

Casa de los Pobres USA
Document Retention and Destruction Policy

I. Purpose of policies

These policies provide for the systematic review, retention and destruction of records received or created by the Casa de los Pobres USA in connection with the transaction of business. These policies cover all records, regardless of physical form, contain guidelines for how long certain records should be kept and how records should be destroyed.

These policies are designed to ensure compliance with federal and state laws and regulations, to eliminate accidental or innocent destruction of records and to facilitate the Casa de los Pobres USA's operations by promoting efficiency and freeing up valuable storage space. Included in the federal laws necessitating compliance with these policies is the Sarbanes-Oxley Act ("The American Competitiveness and Corporate Accountability Act of 2002"), which makes it a crime to alter, cover up, falsify, or destroy any document with the intent of impeding or obstructing any official proceeding.

II. Records covered

These policies apply to all records in any form, including electronic documents.

A record is any material that contains information about the Casa de los Pobres USA's plans, results, policies or performance. Anything that can be represented with words or numbers is a business record for purposes of these policies.

Electronic documents must be retained as if they were paper documents. Therefore, any electronic files, including information received online, that fall into one of the document types on the schedule must be maintained for the appropriate amount of time. For example, if a user has sufficient reason to keep an email message, the message should be printed in hard copy and kept in the appropriate file or moved to an "archive" computer file folder. Backup and recovery methods will be tested on a regular basis.

III. Record Retention

The Casa de los Pobres USA follows the document retention procedures outlined below. Documents that are not listed but are substantially similar to those listed in the schedule will be retained for the appropriate length of time.

A. Permanent Retention

Permanent records—Permanent records are records required by law to be permanently retained and which are ineligible for destruction at any time for any reason. These records are necessary for the continuity of business and the protection of the rights and interests of the organization and of individuals. These include records such as organizational documents (Articles of Incorporation and Bylaws), Board minutes and policies, federal and state tax exempt status and independent audits.

No record, whether or not referenced, may be destroyed if in any way the records refer to, concern, arise out of or in any other way are involved in pending or threatened litigation.

While the listings below contain commonly recognized categories of records, the list should not be considered as having identified all records that the Casa de los Pobres USA may need to consider for permanent and non-permanent status. In particular, and as noted above, any documents that are, or may be involved in pending or threatened litigation, must be retained. The nonprofit's legal counsel should be asked to assist in determining what records must be retained.

Corporate Records – Permanent

Annual Reports to Secretary of State/Attorney General, Articles of Incorporation, Board Meeting and Board Committee Minutes, Board Policies/Resolutions, By-laws, Construction Documents, Fixed Asset Records, IRS Application for Tax-Exempt Status (Form 1023), IRS Determination Letter, State Sales Tax Exemption Letter

Accounting and Corporate Tax Records - Permanent

Annual Audits and Financial Statements, Depreciation Schedules, General Ledgers, IRS 990 Tax Returns

Bank records – Permanent

Check Registers

Legal, Insurance and Safety Records - Permanent

Appraisals, Copyright Registrations, Environmental Studies, Insurance Policies, Real Estate Documents, Stock and Bond Records, Trademark Registrations

B. Non-permanent retention

Non-permanent records—Certain records are not required by law to be permanently retained and may be destroyed after the passage of certain years or upon the passing of events as defined by these policies.

Notwithstanding the listing of documents below, no record, whether or not referenced may be destroyed if in any way the records refer to, concern, arise out of or in any other way are involved in pending or threatened litigation.

Corporate Records:

Contracts (after expiration) 7 years, Correspondence (general) 3 years

Accounting and Corporate Tax Records;

Business Expense Records 7 years, IRS 1099s 7 years, Journal Entries 7 years, Invoices 7 years, Sales Records 5 years, Petty Cash Vouchers 3 years, Cash Receipts 3 years, Credit Card Receipts 3 years

Bank Records:

Bank Deposit Slips 7 years, Bank Statements and Reconciliation 7 years, Electronic Fund Transfer Documents 7 years

Legal, Insurance and Safety Records:

Donor Records and Acknowledgement Letters 7 years, Grant Applications and Contracts 5 years, after completion, Leases 6 years after expiration, General Contracts 4 years after termination.

IV. Emergency Planning

The Casa de los Pobres USA's records will be stored in a safe, secure and accessible manner. All documents and financial files that are essential to keeping the Casa de los Pobres USA operating in an emergency will be duplicated or backed up at least every week and maintained off-site. All other documents and financial files will be duplicated or backed up periodically as identified by the Chief Financial Officer or other person as designated by the President and maintained off-site.

V. Document Destruction

The Casa de los Pobres USA's Chief Financial Officer or other representative as designated by the President is responsible for the ongoing process of identifying its records which have met the required retention period and overseeing their destruction. Destruction of financial and personnel-related documents will be accomplished by shredding.

Document destruction will be suspended immediately, upon any indication of an official investigation or when a lawsuit is filed or appears imminent. Destruction will be reinstated upon conclusion of the investigation or claim, whichever is latest.

VI. Compliance

The failure on the part of volunteer Board Members to follow this policy can result in possible civil and criminal sanctions against the Casa de los Pobres USA and its Board and possible disciplinary action against responsible individuals. The Chief Financial Officer or individual designated by the President and Finance Committee chair will periodically review these procedures with legal counsel or the organization's certified public accountant to ensure that they are in compliance with new or revised regulations.

Questions concerning these policies, the applicability of certain records to the retention or destruction policies, must be addressed to the Chief Financial Officer or other individual as designated by the President.