

RECORDS MANAGEMENT PROGRAM RETENTION SCHEDULE	PROCEDURE	
	Document Number:	AS-IT-PR-5210
	Version Number:	01

1.0 Purpose:

The purpose of this procedure is to establish an agency-wide Records Retention Schedule.

2.0 Scope

This records retention schedule covers the records of VTA relating to the conduct of the public's business prepared, owned, used, or retained by VTA.

VTA's Records Management Program Retention Schedule is established in accordance with all relevant federal, state, and local laws, and contractual requirements.

The legal authorities and professional guidelines applicable to the management of VTA's records include the following:

State and Federal Laws

Numerous State and Federal laws, related to minimum record retention requirements and statutes of limitations (including those summarized herein), apply to different types of records. Each record listed in VTA's Records Retention Schedule has applicable laws cited in the "Citation" column.

Government Code Section 34090

The principal provisions of California law applicable to records retention requirements are Government Code Sections 34090, *et seq.*, which generally require original public records to be retained a minimum of two years and sets forth other requirements for the retention and destruction of public records.

The procedures contained in this document are consistent with state law provisions for the destruction of original public records which have been retained for at least the minimum retention period and are no longer required (section 34090), as well as the destruction of records which have been replaced by "Trusted Copies" (section 34090.5), and the destruction of "Duplicate Copies" (section 34090.7). These state law provisions do not authorize the destruction of: records affecting title to real property or liens thereon; court records; records required to be kept by statute; records less than two years old; or the minutes, ordinances, or resolutions of the legislative body or of a board, agency or commission.

RECORDS MANAGEMENT PROGRAM RETENTION SCHEDULE	PROCEDURE	
	Document Number:	AS-IT-PR-5210
	Version Number:	01

The relevant federal, state, and local laws, and contractual requirements applicable to the management of records include the following:

Government Code Section 6200

Any employee who is found guilty of willfully destroying (including altering, falsifying, mutilating, defacing, or stealing, in whole or in part) a public record without complying with the requirements of VTA's Program may be punishable by imprisonment up to four years.

Government Code Section 6250

The California Public Records Act (Government Code sections 6250, *et seq.*) provides definitions for "writings" and "public records" for the purpose of determining which public documents are required to be disclosed to the public upon request, and which public documents are confidential or otherwise exempt from disclosure. These definitions are also used in defining the types of public documents that may be destroyed in accordance with VTA's Records Management Program.

Professional Standards and Retention Guidelines

Selected professional associations and other governmental agencies have published standards, model retention guidelines, and/or articles recommending retention periods for different types of records. Although these standards and guidelines are not binding on VTA, VTA has taken these documents into consideration in establishing its Records Retention Schedule. VTA has made an effort to identify deviations from these documents in the "Comments" section of the Records Retention Schedule and via the column titled "VTA retention period" in the VTA Records Retention Schedule.

3.0 Responsibilities:

This procedure applies to all VTA Board Members, employees, consultants, contractors, and agents responsible for the generation or maintenance of VTA records.

Information Technology Department (IT) is responsible for the development (with the assistance of VTA General Counsel), maintenance, and distribution of the Records Retention Schedule.

4.0 Procedure:

Records covered within this records retention schedule must be retained for the minimum retention period as specified in the "legal requirement" column in this schedule.

Original Date:	Revision Date:	Page 2 of 18
3/28/2012	N/A	

RECORDS MANAGEMENT PROGRAM RETENTION SCHEDULE	PROCEDURE	
	Document Number:	AS-IT-PR-5210
	Version Number:	01

VTA strongly recommends the disposition of records at the end of their minimum retention period for the efficient and effective management of local resources. VTA will retain records for the retention period as specified in the "VTA Retention" column in this schedule, recognizing business needs to retain records longer than the minimum retention period.

Records designated as Permanent must not be destroyed.

Records must not be destroyed if they are subject to ongoing or reasonably anticipated litigation. Such records must be managed in accordance with VTA's policies and procedures for legal holds. Records may not be destroyed if they are subject to an existing public request.

