

Seeking, from the CalSAWS Project Steering Committee (PSC) members, the Approval of the **CalSAWS Conversion Data Retention Guidelines**, listed below. If Approved, Legacy systems (C-IV and CalWIN) will adhere to these requirements when extracting systems data for the Conversion team purposes of migrating systems data to CalSAWS.

Table 1 - CalSAWS Conversion Data Retention Guidelines

| CalSAWS Data Retention Guidelines C-IV and CalWIN Conversion and Data Migration to CalSAWS | |
|---|--|
| Open and Closed Cases | |
| Data Retention Category | Data Retention Guidelines |
| Open Cases | Retain all case data for all active cases. |
| Closed Cases | Retain case data for all cases that have closed within 6 years of cutover date. |
| Exception Cases | |
| Time Limits | Retain all time limit data for all programs and retain all images stored under the category of Time Limits. |
| Recovery Accounts | Retain cases for recovery accounts not closed or terminated. ¹ |
| Warrant Registers | Retain all warrant registers. |
| Special Investigations, Criminal, and Civil Litigation Related Records | Retain all case data associated with a Special Investigation, Criminal, or Civil Litigation record for three years after the final claim is submitted for federal reimbursement. |
| Foster Care, Kin-Gap, and Adoption Assistance Cases | Retain all case data regardless of status. |
| Cases in Federal, State, or County Audit | Retain all case data until the audit(s) have been resolved. |
| Intentional Program Violations (IPV) | Retain all case data through the life of the individuals. |

Notes:

- These guidelines have been referenced to and compliant with the Federal and State Regulations documented in Table 2 - Federal and State Regulatory Compliance Check/Traceability (below) as of August 2019.

¹ For Counties that wish to migrate their ancillary collections systems to CalSAWS, recovery accounts in closed or terminated status can be converted into CalSAWS.

Table 2 - Federal and State Regulatory Compliance Check/Traceability

| Federal / State / County | Governed By | Regulation Snippet(s) | Compliant (Yes/No) |
|--------------------------|--|---|--------------------|
| Federal | Federal Law (45 CFR 164.528) | Requires DHCS to retain data for at least six years to cover requests from an individual for an accounting of disclosures of protected health information made by a covered entity | Yes |
| Federal | Federal law (45 CFR 75.361) | Requires that case records which provide the basis for fiscal claims are to be retained for three years, starting on the day the state submits the last expenditure report to HHS for the period. In the case of supplemental expenditure reports this might require retention for a much longer period than three years. | Yes |
| Federal | Federal law (45 CFR Section 164.316) | Health Insurance Portability and Accountability Act (HIPAA) Security Rule requires that Protected Health Information (PHI) is to be retained 6 years from the date of its creation or the date when it last was in effect, whichever is later. Retention may be electronic. | Yes |
| State | California Code of Regulations (CCR) Section 40813 (a)(6) & (b)(1) | Requires that records shall be retained 3 years after adopted decision. Or if any litigation, claim, negotiation, audit, or other action involving the records has been started before the end of the three-year period, the records shall be kept until the end of the regular three-year period, whichever is later. | Yes |

| Federal / State / County | Governed By | Regulation Snippet(s) | Compliant (Yes/No) |
|--------------------------|---|--|--------------------|
| State | Welfare and Institutions (W&I) Code, Section 10851 (a) | Each county shall establish and maintain a case record for each public social services case and shall retain the record for a period of three years. The three-year retention period begins on the date on which public social services were last provided. The records shall be retained beyond the three-year retention period when the county is notified by DHCS to retain records for a longer period of time | Yes |
| State | CDSS Manual of Policies and Procedures (MPP), Operations Section 23-353.6 | <p>The general statute in California (Welfare and Institutions Code Section 10851) requires that public social service records (aid and services) be maintained for three years from the last date of aid or services. Federal law requires that case records which provide the basis for fiscal claims are to be retained for three years, starting on the day the state submits the last expenditure report to HHS for the period.</p> <p>Warrant registers must be retained for fifteen years. County welfare warrants must be retained for five years.</p> | Yes |
| State | All County Letter (ACL) No. 15-26 | This ACL is a reminder of the legal requirements for records retention and the identification of certain records, which require extended retention periods. This ACL references ACL 11-08. | Yes |

| Federal / State / County | Governed By | Regulation Snippet(s) | Compliant (Yes/No) |
|--------------------------|-----------------------------------|--|--------------------|
| State | All County Letter (ACL) No. 11-23 | The purpose of this ACL is to provide information to all adoption agencies performing (domestic and intercountry) agency and independent adoptions regarding what constitutes an adoption case record and the length of time adoption case records, and related records, are required to be stored by the agency as well as acceptable methods of storage. Related records are considered to consist of expired personnel records, disrupted adoptive placement case files, Adoption Assistance Program (AAP) files and Private Adoption Agency Reimbursement Program (PAARP) records. | Yes |
| State | All County Letter (ACL) No. 11-08 | <p>This ACL is a reminder of the legal requirements for records retention and the identification of certain records, which require extended retention periods.</p> <p>Generally, the regulations require that all public assistance (23-353), social service (10-119.2), and administrative claiming (25-815.38) records and their supporting documents be retained for three years from the date the State submits the last expenditure report to the Federal Department of Health and Human Services (DHHS).</p> | Yes |
| State | All County Letter (ACL) No. 11-15 | Permanent retention for Foster Care, Kin-Gap, and Adoptions Assistance cases. | Yes |

| Federal / State / County | Governed By | Regulation Snippet(s) | Compliant (Yes/No) |
|--------------------------|---|---|--------------------|
| State | All County Welfare Directors Letter (ACWDL) No. 07-13 | The electronic documents must be accurate reflections of the originals and must remain accessible for reference over the retention period otherwise required for that particular record. Counties must properly archive and back up the electronic records. Counties are not precluded from destroying the paper documents after conversion to electronic records. | n/a |
| State | MEDI-CAL ELIGIBILITY PROCEDURES MANUAL, Section 2G | The general statute in California (Welfare and Institutions Code Section 10851) requires that public social service records (aid and services) be maintained for three years from the last date of aid or services. It also provides that certain records in active cases may be destroyed after three years. Federal law (45 CFR Section 75.361) requires that case records which provide the basis for fiscal claims are to be retained for three years, starting on the day the state submits the last expenditure report to HHS for the period. In the case of supplemental expenditure reports this might require retention for a much longer period than three years. | Yes |