



# Memo

**Date:** February 6, 2019  
**To:** Priests, Deacons, Parish and Mission Staff, School and Chancery Staff  
**From:** Deacon Dennis Dorner, Chancellor  
**Re:** UPDATED—Notification of Litigation Hold—CONFIDENTIAL

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After engagement from our stakeholders, and back and forth discussions with our diocesan attorneys, we have agreed upon updated parameters to the USCCB Litigation Hold. Please see below for what is and is not covered under the Litigation Hold. These updates are meant to make the hold more practical and manageable for everyone.

Record/Non-Record types, electronic and paper drafts, versions, copies, and final documents, which **are covered** by the updated Litigation Hold include the following:

- All email and correspondence
- All information relating to Sexual Abuse of Minors
- All Child and Youth Protection/Safe Environments information
- All Clergy Personnel files (includes Seminarians, Deacons, Priests, Bishops, Religious, etc.)
- All Human Resources information, including Personnel files and Benefits files
- All Volunteer files
- All Payroll information
- Any Financial information relating to settlements for cases of Sexual Abuse of Minors

Some examples of records/non-records **not** covered by the Litigation Hold (unless specifically mentioning Sexual Abuse of Minors) include, but are not limited to the following: \*\*

- Surplus Church Bulletins, Georgia Bulletins, or other AOA Publications
- Collection Envelopes
- Student produced work, such as homework or exams

- Accounts Payable/Accounts Receivable information, such as vendor invoices or utility bills

*\*\*While these records/non-records are not covered under the Litigation Hold, many of these do still fall under the Archdiocesan Retention Schedule. As always, all records past retention require approval for destruction. Please see our website for more information at <https://archatl.com/offices/archives/records-management/>.*

Please also see the updated Litigation Hold FAQs and Guidelines attached with this Memo.

At this time, we are not required to collect or produce information, only to preserve information. Should you have any questions related to the content of the Litigation Hold itself, please do not hesitate to contact the Office of the Chancellor at [chancellor@archatl.com](mailto:chancellor@archatl.com).

If you need assistance in managing your records or information for the duration of this preservation request or if you are unsure if your records are covered by the Litigation Hold, please contact the Office of Archives and Records at [records@archatl.com](mailto:records@archatl.com) or 404-920-7690.

## USCCB LITIGATION HOLD FAQs

Contact the Office of Archives and Records with questions:

[records@archatl.com](mailto:records@archatl.com)

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**1. How long will this Litigation Hold last?**

**A:** *We do not know. Litigation Holds may last for weeks, months, or years. We will keep everyone posted when we have updates. You will receive a Memo as soon as the Litigation Hold is lifted that will then allow for normal disposition of records to continue.*

**2. Who must follow the Litigation Hold? Is it only Directors? Only full-time employees?**

**A:** *The Litigation Hold must be followed by anyone working in the Archdiocese of Atlanta, in any capacity, who handles records or information. This includes but is not limited to full-time employees, part-time employees, volunteers, contractors, interns, women religious, priests, deacons, and bishops. \*Please note, if your volunteer does not actually deal with records or information relating to your parish/school/mission/Archdiocese, then the Litigation Hold will not apply to them.*

**3. Are independent schools, Catholic Charities, GRACE Scholars, or other AOA-related entities required to follow the Litigation Hold?**

**A:** *Technically, no they are not. However, our diocesan attorneys think it would be in the entity's best interest to follow the Litigation Hold, or at the very least consider implementing a similar one within their organization.*

**4. Can we destroy documents that we regularly shred, such as old invoices, collection envelopes and worksheets, payroll worksheets, etc.?**

**A:** *Maybe. Please see the updated Memo from 6 February 2019 for information on which records/non-records are included in the Litigation Hold and for examples of the types of records not included in the Litigation Hold. If you are unsure if your records fall under the Hold, please contact [records@archatl.com](mailto:records@archatl.com) and we can assist you in determining that.*

**5. Can we destroy transitory information (scratch notes – either paper or digital, lists, project records, programmatic files, etc.), working files, or non-records (stock copies)?**

**A:** *Maybe. Please see the updated Memo from 6 February 2019 for information on which records/non-records are included in the Litigation Hold. Notes, drafts, version, working files and other transitory materials that relate to record groups under the Litigation Hold must not be destroyed. Please contact [records@archatl.com](mailto:records@archatl.com) if you need assistance in determining this.*

**6. Do I have to keep all these pamphlets or printed materials I ordered from an outside company (i.e. non-AOA produced)?**

**A:** *No. If the materials are not AOA-produced, such as USCCB pamphlets or materials from National Organizations, then they do not fall under the Litigation Hold. Spam email or junk mail (i.e. catalogs or vendor solicitations) or vendor voicemails can be thrown out as they do not fall under the Litigation Hold.*

