

TOADLENA/TWO GREY HILLS CHAPTER RECORDS MANAGEMENT POLICY AND PROCEDURES MANUAL

I. AUTHORIZATION

- A. Pursuant to 26 N.N.C. § 101 (A), the Toadlena/Two Grey Hills Chapter (hereafter “Chapter”) is required to formulate, implement and operate under a Five Management Systems to ensure accountability. Accordingly, the Chapter has developed policies and procedures for its Five Management System consistent with applicable Navajo Nation Law.
- B. Pursuant to Chapter Resolution #TDLA/TGH-10-08-08-05, the Toadlena/Two Grey Hills Chapter Records Management Policies and Procedures Manual (hereafter “Records Manual”) is hereby approved.

II. PURPOSE AND SCOPE OF POLICY

- A. To set forth the authority, principles and policies and procedures governing the creation, classification, maintenance, retrieval, disposal and safeguarding of the Chapter records and to define the chapter administrative functions and chapter officials’ oversight functions in regard to record keeping.
- B. This Records Manual is applicable to all employees and members of the Chapter, including chapter officials who will monitor the Chapter Administration to ensure that records are maintained and that this Records Manual is followed and enforced.
- C. These policies and procedures will provide adequate and accurate information for Chapter reporting activities, help justify how resources are utilized, serve as an important internal control measure, help document important decisions, and provide a history of the operation and services of the Chapter.
- D. These policies and procedures will ensure that all activities are supported with proper and accurate documentation, serve as an efficient and effective tool to minimize duplication of documents, provide a clear definition of records, provide adequate safeguards for the records, and maintain current and updated records.

III. APPLICABLE LAWS:

The Chapter shall comply with all applicable state, federal and Navajo Nation law, including the Navajo Nation Privacy Act, 2 N.N.C. § 81 *et seq.*

IV. GENERAL STATEMENT OF POLICIES

- A. The Chapter records are public information *except* those records that are restricted and specifically defined as “protected records” pursuant to the Navajo Nation Privacy Act, 2 N.N.C. § 81 *et seq.*; all information/records or any portions thereof which are defined and

classified as “protected records” under the Navajo Nation Privacy Act are not for public duplication or view without proper authorization.

- B. To maintain security and accountability, the control and management of all Chapter records shall be properly segregated so that no single employee is in a position to handle all aspects of records control.
- C. The Chapter records shall be complete, kept regularly filed, and kept in a locked cabinet within the Chapter administration office.
- D. All confidential, protected and essential records shall be properly cared for at all times and any production, copying, destruction or any other action taken with such records shall be in strict compliance with the Navajo Nation Privacy Act and other applicable law.
- E. The Chapter shall ensure compliance with the Navajo Nation Act and with all other applicable Navajo Nation laws.
- F. The Chapter officials and employees shall acknowledge by signature that all Chapter records will remain the property of the Chapter.
- G. Confidential records shall be protected by securing these records in a locked file cabinet, within the administration office.
- H. The Chapter shall ensure records have reached the end of their useful life and retention period schedule before proper authorized destruction.

V. GENERAL DUTIES AND RESPONSIBILITIES

- A. The Administrative Assistant (or other clerical staff as delegated by the Administrative Assistant) shall be responsible for:
 - 1. Updating and maintaining an accurate and complete inventory of all chapter records.
 - 2. Keeping all chapter records complete and current at all times.
 - 3. Logging in all incoming and outgoing mail.
 - 4. Logging in all incoming and outgoing faxes.
 - 5. Maintaining and safeguarding all chapter records by securing the file cabinets with a lock/key.
 - 6. Accessing and retrieving chapter records by authorized request, audits, and court order or for duly authorized inspection.
 - 7. Labeling the confidential or public files (i.e. CONFIDENTIAL).

