

# Drones:

## Recordkeeping Requirements for Community Colleges



Drones may be put to use at educational institutions for a wide variety of reasons. A drone can be used to capture video or still imagery of large-scale extracurricular activities, such as sporting events or other large gatherings. They can be used to inspect buildings for maintenance issues. As drones capture lots of data whenever they are used, they may even be useful 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 or indefinite.

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. On the opposite page, a non-exclusive list of data which drones may capture that needs to be retained follows, 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>

In addition to these guidelines, if there is a chance any data a drone has collected 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 166-450-0010

<sup>4</sup> [http://arcweb.sos.state.or.us/pages/rules/oars\\_100/oar\\_166/166\\_450.html](http://arcweb.sos.state.or.us/pages/rules/oars_100/oar_166/166_450.html)

**ADMINISTRATIVE RECORDS:** 166-450-0005

- Documentation of school programs, services, projects, operations, activities, and student achievements. (3)
  - Minimum retention: **5 years.**
- Documentation of significant events in college or department's past. (8)
  - Minimum retention: **Permanent.**

**OSHA EMPLOYEE SAFETY TRAINING RECORDS:** 166-450-0110

- Annual risk factor reports from the insurance company. (2)
  - Minimum retention: **10 years.**
- Safety inspection records, including internal and external inspections. (4)
  - Minimum retention: **10 years.**

**CHILD CARE RECORDS:** 166-450-0015

- Documentation of accidents at college child care centers. (2)
  - Minimum retention: **1 year.**

**BUILDING AND GROUNDS MAINTENANCE:** OAR 166-450-0040

- Contracts or agreements regarding construction, alteration, or repair. (1)
  - Minimum retention: **10 years after substantial completion.**
- Other, non-contract or agreement records (e.g. safety inspections). (1).
  - Minimum retention: **life of the structure.**

**PERSONNEL RECORDS:** 166-450-0090

- Grievance records including grievances brought by or against faculty, staff, students and people outside the college. (10)
  - Minimum retention: **5 years after resolution.**
- General personnel records, including in-service training records, performance evaluations, complaint records, and disciplinary records. (11)
  - Minimum retention for personnel actions: **75 years after date of hire.**
  - Minimum retention for complaint and disciplinary records: **3 years.**
  - Minimum retention, all other records: **3 years.**

**RISK MANAGEMENT:** OAR 166-450-0105

- Documentation of any campus-related accidents and injuries to students, faculty, staff, or visitors, or damages to property. (1)
  - Minimum retention: **5 years.**
- Insurance claims filed by students, faculty, staff or visitors. (6)
  - Minimum retention, property claims: **5 years after all claims are settled or closed.**
  - Minimum retention, personal claims: **10 years after all claims are settled or closed.**

**STUDENT HOUSING:** OAR 166-450-0115

- Student housing incident reports relating to injury and vandalism.
  - Minimum retention: **1 year after case closed.**