

Moda Record Retention Policy

I. Overview

The Records produced and maintained by Moda are important assets, but at some point retaining such Records is no longer necessary or useful to its operations. The primary goal of this Record Retention Policy is to identify both the legal and operational Record retention requirements. This policy establishes a uniform policy for the retention, maintenance, and destruction of Records maintained by Moda.

This Record Retention Policy is subject to review on an annual basis. All departments will implement the retention periods, and all employees are expected to fully comply with this Retention Policy. Supervisors will be responsible for ensuring that their teams comply with this Retention Policy.

II. Definitions

Record: letters, words, sounds or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photographing, magnetic impulse, mechanical or electronic recording, or other form of data compilation

Official Record: the original record produced or the sole copy of a Record

Total Retention Period: the length of time a Record must be stored and maintained to satisfy business or legal requirements

On-Site Retention Period: the length of time a record is stored at a Moda facility

Off-Site Retention Period: the length of time a record is stored

Written Correspondence: letters, facsimile transmissions, emails

III. Retention Periods

All records produced by Moda will fall into one of four categories:

Permanent: There are some Records that relate to Corporate and Accounting purposes that must be retained permanently. Most Records, even in those departments, will not have that requirement.

10 years: The majority of Records produced and received by Moda will have a 10 year retention period. These include documents related to Medicare, Medicaid, the Federally-facilitated Marketplace, and all other commercial business related documents that could be valuable to Moda. All contracts must be retained for 10 years past the contract end date, and appeals retained for 10 years from the date the appeal is closed. In addition, unless otherwise specified, all licenses must be retained for 10 years following its expiration date.

3 years or less: Some Records are created for internal use only and have either no legal retention requirement or a retention requirement that is not more than 3 years and may have some value to

Moda. Many human resource Records, such as I-9 forms fall within this category. These Records will be retained for 3 years or less depending on the specific needs of the affected department.

Destroy within 1 year or immediately: Some Records have no legal retention requirements and are of little or no value to Moda. For example, emails setting a time to meet would fall within this category. These Records generally should be destroyed immediately, but in no case should they be kept for more than 1 year. Records falling within this category should not be sent to the offsite storage facility.

IV. General Rules – All Departments

All Records created in the course of business are the property of Moda and must be retained and destroyed in accordance with this Retention Policy. It is the responsibility of Directors, Managers, and Supervisors to ensure that their departments and teams comply with this Retention Policy. The failure to retain Records in compliance with this Retention Policy could subject Moda to penalties and fines. The following general rules apply to all departments:

- Records retained on site: each Record must be labeled with the name of the department and the relevant destroy date
- Record retained permanently: must be labeled “PERMANENT” and include the name of the department
- Each box that is sent to the offsite facility storage must indicate when it should be destroyed or if it is to be retained permanently, and must include the name of the department
- All requests for documents to be delivered by or returned to Archive must be submitted to towerfacilities@modahealth.com no later than 3:00 P.M. every Tuesday. Delivery or pick up will occur no later than 5:00 P.M. the following day (Wednesday)

When an employee leaves Moda, his or her immediate supervisor must organize the employee’s Records in accordance with this Retention Policy. Any personnel Records that are maintained by Executives, VPs, Directors, Managers, or Supervisors on members of their teams should be sent to the Human Resources department when the employee leaves Moda. Employees must not store any Record (electronic or hardcopy, official or copy) at their residence unless it was given to them specifically for their personal Records, such as a performance appraisal.

V. Electronic Records

Retention periods are determined by the function and content of the Record, and not by the form in which it has been captured. Federal law allows departments to scan all paper documents and convert them to an electronic form as long as the original content of the Record is not altered.

- Records only need to be maintained in one format, as opposed to multiple formats (i.e. paper and scanned) and electronic Records are preferred
- Only one copy of each Record must be retained
- The retained Record should be the original record produced, or, if it is not available, the one and only copy deemed to be the Official Record

VI. E-mail & Other Written Correspondence Retention

Like any other business Record, all e-mail and other written correspondence created in the course of business is the property of Moda and must be retained and destroyed in accordance with this Retention Policy. E-mail and other written correspondence is a discoverable record, it is not private, and it also has the potential to be permanent. As a general rule, employees should not send any message via e-mail or other written correspondence that they are not comfortable seeing again in court.

- Only one copy of each e-mail or other written correspondence should be retained
- The Official Record is the sender's copy, all other copies are duplicates
- It is the sender's responsibility to classify each e-mail or other written correspondence according to the categories above
- If the e-mail or other written correspondence comes from an outside source, then the initial recipient will hold the Official Record and classify it according to the categories above

VII. Method of Destruction

Record destruction will occur in January of each year. Moda's offsite storage facility will generate a report every January indicating all boxes that have completed the retention period in the previous year, and these boxes will be cleared for destruction. For Records stored on site, each department must sort through its Records each January and destroy the Records that have satisfied the Total Retention Period. Documentation of all Record destruction must be retained permanently in each department, with the exception of e-mail; the documentation must include a brief description of the Record, and the date on which it was destroyed.

- Paper records: must be shredded or recycled depending on the content Contact Facilities to order extra Docu-Shred bins as needed for the yearly destruction.
- Electronic Records stored in the system: must be deleted and purged at the end of their retention periods.
- Records stored on magnetic tape: the tapes will be added to the scratch pool, and written over when the retention period has ended.
- Records stored on optical platters: must be placed in a separate Docu-Shred bin when the retention period has ended, and they will be physically destroyed.

VIII. Suspension of Destruction

Certain Records must be retained if litigation or an investigation is pending or imminent. Litigation is imminent if another party has given notice of its intent to pursue legal action through a lawsuit, mediation or arbitration. Likewise, an investigation is imminent if Moda has received notice from the government that an investigation will take place [NOTE: an investigation is not the same as a request for information]. Upon notice of legal action or investigation, a litigation hold will be transmitted to all applicable persons. If a litigation hold message is transmitted, the destruction of all Records relevant to the litigation or investigation must immediately cease regardless how long the Records have been kept.