

Important 2022 Changes to California Regulations

As of January 1, 2022, changes went into effect for two existing California regulations that may impact your organization's Retention Schedule.

1. Government Code 12946

Modified as a result of SB807, which was signed into law on 9/23/2021, this change applies to all employers in California and extends the required retention period to four (4) years (previously 2 years) for "... any and all applications, personnel, membership, or employment referral records and files..."

Kaizen InfoSource cites this regulation in Retention Schedules for many personnel-related record categories (it appears as *CA – GOV 12946*).

If the retention for such categories in your Retention Schedule are already 4 years or longer, no immediate action is needed. However, if any of these categories has a retention of less than 4 years, you should take action to change the retention period.

2. Penal Code 832.5

Modified as a result of AB16, which was signed into law on 9/21/2021, this change will impact any California department or agency (e.g., municipalities, special districts) that employs peace officers. It pertains to records of internal investigations of complaints from members of the public against personnel employed by the law enforcement department or agency. The earlier regulation required that such records be retained for "... at least 5 years." The new requirement now splits such records into two categories:

- Retain for no less than 5 years those records "*...where there was not a sustained finding of misconduct...*"
- Retain for not less than 15 years those records "*...where there was a sustained finding of misconduct...*"

Kaizen InfoSource cites this regulation in Retention Schedules for Police and other law enforcement departments (it appears as *CA – PEN 832.5(b)*).

If your Retention Schedule includes a section for law enforcement, you should take action to split out a new category for investigation records where there was a sustained finding of misconduct and assign to this new category a retention period of 15 years.

Kaizen InfoSource can help you update your Retention Schedule. Our experience with all types of organizations and industries, our focus on effective governance, our emphasis on practical and achievable solutions, combines with our years as practitioners to help guide your organization's journey towards better compliance coupled with more efficient management of information.

For more information, please contact us at (805) 231-3026.

Thank you.