom of Information Act, 1976 PA 442, as amended, MCL 15.235(9) (“**FOIA**”), the Authority, as a public body that maintains a law enforcement records management system and stores public records for another public body that subscribes to the law enforcement records management system, is not in possession of, retaining, or the custodian of, a public record stored on behalf of the subscribing public body.
- 2.2. **FOIA Request.** The Authority shall comply with the Freedom of Information Act Procedures and Guidelines adopted by the Executive Committee.
- 2.3. **Definition.** “Law enforcement records management system” means a data storage system that may be used voluntarily by subscribers, including any subscribing public bodies, to share information and facilitate intergovernmental collaboration in the provision of law enforcement services, as provided by section 5(9) of FOIA, as amended, MCL 15.235(9).

ARTICLE III
DEFINITIONS AND APPLICABLE LAW

- 3.1. For purposes of this policy, the following definitions apply:
- (a) **“Agency-specific schedule”** covers records that are unique to a particular government agency. Agency-specific schedules only address the records of the agency named on the schedule, and may not be used by another agency. Any record that is not covered by a general schedule must be listed on an agency-specific schedule. Agency-specific schedules always supersede general schedules.
 - (b) **“Electronic mail”** or **“e-mail”** is a means of exchanging messages and documents using telecommunications equipment and computers. A complete e-mail message not only includes the contents of the communication, but also the transactional information (dates and times that messages were sent, received, opened, deleted, etc., and aliases and names of members of groups), and any attachments.
 - (c) **“General schedule”** covers records that are common to a particular type of government agency. General schedules may not address every single record that a particular office may have in its possession. General schedules do not mandate that any of the records listed on the schedule be created. However, if they are created in the normal course of business, the schedule establishes a minimum retention period for them. Retention for longer periods is authorized if the individual has reason to believe that a record may be required beyond

the minimum retention period for the efficient operation of the Authority.

- (d) **“Non-record materials”** include, but are not limited to, extra copies of documents retained only for convenience of reference, and letters of transmittal/routine correspondence that do not document significant activities of the Authority. A more comprehensive description may be found within the state of Michigan Department of Technology, Management and Budget (**“DTMB”**), Records Management Services’ General Schedule #1, which is available at <https://www.michigan.gov/dtmb/services/recordsmanagement/schedules/gslocal>.
- (e) **“Public record”** means a writing prepared, owned, used, in the possession of, or retained by the Authority in the performance of an official function, from the time it is created, as provided by section 2(i) of FOIA, as amended, MCL 15.232(2)(i).
- (f) **“Retention and disposal schedule”** defines how long each record, regardless of its physical format, should be retained. Retention and Disposal Schedules also indicate which records have archival value, and when those records should be transferred to the Archives of Michigan. According to Michigan law, no public records may be destroyed without the authorization of an approved Retention and Disposal Schedule. All schedules are approved by the Records Management Services, the Archives of Michigan, and the State Administrative Board.

3.2. All officers, directors, employees, agents, independent contractors, and volunteers of the Authority shall comply with the laws and regulations applicable to its activities under the Policy, including, but not limited to, the following:

- (a) the Freedom of Information Act, 1976 PA 442, as amended, MCL 15.231 to 15.246;
- (b) the Michigan History Center Act, 2016 PA 470, as amended, MCL 399.801 to 399.812;
- (c) the Michigan Penal Code, 1931 PA 328, as amended, MCL 750.1 to 750.569; and
- (d) the Records Reproduction Act, 1992 PA 116, as amended, MCL 24.401 to 24.406.

ARTICLE IV
RECORDS AND NON-RECORDS

- 4.1. **Records.** Each individual who creates, sends, or receives official records is responsible for retaining these records in accordance with the Policy.
- 4.2. **Non-Records.** Officers, directors, employees, agents, independent contractors, and volunteers are not required to retain non-record materials once their reference value to the individual has expired. However, if a FOIA request is received, or if the Authority becomes involved in litigation, non-records may be requested and may be released, if they have not already been destroyed.

ARTICLE V
RECORD RETENTION

- 5.1. All public records shall be retained in accordance with an approved Retention and Disposal Schedule. Records not listed on an approved Retention and Disposal Schedule may not be disposed of until a schedule is approved as required under section 491 of the Michigan Penal Code, 1931 PA 328, as amended, MCL 750.491.
- 5.2. The Authority adopts the state of Michigan DTMB, Records Management Services' General Schedules #1, #30, #31 and #35 to govern its record retention and management practices, all of which are available at <https://www.michigan.gov/dtmb/services/recordsmanagement/schedules/glocal>. From time to time, the state of Michigan may update General Schedules #1, #30, #31 and #35. The Authority will adhere to the most up to date policy as provided by the state of Michigan.

