

RECORDS INFORMATION MANAGEMENT RECORD DESTRUCTION	Procedure	
	Document Number:	AS-IT-PR-5215
	Version Number:	01

1.0 Purpose:

To regulate the review and destruction of VTA records; ensure sound records management practices; and comply with all legal and regulatory laws.

Related documents include, but may not be limited to: *(These documents will contain Hyperlinks to RIM Site)*

- OGC-PL-1001: Records Management Policy
- AS-IT-PR-5200: Information Technology, Records Information Management Procedure
- VTA Record Retention Schedule (Appendix 7.1)
- AS-IT-PR-5210: Information Technology, Records Retention Schedule Procedure

2.0 Scope:

Includes all records, as identified in the Record Retention Schedule, relating to the conduct of the public's business that are prepared, owned, used, or retained by VTA and all Board Members, employees, contractors, consultants, and agents preparing, owning, or retaining records on behalf of VTA. A record, for the purpose of this procedure, is defined as any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by VTA.

This procedure does not apply to Non-Records, which do not document the official business of a VTA department. Non-Records may be disposed of at the discretion of the custodian or the creator of the document, as applicable, subject to any other VTA policy. For additional information on records and non-records, refer to section 5.0 Definitions in this procedure or to the Records Information Management Procedure AS-IT-PR-5200.

3.0 Responsibilities:

- 3.1 All VTA Board Members, employees, consultants, contractors, and agents responsible for the production or maintenance of VTA records are responsible for adhering to this procedure.
- 3.2 The Information Technology Department (IT), through the Information Technology Records Analyst (ITRA), is responsible for developing, maintaining, and providing initial training in the correct implementation of this procedure to all VTA Divisions.
- 3.3 The Division Record Coordinator(s) (DRCs) are responsible for assisting the ITRA with the implementation of this procedure within their division and departments.

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3.4 The Office of Record (OFR) means the department within VTA that is responsible for maintaining a particular record in accordance with VTA's Records Management Program Policy and the Record Retention Schedule. The Retention Schedule shall identify the OFR for each category of records. Typically, the OFR is the department that originates the record, however, exceptions may be noted on the Retention Schedule.

3.5 The Retention Destruction Committee is comprised of representatives from VTA Divisions and is responsible for approving the disposition of records appearing on the annual list of Records eligible for destruction. The representatives include both a core team and a rotation team based on the subject matter of the material in question. For the Retention Destruction Committee process, refer to procedure AS-IT-PR-5210.

4.0 Procedure:

4.1 Record Destruction Eligibility

4.1.1 Records will not be destroyed if they are:

4.1.1.1 required for continuing business operations.

4.1.1.2 subject to ongoing or anticipated litigation. Such records must be managed in accordance with VTA's policies and procedures for legal holds.

4.1.1.3 subject to an existing public request.

4.1.2 Records become eligible for destruction when they have exceeded the minimum retention periods indicated in the RRS.

4.1.3 Records eligible for destruction according to the approved Records Retention Schedule (RRS) will be disposed of in accordance with standards established by this Procedure. The standards ensure that:

4.1.3.1 proper documentation is made of all destruction schedules, instructions, and instances of destruction.

4.1.3.2 the security and confidentiality of information is protected when Records are destroyed.

4.1.3.3 Records are destroyed using methods, appropriate to their media, that achieve complete obliteration of information.

4.2 Destruction Review and Authorization

4.2.1 Once a year, the ITRA will produce a list of records that have been identified, per the RRS, as eligible for disposal. This list will include all types of record media: including but not limited to, paper, microfilm, electronic, and audio, or video, both on-and off-site.

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The ITRA will notify the Office of Record DRC of the records that are eligible for disposal and the scheduled destruction date.

- 4.2.1.1 The Office of Record and DRC(s) will review the Records and determine if there are any ongoing legal, regulatory, or business reasons to retain the Records beyond the time set forth on the RRS.
- 4.2.1.2 Requests to retain Records beyond the retention period set forth in the RRS for any purpose other than a legal hold and/or audit must be accompanied by a documented business justification.
- 4.2.1.3 The business justification will include the recommended extension to the retention period and whether the RRS should be changed for the retention category.
- 4.2.1.4 A standard extension of one year will be assigned to records when a business justification is approved but the business failed to recommend an extension period. The records will be included in the list of Records eligible for destruction that is generated for review in the following annual destruction cycle.
- 4.2.1.5 The Office of Record must work with their DRC(s) to modify the RRS during the regular review schedule, ad hoc cases, and when a record retention category has changed.

4.2.2 Based on the results of the record review for legal holds, audits, or business justifications, the ITRA will reconcile the Records Eligible for Destruction list and forward a final copy to the Retention Destruction Committee that includes the scheduled destruction date.

4.2.3 If determination is made to retain records longer, the records will be removed from the list of Records Eligible for Destruction for the current destruction cycle.

4.2.4 The ITRA will prepare a final list of Records Eligible for Destruction and, in conjunction with the DRC(s), initiate the appropriate destruction activity.