8. Obtaining approval from the Chapter Manager for retrieval of confidential records.
 9. Creating back up records as necessary on a bi-weekly basis.
- B. The Chapter Manager shall be responsible for:
1. The creation, classification, retention, protection, retrieval and disposal of all chapter records.
 2. Authorizing requests for record releases and assessing any research or duplication costs for said records, upon receiving proper documentation from the requestor.
 3. Conducting an annual records inventory with the Administrative Assistant to ensure proper storage, disposal, transfer or filing of all records.
 4. The preparation of a retention schedule for chapter records, which includes labeling the storage containers.
 5. Documenting and providing written reports to the chapter officials concerning corrective actions to be taken in the event that Chapter records are damaged or lost.
- C. Chapter Officials Responsibilities:
1. The Chapter President shall work closely with the Vice President and the Secretary/Treasurer to ensure that the Chapter administration is adequately complying with the Chapter's established records management policies and procedures as well as applicable Navajo Nation laws.
 2. The chapter Secretary/Treasurer shall monitor the records management system on an ongoing basis to ensure compliance with the Records Manual and applicable Navajo Nation law, but in accordance with 26 N.N.C. § 1001 (E) shall not be directly involved in the management and operations of the Chapter administration.
 3. The Secretary/Treasurer shall turn over to the Chapter Manager, within ten (10) working days, any official actions by the Chapter membership, including all resolutions, minutes and other official documents, for proper record keeping and for carrying out any chapter directive(s).

VI. FILES

- A. It shall be the policy of the Chapter to maintain a complete and updated permanent filing system that will enable records to be easily accessed and retrieved. Refer to Section VIII of this policy manual for accessibility and retrieval process.

- B. The following types of filing methods shall be used, with a guide to identify each section for ease of accessibility:
1. Alphabetical – filed alphabetically
 2. Geographic – filed alphabetically according to location and/or address
 3. Numerical – filed by an assigned number
 4. Subject – filed alphabetically according to subject
 5. Chronological – filed by time or date

VII. CLASSIFICATION OF RECORDS

- A. The Chapter shall maintain a classification of all records to ensure confidentiality of certain records and documents to be safeguarded in compliance with the Navajo Nation Privacy Act, 2 N.N.C. §§ 84 85.
- B. All inventory documentation of the Chapter records shall include the date of the record, and its description, location, retention period and disposal date.
- C. The Chapter records that are classified as “protected records” may be confidential in whole or part and may contain data on persons or entities that are private or otherwise protected pursuant to 2 N.N.C. § 85 of the Navajo Nation Privacy Act.
- D. The Chapter records shall be classified and labeled in accordance with their degree of importance and categorized in the chapter files as follows:
1. **Permanent Records** - These records cannot be replaced and are valuable to the Chapter; and should be kept on file and permanently stored. They are, but not limited to as follows:
 - a. Chapter Enrollment
 - b. Meeting minutes
 - c. Chapter Member Identification Card
 - d. Personnel
 - e. Client assistance listing and information [financial, housing, veterans, senior citizens, emergency]
 - f. Chapter contracts
 - g. Employee Payroll Records
 - h. Deeds and Legal Documents
 - i. Real Estate Documents [Land Use Permits and Customary Grazing Land Permits issued by the Bureau of Indian Affairs; farm and grazing area maps; Grazing Permittee descendency documents; Business and Home Site Leases]
 - j. Planning and regular Chapter meeting agendas and minutes

