

## Drones: Recordkeeping Requirements for Schools and Education Service Districts



Drones may be put to use at schools for a wide variety of reasons. A drone can be used to capture video or still imagery of large-scale extracurricular activities, such as football or band practice. They can be used to inspect buildings for maintenance issues. As they capture lots of data whenever they are used, drones may even be used for general safety or law enforcement purposes.

The Federal Aviation Administration (FAA) has the authority to regulate drones (also referred to as unmanned aerial vehicles, or UAVs).<sup>1</sup> The FAA generally provides rules regarding specific registration requirements for the use of some drones, as well as special requirements for the authorization of some drone flights. The FAA does not provide any regulations regarding the storage and retention of data collected by drones. However, Oregon's public records laws apply to the footage and data collected by drones at public educational institutions.

Oregon's public records laws exist to ensure that all public records of value - for administrative, legal and a wide swath of research reasons - are preserved for an appropriate amount of time.<sup>2</sup> The law imposes a responsibility on political subdivisions of the state, including educational institutions, to ensure the proper retention of public records. This is so that the retention of records will meet the various needs of the legislature, the state, other political subdivisions, and citizens. Oregon's Administrative Rules provide for specific descriptions of records that must be retained, as well as specific timelines for the retention of each kind of record.<sup>3</sup> The retention requirements range from a few months to permanent.

The Secretary of State provides rules specific to educational service districts and school districts regarding record retention. While the Secretary's rules do not specifically refer to drone-captured footage, **data collected by drones should be treated as any other imagery or recording referred to in the rules. The content of the data is more important than the fact that the data was obtained by a drone.**

Therefore, the first step to determining how long data collected by drones should be retained is to identify what type of data it is based on the classifications created by the Secretary of State. Below is a non-exclusive list of data which drones may capture that needs to be retained, along with references to the relevant retention rule. The full retention schedule can be found on the Oregon Secretary of State's website.<sup>4</sup>

Finally, in addition to these guidelines, if any data a drone collects could be used in a legal investigation or insurance claim, it should be kept at least until the matter is resolved.

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<sup>1</sup> 49 U.S.C.A. § 44701.

<sup>2</sup> ORS 192.001

<sup>3</sup> OAR 166-400-0010

<sup>4</sup> [http://arcweb.sos.state.or.us/pages/rules/oars\\_100/oar\\_166/166\\_400.html](http://arcweb.sos.state.or.us/pages/rules/oars_100/oar_166/166_400.html)

**BUILDING AND GROUNDS MAINTENANCE:** OAR 166-400-0020

- Records documenting the condition, repair, and routine maintenance of school buildings. (3)
  - Minimum retention: **4 years.**

**SAFETY AND RISK MANAGEMENT:** OAR 166-400-0055

- Documentation of any accidents and injuries to students, faculty, staff, or visitors on school property or during school-related activities. (1)
  - Minimum retention: **3 years.**
- Property damage documentation, including before-and-after footage, or footage of the damage occurring. (15)
  - Minimum retention: **3 years after date of last action.**
- Safety inspection documentation, including of buildings, equipment, facilities, elevator and boiler inspections. (17)
  - Minimum retention: **10 years.**

**PERSONNEL RECORDS:** 166-400-0050

- Documentation of the investigatory process leading to a disciplinary action, including termination, suspension, and other progressive disciplinary action. (7)
  - Minimum retention for records documenting termination: **10 years.**
  - Minimum retention for records of unfounded investigations and records documenting other disciplinary actions: **3 years after resolution.**
- Documentation of the decision to administer reasonable suspicion drug testing. (8)
  - Minimum retention, if test results are positive: **5 years.**
  - Minimum retention, if test results are negative: **1 year.**
- General personnel records, including in-service training records, performance evaluations, grievance and complaint records, and disciplinary records. (11)
  - Minimum retention for personnel actions: **75 years after date of hire.**
  - Minimum retention, all other records: **3 years.**
- Photos and other records used to identify employees, private security personnel, contract workers and others. (20)
  - Minimum retention: **Until superseded or obsolete.**

### **ADMINISTRATIVE RECORDS:** 166-400-0010

- General documentation of employee and volunteer activities. (2)
  - Minimum retention: **2 years.**
- Documentation of school programs, services, projects, operations, activities, and student achievements. (33)
  - Minimum retention for annual reports and studies with historical value or policy implications: **Permanent.**
  - Other reports or studies: **5 years.**
- Documentation of special events and celebrations. (39)
  - Minimum retention of records documenting significant aspects of the event: **Permanent.**
  - Minimum retention of all other records: **2 years after event.**

### **STUDENT RECORDS AND MISCONDUCT:** OAR 166-400-0060

- Recording of students participating in athletic events, and athletic event and team publicity. (2)
  - Minimum retention: **5 years after school year records were created.**
- Documentation of major student behavioral infraction, resulting in the suspension or expulsion of a student. (4)
  - Minimum retention: **Until student turns 21.**
- Documentation of minor student behavioral infraction. (5)
  - Minimum retention: **Until end of school year.**

### **TRANSPORTATION:** OAR 166-400-0065

- Reports of vandalism and other incidents occurring on or near school buses. (2)
  - Minimum retention: **1 year after school year records were created.**
- Documentation of the process of establishing and monitoring bus routes and schedules. (3)
  - Minimum retention for annual bus route reports: **5 years after school year in which records were created.**
  - Minimum retention for all other records: **1 year after school year in which records were created.**