

RECORDS MANAGEMENT	Procedure	
	Document Number:	AS-IT-PR-5200
	Version Number:	01

1.0 Purpose:

To establish a comprehensive and uniform procedure for the retention of VTA Records in accordance with the VTA Records Management Policy, OGC-PL-1001.

2.0 Scope:

VTA's Records Management Procedure, and specifically, the Records Retention Schedule (RRS), is established in accordance with relevant federal, state, and local law and contractual requirements.

VTA Records Management Policy, OGC-PL-1001, is established in accordance with Federal and State legal requirements, including the State records retention laws (in particular Government Code sections 34090, *et seq.*), the California Public Records Act (Government Code sections 6250, *et seq.*), California Government Code sections 16.5, *et seq.*, and the California Uniform Electronic Transactions Act (Civil Code sections , *et seq.*).

This procedure applies to all VTA Board Members, divisions and employees, as well as any VTA consultants, contractors and agents.

3.0 Records Management Responsibilities:

3.1 The Board of Directors and General Manager are responsible for:

- 3.1.1 Approving the RRS and amendments thereto, as specified in the VTA Records Management Policy, OGC-PL-1001.
- 3.1.2 Authorizing project funding.
- 3.1.3 Sponsoring the Records Management Program.

3.2 The Executive Management Team is responsible for:

- 3.2.1 Establishing the Records Management Oversight Committee (RMOC) comprised of Division Heads or senior managers representing all functional areas of VTA business, and chaired by a RMOC Project Manager.
- 3.2.2 Monitoring VTA compliance with this Procedure.

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- 3.3 The Office of the General Counsel is responsible for:
- 3.3.1 Providing legal review of changes in law.
 - 3.3.2 Making recommendations relating to Policy OGC-PL-1001 and the RRS, and, as appropriate under Policy OGC-PL-1001, approving changes to the RRS.
 - 3.3.3 Placing and lifting litigation holds.
 - 3.3.4 Advising division staff with regard to California Public Records Act requests.
 - 3.3.5 Reviewing document destruction requests, as necessary.
 - 3.3.6 Providing a representative to the RMOC.
- 3.4 The RMOC is responsible for:
- 3.4.1 Strategic planning.
 - 3.4.2 Establishing priorities.
 - 3.4.3 Making policy and procedure recommendations.
 - 3.4.4 Supporting implementation of policies and procedures.
- 3.5 The Information Technology Department is responsible for:
- 3.5.1 Ensuring that Records are retained in accordance with VTA policy.
 - 3.5.2 Developing, implementing, and training on a VTA Records management program.
 - 3.5.3 Developing written processes for the Records management program.
 - 3.5.4 Coordinating updates to the RRS.
 - 3.5.5 Reviewing proposed amendments to the RRS and Records Management Policy.
 - 3.5.6 Monitoring and advising on industry best practices.
 - 3.5.7 Collaborating with designated Records coordinators.
 - 3.5.8 Periodically evaluating the efficacy of the Records management program.
 - 3.5.9 Serving as the central resource for Records management issues.
 - 3.5.10 Addressing Records management provisions in the VTA Transit Fund Capital Budget, ongoing Operating Budget and Information Architecture plans.
- 3.6 Designated Records Coordinators (RCs) are responsible for:
- 3.6.1 Retaining Records in accordance with this Procedure, Policy OGC-PL-1001, the RRS, any applicable litigation hold, and per the Destruction Procedure AS-IT-PR-5215.
 - 3.6.2 Reviewing and recommending revisions to the RRS or other pertinent policies or procedures.