- k. Resolutions
 - l. Financial Statements
 - m. Chapter Ordinances
2. **Essential Records** – Records that characterize and identify the Chapter, that are essential for full operation of the Chapter government, and that shall be kept on file for 5 years. They include but are not limited to the following:
- a. Chapter Ordinances
 - b. Chapter Plan of Operation
 - c. Chapter Master Land Use Plan
 - d. Chapter Profile
 - e. Resolutions
 - f. Property Inventory Records (buildings, equipment, etc.)
 - g. Five Management Systems Policies and Procedures Manual
 - h. Client assistance listing and information (financial, housing, veterans, senior citizens, emergency, etc.)
 - i. Chapter contracts
 - j. Travel Authorizations
3. **Important Records** – Records that are of great value and importance to the Chapter government. These records shall be kept on file and stored for a minimum period of five (5) years. They are, but not limited to as follows:
- a. Financial records (bank statements, ledgers, reports, requisitions, etc.)
 - b. Personnel records
 - c. Audit reports
4. **Useful Records** – Records used and stored by the Chapter for information of previous activities and projects. These records have some significant value but may cost considerably to replace if lost or misplaced. These records shall be filed and kept for a minimum period of two (2) years. They include, but are not limited to the following:
- a. Correspondence
 - b. Forms
 - c. Logs (phone, mail, activities, etc.)
 - d. Resale Inventory Records
5. **Non-Essential Records** – Records for no value to the chapter operation. Once their useful purpose has been fulfilled they can be destroyed. They include, but are not limited to the following:
- a. Publications
 - b. Flyers, bulletins
 - c. Junk mail

VIII. ACCESSIBILITY AND RETRIEVAL

- A. It shall be the policy of the Chapter that all chapter records are public information for public access upon request, except those records that are specifically defined and treated as protected pursuant to 2 N.N.C. § 85 of the Navajo Nation Privacy Act.
- B. No Personnel Record or other confidential documents shall be duplicated without written permission from the individual whose record(s) is to be duplicated. However, the personnel records or any information therein may be disclosed in compliance with a lawful investigation or subpoena, or as otherwise in accordance with the Navajo Nation Privacy Act and other applicable law.
- C. A daily access log shall be utilized and maintained whenever any protected, important and essential records are accessed.
- D. Procedures for accessing public records:

Upon request, the Chapter Manager will make appropriate public records accessible using the following procedures:

- 1. The requesting party shall complete a Request for Chapter Records Form with the Administrative Assistant.
- 2. Any person making the request for a record shall complete a Request for Chapter Records or Documents Form containing the title of the record(s) or document(s), purpose, requested by, date, mailing address and telephone number.
- 3. The requesting party shall be responsible for any research or reproduction costs, and may examine the records at the Chapter administration under the supervision of a staff member.

- E. Procedures for accessing Protected Records:

Upon request, the chapter administration shall make protected records accessible in accordance with applicable law, by using the following procedures:

- 1. All requests for chapter documents shall be made to the Administrative Assistant.
- 2. Any person making the request for a record shall complete a Request for Chapter Records or Documents Form containing the title of the record(s) or document(s), purpose, requested by, date, mailing address, signature, and telephone number.
- 3. The Administrative Assistant shall explain the policy regarding protected records, and submit the request to the Chapter Manager for approval.

4. The Chapter Manager shall be responsible for assuring that the provision of protected information or records complies with the following conditions:
 - a. The information shall be accessible for criminal and civil law enforcement for prosecution purposes, internal or external audit, as a result of a court order, to further an individual's medical treatment, to address public health needs, or as otherwise in accordance with applicable law.
 - b. The information relating to an individual will be available to the individual who is the subject of the record, or if a minor, will be available to the parent or guardian.
 - c. Individual records may be released to third parties with written permission, by means of a notarized release using the information release form, of the individual who is the subject of those records, or, if a minor, by release executed by his or her parent or legal guardian.
 - d. Individual records may be released for statistical and other purposes provided that any information which could be used to identify that individual is removed, withheld, or redacted.
 - e. The Chapter Manager/Administrative Assistant will verify and record evidence of the requestors' identity.
 - f. Before releasing a protected record, the Chapter Manager will inform the requestor that he or she is prohibited from disclosing or providing a copy(s) of the protected record(s) to any other person and shall obtain the requestor's written acknowledgement of this prohibition. Failure of the requestor to comply with any applicable prohibition, shall subject the requestor to criminal prosecution and/or other remedy under Navajo Nation law.