Records that have been retained for the retention period stated on the Schedule and eligible for destruction will be processed according to an assessment of future risk or potential litigation to VTA. Records identified on the Schedule will be processed by one of the following two methods:

- 1) Notification is sent to the Office of Record identifying the records that will be destroyed at a future date unless the Office of Record replies with written notification by the appropriate designated representative that the destruction should be stopped. These categories are designated on the schedule with a "Disposal Review" value of "1". Thus, notification of destruction is sent to the "custodian" of the records that the records are scheduled for destruction but authorization for destruction from the "custodian" of the records is not required. The "custodian" may stop the destruction as long as they respond within the timeframe allowed. The designated representative can be the Manager who has signing authority for the cost center or the Records Coordinator for the department. VTA's objective with implementing this approach to "non-risk" records is to remove the burden of signoff for every record series/category.
- 2) Notification is sent to the Office of Record identifying the records that will be destroyed at a future date and written authorization to approve destruction is required from the "custodian" of the records and from the Disposal Committee. These categories are designated on the schedule with a "Disposal Review" value of "2".

The Disposal Committee consists of one member from the following departments: Information Technology, General Counsel, Human Resources, and Finance. Departments that are deemed a high potential for risk may be added to the Disposal Committee, as required. The Disposal Committee will review records approved by

Original Date:	Revision Date:	Page 3 of 18
3/28/2012	N/A	

RECORDS MANAGEMENT PROGRAM RETENTION SCHEDULE	PROCEDURE	
	Document Number:	AS-IT-PR-5210
	Version Number:	01

the business representatives for destruction and provide a final signoff for disposition.

Table 1: Summary of Disposal Process

Disposal Review Value	Notification of Destruction To Custodian	Signoff Required From Custodian to Destroy	Signoff Required From Disposal Committee to Destroy
1	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

☒ Yes

☒ No

This procedure AS-IT-PR-5210 should be applied in conjunction with VTA's Records Management Program Policy OGC-PL-1001 and VTA's Records Management Program Procedure AS-IT-PR-5200.

5.0 Definitions:

- 5.1 "Active Record" means records referred to in the general conduct of current departmental business, and that are retained in the department offices (as opposed to off-site storage locations). VTA's schedule identifies the total retention period for each category of record and does not distinguish between active and inactive records. VTA department heads will follow internal procedures to transfer records that are no longer required to be retained in department storage.
- 5.2 "Audit" refers to records which are subject to audit, which may be either fiscal or compliance in nature. Records must be retained for a period of time after the audit has been completed. The schedule shows the completion of the audit plus a period of time to retain the records ensuring that all records which have been audited are available for further review, should there be exceptions to the completed audit. Records can only be destroyed after the audit has been completed and the period of time has elapsed.

RECORDS MANAGEMENT PROGRAM RETENTION SCHEDULE	PROCEDURE	
	Document Number:	AS-IT-PR-5210
	Version Number:	01

- 5.3 “Citation” means the legal basis for a retention period.
- 5.4 “Comments” is used to note comments and administrative decisions related to retaining VTA records.
- 5.5 “Confidential Record” means any record where there is any possibility that the information could be considered personal (such as personnel or medical records), or private (such as proprietary or financial information received from a third party), or if it could potentially expose VTA to liability and disclosure is prohibited, unless required or permitted such as in connection with a court proceeding or by a state and/or federal regulatory agency.

Private or Confidential records include:

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 under contract with 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.
- 5.6 “Duplicate Copies” refers to a record that is a copy of an originally created record if the copy is not within the definition of “Trusted Copy.” Duplicate Copy also includes any record that has been replaced by a “Trusted Copy.” VTA’s assessment of the agency’s inventory of record holdings revealed that many employees maintain extra copies of documents (such as contacts, agreements, checks and accounts payable information). VTA has deemed “duplicate copies”, as non-records.
- 5.7 “Historical Record” means records that are valuable to future researchers that document accomplishments, changes, and growth.
- 5.8 “Inactive Record” means records that are no longer referred to in the general conduct of current departmental business. Such records may be stored at an off-site storage location or within the work area, as determined by individual departments. VTA’s schedule identifies the total retention period for each category of record and does not distinguish between active and inactive records. VTA department heads will follow internal procedures to transfer records from department storage to offsite storage.

