



San Gabriel / Pomona Regional Center

Program of San Gabriel/Pomona Valleys Developmental Services, Inc.
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ELECTRONIC COMMUNICATIONS POLICY

Board Approved: January 28, 2026

ARTICLE I. PURPOSE

The purpose of this Policy is to establish standard operating procedures, guidelines, and clear and concise direction regarding the retention of electronic communication (i.e. emails, Teams messages, Ring Central messages) including their attachments, in the possession of the San Gabriel/Pomona Regional Center ("SG/PRC"). The intent of this Policy is to prevent the unauthorized access to or disclosure of sensitive information prepared, owned, used, or retained by the SG/PRC and to comply with the California Electronic Communications Privacy Act, California Public Records Act ("CPRA") and all other state and federal regulatory requirements.

ARTICLE II. DEFINITIONS

Section 2.1 Definitions

- A. **Account** shall mean any private or SG/PRC email account used for SG/PRC Business.
- B. **SG/PRC Business** shall be construed broadly to mean information relating to the conduct of the public's business or communications concerning matters that support the SG/PRC's mission.
- C. **SG/PRC Network** any Internet access, computer server, computer network, intranet, local area network, wireless network, e-mail system, cloud storage system, or file-sharing system owned or made available by the SG/PRC.
- D. **SG/PRC Personnel** shall collectively refer to all SG/PRC employees, board members¹, appointed officials, and anyone who prepares, owns, uses, or retains public records on behalf of the SG/PRC.
- E. **SG/PRC Staff** any employee of the SG/PRC and any other non-employee in lawful possession of electronic communications related to SG/PRC Business.

¹ Welf. & Inst. Code, § 4622

- F. **CPRA Analyst** PRA and Policy Compliance Manager or designee.
- G. **CPRA Portal** is a web-based system where members of the public may submit CPRA requests to the SG/PRC and the SG/PRC may respond, including the production of records.
- H. **CPRA Request** is a request by a member of the public to inspect and/or to receive a copy of SG/PRC records. Commonly requested records include emails related to a particular subject matter, and SG/PRC contracts.
- I. **Deletion** complete destruction of email without permitting duplicates, either electronic or hard copies.
- J. **Electronic Communications** any and all electronic transmissions, and every other means of recording upon any tangible thing in any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored. Without limiting the nature of the foregoing, “electronic communications” include e-mails, texts, voicemails, and include communications on or within commercial applications (“Apps”) such as Facebook Messenger, Twitter, WhatsApp, etc.
- K. **Electronic Device** a device depending on the principles of electronics and using the manipulation of electron flow for its operation, including but not limited to cellular telephones, laptops and desktop computers, hotspots, tablets, pagers, cameras, televisions, and DVD/CD players.
- L. **Electronic Mail** or (“Email”) messages sent within the SG/PRC’s Electronic Messaging application.
- M. **Electronic Messaging Account** any account that creates, sends, receives, or stores electronic communications, such as email messages or text messages, or voicemail messages.
- N. **Excessive Use** is defined as “Excessive” if it interferes with normal job functions, impacts responsiveness, and/or the ability to perform daily job activities.
- O. **Exchange Email Server** the server used to store the SG/PRC’s electronic messages.
- P. **List server** a messaging function hosted by server computers that automatically mails messages to subscribers and can be referred to as “electronic bulletin boards.”

- Q. **Public Record** shall mean “Public Record” as defined in the California Public Records Act (“CPRA”).² The CPRA defines “public records” as “any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics” and further defines a “writing” as “any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.”³
- R. **Retention** preservation of an email in such a way that does not permit additions, deletions, or changes to the original document, without creating a duplicate of the record.
- S. **Writing** shall mean any typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and any record thereby created, regardless of the manner in which the record has been stored.

Section 2.2 General Scope

This Policy shall apply to all SG/PRC Personnel who may have access to or use of the SG/PRC Network and shall be interpreted to be consistent with other SG/PRC-wide policies. This includes all who may have been issued SG/PRC-owned technology or a SG/PRC-issued electronic messaging account, including all SG/PRC Personnel and SG/PRC Staff. Furthermore, this Policy applies when SG/PRC-issued technology is used on or off SG/PRC property and when non-SG/PRC devices access the SG/PRC Network or private information prepared, used, or retained by the SG/PRC.

Hardware and software issued to SG/PRC Personnel is the property of the SG/PRC and may only be used for approved purposes.

Personal use of the SG/PRC Network, that is deemed to be excessive, interferes with performance by SG/PRC Personnel, or that is intended for personal monetary gain, is strictly prohibited.

Those in violation of this Policy could be subject to disciplinary action up to and including dismissal and/or termination of contract, as described in further detail under the “Violations” Section of this Policy.

² Gov. Code, § 7920.000 et seq.