- F. Within ninety (90) calendar days, the Chapter Manager will respond to the request by:
 1. Approving the request and providing the records.
 2. Denying the request by providing a written explanation of why the record(s) are protected from disclosure. In making such determinations, the Chapter Manager shall consult with the Chapter Officials and the Navajo Nation Department of Justice for advice and assistance.
 3. Notifying the requestor that the Chapter does not maintain the requested record(s) and providing, if known, the name and address of the governmental entity that does maintain the record.
 4. Upon approval of the request, the requesting party may receive copies of records (any applicable fees shall be paid to Administrative Assistant) or may examine the records at the Chapter administration under the supervision of Chapter administration staff members. Any research and reproduction costs shall be the responsibility of the requesting party.

IX. DENIAL AND APPEAL

- A. The Chapter recognizes that the general public should be provided a means to access records and information relating to the operation of its government while preserving the privacy interests of individuals and entities. Therefore, the Chapter will deny access to information in the record if the information is exempt from disclosure to the requestor, issuing a notice of denial as provided in 2 N.N.C. § 89 of the Navajo Nation Privacy Act.
- B. If the request for protected records is denied, in whole or in part, the Chapter Manager shall provide a notice of denial to the requestor either in person or by sending the written notice to the requester's address.
- C. The notice of denial shall contain the following information:
 - 1. A description of the record or portions of the record to which access was denied, provided that the description does not disclose the contents of the protected record(s) or information.
 - 2. Any court rule or order, state or federal statute or regulation that exempts the record or portions of the record from disclosure, provided that the citation does not disclose protected information.
 - 3. A statement that the requester has the right to make application to the Navajo Nation District Court for an order releasing the record and the time limits for filing the application.
 - 4. Unless otherwise required by a court of competent jurisdiction, the Chapter may not destroy or give up custody of any records to which access was denied until the period for a court appeal has expired, or the end of the appeal process.
- D. In the event the Chapter determines that the requested record is protected from disclosure, or fails to respond to the request within ninety (90) days period, the requesting individual may submit application to the Navajo Nation District Court, as defined in 7 N.N.C. § 253, in accordance with the proper processes of the Court for an order compelling the release of the record.
 - 1. This application must meet the notice and filing requirements of the Navajo Nation Sovereign Immunity Act, 1 N.N.C. § 551 *et. seq.*
 - 2. Any person who may have an interest in maintaining the confidentiality of the record may appear and demonstrate the need for maintaining the confidentiality of such records.
 - 3. Chapter shall provide reasons for the denial.

X. PROTECTION AND BACKUP OF PUBLIC AND PROTECTED RECORDS

- A. All essential, useful, important records shall be preserved by a backup document or on an electronic memory storage device in case of damage or accidental loss. It shall be the responsibility of the Administrative Assistant to perform backup procedures on a bi-weekly basis, and the Chapter Manager will authorize access to the backup system if needed.
- B. The backup schedule shall be documented on the backup log and updated upon any backups. The following records require back-ups: financial statements, resolutions, meeting minutes, payroll property inventories, and any other essential records.
- C. All Chapter records (except backups stored on an electronic storage memory device) should be stored, maintained and safeguarded on the Chapter's premise. There should be adequate storage protection of all Chapter records.
- D. The following methods shall be used for backup and protection:
 - 1. A separate and secure location shall be used for records stored on flash disks.
 - 2. Future records shall be photocopied and stored at a separate, secured location.
 - 3. Records stored on an electronic storage memory device shall be kept at a separate and secured location such as a Safety Deposit Box at the Chapter's banking institution.
- E. When necessary, the recovery of lost or damaged records shall be performed in consultation with authorized individuals.
- F. Damaged or Accidental Lost of Records:
 - 1. The Chapter Manager shall document by written report to the Chapter officials any damage or accidental loss of essential records. Proper authorities shall be notified immediately.
 - 2. Every effort shall be made to replace the lost or damaged records from the backup source as soon as possible.
 - 3. Chapter funds shall not be used to cover the cost of replacing lost or damaged records due to individual negligence which shall be the obligation of the responsible individual.