**RECORDS MANAGEMENT PROGRAM RETENTION
SCHEDULE**

PROCEDURE

Document Number: AS-IT-PR-5210

Version Number: 01

- 5.9 "Indefinite (Yr)" means the period of time between the creation of a record and when a record needs to be reviewed for destruction. The decision was made to not use the term "indefinite" on the Schedule since it is not considered a retention period and these records would most likely be retained permanently. An administrative decision was made to use the term "Indefinite (Yr)" so that records would be reviewed for destruction after an acceptable period of time (when the records cease to be of value administratively).
- 5.10 "Non- Record" is any information, regardless of physical form or characteristic, created or received that is not related to the conduct of VTA's business and thus, DOES NOT serve to document the organization, functions, policies, decisions, procedures, operations, or other activities of a VTA department. Examples of non-records may include, but are not limited to, personal correspondence, junk mail/spam, catalogs, trade journals, magazines, and books.
- 5.11 "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 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.
- 5.12 "Permanent" records which have been appraised by VTA as having sufficient historical, informational, or evidential value that their continued preservation beyond the time they are needed for administrative, legal, or fiscal purposes is warranted. VTA has strived to minimize the use of retaining records permanently and only such records shall be preserved because they constitute evidence of the university's functions, policies, decisions, procedures, and operations.
- 5.13 "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 used for creating it, is received and maintained by the organization or a person, in pursuit of legal obligations or in the transaction of business.
- 5.14 "Record Series" is the file units or documents arranged according to a filing system or kept together because they relate to a particular subject or function, result from the same activity, document a specific type of transaction, take a particular physical form, or have some other relationship arising out of their creation, receipt, or use. A multi-digit alpha prefix is unique for each business area within VTA. A multi-digit alpha prefix and number sequence is unique at the record series level of aggregation in the Schedule.

RECORDS MANAGEMENT PROGRAM RETENTION SCHEDULE	PROCEDURE	
	Document Number:	AS-IT-PR-5210
	Version Number:	01

- 5.15 “Retention Period” means 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.
- 5.16 “Retention Schedule” means 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 resolution.
- 5.17 “Trusted Copy” means an electronically generated document (paper scanned to image file or electronic file), controlled by daily operational procedures, policies, and security, to ensure reasonable expectations of document integrity, free from physical or electronic additions, subtractions or other modifications that would change the content of the original document. A “Trusted Copy” means a record which is a copy of an originally created record if the copy is created on a “trusted system” in accordance with the requirements of Government Code section 34090.5. Once a “Trusted Copy” is created, it may replace the originally created record, and the “Trusted Copy” will be retained in accordance with VTA’s Policy and Schedule. While “trusted copies” are not spelled out in specific retention categories in VTA’s Schedule, they are inherent and an important component to VTA’s strategy to migrate paper documents to the electronic document management solution.
- 5.18 “Trusted System”, per California Government Code section 12168.7(c), means “a combination of techniques, policies, and procedures for which there is no plausible scenario in which a document retrieved from or reproduced by the system could differ substantially from the document that is originally stored.” An “official” VTA trusted system has a limited group of persons allowed to enter or delete documents, whose access is controlled through IT approved and monitored by Records Management.
- 5.19 “Vital Record” means records that are needed to continue or resume VTA’s basic operations in the event of a disaster. Vital records are identified in the retention schedule with a (V). All records which have been identified as vital to VTA should be isolated and protected so as to ensure their availability, should the need arise. Because a record is vital does not mean its retention is always permanent, nor is a record judged of permanent value always equal to a vital record.

RECORDS MANAGEMENT PROGRAM RETENTION SCHEDULE	PROCEDURE	
	Document Number:	AS-IT-PR-5210
	Version Number:	01

6.0 Attributes of the Schedule:

6.1 Index of Records Classifications and Pages

FILE CODE SERIES	RECORD SERIES HEADINGS	PAGE
GA	VTA Enterprise-Wide All Divisions	1 - 2
	General Administrative	
ER HR IT RM	Administrative Services	3- 18
	Employee Relations	
	Human Resources	
	Information Technology	
CP CL EV GP RE	Congestion Management Agency	19 - 21
	CMP	
	Planning	
	Environmental	
	Grants	
EC	Engineering & Construction	22 - 25
	Engineering & Construction	
CS GR MA MR	External Affairs	26 - 31
	Customer Service	
	Government Relations	
	Marketing	
	Media Relations & Community Outreach	

