

**Practice 9G1 – Sample 2
Records Policy**

**[LAND TRUST]
Records Policy**

Adopted [DATE]
Revised [DATE]

Introduction

[LAND TRUST] adheres to the requirements of federal and state law and *Land Trust Standards and Practices* for the retention and secure storage of certain organizational and land conservation project records. [LAND TRUST] keeps originals of all important corporate records and irreplaceable documents essential to the defense of each transaction (such as legal agreements, critical correspondence and appraisals) in one location and copies in a separate location. Original documents are protected from daily use and are secure from fire, floods and other damage.

Procedure

1. [LAND TRUST] Records Storage Facilities

[LAND TRUST] stores records in the following locations:

- a. Original documents essential to the defense of land transactions and real property interests. These are retained as described in [LAND TRUST]'s Records Storage and Retention Schedule (see attached) and are stored securely in a fire-resistant file cabinet located in the [LAND TRUST] office or in the [LAND TRUST] safety deposit box located at [BANK], [CITY], where they are protected from everyday use and hazards, such as fire, flood, theft and unauthorized use. Access to documents stored at these locations is restricted to the [LAND TRUST] president, vice-president and executive director/program manager. [LAND TRUST]'s president and treasurer have keys to the [LAND TRUST] safety deposit box.
- b. Copies of original documents essential to the defense of real property interests. These are securely stored at the homes of designated [LAND TRUST] board officers, at sufficient distance from the [LAND TRUST] office so that they are not vulnerable to a calamity that might damage or destroy the originals. Moreover, a second copy of the originals is kept at the [LAND TRUST] office for everyday use, and copies of executed legal documents are stored at the office of [LAND TRUST]'s legal counsel.
- c. Other essential documents. The originals of other documents designated for permanent protection on [LAND TRUST]'s Records Storage and Retention Schedule (see attached) are stored in a locked file cabinet at the [LAND TRUST] office. Copies of these documents are securely stored at the homes of designated [LAND TRUST] board officers and committee chairs at sufficient distance from the [LAND TRUST]

office so that they are not vulnerable to a calamity that might damage or destroy the originals.

- d. Access to copies of essential documents stored by board officers and committee chairs. Designated board officers and committee chairs shall provide reasonable access to the duplicate files they are holding when requested by other board members or staff. Also, as new officers are elected, it is the responsibility of each outgoing officer to transfer the complete set of original documents in his or her possession to the successor officer.

2. Conservation Project Records

- a. [LAND TRUST] creates and maintains files for each conservation project. An individual file is created for each conservation project when the [LAND TRUST] board gives the initial go-ahead to develop the project. [LAND TRUST] documents each step in the planning and development of the project, in keeping with [LAND TRUST]'s policies and procedures.
- b. [LAND TRUST] maintains stewardship records for each conservation project, including monitoring reports, enforcement communication and actions, substantive notices, approvals, denials, interpretations and the exercise of permitted rights, property ownership challenges.
- c. Each year, [LAND TRUST] conducts a file audit to ensure that conservation project documentation is complete, in order and in the right location, and to be sure that documentary evidence, including photographic records and original documentation, is intact and usable. [LAND TRUST]'s president is responsible for ensuring that this audit takes place.
- d. [LAND TRUST]'s president is responsible for ensuring the integrity and secure storage of project records in accordance with this policy and [LAND TRUST]'s Records Storage and Retention Schedule (see attached).

3. Corporate Records

[LAND TRUST] retains and securely stores records relating to incorporation, bylaws, nonprofit status and meetings and actions of the board of directors, as described in the corporate records section of [LAND TRUST]'s Records Storage and Retention Schedule (see attached). The [LAND TRUST] secretary is responsible for ensuring the integrity and secure storage of corporate records.

4. Financial Records

- a. [LAND TRUST] retains and securely stores records relating to financial operations, including accounting records, tax returns, audits, contracts and insurance, as described in the financial records, contracts and insurance section of the [LAND TRUST]'s Records Storage and Retention Schedule (see attached). Computerized accounting records are maintained by [LAND TRUST]'s treasurer on his or her home computer using QuickBooks or other suitable accounting software. These records are backed up whenever they are modified and the backup file stored on the [LAND

- TRUST] online Dropbox storage system in a folder shared between the treasurer and president.
- b. In keeping with [LAND TRUST]'s system of internal financial controls, the president will maintain and share with the treasurer a written log of all donations and deposits, and the treasurer will maintain and share with the president a record of passwords, PINs and other online banking access information.
 - c. The [LAND TRUST] treasurer is responsible for ensuring the integrity and secure storage of financial records in accordance with this policy and [LAND TRUST]'s Records Storage and Retention Schedule (see attached).

5. Personnel Records

- a. A personnel file is maintained for each employee. Personnel files contain highly confidential information, and only the president and vice-president are allowed access to them. Upon request to the president, an employee may view his or her personnel file. Personnel records are stored at the [LAND TRUST] president's home in a locked file cabinet. Electronic copies of personnel records may be stored in [LAND TRUST]'s computer system, provided that they are password-protected and can be accessed only by the president and vice-president.
- b. [LAND TRUST]'s president is responsible for ensuring the integrity and secure storage of personnel records in accordance with this policy and [LAND TRUST]'s Records Storage and Retention Schedule (see attached).

