

RECORDS MANAGEMENT	POLICY	
	Document Number:	OGC-PL-1001
	Version Number:	02

1.0 Purpose:

The purpose of this Policy is to provide for the management of VTA's Records.

2.0 Scope:

This Policy applies to all VTA Board Members, divisions and employees, as well as any VTA consultants, contractors and agents that create or maintain VTA Records.

3.0 Responsibilities:

Each Division Head shall designate a Records coordinator or coordinators within their division. The Division Head and designated Records coordinator will be responsible for enforcing this Policy within their department.

4.0 Policy:

It is the policy of VTA to:

- Provide ease of access to VTA Records by staff;
- Promote efficient and economical use of physical and electronic storage space, equipment and labor in the creation, use, maintenance, and disposition of Records;
- Dispose of those Records no longer required for business or legal purposes.

4.1 Records Retention Schedule:

- 4.1.1 For purposes of retention and disposition of VTA's Records, staff, as outlined in the Record Management Program Retention Schedule Procedure (AS-IT-PR-5210), shall develop, maintain, and distribute a Records Retention Schedule ("Schedule"). The Schedule shall list the retention periods applicable to each department and when, if ever, Records are to be disposed of in the normal course of business. The Board of Directors shall approve and adopt the initial Schedule.

Any modification of the Schedule, excepting as may be required by a litigation hold, shall only be made on showing of necessity and approval by the General Counsel, General Manager or Board of Directors.

- 4.1.2 Each division is responsible for managing Records in accordance with VTA policies, procedures and guidelines.

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4.1.3 Records Management:

Records shall be retained according to the Schedule. Division Heads and their designated Records coordinators shall ensure that active Records under their scope of responsibility are maintained in an orderly and accessible manner as defined in the Record Management procedure, AS-IT-PR-5200. Confidential Records, as defined in this Policy, shall be maintained in a secure location with access limited to designated staff.

4.1.4 Records Destruction:

Records that are not Historical Records, as defined in this Policy, or subject to a litigation hold shall be destroyed in accordance with the Schedule.

Information Technology shall oversee the destruction of electronically stored Records in coordination with the Division Head and designated Records coordinator and in accordance with the guidelines for destruction established in VTA's Record Information Management Destruction Procedure, AS-IT-PR-5215. Staff shall consult with the General Counsel only with regard to Records that may be subject to a litigation hold.

Division Heads and their designated Records coordinators shall oversee the destruction of Records not electronically stored, and in coordination with the General Counsel only with regard to Records that may be subject to a litigation hold.

4.1.5 Non-Records:

Non-Records 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.

4.1.6 Litigation Holds

4.1.6.1 The Office of the General Counsel is responsible for the issuance and release of litigation holds. No Records may be destroyed, even if to do so would otherwise be compliant with the Schedule, if they reasonably relate to ongoing or reasonably anticipated litigation regardless of whether the Office of the General Counsel has issued a formal litigation hold. All questions regarding

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whether Records should be retained for litigation purposes should be directed to the Office of the General Counsel. VTA's Legal Hold Policy is outlined in OGC-PL-1006.

4.1.7 Electronically Stored Records

- 4.1.7.1 VTA requires all staff to adhere to the guidelines outlined in VTA's Electronic Approval and Signature Policy OGC-PL-1005.
- 4.1.7.2 VTA's email procedures are outlined in AS-IT-PR-5220.
- 4.1.7.3 VTA's Electronic Equipment & Media Policy outlined in AS-IT-PL-1005.
- 4.1.7.4 Where an email message constitutes a Record, the email shall be retained in a project team site or electronic Records management system, or as a last resort, as a paper document, and shall be retained in accordance with the Schedule.
- 4.1.7.5 Email residing in VTA's email archive will be retained for ten years and then permanently deleted, unless a legal hold is placed on an email account.

4.1.8 Records Not Electronically Stored

- 4.1.8.1 Subject to the exceptions below, original paper Records shall be destroyed subsequent to imaging as long as every page can be reproduced with full legibility.
- 4.1.8.2 Original paper Records must be retained for a minimum of one year after imaging to permit validation of the imaging process for the following items:
 - 4.1.8.2.1 Original paper Records generated or received for business activities linked to the use of federal funds (e.g., grants & contracts).
 - 4.1.8.2.2 In cases of large documents where verifying the reproduction of every page with full legibility places an undue hardship on staff.
- 4.1.8.3 Historical Records may be retained perpetually in their original state in order to preserve the sanctity of the occasion.

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- 4.1.8.4 Original paper Records evidencing real-estate transactions, legal proceedings, and other Records designated by the Office of the General Counsel may be retained perpetually in their original state.

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

Non-Record: means 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.

Record: means 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




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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.

6.0 Summary of Changes:

- 6.1 Initial release of this Policy.
- 6.2 Revisions by Ann Mangiaracina include: removal of Program from Title, addition of Non-Electronic Records, and revision to email message.

7.0 Approval Information:

<i>Prepared by</i>	<i>Reviewed by</i>	<i>Approved by</i>
 Richard North Senior Assistant Counsel	 Robert Fabela General Counsel	 Nuria I. Fernandez General Manager/CEO

10/8/15
Date Signed