ARTICLE VI
RECORD MAINTENANCE

- 6.1. Officers, directors, employees, agents, independent contractors, and volunteers shall create, develop, organize, maintain, retain, and store all Authority records to promote fast and efficient retrieval of information, to accommodate public inspection, FOIA compliance, record retention requirements, and minimize the Authority's exposure to litigation and risk.
- 6.2. Individuals shall organize their records to promote timely and efficient retrieval of information. Appropriate and cost-effective office equipment, indexes, and tools shall be used to maintain records.
- 6.3. Records that will be retained for more than ten (10) years shall be stored in an environment that facilitates the security and stability of the storage media.
- 6.4. The COO shall work in conjunction with the Authority's IT personnel to determine the most cost effective and reliable method of maintaining electronic records for their full retention period, so that technology changes

do not render them inaccessible and unusable. The COO shall make public that method to all affected individuals.

- 6.5. The Authority shall comply with the state of Michigan's standards for record reproduction, as authorized by the Records Reproduction Act, 1992 PA 116, as amended, MCL 24.401 to 24.406.
- 6.6. Records containing sensitive or confidential information shall be protected against unauthorized access, especially records that are protected by state or federal laws, records containing private information, financial information, background checks, medical information, and social security numbers. Individuals and officers shall employ appropriate locks, passwords, and other devices to protect the privacy of this information.

ARTICLE VII SEPARATION FROM EMPLOYMENT

- 7.1. Employees shall not take public records with them when they terminate employment with the Authority, and they shall not destroy records that have not yet fulfilled their approved retention period. Supervisors are responsible for ensuring that the records, including electronic mail and other electronic records, of employees who are separating from employment with the Authority continue to be retained in accordance with the Policy.

ARTICLE VIII DISPOSAL

- 8.1. Public records that have reached their minimum retention period, and which are no longer required for the efficient operation of the Authority, may be disposed of. Disposal shall be by a method that is guaranteed to ensure the privacy of sensitive or confidential information. Records that contain confidential information will be disposed of in a manner that ensures they cannot be reconstructed.
- 8.2. Upon the end of the retention period, the COO shall employ a method, approved by the state of Michigan, to shred all of those documents to the required minute dimension. The COO shall destroy open records by recycling or regular trash disposal.
- 8.3. Some records possess permanent or historical value. These records may be designated for eventual transfer to the Archives of Michigan (the "**Archives**") for permanent preservation. The Authority shall follow the Archives' procedures for transferring records.

ARTICLE IX LITIGATION, INVESTIGATIONS, AND FOIA REQUESTS

- 9.1. No records and non-records that are the subject of litigation, a pending investigation request, or a pending FOIA request shall be destroyed until the

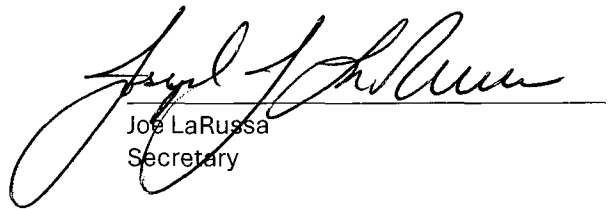
legal action or activity has ended, even if the records are otherwise scheduled for destruction pursuant to the Policy. Any individual with knowledge of pending litigation, a pending investigation, or a FOIA request shall immediately inform the COO or the legal counsel of the Authority. The COO or legal counsel of the Authority shall direct all relevant individuals to immediately cease disposal of all records relevant to the pending litigation, pending investigation, or FOIA request. If the relevant records are in electronic format, including, but not limited to, electronic mail, the COO or legal counsel of the Authority shall notify the Authority's IT personnel so that they can protect the records from destruction. Should questions arise as to what records are relevant to the pending litigation, pending investigation, or FOIA request, the COO or legal counsel of the Authority shall direct the immediate cessation of the disposal of all records. The moratorium on the disposal of all records relevant to the pending litigation, pending investigation, or FOIA request shall remain in effect for the duration of the litigation, investigation, or until the FOIA request has been fully processed.

ARTICLE X FAILURE TO ADHERE TO THE POLICY

- 10.1. Failure to adhere to the Policy may result in applicable discipline, up to and including discharge from employment, termination of the contractor status, termination of the volunteer relationship, or expulsion.
- 10.2. The removal, mutilation, or destruction of public records may result in civil and criminal liability, up to and including a penalty of not more than two (2) years in state prison or a fine of not more than \$1,000.00.

Secretary's Certification:

I hereby certify that this resolution was duly adopted by the executive committee of the Courts and Law Enforcement Management Information System (CLEMIS) Authority at a properly noticed open meeting held with a quorum present on May 19, 2026.



Joe LaRussa
Secretary