

**CALIFORNIA ARCHITECTS BOARD
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE**

INITIAL STATEMENT OF REASONS

Hearing Date: No hearing has been scheduled for the proposed action.

Subject Matter of Proposed Regulation: Abandonment of Applications, Retention of Candidate Files, and Application for Licensure Following Examinations

Sections Affected: 2611, 2611.5, and 2616 of Article 1 of Division 26 of Title 16 of the California Code of Regulations (CCR)¹

Background and Problem Statement

The Landscape Architects Technical Committee (LATC) licenses landscape architects. LATC receives approximately 550 applications for licensure a year. To be licensed, applicants must obtain an eligibility letter from the LATC to take the Landscape Architect Registration Examination (LARE) and within five years of that letter being issued, begin taking one or more sections of the LARE. Following passage of the LARE, candidates must obtain an eligibility letter from LATC to take the California Supplemental Examination (CSE) and within three years of that letter, take the CSE. Applicants that fail a section of the LARE can retake a section not passed, so candidate files can remain open for several years while an applicant attempts to pass all sections of the LARE. LATC presently has approximately 200 open candidate files that are beyond five years of the date of their eligibility letter which LATC staff must store and keep open, reducing staff efficiency.

As a result of legislative reorganization, the LATC, established on January 1, 1998, replaced the former Board of Landscape Architects and was placed under the purview of the California Architects Board (Board). Business and Professions Code (BPC) section 5630 authorizes the Board to adopt, amend, or repeal rules and regulations that are reasonably necessary to carry out the provisions under the Landscape Architects Practice Act (Chapter 3.5 of Division 3 of the BPC). Currently, LATC does not have an established process in regulations for the retention and purging of candidate files, and the regulation on application for licensure following examination needs clarifying revisions.

LATC'S regulations do not currently provide guidelines for the abandonment of an eligibility application to take for the LARE or the CSE, nor define the abandonment of an application submitted to the LATC for processing. Currently, LATC'S regulations do not address when a candidate is deemed to have abandoned their application for licensure, which is causing confusion for applicants and results in unnecessary and burdensome extra staff work.

¹ All CCR references are to title 16 unless otherwise noted.

At its February 5, 2020 meeting, the LATC proposed to amend CCR section 2611 to include the abandonment of an eligibility application for the LARE or the CSE, and further define the meaning of abandonment of applications; to adopt CCR section 2611.5 to clarify the LATC's processes for the retention and purging of candidate files; and to amend the language of CCR section 2616 to address when a candidate is deemed to have abandoned their application for licensure while assuring applicants and the public that staff will follow the law regarding the preservation of government records. At its February 28, 2020 meeting the Board voted to adopt the proposed amendments to CCR sections 2611 and 2616 and the proposed adoption of CCR section 2611.5

Specific Purpose, Anticipated Benefit, and Rationale:

CCR Section 2611 – Abandonment of Application

Amend CCR Section 2611, subdivision (a)

Purpose: CCR section 2611, subdivision (a) is being amended to provide that an application for licensure may be deemed abandoned if the applicant does not submit requested additional information and license fees or comply with applicable criminal history record check requirements. This section is being further amended to clarify that the abovementioned requirements must be submitted by the date that is one year after the date of the letter notifying the applicant of the incomplete application or requesting additional information.

Anticipated Benefits: The Board anticipates that the revisions to CCR section 2611, subdivision (a) will make the definition of abandonment of an application easier for candidates to understand and provide a clear guide for candidates to determine when and how their application will be considered abandoned. The proposed revisions will also reduce the candidate files that Board staff must store and keep open, improving Board staff efficiency.

Rationale: The Board has found what constitutes an incomplete application needs clarification, as well as clarification of when an application is considered abandoned. Listing all items needed to complete a license application was added to make clear that an application is considered incomplete if the license fees are not submitted with the application, if the applicable criminal history record check is not completed, and/or if the Board requests additional information regarding the application. If a candidate does not submit the necessary documents or response needed to complete the application within one year, that application will be considered abandoned. Board staff has not had clear guidelines as to when an application is considered abandoned, and a backlog of open and likely abandoned candidate files has developed. The Board clarified language regarding when the existing one-year countdown begins by specifying that it begins the day after the date of the notification to the candidate that their application is incomplete or in which additional information is requested. This proposal is necessary to provide a definition for the abandonment of an application for licensure and to provide transparency for applicants applying for licensure.