³ Gov. Code, § 7920.530

All questions regarding the interpretation or applicability of this Policy should be directed to the PRA and Policy Compliance Manager for clarification.

ARTICLE III. POLICY & PROCEDURES

Section 3.1 Policy and Procedures

1. All SG/PRC Personnel shall be assigned a SG/PRC issued Electronic Messaging Account.
2. SG/PRC accounts shall be used to conduct SG/PRC Business.
3. All SG/PRC Personnel shall, within [15 days] following the adoption of this Policy, search all private, non-SG/PRC issued electronic messaging accounts to which they have user access and locate any electronic communications that might constitute a Public Record, because it involves SG/PRC Business, as set forth above. All such communications shall be forwarded to the SG/PRC Personnel's SG/PRC provided account. To the extent the SG/PRC Personnel believes that any part of such communications contain personal matters not related to the conduct of the public's business, the SG/PRC Personnel shall provide a declaration, as set forth in paragraphs 10 and 11, below.
4. The SG/PRC account, along with the access to the SG/PRC's account server, are solely for the SG/PRC and SG/PRC Personnel's use to conduct SG/PRC Business and shall not be used for personal business or political activities. Incidental use of SG/PRC electronic messaging accounts for personal use by SG/PRC Personnel is permissible, though not encouraged.
5. If a SG/PRC Personnel receives an electronic message regarding SG/PRC Business on their non-SG/PRC electronic messaging account, or circumstances require such person to conduct SG/PRC business on a non-SG/PRC account, the SG/PRC Personnel shall either: (a) copy ("cc") any communication from a SG/PRC Personnel's personal electronic messaging account to their SG/PRC electronic messaging account; or (b) forward the associated electronic communication to their SG/PRC account no later than [10 days] after the original creation or transmission of the electronic communication.
6. SG/PRC Personnel shall endeavor to ask persons sending electronic communications regarding SG/PRC Business to a personal account to instead utilize the SG/PRC Personnel's account, and likewise shall endeavor to ask a person sending an electronic communication regarding non-SG/PRC Business to use the SG/PRC Personnel's personal or non-SG/PRC electronic messaging account.
7. SG/PRC Personnel understand they have no expectation of privacy in the content of any electronic communication sent or received on a SG/PRC account or communication utilizing SG/PRC servers. SG/PRC-provided electronic devices, including devices for which the SG/PRC pays a stipend or reimburses the SG/PRC Personnel, are subject to SG/PRC review and disclosure of electronic

communications regarding SG/PRC Business. SG/PRC Personnel understand that electronic communications regarding SG/PRC Business that are created, sent, received or stored on an electronic messaging account, may be subject to the CPRA, even if created, sent, received, or stored on a personal account or personal device.

8. In the event a CPRA request is received by the SG/PRC seeking electronic communications of SG/PRC Personnel, the PRA and Policy Compliance Manager shall promptly transmit the request to the applicable SG/PRC Personnel whose electronic communications are sought. The PRA and Policy Compliance Manager shall communicate the scope of the information requested to the applicable SG/PRC Personnel, and an estimate of the time within which the PRA and Policy Compliance Manager intends to provide any responsive electronic communications to the requesting party.
9. It shall be the duty of each SG/PRC Personnel receiving such a request from the PRA and Policy Compliance Manager to promptly conduct a good faith and diligent search of their personal electronic messaging accounts and devices for responsive electronic communications. The SG/PRC Personnel shall then promptly transmit any potentially responsive electronic communications to the PRA and Policy Compliance Manager. Such transmission shall be provided in sufficient time to enable the PRA and Policy Compliance Manager to adequately review and provide the nonexempt electronic communications to the requesting party.
10. In the event a SG/PRC Personnel does not possess, or cannot with reasonable diligence recover, responsive electronic communications from the SG/PRC Personnel's electronic messaging account, the SG/PRC Personnel shall so notify the PRA and Policy Compliance Manager by way of a written declaration, signed under penalty of perjury. In addition, a SG/PRC Personnel who withholds any electronic communication identified as potentially responsive must submit a declaration, signed under penalty of perjury with facts sufficient to show the information is "personal business" and not "public business" under the CPRA. The form of the declaration is attached hereto as Attachment A.
11. It shall be the duty of the PRA and Policy Compliance Manager in consultation with the SG/PRC's General Counsel, to determine whether a particular electronic communication, or any portion of that electronic communication, is exempt from disclosure. To that end, the responding SG/PRC Personnel shall provide the PRA and Policy Compliance Manager with all potentially responsive electronic communications, and, if in doubt, shall err on the side of caution and should "over produce.". If an electronic communication involved both "public business" and a personal communication, the responding SG/PRC Personnel may redact the personal communication portion of the electronic communication prior to transmitting the electronic communication to the PRA and Policy Compliance Manager. The responding SG/PRC Personnel shall provide facts sufficient to show that the information is "personal business" and not "public business" by declaration. In the event a question arises as to whether or not a particular communication, or any portion of it, is a public record or purely a personal communication, the SG/PRC Personnel

should consult with the PRA and Policy Compliance Manager or the SG/PRC General Counsel. The responding SG/PRC Personnel shall be required to sign a declaration, in a form acceptable to the SG/PRC General Counsel, attesting under penalty of perjury, that a good faith and diligent search was conducted and that any electronic communication, or portion thereof, not provided in response to the CPRA request is not SG/PRC Business.

