



Record Destruction Policy

The Detroit Public Library (the “Organization”) has an obligation to preserve information relating to litigation, audits and investigations. The Sarbanes-Oxley Act of 2002 makes it a crime to:

- intentionally destroy, alter, mutilate, conceal, cover up or falsify any records, documents or tangible objects that are involved in (or could be involved in) a U.S. government investigation or prosecution of any matter, or in a Chapter 11 bankruptcy filing.
- corruptly alter or destroy a record, document, or other object, “with the intent to impair the object’s integrity or availability for the use in an official proceeding.”

The penalty for either violation is a fine, imprisonment for not more than 20 years, or both. These violations apply not only to hard copies of all documents, but also to e-mail, voice mail, PDA’s, and other forms of electronic storage media (including home computers, voicemail and PDAs).

The destruction of records must cease immediately upon notification or upon a reasonable belief of legal action (as defined below), even if its destruction is otherwise permitted by the Organization’s Privacy and Retention Policy or the Michigan Public Library’s General Schedule #17. Each person has an obligation to contact, in writing, the Record Retention/Destruction Officer, in this case, the Director/CEO of the Organization, or that person’s supervisor with respect to any legal action involving the Organization. Each supervisor will forward any notice of legal action to the Director/CEO. The Director/CEO will immediately notify (i) the Audit Committee, and (ii) the respective Organization divisions to cease destruction of records or otherwise communicate specific requirements and instructions.

For purposes of this policy, legal action involving the Organization includes but is not limited to:

- the Organization is under investigation by any governmental agency;
- a claim has been made against the Organization, or a lawsuit against the Organization has been threatened or commenced;
- circumstances have arisen where a claim or lawsuit against the Organization should be or can reasonably be expected; or
- the Organization is considering, planning, or has commenced an investigation or lawsuit of its own.

Failure to follow this policy can result in possible civil and criminal sanctions against the Organization and its employees and possible disciplinary action against responsible individuals (up to and including termination of employment).