Amend CCR Section 2611, subdivision (b)

Purpose: CCR section 2611, subdivision (b) is being amended to divide this subdivision into two parts: (b)(1) addressing abandonment of an eligibility application for the Landscape Architect Registration Examination (LARE) and the California Supplemental Examination (CSE), and (b)(2) addressing the criteria used to determine when an examination application that has been accepted is deemed to be abandoned by the applicant.

Anticipated Benefits: The Board anticipates that dividing this subdivision into two parts will provide transparency, clarity, and notice to applicants as to when and how their applications will be considered abandoned.

Rationale: This proposal is necessary to provide clarity on the definition of abandonment of an examination application, whether accepted or not, and the rationale for each subdivision is discussed below.

Add CCR Section 2611, subdivision (b)(1)

Purpose: CCR section 2611, subdivision (b)(1) is being added to provide the definition for the abandonment of an eligibility application to take the LARE and the CSE. The language proposed is consistent with the definition in subdivision (a).

Anticipated Benefits: The Board anticipates that the adoption of CCR section 2611, subdivision (b)(1) will provide a definition of the abandonment of an eligibility application and make it clear to candidates how to determine when an eligibility application will be considered abandoned. Applicants will be on notice that they must complete their application and, if applicable, submit all requested information and required fees by the date that is one year after the date of the letter notifying the applicant of the deficiencies.

Rationale: Applicants for licensure are required to take the LARE or CSE, and the first step in taking those exams is filing an eligibility application with the Board with the required accompanying documents, data, information, and fees. The Board has found itself storing abandoned eligibility applications, and a number of these files are several years old. The Board is establishing a cutoff as to how long eligibility applications must be retained to reduce the waste of staff time and the difficulties of storage. In the Board's experience, eligibility applicants that do not provide all the information, data, documents, and fees required within one year after the date of their notification letter rarely ever complete their eligibility application. The Board chose the span of a year as a reasonable length of time, measured from when a candidate learns by letter either that their eligibility application was incomplete, or that the Board is requesting additional information. This proposal is necessary to provide a definition for the abandonment of a submitted eligibility application for the LARE and CSE where the applicant was notified by letter the application was incomplete, or that additional information was requested.

Amend CCR Section 2611, subdivision (b)(2)

Purpose: Existing CCR section 2611, subdivision (b) is being amended as subdivision (b)(2) to include the abandonment of an application for the LARE that has been accepted because the existing regulation inadvertently excluded application to take the LARE. Further amendments are made to clarify that accepted eligibility applications will be deemed abandoned if the applicant has not, during the appropriate time periods, completed the actions set out in paragraph (b)(2)(A) for the LARE or (b)(2)(B) for the CSE, as applicable.

Anticipated Benefits: The Board anticipates that amending CCR section 2611, subdivision (b)(2), will provide clarity to applicants submitting eligibility applications for the LARE as to when their accepted application will be considered abandoned, and that eligibility applications are deemed abandoned if the applicant does not complete the applicable actions set out in either paragraph (b)(2)(A) for the LARE or (b)(2)(B) for the CSE.

Rationale: This proposal is necessary to add the definition of abandonment of an accepted eligibility application for the LARE due to LARE eligibility applications having been inadvertently excluded in the existing regulation. The amendments further clarify that accepted eligibility applications will be deemed abandoned as described in detail in paragraphs (b)(2)(A) for the LARE, or (b)(2)(B) for the CSE.

Add CCR Section 2611, subdivision (b)(2)(A)

Purpose: CCR section 2611, subdivision (b)(2)(A) is being added to provide the circumstances in which an accepted eligibility application for the LARE is deemed to be abandoned. An accepted eligibility application for the LARE is deemed to be abandoned by the applicant if they have not taken a section of the examination within five years from the date an eligibility letter was issued, or the last date on which the applicant took a section of the examination, whichever is later.

Anticipated Benefits: The Board anticipates that adding section 2611, subdivision (b)(2)(A) will provide transparency and clarity to LARE applicants of the criteria used to determine abandonment of their application.