i) SG/PRC Personnel understand that electronic communications regarding SG/PRC Business are subject to the SG/PRC's approved Records Retention Schedule, even if those electronic communications are or were created, sent, received or stored on a SG/PRC Personnel's personal electronic messaging account. As such, unless the SG/PRC Personnel has cc'd/transmitted electronic communications in accordance with paragraph 5 above, that SG/PRC Personnel must retain all electronic communications regarding SG/PRC Business, in accordance with the SG/PRC's adopted Records Retention Schedule, regardless of whether such electronic communication is originally sent or received on a personal electronic messaging account

12. This Policy does not waive any exemption to disclosure that may apply under the CPRA.

Section 3.2 Retention

All SG/PRC emails shall be maintained in accordance with the SG/PRC's approved Email Retention Policy

- A. As a matter of Center practice, all electronic communications including emails, Teams Messages, Ring Central messages will be deleted on a rolling 90 day basis. It is the responsibility of the sending and receiving party to properly store and/or retain the contents of the electronic communication, including any attachments that may be required due to the subject matter, in accordance with Center policy/procedure and applicable retention schedules. Records related to individuals served must be retained in the designated electronic client record system. Records related to vendors and the like must be retained in the designated electronic record system.

Legal

If any paragraph, sentence, clause, or phrase of this Policy is held unlawful or invalid for any reason, said unlawfulness or invalidity shall not affect the remaining portions of this Policy. Additionally, due to the ever changing facets of the realm of Information Technology and its related areas, this Policy shall not be construed to be all inclusive.

Revisions to this Policy shall be made periodically in an effort to keep up with changing technology.

HISTORY

Approved on [insert date] by [insert resolution if applicable]

Manager

Attachment A

DECLARATION

[Attached on following page]

In the matter of:

California Public Records Act Request
Pursuant to Gov. Code § 7920.000 *et seq.*

Re: _____

Insert shorthand name of record request,
including request number, if applicable

Requester:

Print or type name of requester

Declaration of:

Print or type name of Personnel

**Re: Search of Personal Electronic
Messaging Account**

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
SAN GABRIEL/POMONA REGIONAL CENTER

I, _____ declare:
Print name

1. I received notice of a California Public Records Act ("CPRA") request regarding a search of my personal electronic messaging account(s).
2. I understand that the CPRA request seeks:

_____.

I am the owner or authorized user of the following personal electronic messaging account and have the authority to certify the records.

3. I have made a good faith, diligent, thorough, and complete search of the above mentioned personal electronic messaging account(s) for all electronic communications potentially responsive to the above mentioned CPRA request.
4. Any responsive electronic communications discovered, and referenced below, were prepared or used by me in the ordinary course of business at or near the time of the act, condition, or event.
5. Any responsive electronic communications discovered, and referenced below, are true copies of all records described in the above mentioned CPRA request.

Check the applicable box:

- ☐ I certify that I do not possess responsive electronic communications.
- ☐ I certify that I cannot reasonably recover responsive electronic communications.

(Explain efforts to retrieve responsive electronic communications and why you were unable to recover responsive electronic communications.)

- ☐ I certify that I discovered potentially responsive electronic communications from my personal electronic messaging account, but I am withholding that information because the information is “personal” business. This is for the following reasons:

(Describe with sufficient facts why the contested information is personal business and not subject to the CPRA. Attach additional pages, if necessary.)

- ☐ I certify that I discovered potentially responsive electronic communications from my personal electronic messaging account. I am providing all responsive information. However, some information is nonresponsive and I am withholding that information, because the information is personal business. This is for the following reasons:

(Describe with sufficient facts why the contested information is personal business and not subject to the CPRA. Attach additional pages, if necessary.)

I declare under the laws of the State of California that the foregoing is true and correct and that I have personal knowledge of the facts set forth above.

Executed this ____ day of _____, 20____, in _____, California.

By: _____
Print Name: _____

ATTACHMENT B

Email Retention Policy Acknowledgment

I hereby acknowledge that I have received a copy of the San Gabriel/Pomona Regional Center's Electronic Communications Policy and that I understand that I am to read and comply with its contents. I am aware that failure to comply with this Policy will lead to disciplinary action, up to and including termination. I further understand that if I have any questions about this Policy or its contents, I am to discuss them with my supervisor or [INSERT TITLE].

Print Employee Name

Employee Signature

Board Approved: January 28, 2026