6. Other Records

- a. Fundraising records are retained to document that [LAND TRUST] complies with charitable solicitation laws, accurately portrays the organization and the intended use of funds, and uses any donor-restricted funds in keeping with donor intent. Records of outreach activities and outreach materials (brochures, membership appeals, fact sheets, etc.) are kept as long as they are useful. General correspondence may be discarded after two years, but correspondence about legal matters and correspondence with landowners that may be essential to enforce and defend an easement should be kept permanently. See the relevant sections of [LAND TRUST]'s Records Storage and Retention Schedule (see attached).
- b. The [LAND TRUST] president is responsible for ensuring the integrity and secure storage of fundraising records in accordance with the policy and the attached Records Storage and Retention Schedule.

7. Records Destruction

Destruction of business records at the expiration periods listed in [LAND TRUST]'s Records Storage and Retention Schedule (see attached) shall be completed by the staff,

but only after explicit, written approval by the [LAND TRUST] Executive Committee. Documents will be shredded to ensure the privacy of records, and a log of documents destroyed will be retained.

8. Records Policy Review and Updating of Procedures

The [LAND TRUST] Executive Committee will review this Records Policy and [LAND TRUST]'s implementation of it every five years to ensure compliance and to update recordkeeping procedures as land trust practice, law and technology evolve.

[LAND TRUST]'s Records Storage and Retention Schedule

Type of Document	Retention Time	Secure Office Files	Offsite Duplicate Files	Office Working Files
Contracts				
Contracts, notes and leases (expired)	7 years	X		
Contracts, notes and leases (still in effect)	For 7 years after expiration	X	X	
Corporate Records				
501(c)(3) letter	Permanently	X	X	
Articles of incorporation	Permanently	X	X	
Bylaws	Permanently	X	X	
Board minutes and resolutions	Permanently	X	X	
Correspondence				
Correspondence (general)	2 years	X	X	
Correspondence (legal and important matters)	Permanently	X	X	
Essential correspondence with landowners re agreements, reserved rights, violations, etc.	Permanently	X	X	X
Financial Records				
Accounts payable ledgers and schedules	7 years	X	X	
Audit reports	Permanently	X	Recent	
Bank reconciliations	2 years	X	X	
Bank statements	3 years	X		
Canceled checks	Permanently	X		

(for important payments and purchases)				
Computerized accounting system files	Permanently	Backup files added to archive at the end of every month	X (plus external backup)	
Depreciation schedules	Permanently	X	Recent	
Duplicate deposit slips	2 years	X		
Expense analyses/expense distribution schedules	7 years	X		
Internal audit reports	3 years	X		
Invoices (to customers, from vendors)	7 years	X		
Retirement and pension accounts	Permanently	X	X	
Tax returns and worksheets	Permanently	X	X	
Withholding tax statements	7 years	X		
Year-end financial statements	Permanently	X	Recent	
Fundraising and Outreach Records				
Documentation of donor restrictions on contributions	7 years after restrictions fulfilled	X	X	
Fundraising solicitations and appeals	7 years	X		
Outreach materials, brochures, etc.	As long as useful	X		
Insurance Records				

Accident reports, claims	For 7 years after incident	X		
Current insurance records, policies, etc.	For 3 years after policy expires	X		
Insurance policies (expired)	3 years	X		
Miscellaneous				
Inventories of products, materials and supplies	7 years	X		
Patents and related papers	Permanently	X	X	
Trademark registrations and copyrights	Permanently	X	X	
Personnel				
Employment applications	3 years	X		
Payroll records and summaries	7 years	X		
Personnel files (current employees)	For 7 years after termination	X		
Personnel files (terminated employees)	7 years	X		
Timesheets	7 years	X		
Property Records				
Amendment deeds	Permanently	X	X	X
Appraisals, land trust's	Permanently	X	X	X
Appraisals, landowners'	Permanently	X	X	X
Baseline documentation reports	Permanently	X	X	X
Board resolutions to	Permanently	X	X	X

acquire property				
Conservation easement deeds	Permanently	X	X	X
Correspondence with landowners re landowner intent, agreements, amendments, reserved rights, violations, other issues related to protection of property	Permanently	X	X	X
Documentation of actions to defend easements and properties from violations, encroachments, etc.	Permanently	X	X	X
Environmental assessments	Permanently	X	X	X
Fee property deeds	Permanently	X	X	X
Forms 8283	Permanently	X	X	X
Funder agreements, grants	Permanently	X	X	X
Initial site visit records	7 years	X		X
Legal agreements	Permanently	X	X	X
Management plans (fee properties)	7 years after expiration	X		X
Monitoring reports	Permanently	X	X	X
Mortgage subordinations	Permanently	X	X	X
Mortgages	Permanently	X	X	X
Project evaluation and planning records	7 years	X		X
Public benefit	Permanently	X	X	X

documentation				
Purchase and sales records	Permanently	X	X	X
Title opinions and title insurance policies	Permanently	X	X	X
Surveys and maps	Permanently	X	X	X