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- 3.6.3 Advising, training, and collaborating with staff on the implementation of Records management policies and procedures.
- 3.6.4 Assisting General Counsel in responding to California Public Records Act and discovery requests and managing litigation holds.
- 3.6.5 Attending Records management training.
- 3.7 Division Heads are responsible for:
 - 3.7.1 Managing the retention of Records in accordance with this Procedure, Policy OGC-PL-1001, the RRS, any applicable litigation hold, and per the Destruction Procedure AS-IT-PR-5215.
 - 3.7.2 Designating a Records coordinator or coordinators for their division.
 - 3.7.3 Notifying the RMOC and General Counsel whenever a new Records Coordinator is designated.
- 3.8 All employees are responsible for:
 - 3.8.1 Creating complete and accurate Records of VTA's business activities.
 - 3.8.2 Working with RCs to retain Records in accordance with this Procedure, Policy OGC-PL-1001, the RRS, any applicable litigation hold, and per the Destruction Procedure AS-IT-PR-5215.
 - 3.8.3 Identifying Records in their control and removing all personal papers and Non-Records from the workspace before departing their position at VTA.
 - 3.8.4 Determining whether an email constitutes a Record. Email Records must be retained in accordance with the RRS.
 - 3.8.4.1 There is no specific retention period applicable to email. Employees must evaluate the subject or content matter of the email Record to determine its retention category.
 - 3.8.5 Disposing of Non-Records.
 - 3.8.6 Ensuring that Records are created or transmitted using VTA's official electronic systems. Text messages, personal phones, personal email accounts, and social media are not official VTA communication systems and must not be used to create or transmit Records.
- 3.9 VTA consultants, contractors and agents are responsible for:
 - 3.9.1 Creating and retaining complete and accurate Records of their business with VTA.

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- 3.9.2 Maintaining VTA-related Records with appropriate safeguards.
- 3.9.3 Working with RCs to retain Records in accordance with this Procedure, Policy OGC-PL-1001, the RRS, any applicable litigation hold, and per the Destruction Procedure AS-IT-PR-5215.

4.0 Procedure:

Applicable VTA policy documents include, but are not limited to:

- 4.01 May 3, 2012 Board Memo #3527.
- 4.02 Records Management Program Policy OGC-PL-1001
- 4.03 Record Retention Schedule
- 4.04 Information Technology, Records Retention Schedule Procedure AS-IT-PR-5210
- 4.05 Record Management Destruction Procedure AS-IT-PR-5215
- 4.06 Record Management Training Guide
- 4.07 E-Mail Guidelines AS-IT-PR-1007
- 4.08 Electronic Equipment & Media Policy AS-IT-PL-1005 (Assigned but Not Published)
- 4.09 Record e-Discovery Procedure AS-IT-PR-5230 (Assigned but Not Published)
- 4.10 Social Media Policy EA-AD-PL-2006
- 4.11 Electronic and Digital Signature Policy, OGC-PL-1005
- 4.12 Litigation Hold Policy, OGC-PL-1006 (Assigned but Not Published)

4.1 Record Creation and Retention

- 4.1.1 Records must be retained in accordance with this Procedure, Policy OGC-PL-1001, the RRS, any applicable litigation hold, and per the Destruction Procedure AS-IT-PR-5215.
- 4.1.2 All Records produced or acquired by employees in the course of their duties are the exclusive property of VTA. Employees have no expectation of privacy in the content of Records, whether physically or electronically stored.
- 4.1.3 Non-Records do not have a retention period and do not need to be retained past their useful life, unless subject to a litigation hold.
 - 4.1.3.1 Drafts should be routinely discarded upon the execution of a superseding document, unless subject to a litigation hold.

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4.1.3.2 Duplicate copies of Records can be deleted or discarded when no longer providing business value. The original copy will be retained in accordance with VTA's Policy and Schedule. Duplicate copies of Records subject to a litigation hold should not be deleted or discarded unless the duplicate is an exact copy of the original Record, and only if first approved by the General Counsel. Copies that have additional handwritten notes, or different headers, for example, are not considered exact copies.

4.1.4 Records shall be assigned to a retention category per the RRS and maintained for their retention period.

4.1.4.1 Records Coordinators will advise VTA employees in identifying Records and assigning Records to a retention category.

4.1.5 Employees must retain Records in a manner that facilitates accessibility. Records shall not be stored on the local drive of an employee's computer.

4.1.6 Records Coordinators shall document the storage location of all Records in their area of responsibility.

4.1.7 Records subject to audit, which may be either fiscal or compliance in nature, must be retained for a period of time after the audit has been completed per the RRS. Records subject to audit may only be destroyed after the audit has been completed and the retention period has elapsed.

4.1.8 Records that contain private, confidential, security sensitive, or privileged information shall be maintained with appropriate safeguards and identified on the RSS.

4.1.9 Historical Records which have permanent value shall be maintained perpetually in their original state and with appropriate safeguards and identified on the RSS.

4.1.10 Vital Records are necessary for continuing or resuming basic operations in the event of a disaster and shall be maintained with appropriate safeguards and identified on the RSS. Vital Records should be isolated and protected so as to ensure their availability, should the need arise.