Rationale: This proposal is necessary to clarify the circumstances in which the Board will consider an accepted eligibility application for the LARE abandoned by the applicant, which is consistent with the language in CCR section 2620(d)(2) stating the Board will retain inactive applications for five years. The proposal is also consistent with the existing language in this section regarding when the Board considers an accepted eligibility application for the CSE abandoned by the applicant.

Amend CCR Section 2611, subdivision (b)(2)(B)

Purpose: Portions of existing section 2611, subdivision (b) are being amended to become subdivision (b)(2)(B) to provide the circumstances when an accepted eligibility application for the CSE is deemed to be abandoned. An accepted eligibility application

for the CSE is deemed to be abandoned by the applicant if they have not taken the examination within three years from the date an eligibility letter was issued or the last date on which the applicant took the examination, whichever is later.

Anticipated Benefits: The Board anticipates that amending portions of CCR section 2611, subdivision(b) to become subdivision (b)(2)(B) will provide transparency and clarity to CSE applicants of the criteria used to determine abandonment of their application.

Rationale: The Board considered the overall difficulty and when and how frequently an applicant can take the CSE when adopting the existing regulations. The proposed amendments clarify the existing standard while maintaining the already established 3-year timeframe. Accepted CSE applicants have three years from the date of their CSE eligibility letter, or three years from when they last took the CSE, whichever is later, before the Board would consider their accepted CSE eligibility application abandoned. This proposal is necessary to provide the criteria used by the Board when considering whether an accepted CSE eligibility application is considered abandoned by the applicant and the three years' timeframe is consistent with current language.

Amend CCR Section 2611, subdivision (c)

Purpose: CCR section 2611, subdivision (c) is being amended to clarify the procedures and requirements for an applicant submitting an application after a former application is abandoned. Subdivision (c) provides that an applicant submitting a new application shall submit all required information and accompanying materials that would be submitted by a first-time applicant, regardless of whether the information and materials were previously included with the former application. Subdivision (c) is also being amended to clarify that an abandoned application will be retained in the applicant's candidate file until it is purged pursuant to CCR section 2611.5.

Anticipated Benefits: The Board anticipates that amending CCR section 2611, subdivision (c) will provide transparency and clarity to all applicants on the procedures and requirements for the submission of an application subsequent to the abandonment of a former application. It will also provide clarity on the retention of the submitted applications in the applicant's candidate file. The Board anticipates that this will also increase staff efficiency.

Rationale: The Board has determined that it is inefficient and a poor use of staff time for staff to have to search for documents related to previously abandoned applications. This proposal is necessary to notify applicants of the procedures and requirements for the submission of an application subsequent to the abandonment of a former application and make clear the retention policy for handling abandoned applications in the applicant's candidate file.

CCR Section 2611.5 – Retention of Candidate Files

Adopt CCR Section 2611.5, subdivisions (a)(1) and (a)(2)

Purpose: The purpose of adopting CCR section 2611.5, subdivisions (a)(1) and (a)(2) is to provide the definitions of the terms: (1) “candidate file,” which is defined as the file maintained by the Board relating to the candidate’s eligibility for examinations or licensure and previous examinations taken; and (2) “examination,” which is defined as an examination necessary for licensure.

Anticipated Benefits: The Board anticipates that adopting CCR section 2611.5, subdivisions (a)(1) and (a)(2) will provide clear definitions of the terms “candidate file” and “examination” in the context of the Committee’s retention of candidate files.

Rationale: Staff has found that the Committee’s retention schedule references a candidate’s file and examination and the Board anticipates by providing a clear definition of these two terms and adopting CCR section 2611.5 and amending CCR sections 2611 and 2616, it will clarify the retention process for candidates and increase staff efficiency. This proposal is necessary to define the terms “candidate file” and “examination” in providing the Board authority for retaining and purging candidate files.