RECORDS MANAGEMENT PROGRAM RETENTION SCHEDULE	PROCEDURE	
	Document Number:	AS-IT-PR-5210
	Version Number:	01

FILE CODE SERIES	RECORD SERIES HEADINGS	PAGE
	Fiscal Resources	32 - 39
CM FA DF	Contracts & Materials Management Fiscal Administration Finance	
	Office of General Counsel	40 - 42
GC	Office of General Counsel	
	Office of the Board Secretary	43 - 46
BD	Office of the Board Secretary	
	Operations	47 - 53
OS PS WQ	Operations Protective Services Warranty & Quality Assurance	
	Silicon Valley Rapid Transit (SVRT) Program	54 - 57
SV	Silicon Valley Rapid Transit	

6.2 Record Retention Legend

AC = Active	LE = Last Entry
AU = Audit	LOS = Life of System/Asset
CL = Closed/Completion	P = Permanent
CU = Current Year	S = Superseded
Death = Death	T = Termination
In = Indefinite (Yr)	

Original Date:	Revision Date:	Page 9 of 18
3/28/2012	N/A	

RECORDS MANAGEMENT PROGRAM RETENTION SCHEDULE	PROCEDURE	
	Document Number:	AS-IT-PR-5210
	Version Number:	01

6.3 Record Retention Citations

Code	Citation
ADEA	Age Discrimination in Employment Act of 1967
B&P	Business and Professions
CA Labor Code	CA Labor Code
CA Civic Code	CA Civic Code
Cal-OSHA	CA Occupational Safety and Health Act
CCP	Code of Civil Procedure
CCR	Code of California Regulations
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CRA	Title VII of the Civil Rights Act of 1964
EPA	Equal Pay Act
FMLA	Family and Medical Leave Act of 1993
FTA	Federal Transit Administration
GC	CA Government Code
Industry Practice	Industry Practice
IRC/IRS	Internal Revenue Code/ Internal Revenue Service
OSHA	Occupational Safety and Health Act
PC	Penal Code
Union Contract	Union Contract
USC	United States Code

<i>RECORDS MANAGEMENT PROGRAM RETENTION SCHEDULE</i>	PROCEDURE	
	Document Number:	AS-IT-PR-5210
	Version Number:	01

6.4 Records Retention Citations by Business Area

General Administrative - All Divisions

Code	Citation
CCR	Code of California Regulations
CFR	Code of Federal Regulations
GC	CA Government Code
FMLA	Family and Medical Leave Act of 1993
USC	United States Code

ADMINISTRATIVE SERVICES DIVISION

Employee Relations

Code	Citation
CA Labor Code	CA Labor Code
CFR	Code of Federal Regulations
GC	CA Government Code
Union Contract	Union Contract

**RECORDS MANAGEMENT PROGRAM RETENTION
SCHEDULE**

PROCEDURE

Document Number: AS-IT-PR-5210

Version Number: 01

Human Resources

Code	Citation
ADEA	Age Discrimination in Employment Act of 1967
CFR	Code of Federal Regulations
CRA	Title VII of the Civil Rights Act of 1964
EPA	Equal Pay Act
GC	CA Government Code
IRCA	Immigration Reform and Control Act of 1986
USC	United States Code

Information Technology

Code	Citation
CCP	Code of Civil Procedure
CFR	Code of Federal Regulations
GC	CA Government Code

Risk Management

Code	Citation
CA Civic Code	CA Civic Code
Cal-OSHA	Occupational Safety and Health Act
CFR	Code of Federal Regulations
GC	CA Government Code
USC	United States Code

RECORDS MANAGEMENT PROGRAM RETENTION SCHEDULE	PROCEDURE	
	Document Number:	AS-IT-PR-5210
	Version Number:	01

CONGESTION MANAGEMENT AGENCY

Congestion Management Program

Code	Citation
GC	CA Government Code

Planning

Code	Citation
CFR	Code of Federal Regulations
GC	CA Government Code

Environmental

Code	Citation
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
GC	CA Government Code