4.2 Record Destruction

4.2.1 Records for which the RSS retention period has ended and that are not subject to a litigation hold or pending audit shall be disposed of in accordance with VTA Destruction Procedure AS-IT-PR-5215.

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- 4.2.2 Records shall be destroyed using methods appropriate to their media and security. The security and confidentiality of information must be protected when Records are destroyed.
- 4.2.3 Original paper Records shall be destroyed subsequent to imaging in accordance with Policy OGC-PL-1001.

5.0 Definitions:

Confidential Record: means any Record containing information that would be considered personal (such as personnel or medical Records), private (such as proprietary or financial information received from a third party), protected by attorney-client privilege, or where disclosure is prohibited, unless required or permitted such as in connection with a court proceeding or by a state and/or federal regulatory agency.

Confidential Records may include, but are not necessarily limited to:

1. Personal information that is confidential and private in nature, including information found in confidential and private employee and customer Records such as protected medical information, Social Security numbers, driver's license numbers, passport numbers, and financial account information.
2. Proprietary information provided to VTA by another entity under condition that VTA not further disclose the Records.
3. Other information made confidential or exempt from disclosure by law. If there is any question as to whether or not a particular Record is "confidential," employees should contact VTA's General Counsel.
4. VTA Records not open to inspection, per Government Code section 6254, and other federal and state provisions.

Historical Record: Records which are novel or valuable to future researchers in that they document VTA's major accomplishments, events, or transactions.

Non-Record: Materials created or received that are not necessary or convenient to the discharge of official duty or do not serve to document VTA functions, policies, decisions, procedures, operations, or other business activities.

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Record: Any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by VTA as necessary or convenient to VTA's business activities, regardless of the medium. Examples of Records include but are not limited to: any data within a database or information system that documents and records business processes or actions; all agendas, minutes and papers that were presented at meetings within the agency; draft documents that contain significant annotations or were submitted for comment or approval by others; an internal media release of a work related event or incident; handwritten notes that document a decision or action; a master set of internal manuals and instructions, including superseded versions; letters or emails from clients requesting information or action; Records generated from a project including project plan, project estimates and costing, resourcing requirements, and background research material.

Retention Period: The minimum length of time that a particular Record shall be retained by VTA before it is destroyed in accordance with VTA's Records Management Program Policy. The retention period shall be identified on the Retention Schedule.

Records Retention Schedule (RRS): The schedule of Record categories which are prepared, owned, used, or retained by VTA, and which identifies a minimum retention period for each category of Record.

Vital Record: Records that are needed to continue or resume VTA's basic operations in the event of a disaster. Vital Records are identified in the RRS with a (V).

6.0 **Records:**

6.1 Destruction Logs are available on VTA's Portal.

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7.0 Appendices:

- 7.1 Board Memo May 3, 2012 # 3527
- 7.2 VTA Records Management Program Policy OGC-PL-1001
- 7.3 VTA Record Retention Schedule, Version 1.0 May 3, 2012
- 7.4 Records Retention Schedule Procedure AS-IT-PR-5210
- 7.5 Record Information Management Destruction Procedure, AS-IT-PR-5215
- 7.6 VTA Record Information Management Training Guide (Sections 1 – 5)
- 7.7 E-MAIL Guidelines, AS-IT-PR-1007
- 7.8 VTA Electronic Equipment & Media Policy, AS-IT-PL-1005
- 7.9 Record e-Discovery Procedure, AS-IT-PR-5230 (Assigned but Not Published)
- 7.10 Social Media Policy, EA-AD-PL-2006

8.0 Training Requirements:

Initial training in the correct implementation of this procedure will be provided by the IT Records Analyst and Records Coordinators. The procedure will be rolled out with significant education/training on VTA's policy, record retention schedule, and records management responsibilities and concepts.


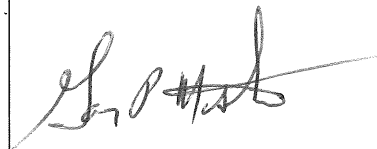

- 8.1 The Information Technology Records Analyst (ITRA) will develop enterprise training.
- 8.2 The Records Coordinators will develop division standard operating procedures with support and approval from the ITRA.
- 8.3 Training will consist of both the Enterprise and Division specific material. Staff will be trained by the RCs.

9.0 Summary of Changes:

Initial release of this procedure.

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10.0 Approval Information:

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