

COMMODORE PERRY  
SCHOOL DISTRICT

ADMINISTRATIVE  
REGULATION

800-AR-2. LITIGATION HOLD

When the district receives notice that the district is involved in litigation as a party to a lawsuit, the district is issued a subpoena by a party to a lawsuit in which it is not a party, an investigation concerning the district has commenced or may commence, or the district receives information that would lead a reasonable person to anticipate the possibility of litigation, the district will immediately take steps to ensure that any records and data that could be related to the ongoing litigation/investigation or potential litigation/investigation are preserved from deletion or destruction.

Actions to preserve records and data will include, but not be limited to, postponing or cancelling any automatic deletion of electronically stored information until relevant information and documents can be identified and stored, notifying employees of a litigation hold to prevent the deletion and destruction of records and data that might be related to the litigation/investigation or potential litigation/investigation, and identifying records and data that are subject to preservation.

A litigation hold triggers the duty to preserve records and data that could otherwise be deleted or destroyed under the district's Records Management Plan.

The district solicitor will be responsible for issuing a litigation hold that specifically describes the types of records and data that must be preserved and describes how those materials are to be maintained and stored. The litigation hold will be sent directly to the Records Coordinator, who will acknowledge receipt of the litigation hold. The litigation hold may be communicated initially by phone but will be followed by a written notification (fax, e-mail or letter).

The Records Coordinator, in consultation with the district solicitor, will decide which records and data are subject to the litigation hold and in which form the records will be retained or produced.

The Records Coordinator will be responsible for:

1. Coordinating the collection and preservation of records and data that are subject to the litigation hold.
2. Monitoring and ensuring the district's compliance with the litigation hold.
3. Checking periodically on the status of a litigation hold.
4. Ensuring that all steps taken by the district to identify and preserve relevant records and data are documented.

The solicitor will inform the Records Coordinator of changes as they occur.