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Policy on Transient Generic Data

Purpose: This policy clarifies that digitally-stored data generated or collected through the normal operation of a computer or information system are municipal records, which may only be destroyed or disposed of pursuant to Section 1133 of the New York City Charter. The policy further establishes a process by which agencies may delete such data following an adequate retention period, without requesting further approval.

Policy: All digitally-stored data and information made or received pursuant to law or ordinance, or in connection with the transaction of official city business are municipal records.¹ No records shall be destroyed or otherwise disposed of absent prior approval from: (1) the head of the agency which created or has jurisdiction over the records, (2) the Municipal Archivist, (3) the Corporation Counsel, and (4) the Commissioner of Records and Information Services.²

The Commissioner or the Department of Records and Information Services (DORIS), and the Corporation Counsel have determined that certain transient generic data generated through automatic computing processes may be disposed of without further approval subject to the following conditions:

- (1) the data are of a **transient generic** nature that are generated or collected automatically through the normal operation of a computer or information system;
- (2) the data are typically retained for an **adequate period** of time prior to automatic deletion; and
- (3) a process exists to extract and preserve certain data prior to automatic deletion when necessary.

Definitions: As used in this policy, the terms “**transient generic data**” and “**adequate period**” are defined as follows.

Transient Generic Data — Data that is automatically generated or collected by a computer or information system during normal operation, and which is intended primarily to assist with managing the computer or information system. Such data should **not** be directly related to an agency’s business, nor generated or stored in furtherance of the agency’s business functions. Such data is also typically stored for only a limited period before it is deleted or overwritten by the host system without input or notification to the user.

- For example, this policy would cover system or server log files, and browser history and cache files;
- This policy would **not** cover monitoring data collected from a mission-specific device such as a temperature or pressure gauge connected via the “Internet of Things (IoT)”.

¹ See New York City Charter Chapter 72, § 3011(2) (“Records’ means any documents, . . . sound recordings, machine readable materials or any other materials, regardless of physical form or characteristics. . . .”)

² See New York City Charter Chapter 49, § 1133(f).



Adequate Period — Sufficient time must elapse prior to automatic deletion to permit, through the regular business practices of the City, the identification of specific records as relevant and necessary, and then for those identified records to be manually preserved from automatic deletion. In the absence of other direction, the default retention period for transient generic data shall be either the default set by the system's vendor, or else **12 months** from the date of creation.

Process & Procedure: To comply with this policy, an agency must:

- (1) Designate a senior-level executive who will be responsible for applying this policy (typically the Chief Information Officer or Chief Technology Officer);
- (2) Ensure that transient generic data generated or collected by the agency is retained for an adequate period; and
- (3) Develop and maintain processes by which specific transient generic data may be identified for preservation and then copied or maintained prior to when it would otherwise be deleted.

Premature Deletion of Certain Transient Generic Data: A user or system administrator may delete, overwrite, or otherwise dispose of specific transient generic data before the expiration of the adequate period when doing so is necessary to the maintenance and operation of the computer or information system, **and** there has been no specific request for the preservation of such data.

- For example, a user may be instructed to clear their browser cache to improve browser performance, **provided that** the user's data is not covered by any legal hold or other preservation notice.