

DOCUMENT RETENTION AND DESTRUCTION POLICY OF THE VALLEY STREAM VOLUNTEER and EXEMPT FIREFIGHTER'S BENEVOLENT ASSOCIATION

ARTICLE 1: PURPOSE

The Valley Stream Volunteer and Exempt Firefighter's Benevolent Association of Freeport, New York (the "Association") acknowledges its responsibility to preserve information relating to litigation, audits and investigations, and to remain in compliance with federal and state reporting laws. The Sarbanes-Oxley Act of 2002 makes it a crime to alter, cover up, falsify, or destroy any document to prevent its use in an investigation or official proceeding. Failure on the part of directors, officers, or employees of the Association to retain certain corporate records can result in civil and criminal sanctions against the Association and its directors, officers, members or employees and disciplinary action against responsible individuals.

The purpose of this Document Retention and Destruction Policy (the "Policy") is to:

- (a) ensure that all noncritical records are retained for no longer than the minimum period required by law (see Schedule B, records retention schedule), thereby eliminating storage space problems and minimalizing expense;
- (b) to ensure that critical records are retained either permanently or for a required period (see Schedule B, records retention schedule); and

(c) to ensure that records are destroyed pursuant to a standard policy that has been developed for business reasons.

ARTICLE 2: CORPORATE RECORDS

The corporate records of the Association (the "Corporate Records") include all records produced by directors, officers, members or employees, whether in paper or electronic form. The Corporate Records include memorandum, email, contracts, minutes, voice mail, reports, receptions and revenue filing regardless of where the document is stored, including network servers, desktop or laptop computers and handheld computers and other wireless devices with text messaging capabilities.

ARTICLE 3: DOCUMENT RETENTION AND DESTRUCTION

A. Length of Retention

The Corporate Records should be retained for the relevant period set forth on Schedule B. The categories listed on Schedule B are intended to be general and should be interpreted as including all types of records relating to that category, including correspondence, notes, and reports. Documents sent to storage should be identified by category and should specify a scheduled destruction date in accordance with Schedule B.

B. Scheduled Destruction

The elected secretary of the board of directors of the Association (the "Secretary") shall be responsible for ensuring that any scheduled destruction of Corporate Records is carried out in accordance with Schedule B and this policy.

Prohibited Destruction

Destruction of records related to litigation or governmental investigations may constitute a criminal offense. The Secretary shall be responsible for suspending destruction of any Corporate Records as soon as any litigation, governmental investigation or audit, civil action or enforcement proceeding is suspected, reasonably anticipated or commenced against the Association, its officers, directors, members or employees.

D. Reporting Requirement

A director, officer, member, or employee with knowledge of potential or actual litigation, an external audit, investigation or similar proceeding involving the Association, must report this information to the board of directors as soon as possible.

E. Electronic Records

This policy shall apply to all records regardless of whether the records are stored on paper or on computer hard drives, floppy discs or other electronic media. See Schedule A, guidelines for disposition of electronic mail messages.

From time to time the Association may establish additional retention or destruction policies or schedules. Notwithstanding the foregoing, if any member or employee believes or is informed by the corporation that certain records are relevant to litigation or potential litigation, then those records must be preserved until the board of directors determines the records are no longer needed.

ARTICLE 4: ADMINISTRATION AND OVERSIGHT

The secretary is responsible for the administration and enforcement of this policy. Either the Secretary or another responsible person must monitor compliance with the retention records. That person is specifically charged with overseeing periodic reviews of records in accordance with the policy.

ARTICLE 5: ADOPTION OF POLICY

This policy was adopted on the _____ day of _____, 2021 by resolution of the board of directors.

SCHEDULE A

GUIDELINES FOR DISPOSITION OF ELECTRONIC MAIL MESSAGES

The Valley Stream Volunteer and Exempt Firefighter's Benevolent Association - related email messages are corporate records and must be managed according to this policy. As per Schedule B, general email correspondence should be deleted after 1 year. Email that contains or attaches other documents should be retained for the period relevant for the contained or attached record. An email message that does not meet the definition of a record (i.e., personal email or a junk email) should be deleted immediately from the system. The Valley Stream Volunteer and Exempt Firefighter's Benevolent Association email servers are not intended for long term record retention. Email messages and any associated attachments with retention periods greater than 3 years should be kept in similar fashion to paper records or electronically stored in an appropriate file on the network drive. The printed or electronic copy of the email message must contain the following header information:

- Who sent the message;
- Who the message was sent to;
- The date and time the message was sent; and
- The subject of the message.

An email message can be deleted once a paper copy has been printed or the email message has been stored electronically. The paper copy or the electronic copy must be retained for the appropriate time period per this record retention policy.