Adopt CCR Section 2611.5, subdivisions (a)(3), and (a)(3)(A) through (a)(3)(G)

Purpose: The purpose of adopting CCR section 2611.5, subdivision (a)(3) is to define the term “inactive” which is further broken down in subparagraphs (A)-(D) to provide the various criteria used to determine whether a candidate is considered to be “inactive.” Subparagraphs (A)-(D) provide that a candidate will be considered “inactive” if they have not:

- (A) Submitted an eligibility application for an examination. For purposes of this subparagraph, “submitted” means that the Board has received the application;
- (B) Responded in writing to an issued or mailed notice from the Board that their eligibility application is incomplete or a request from the Board for additional information. For purposes of this subparagraph, “responded” means that the Board has received the candidate’s response.
- (C) Taken an examination. For purposes of this subparagraph, “taken an examination” means that the Board has received the candidate’s examination results;
- (D) Applied for a license; or requested the Board retain their candidate file for an additional time. For purposes of this subparagraph, “requested” means that the Board has received the candidate’s request.

Anticipated Benefits: The Board anticipates that examination and license candidates will benefit from a clear definition of when the Board considers candidates to be “inactive” in the process of obtaining their landscape architect license. The above-described proposal clearly defines the circumstances under which the Board will consider a candidate to be inactive. This is important for candidates to understand because once a

candidate is determined inactive and other conditions are met, the Board may purge that candidate's file. Clarifying the circumstances under which the Board will consider a candidate inactive will also assist staff knowing when to begin the steps required to purge a candidate file.

Rationale: Staff has received inquiries from candidates trying to determine if LATC considers their application abandoned. Placing clear guidelines in regulations will benefit both applicants and staff. Staff has found no specific criteria is used to determine when a candidate becomes "inactive." The Board anticipates by adopting CCR section 2611.5 and providing a clear definition of an inactive candidate this will clarify the process for candidates and increase staff efficiency. The Board has determined that a candidate would be considered inactive if during the specified time period in which a candidate must complete a certain step, that step is not taken. These crucial steps are: submission of an application, responding in writing to the specified communication from the Board, taking an examination, and applying for a license or making a request to retain the candidate file for an additional time. These are the steps candidates must take and must take within specified period of time during the licensing process. The proposal is necessary to provide the definition of an inactive candidate which is the first determination the Board will make before following the steps for retaining and purging candidate files. Subparagraphs (A)-(D) are defined in such a way that the responsibility is placed upon the candidate to ensure that the Board is cognizant of the fact that they accomplished the required steps. This was done to eliminate claims that candidates have finished certain steps when the Board has not been provided with any evidence that establishes the steps have been completed.

Adopt CCR Section 2611.5, subdivision (b)(1)

Purpose: The purpose of adopting CCR section 2611.5, subdivision (b)(1) is to provide the schedule in which the Board shall retain the candidate file of a candidate who still needs to pass an examination necessary for licensure. This subdivision would state that the Board shall retain the candidate file unless (A) the file has been inactive for the previous five years, (B) the Board has mailed the candidate, at the candidate's last address known to the Board, notice of its intention to purge the file, and (C) the Board has waited at least six weeks after mailing to receive a request to retain the file for an additional time.

Anticipated Benefits: The Board anticipates that examination candidates will benefit from a clear schedule of when the Board will purge a candidate file for inactivity. The Board will also benefit from this proposal in having a clearly defined schedule that only requires maintaining records of active candidates.

Rationale: Staff has found there is not a definitive schedule for the retention of candidate files who have not completed all required examinations for licensure. The Board anticipates that adopting CCR section 2611.5, will provide a clear schedule and process for the retention of a candidate file and will clarify the process for candidates

and increase staff efficiency. The Board determined, given the overall difficulty and number of examinations needed, that accepted eligibility applicants should have five years from the date of their eligibility letter, or five years from when they last took an examination, whichever is later, before the Board will consider their accepted eligibility application abandoned and the candidate inactive. The Board also determined that prior to the purging of a candidate file, the candidate should be made aware of the Board's intention to purge their file and provide the opportunity to request the Board to retain their file for an additional amount of time. Lastly, the Board determined that when factoring in the various locations of candidates throughout the nation and the amount of time it takes the postal service to deliver mail, six weeks is sufficient to allow the candidate received notification of the Board's intent to purge their file and to provide a written request to the Board requesting their file be retained for an additional amount of time. The proposal is necessary to make clear the Board's process of purging candidate files on a clearly defined schedule, which is not currently in regulation. Candidates need to be made aware of the Board's schedule and procedures for retaining inactive candidate files.