4.2.5 Records on the final list of Records Eligible for Destruction will be destroyed during the annual destruction cycle, planned for the fourth quarter of the fiscal year, April - June. The destruction cycle may extend into the first quarter of the following fiscal year, July – September.

4.3 Disposal and Documentation

4.3.1 Disposal of Off-Site Records

4.3.1.1 The ITRA will provide the hard-copy off-site storage provider with the final list of Records Approved for Destruction, a signed and dated approval authorizing the destruction, and a directive stating that the method of destruction.

4.3.1.2 The hard-copy off-site storage provider will provide a Certificate of Disposal to the ITRA.

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- 4.4 Disposal of Electronic Records
Destruction of electronic records will be carried out by the Information Technology Department to ensure that the data has been effectively destroyed. Destruction will be logged (Appendix 7.3).
- 4.5 Disposal of On-site Records
Only the original record must be retained by the Office of Record until all retention requirements are met. Copies are not records and may be retained until they no longer provide business value. Copies can be disposed of at the discretion of the custodian or the creator of the document, as applicable, subject to any other VTA policy, but it is recommended that copies not be held longer than the retention requirements. Scanned images can be designated as the record master and the original hard copy can be designated as duplicates and disposed of when no longer needed, provided that the electronic records are verified for completeness and accuracy of the scanned copies.
- 4.5.1 Before destruction of hard-copy on-site records, the Office of Record may need to obtain approval from the Retention Destruction Committee.
- 4.5.2 All destruction activities will be documented (Appendix 7.2).
- 4.5.3 The DRC will log all records being destroyed before shredding them or placing them in a locked confidential shred container. The DRC will provide a copy of the disposal log to the ITRA.
- 4.6 Destruction Log (Appendix 7.2)
This log is used to document record destruction. Completed logs are scanned and e-mailed to the ITRA.
- 4.7 Failure to Respond to Destruction Authorization Notifications
- 4.7.1 Records will be destroyed after three notifications have been sent and no response has been received, as long as destruction is approved by the Retention Destruction Committee.
- 4.7.2 E-mail notification will indicate the number of notifications sent in order to secure destruction approval (“second notification,” “third notification,” etc.).
- 4.7.3 The ITRA will publish statistics on destruction compliance.
- 4.8 Updates to Records Retention Schedule
- 4.8.1 A routine review of the RRS will be conducted by the business every three years to ensure that all record content is captured in the RRS.
- 4.8.2 The Office of Record will work with their DRC(s) to make modifications to the RRS outside of the regular RRS review cycle. Modifications may be required when changes are identified for a record retention category due to changes in legal or regulatory requirements or repeated extensions of a retention period due to business needs.

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5.0 Definitions:

Certificate of Disposal: A certificate provided by the disposal vendor and/or the Record Owners to VTA's Records Analyst as proof of disposal detailing the date of disposal, the number of boxes/containers/media disposed of, and the method of disposal. The disposal certificate is to be retained in accordance with VTA's RRS.

Non-Record: Any information created or received that does not serve to document the organization, functions, policies, decisions, procedures, operations, or other activities of a VTA department. While non-records may be created they do not have a retention period and do not need to be retained past their useful life. Non- Records may be disposed of at the discretion of the custodian or the creator of the document, as applicable, subject to any other VTA policy. Examples of non-records include: personal notes which are not prepared for transacting VTA business; materials pertaining solely to an individual's private affairs; extra copies and duplicates, the use of which is temporary and are kept only for convenience or reference; an email about lunch for a work colleague who is leaving.

Office of Record (i.e. Record Owners): The Office of Record is the department within VTA that is responsible for maintaining a particular record in accordance with VTA's Records Management Program Policy and the Retention Schedule. Typically, the OFR is the department that originates the record. The Retention Schedule shall identify the Office of Record for each category of records.

Record: A Record is any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by VTA. That information, regardless of the medium (e.g. hard or soft copy, tape, disk, etc.) used for creating it, is received and maintained by VTA or a person acting on behalf of VTA, in pursuit of legal obligations or in the transaction of business. Only the original or sole copy is considered a Record. Examples of records include: any data within a database or information system that documents and records business processes or actions (eg rates; payments, license applications and approvals, payroll; 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, background research material.

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Records "Eligible for Disposal": Records inventory or list made available for the review of Records that have reached their full retention period on the RRS.

Records Disposition: The actions taken with regard to Records following their review. Actions may include, but may not be limited to, the temporary extension of the retention period due to a legal hold or audit, transfer from a VTA department office to a storage vendor, conversion to an image, or destruction.

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. The Retention Schedule is subject to the approval of the Board by resolution, and may be amended from time to time by either approval from the General Manager or from the Board by resolution.

Retention Destruction Committee: The Retention Destruction Committee is comprised of representatives from VTA Divisions and is responsible for approving the disposition of records appearing on the annual list of Records eligible for destruction. The representatives include both a core team and a rotation team based on the subject matter of the material in question. For the Retention Destruction Committee process, refer to procedure AS-IT-PR-5210.

