

PPM 490: Litigation Hold Notices

Responsible Officer:	UC ANR Information Practices Coordinator
Responsible Office:	Office of the Controller
Issuance Date:	11/12/2020
Effective Date:	11/12/2020
Last Review Date:	Not applicable (initial issuance of policy)
Scope:	UC Agriculture and Natural Resources (ANR)

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**Note: For links to referenced documents see
Section VI, *Related Information*, below.**

I. POLICY SUMMARY

- A. This section of the Policy and Procedure Manual (PPM) for the University of California (UC) Agriculture and Natural Resources (ANR) describes the local implementing procedures for Litigation Hold Notices issued by the Office of The General Counsel of The Regents (“General Counsel”). Litigation Hold Notices are also known as “Legal Holds” or as “Notices to Preserve Documents and Electronic Data.”
- B. The information provided in this section of the PPM is general in nature and does not address all of the different kinds of issues that may arise regarding Litigation Hold Notices. Please direct questions to the Information Practices Coordinator (contact information on page 1 above).

II. DEFINITIONS

- A. **Information Practices Coordinator:** The individual at each UC location responsible for administering responses to records requests, and providing guidance to constituents at their locations on matters related to the access, use, and disclosure of information maintained in administrative records.
- B. **Litigation Hold Notice:** A communication from General Counsel (or retained outside counsel), to UC employees instructing them to retain relevant hard copy and electronic documents. The purpose of the Notice is to prevent employees from destroying or altering such information within UC’s control, and to stop any routine destruction of relevant documents and data.

III. POLICY TEXT

- A. Litigation Hold Notices are issued by General Counsel to individuals at UC that are believed to have documents related to actual or anticipated litigation involving UC or a UC employee. Under the law, UC has an obligation to preserve information (a “duty to preserve”) that may be relevant to a lawsuit once it has a reasonable belief that litigation may be forthcoming.
- B. UC ANR personnel that are involved in a situation that may result in a lawsuit against the University or a University employee should consult with the Information Practices Coordinator (contact information on page 1 above), who will in turn consult with General Counsel if necessary.
- C. In the event of a Litigation Hold Notice proper preservation of evidence is important. UC may be subject to severe sanctions — which may include monetary penalties, adverse inference jury instructions, and default judgment or dismissal — in certain circumstances when evidence is destroyed.

IV. COMPLIANCE / RESPONSIBILITIES

- A. **Vice President**

The Vice President is responsible for designating an Information Practices Coordinator to administer and implement this policy at UC ANR.

B. The Information Practices Coordinator

The Information Practices Coordinator is responsible for the administration and implementation of this policy at UC ANR. They are responsible to review Litigation Hold Notices, determine their disposition, advise UC ANR record holders, and to coordinate with General Counsel as appropriate.

V. PROCEDURES

A. UC ANR employees that receive a Litigation Hold Notice should do the following:

1. Immediately advise the Information Practices Coordinator (contact information on page 1 above) of the Litigation Hold Notice.
2. Follow all instructions of General Counsel provided in the Litigation Hold Notice.
3. Advise the Information Practices Coordinator of any questions or concerns regarding the Litigation Hold Notice. The Information Practices Coordinator will advise the UC ANR employee on any such questions or concerns, interfacing with General Counsel as may be necessary.
4. Advise the Information Practices Coordinator of any other individuals that may have relevant files.
5. As advised by General Counsel, act to locate all relevant documents and to store them in a safe place. In doing so, consider the following actual and/or virtual places where documents may be located.
 - Cubical or office file drawers
 - Centrally-located file drawers
 - On- or off-site stored files
 - Calendars and/or planners
 - Voicemail and text messages
 - Information on website(s), including blogs and social media
 - Instant messages
 - Email and email attachments in:
 - Inbox
 - Calendar
 - Sent folder
 - Deleted folder
 - Personal folder
 - Archive folder
 - Public folder
 - MS Office
 - Word files
 - Excel spreadsheets
 - PowerPoint presentations
 - Access databases

- Other applications, including videos and digital photographs
 - Hand-held devices (cellphones, iPads, tablets)
 - Computer hard drive (including network and local hard drives)
 - Laptops, flash drives, CD-ROM, DVD, or other external storage devices
 - Files saved on UC networks
 - Paper or electronic files stored at the employee's home
6. It is not sufficient to print paper copies of electronic records as they must be maintained in their original electronic format.
 7. Immediately suspend any and all routine purging, overwriting, re-using, deleting, or any other document destruction and deletion activities. Work with the UC ANR Information Technology unit as necessary to accomplish this.
 8. Do not forward any documents unless instructed to do so by General Counsel and/or by the Information Practices Coordinator. UC ANR's obligation is to locate and preserve, not to produce the documents. The production of the documents may come later if a lawsuit is filed. If General Counsel does request records, keep all original documents and provide only copies.
 9. Continue to preserve all relevant documents, including relevant documents created subsequent to the Litigation Hold Notice, until the Notice is released in writing by General Counsel. This should be done by creating separate mailboxes and files and segregating all future electronically stored information in these separate mailboxes and files. Once the Litigation Hold Notice has been released, document retention requirements revert back to UC's regular records retention schedule.

VI. RELATED INFORMATION

- [UC Records Retention Schedule](#)
- [UC ANR Information Technology](#)

VII. FREQUENTLY ASKED QUESTIONS

Not used.

VIII. REVISION HISTORY

Not used (initial issuance of policy).