XI. TRANSFER OF INACTIVE RECORDS AND DISPOSAL

- A. The Chapter shall classify inactive and historical files or records according to their degree of importance, establish their retention period, and dispose of or transfer said records to an adequately secured storage area according to the procedures under this Section.

1. Procedures To Transfer Inactive Records:
 - a. The Administrative Assistant shall be responsible for keeping all records complete and current at all times, by reviewing the records inventory list to assure those records that have reached their retention period are brought to the Chapter Manager's attention through a request for transfer.
 - b. The Chapter Manager may authorize the Administrative Assistant to transfer those records, and, if so, shall notify Chapter Officials within thirty (30) days.
 - c. The Administrative Assistant shall transfer all inactive records to a properly secured storage area separate from the Chapter house to ensure adequate safekeeping.
 - d. The Administrative Assistant shall label all storage boxes as permanent, essential, useful, and important records for easy identification, accessibility and retrieval if necessary pursuant to Section VIII, (C).
 - e. The Chapter Manager is authorized to have direct access to inactive files in storage.
 - f. Where a time record is transferred for any purpose, a Transfer Procedure Form shall be filled out and submitted by the Administrative Assistant and approved by the Chapter Manager.

2. Procedures for Disposal of Records:
 - a. The Administrative Assistant shall be responsible for keeping all records complete and current at all times by reviewing the records inventory list to assure those records that have reached their retention period are brought to the Chapter Manager's attention and by making a request for disposal utilizing the Disposal Procedure form.
 - b. Prior to destroying any record, the Chapter Manager shall provide the Chapter Officials with thirty (30) days notice of the Administration's intent to destroy the identified records by burning or shredding, and to remove the records from the records inventory list.
 - c. All remaining inactive records will be stored in an adequately secured storage area separate from the Chapter house during their retention period.
 - d. The Chapter Manger, in consultation with the Chapter Officials, shall surrender all aged flags representing the United States, Federal Government, State Government, and the Navajo Nation to the Local Veterans Organization for proper disposal.
 - e. The Chapter Manager and Chapter Officials shall monitor any disposal of permanent, essential, useful, and important records.
 - f. When records are disposed of, the Records Inventory form shall be updated to reflect any changes or disposals.
 - g. The retention period for all inactive records in storage shall be pursuant to Sections VII and XI.

XII. DEFINITIONS

The language contained in this section applies generally to this policy manual except as otherwise provided elsewhere in the Chapter's Five Management System.

- A. Confidential or Protected Record – means any record containing data on persons or governmental entities that is private or otherwise protected as provided by 2 N.N.C. § 85 of the Navajo Nation Privacy Act.
- B. Public Record – means any record that is not private or otherwise protected and that is not exempt from disclosure as provided in 2 N.N.C. § 84 of the Navajo Nation Privacy Act.
- C. Record – means all books, letters, documents, papers, maps, plans, photographs, films, cards, tapes, recordings, electronic data, or other documentary materials regardless of physical form or characteristics which are prepared, owned, received, or retained by the Chapter and where all of the information in the original is reproducible by photocopy or other mechanical or electronic means.
 - 1. Record does not mean:
 - a. Materials that are legally owned by an individual in his private capacity.
 - b. Materials to which access is limited by the laws of copyright or patent is owned by Chapter.
 - c. Books and other materials that are cataloged, indexed, or inventoried and contained in the collections of libraries open to the public.
 - d. Daily calendars and other personal notes prepared by the originator for the originator's personal use or for the personal use of an individual for whom he/she is working.
 - e. Computer programs that are developed or purchased by the Chapter for its own use.
- D. Right to Privacy – means the right of a person to be free from unwarranted intrusion by a governmental unit.

XIII. APPENDICES

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| A. | Request for Chapter Records or Documents | Exhibit A |
| B. | Release of Information Form | Exhibit B |
| C. | Disposal /Transfer or Records or Document Form | Exhibit C |
| D. | Navajo Nation Privacy and Access to Information Act | Exhibit D |