

Structural Resolution: *CLR* Confidentiality and Document Retention Policies

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Overview: The *California Law Review (CLR)*'s membership deals with sensitive documents, including the intellectual property of the organization's authors and students' personal information. The proposed *California Law Review* Confidentiality Policy and *California Law Review* Document Retention Policy collectively aim to protect the privacy of our membership and the copyright protections of the articles we work on.

Proposed Change: This structural resolution is proposing two policies with similar aims, the *California Law Review* Confidentiality Policy and *California Law Review* Document Retention Policy. Each policy is explained in great detail below.

Advantages:

- Provides clear expectations for membership about confidentiality and document retention.
- Promotes the sharing of documents fairly freely within *CLR*.
- Creates clear guidelines for future Executive Committees, reducing variance in document retention practices in *CLR*.

Disadvantages:

- Password protecting documents and storing documents in Box creates some level of inefficiency. Information will not be as readily available as it used to be on *CLR*.
- Future iterations of *CLR* may create new documents that they would like to deem confidential. Doing so would require updating this policy.

California Law Review Confidentiality Policy

- I. Authority:** Pursuant to Section 4.3 of Article IV of the *California Law Review* Bylaws, members must complete established membership requirements, and any material change to membership requirements must be approved by a vote of the members.
- II. Purpose:** The purpose of the *California Law Review (CLR)* Confidentiality Policy is to clarify the expectation of confidentiality for our membership. This policy aims to protect the privacy of our membership and to respect the copyright protections of the articles we work on.
- III. Policy:** The following documents, whether stored in the *CLR* Google Drive or elsewhere, are confidential and may not be disclosed or shared with anyone who is not a current *CLR* member, a current member of *CLR*'s Board of Directors, or a current *CLR* staff member. All members agree to allow the current Editor-in-Chief (EIC), Managing Editor (ME), or any person authorized by the current EIC or ME to monitor access of any confidential documents for the purposes of ensuring members' compliance with this policy.
 - A. Editorial work, including transition memos and any drafts of articles accepted or considered for publication.
 - B. Student feedback and evaluation forms.
 - C. Documents containing contact information, including phone numbers, emails, and addresses of current or former members.
 - D. Application materials or documentation relating to the current or any previous Write-On competition.
 - E. Application materials for any current or past Editorial Board or Executive Committee election.
 - F. Email communications, documents, or meeting agendas marked confidential by a member of the Executive Committee, or records of email communications marked confidential, sent from any Editorial Board or Executive Committee member to any other current member(s) or prospective member(s) about any matter concerning the *California Law Review*.
- IV. Exceptions:** There are a few exceptions to this policy.
 - A. This policy does not apply to the distribution or sharing of materials or emails related to *editorial* work with authors seeking or who have secured an offer of publication with *CLR* that members have expressly or impliedly been authorized to share by the leader of their department. This means members can communicate freely with the author whose piece they are editing.
 - B. This policy does not apply to the sharing or disclosure of documents or information for the sole purpose of transitioning between the outgoing and incoming Editorial Board, Executive Committee, or established *CLR* Committees.
 - C. This policy does not apply to any of the Executive Committee's efforts to advertise or promote the Write-On competition.
 - D. The active *CLR* Editor-in-Chief or Managing Editor may provide express written authorization for any non-enumerated exceptions that they deem necessary.
- V. Time Frame:** This duty of confidentiality is indefinite and continues after the conclusion of a member's term on *CLR*.

California Law Review Document Retention Policy

- I. Authority:** Pursuant to Section 4.3 of Article IV of the *California Law Review* Bylaws, members must complete established membership requirements, and any material change to membership requirements must be approved by a vote of the members.
- II. Purpose:** The *California Law Review* (CLR)'s membership deals with sensitive documents, including the intellectual property of the organization's authors and students' personal information. The *California Law Review* Document Retention Policy aims to protect these documents and information by ensuring our members exercise due care and observe regular practices regarding the retention of sensitive documents.
- III. Retention of Application Materials:**
 - A. CLR does not store, and will continue to not store, any Write-On application materials following the conclusion of each year's Write-On process.
 - B. Members who apply for a position on CLR's Executive Committee, Editorial Board, or Holistic Review Committee will be given the opportunity to opt into CLR storing their election materials for the purpose of providing applicants in the following year sample materials. Upon the conclusion of the subsequent year's elections, all of the retained election materials are subject to deletion. All election materials for the Executive Committee, Editorial Board, and Holistic Review Committee will be stored on Box and will be password protected. CLR's Executive Committee will make reasonable efforts to redact phone numbers, names, and addresses if members have not done so already. Upon receiving a request from any CLR alumni that CLR delete any of their election materials, the Editor-in-Chief shall promptly comply.
 - C. CLR will not retain any recordings of election forums except from the time immediately following the election forum up to the end of voting for any given election.
- IV. Retention of Contact Information:**
 - A. CLR retains the contact information of current and former members for the purposes of alumni engagement and in the case of an emergency. This information will only be viewable to members who require this information to carry out their roles in the journal as determined by the Executive Committee.
 - B. All members may have access to contact information voluntarily provided by current members for the purposes of editorial work.
- V. Retention of Editorial Work:**
 - A. CLR indefinitely retains documents related to editorial work in the CLR Google Drive, including but not limited to drafts of articles and online columns, documentation of sources used in editorial work, and signed agreements between authors and the journal.
- VI. Responsibilities of Membership:** CLR members must delete all documents relating to the *California Law Review*, stored on their computer or anywhere other than the CLR Google Drive, within two months of the conclusion of their membership. Members may retain any of *their own* application materials, whether for the Write-On process or for an application for a leadership position within CLR. If the documents are necessary to complete ongoing editorial work beyond the completion of their term, members are expected to delete the documents as soon as practicably possible.

VII. Responsibility of the Executive Committee:

- A. The Editor-in-Chief and Managing Editor are responsible for overseeing that application materials for the Executive Committee, Editorial Board, and Holistic Review Committee are properly stored pursuant to this policy.
- B. The Senior Development Editor is responsible for overseeing the management, retention, and destruction of Write-On materials and individual Write-On applications.