Grants

Code	Citation
GC	CA Government Code
FTA	Federal Transit Administration

Real Estate

Code	Citation
CCP	Code of Civil Procedure
CFR	Code of Federal Regulations
GC	CA Government Code

RECORDS MANAGEMENT PROGRAM RETENTION SCHEDULE	PROCEDURE	
	Document Number:	AS-IT-PR-5210
	Version Number:	01

ENGINEERING & CONSTRUCTION

Code	Citation
CCP	Code of Civil Procedure
CFR	Code of Federal Regulations
GC	CA Government Code

EXTERNAL AFFAIRS

Customer Service

Code	Citation
CCP	Code of Civil Procedure
CFR	Code of Federal Regulations
GC	CA Government Code

Government Relations

Code	Citation
CCP	Code of Civil Procedure
GC	CA Government Code

Marketing

Code	Citation
CCP	Code of Civil Procedure
GC	CA Government Code

<i>RECORDS MANAGEMENT PROGRAM RETENTION SCHEDULE</i>	PROCEDURE	
	Document Number:	AS-IT-PR-5210
	Version Number:	01

Media Relations & Community Outreach

Code	Citation
CCP	Code of Civil Procedure
GC	CA Government Code

FISCAL RESOURCES

Finance

Code	Citation
CFR	Code of Federal Regulations
GC	CA Government Code
IRC	Internal Revenue Code/ Internal Revenue Service

Fiscal Administration

Code	Citation
CCP	Code of Civil Procedure
CFR	Code of Federal Regulations
FMLA	Family and Medical Leave Act of 1993
GC	CA Government Code
IRC	Internal Revenue Code/ Internal Revenue Service
OSHA	Occupational Safety and Health Act
USC	United States Code

RECORDS MANAGEMENT PROGRAM RETENTION SCHEDULE	PROCEDURE	
	Document Number:	AS-IT-PR-5210
	Version Number:	01

Contracts & Materials Management

Code	Citation
CCP	Code of Civil Procedure
FTA	Federal Transit Administration
GC	CA Government Code

GENERAL COUNSEL

Code	Citation
CCP	Code of Civil Procedure
CFR	Code of Federal Regulations
GC	CA Government Code
PC	Penal Code

OFFICE OF THE BOARD SECRETARY

Code	Citation
CCP	Code of Civil Procedure
GC	CA Government Code

<i>RECORDS MANAGEMENT PROGRAM RETENTION SCHEDULE</i>	PROCEDURE	
	Document Number:	AS-IT-PR-5210
	Version Number:	01

OPERATIONS

Operations

Code	Citation
CFR	Code of Federal Regulations
GC	CA Government Code

Protective Services

Code	Citation
CFR	Code of Federal Regulations
GC	CA Government Code

Warranty & Quality Assurance

Code	Citation
CCP	Code of Civil Procedure
GC	CA Government Code

SILICON VALLEY TRANSPORTATION PROGRAM

Code	Citation
CCP	Code of Civil Procedure
CFR	Code of Federal Regulations
FTA	Federal Transit Administration
FMLA	Family and Medical Leave Act of 1993
GC	CA Government Code

RECORDS MANAGEMENT PROGRAM RETENTION SCHEDULE	PROCEDURE	
	Document Number:	AS-IT-PR-5210
	Version Number:	01

7.0 Appendices:

Appendix A: VTA Records Retention Schedule

8.0 Training Requirements:

Specific training for managing the retention schedule can be found on VTA webportal:
<http://vtaportal.vta.org/divisions/technology>


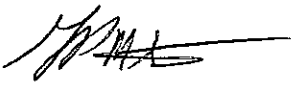
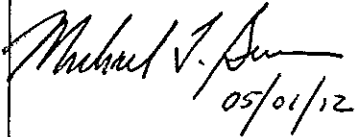
9.0 Summary of Changes:

Initial release of this procedure.

REVISION HISTORY

Version	Date of Approval	Extent of Revision
1.0	May 03, 2012	First Version. Released procedure.

10.0 Approval Information:

<i>Prepared by</i>	<i>Reviewed by</i>	<i>Approved by</i>
 Ann Mangiaracina Management Analyst	 Gary Miskell Chief Information Officer	 05/01/12 Michael T. Burns General Manager