Adopt CCR Section 2611.5, subdivision (b)(2)

Purpose: The purpose of adopting CCR section 2611.5, subdivision (b)(2) is to provide the schedule by which the Board shall retain the candidate file of a candidate who has passed each examination necessary for licensure. This subdivision establishes that the Board will retain the candidate file until the following dates, as applicable: (A) The date after which the Board would be prohibited from issuing a license to the candidate pursuant to CCR section 2616(b), or (B) the date on which the candidate is issued a license. Except as provided in subdivision (c), the Board shall purge the candidate file after that date described in paragraph (A) and re-designate the candidate file as a license file after that date described in paragraph (B).

Anticipated Benefits: The Board anticipates that license candidates will benefit from a clear schedule of when the Board purges candidate files for inactivity and an explanation of what becomes of candidate files when a candidate is issued a license. The Board will also benefit from this proposal by gaining a clearly defined schedule under which it only maintains records of active candidates and of re-designates candidate files to license files once an initial license has been issued.

Rationale: Staff has found there is no definitive schedule for the retention of candidate files of candidates who have completed all required examinations for licensure. The Board anticipates by adopting CCR section 2611.5 and providing a clear schedule and process for the retention of candidate files, this will clarify the process for candidates and increase staff efficiency. The Board also determined that once a candidate is issued a license the candidate file shall be re-designated as a license file since they are no longer a candidate but have become a licensee.

Adopt CCR Section 2611.5, subdivisions (c)(1) and (c)(2)

Purpose: The purpose of adopting CCR section 2611.5, subdivisions (c)(1) and (c)(2) is to provide the Board authority to retain a candidate's examination scores if they have been deemed to be inactive and their candidate file is purged. This subdivision also provides that this section is subject to section 12275 of the Government Code.

Anticipated Benefits: The Board anticipates that examination candidates will benefit from the Board retaining their examination scores, when the remainder of their candidate file will be purged, due to the Board accepting those examination scores should the candidate reapply for an examination or licensure subsequent to their candidate file being purged. This will also benefit the Board should an inactive candidate, whose candidate file has been purged, request a copy of their examination scores if seeking licensure within another jurisdiction.

Rationale: Staff has found that no matter when a candidate has taken one or more of the examinations, the scores will still be accepted should a candidate reapply with the Board. The Board anticipates that adopting CCR section 2611.5 will help candidates reapply and increase staff efficiency. The proposal is necessary to clarify that the Board may retain the examination scores of an inactive candidate. This proposal is also necessary to assure applicants and the public that board staff will follow the Government Code section concerning the destruction of records maintained by the Board.

CCR Section 2616 – Application for Licensure Following Examination

Amend CCR Section 2616, subdivision (a)

Purpose: The purpose of amending CCR section 2616, subdivision (a) is to add clarifying language to state that the LARE and CSE are “necessary for licensure.” It is also proposed to remove the language stating the date “of mailing of” examination results and replacing with the date “on which the candidate is provided” examination results. There will also be added language to clarify that the examination results being provided to the candidate are “indicating passage of the final examination necessary for licensure.”

Anticipated Benefits: The Board anticipates that initial license candidates will benefit from a clear definition of the date referenced when determining the length of time a candidate has to apply for licensure following the successful completion of the final examination necessary for licensure. The Board will also benefit from this proposal in determining when a candidate for licensure is no longer eligible to apply for licensure. License candidates will also benefit from the added language defining that the date referenced is the date of being provided the results of the final examination necessary for licensure.

Rationale: The Board has determined that additional language is necessary to reference that a candidate has five years from the date of being provided examination results indicating the candidate passed the final examination necessary for licensure to apply for licensure and not any preceding examinations necessary for licensure. This proposal is necessary to provide both the Board and license candidates a clear date on which to determine the length of time a candidate has to apply for licensure after being sent notice of passing the examinations.

Amend CCR Section 2616, subdivision (b)

Purpose: The purpose of amending CCR section 2616, subdivision (b) is to add clarifying language providing for the abandonment of an initial license application. Language is added to state that in addition to a candidate failing to apply for a license in accordance with subdivision (a), a candidate “whose most recent application as of the last day of the period specified in that subdivision is abandoned, withdrawn, or denied,” shall not be issued a license unless the candidate reapplies for a license and meets the requirements of subparagraphs (1)-(3).