**7. What about text messages or voicemails on my cell phone? Do they fall under the Litigation Hold?**

**A:** *Yes, voicemail and text messages on Archdiocesan or Parish/School provided equipment fall under the Litigation Hold as well if they relate to Personnel issues or to Sexual Abuse of Minors. If you have your office phone forwarded to a personal cell phone, those relevant voicemails also fall under the Hold. If the voicemails/text messages do not relate to Personnel issues or to Sexual Abuse of Minors, then they do not fall under the Litigation Hold and may be purged through regular disposition.*

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**8. If I work remotely and have files at home, either on a personal computer or printed in my home office, do those fall under the Litigation Hold?**

*A: Yes, any Archdiocesan files included under the Litigation Hold from 6 February 2019, no matter their location, fall under the parameters of the Litigation Hold. As a matter of practice, we do not recommend storing files, especially confidential files, related to AOA business in a home office or on a personal computer. Our recommendation is to arrange for remote access to your AOA work computer instead and do your work remotely that way, keeping your home printing to an absolute minimum. Printing to PDF or to a digital file and saving it on your work desktop is preferred.*

**9. What if I run out of storage space?**

*A: We recommend utilizing as much storage space available to you on-site at your location before contacting us for information about off-site storage solutions. The Office of Archives and Records is investigating storage options for paper records over the long-term and will communicate the options available once we have them. We are also in communication with our IT department regarding digital storage.*

# USCCB LEGAL HOLD GUIDELINES FOR MANAGING RECORDS

Contact the Office of Archives and Records with questions:

[records@archatl.com](mailto:records@archatl.com)

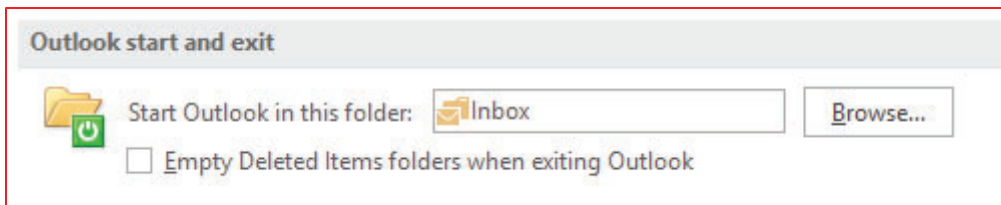
On December 21<sup>st</sup>, 2018, the Archdiocese of Atlanta communicated to all clergy, parishes, missions, and schools that we have initiated a total stop on destruction of materials. On February 6, 2019, we updated this stop on destruction to include **only the following items**:

- All email and correspondence;
- all information relating to Sexual Abuse of Minors;
- all Child and Youth Protection/Safe Environments information;
- all Clergy Personnel files (includes Seminarians, Deacons, Priests, Bishops, Religious, etc.);
- all Human Resources information, including Personnel files and Benefits files;
- all Volunteer files;
- all Payroll information;
- and any Financial information relating to settlements for cases of Sexual Abuse of Minors.

*Do not destroy drafts, copies, versions, notes, or duplicates of these records types. Do not destroy any emails or correspondence.*

## I. Managing Email

- a. **IT departments must halt any system-wide auto-deletion of email.**
- b. Individuals must turn off any auto-delete setting that you might have on your individual Outlook account:
  - i. The setting to automatically empty your “Deleted Items” folder when exiting Outlook is under Options> Advanced > “Empty Deleted Items folders when exiting Outlook.”
  - ii. Confirm the box is *unchecked*:



- c. Continue to manage email:
  - i. File attachments to appropriate work folders on your network drives.
  - ii. Keep important information in an FAQ document, spreadsheet, project folder, etc., rather than saving emails for reference.
  - iii. You may send emails to the Deleted Items folder as needed, but **DO NOT** “empty” this folder.
  - iv. Do not delete your Sent Items folder.

## II. Managing Electronic Files

- a. **Create a folder for past-retention records that will be destroyed once the hold is lifted.** EX: electronic payroll documentation past five years old
- b. Keep an ongoing Records Destruction Form for electronic records that will require permission to delete once the hold is lifted.

- c. *Remember that all work-related materials should live on the network, and not in your Desktop, Documents, local folders, home computers or other electronic devices and cloud storage spaces.*

### III. **Managing Paper Files**

- a. **Keep a box for past-retention records that will require permission for destruction once the hold is lifted. Place in a secure location if needed.** EX: paper copies of volunteer records that have been uploaded electronically to Sterling
- b. Clearly label and/or keep a [Records Destruction Form](#) taped to the outside of the box to tally what you will be destroying when the hold is lifted. You will submit the form as normal once the hold is lifted.
- c. *Confirm the boxes are clearly labeled.*

### IV. **Think Before You Print**

- a. Be extremely mindful of how much you print. Remember that any printed materials relating to the list of record types above cannot be thrown out or shredded, but must be saved for the duration of the Litigation Hold.