6.0 Records:

- 6.1 Destruction Log – logs are available on VTA's Portal and retained in accordance with the RRS.
- 6.2 Retention Destruction Memo – generated only by the ITRA and retained in accordance with the RRS.

7.0 Appendices:

- 7.1 Records Retention Schedule (RSS)
- 7.2 Destruction Log
- 7.3 Sample Memo for Items Eligible for Destruction
- 7.4 Summary of Destruction Review and Authorization Process

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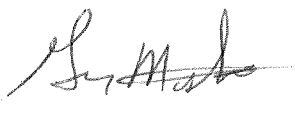
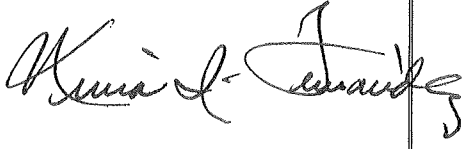
8.0 Training Requirements:

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

9.0 Summary of Changes:

Initial release of this procedure.

10.0 Approval Information:

Prepared by	Reviewed by	Approved by
 Ann Mangiaracina, IT Business Systems Analyst	 Gary Miskell Chief Information Officer	 Nuria Fernandez General Manager

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Appendix 7.1

Record Retention Schedule (RRS)

This is a page from the Record Retention Schedule. The complete RRS can be found on the VTA Record Information Management Site. *(This section will contain a Hyperlink to RIM Site)*

Attachment 1 - Retention Schedule		VTA RECORD RETENTION SCHEDULE						
Record Series #	Retention Category and Content	Optional: Fill in for Record Type If (C, H, V)	Office of Record	Disposal Review: 1 = Notify 2 = Notify and Approve	VTA Retention Period	Legal Retention Period	Citation	Comments
RETENTION CODES: AU=Audit; CL=Closed/Completion; CU=Current Year; Death=Death; In=Indefinitely; LE=Last Entry; LOS=Life of System/Asset ; P=Permanent; S=Superseded; T=Termination								
RECORD TYPES: C = CONFIDENTIAL H = HISTORICAL V = VITAL								
Administrative Division								
Employee Relations								
ER01	Affirmative Action Program Information/Policy		Employee Relations	2	CL + 3	CU + 2	41 CFR 60-250.52 29 CFR 1602.14	
ER02	Affirmative Action/Equal Employment Opportunity (EEO)		Employee Relations	2	CL + 15	CL-3	29 CFR 1602.32	
ER03	Agreements - Bargaining Unit - Settlement Complaints		Employee Relations	2	P	LE + 5	29 cfr 1602.14	(all related records) from date of personnel action taken or made whichever is later of if litigation until all litigation is terminated
ER04	Arbitration		Employee Relations	2	P	UNION CONTRACT/ PPP	UNION CONTRACT/ PPP	Am/seiu/local 521/taen/non rep.
ER05	HR Attendance Program - Nominations, Awards, Employee of the Month		Employee Relations	2	CU - 5	T+3	29 CFR 1627.3; Lab Code 1174; 29 CFR 1602.32	
ER06	Certificates of Completion - All Programs		Employee Relations	2	T + 10	CU + 3	29 cfr 516.5	
ER07	Claims, Charges, Lawsuit (Title VII, ADA, ADEA, etc) & Complaints/Grievances-Finding, Decisions, Reports		Employee Relations	2	P	CL-2	29 CFR 1602.14 29 CFR 1627.3	Eeoc reserves the right to impose specific record-keeping requirements pertaining to the charge

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Appendix 7.2

Destruction Log

Record Series Number	Retention Category and Content	Office of Record	SharePoint Record ID or Box ID	Retention Period Date	Due for Destruction	Date Destroyed	Approvers
GA04	Goals & Objectives	HR	SP 1001	12/20/2013	July 2014	August 14, 2014	Per workflow

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Appendix 7.3

Sample Memo for Items Eligible for Destruction



MEMORANDUM

To: Office of Record
Record Coordinator(s)
Members of Retention Destruction Committee

From: VTA Records Analyst

Subject: Retention Destruction for April – June 2015
Notification 1

Date: January 2015

Please find attached a list of records that have met their minimum retention period under VTA's Record Retention Schedule and are ready for final disposal. We are destroying these records in four months.

If your area has no ongoing business or legal need to retain these records, please sign / submit this form to indicate that you approve of their disposal.

If your area has reason to retain the records, you **must** provide business justification to stop the destruction of these records. If the retention category in the RRS should be changed; please work with your Record Coordinator for the necessary modifications to the RRS.

If business justification is not received by March 2015, and there is no legal need to retain the records, the records will be destroyed during the destruction cycle 2015.

Approvals:

Record Coordinator: _____

Retention Destruction Committee: _____

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Appendix 7.4

Summary of Destruction Review and Authorization Process

Annual Retention Destruction Review and Authorization Cycle				Record Destruction Quarter		
List of Eligible Records	1 st Notification for Destruction Authorization	2nd Notification for Destruction Authorization	3 rd Notification for Destruction Authorization	VTA Annual Destruction Cycle - Fourth Quarter of FY Records Onsite and Offsite		
			Reconciled List for Records Destruction			
December	January	February	March	April	May	June