Anticipated Benefits: The Board anticipates that initial license candidates will benefit from the clarifying language stating that even if they are applying for licensure in accordance with subdivision (a), they must still reapply for licensure should their most recent application for licensure be abandoned, withdrawn, or denied.

Rationale: The Board determined that it was necessary to add language for the abandonment, withdrawal, or denial of an application for initial licensure to provide clarity of the process for candidates. This proposal is necessary to provide for the abandonment, withdrawal, or denial of an application for initial licensure, as these scenarios are not specified in current language. This proposal is also in accordance with CCR section 2611, subdivision (c) which states that any application submitted subsequent to the abandonment of a former application shall be treated as a new application.

Underlying Data

1. February 5, 2020 LATC Meeting Agenda; Meeting Materials; and Meeting Minutes
2. February 28, 2020 Board Meeting Agenda; Meeting Materials; and Meeting Minutes

Economic Impact – Overview

There are approximately 3,740 licensed landscape architects in California. This proposal clarifies when examination and license applications are considered abandoned and how candidate files are retained and purged. The Board does not know the number of persons contemplating to apply to take licensure examination, or who intend to be candidates for licensure. The Board does not register landscape architecture

businesses thus the Board cannot estimate the number of businesses that may be impacted, or how many of the potentially impacted businesses are small businesses. The Board does not anticipate the creation or elimination of businesses from this rulemaking. The proposal seeks to clarify for examination applicants and license candidates when applications are considered abandoned and how candidate files are retained and purged. The Board anticipates that the proposal will improve individual candidate experiences but cannot speculate as to whether this proposal will eventually have an impact on landscape architect businesses.

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, due to the fact that the proposal only affects applicants who have been deemed to have abandoned their application and the retention of their candidate files, which will not create a significant economic impact.

Benefits

The Board anticipates that the minor and technical revisions, and the clarification of when examination and license applications are considered abandoned and how candidate files are retained and purged will improve the experience of applicants for examination and the experience for candidates for licensure. By improving this part of the licensing process, the Board anticipates that this proposal may benefit the health, safety, and welfare of Californians by improving the individual experiences of applicants and candidates and freeing up Board staff time to dedicate to other tasks. The Board does not anticipate this proposal will have an impact on worker safety or improve the state's environment. While difficult to quantify, this proposal improves the quality of life for Californians by improving the individual experience of applicants and candidates and by freeing up Board staff time to dedicate to other tasks.

The benefits of this proposal stem from Business and Professions Code (BPC) section 5651, which requires the Board, by means of examination, to ascertain the professional qualifications of all applicants for licenses to practice landscape architecture in this state and shall issue a license to every person whom it finds to be qualified on payment of the initial license fee. With this rulemaking, the Board seeks to clarify and simplify when examination and license applications are considered abandoned and how candidate files are retained and purged.

Economic Impact Assessment

This regulatory proposal will have the following effects:

- It will not create or eliminate jobs within the State of California because it affects applicants who have been deemed to have abandoned their application and the retention of their candidate files.

- It will not create new business or eliminate existing businesses within the State of California because it only affects applicants who have been deemed to have abandoned their application and the retention of their candidate files.
- It will not affect the expansion of businesses currently doing business within the State of California because it only applies to applicants who have been deemed to have abandoned their application and the retention of their candidate files.
- This regulatory proposal may benefit the public health, safety, and welfare by ensuring that candidates for licensure have taken and successfully passed updated examinations for licensure.
- This regulatory proposal may benefit worker safety by ensuring that candidates applying for licensure following the abandonment of an application are required to reapply and provide all required documentation to ensure that they meet the current requirements for licensure.
- This regulatory proposal may benefit the state’s environment by decreasing the amount of records it maintains.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

Set forth below are the alternatives that were considered and the reasons each alternative was rejected:

The Board considered keeping the status quo; however, this alternative was rejected because the revisions made to the abandonment of application and application for initial licensure following examination will clarify to the applicants when their applications are deemed to be abandoned. Also, the adopted language providing authority for the retention and purging of candidate files will clarify to the candidates when, and how, their files shall be purged.