

Board Policy No. 15 Records Retention Policy and Schedule

Summary

The legislative body may, by resolution, adopt and comply with a record retention schedule that is consistent with guidelines provided by the California Secretary of State, pursuant to Government Code § 12236, that classifies all of the District records by category and that establishes a standard protocol for destruction or disposition of records. This policy establishes a records retention schedule, by category, for District documents.

Record Retention Schedule

The attached Record Retention Schedule of the North County Transit District, is hereby replaced with the attached updated Record Retention Schedule adopted by Resolution No. 21-05 October 21, 2021.

General Guidelines for Record Retention

Retention of official records will be based on the requirements set forth in the Record Retention Schedule. In the event of any future system reconfiguration or conversion, all records, whether in original hard copy, electronic, or photographically reproduced form, shall be retained by the same requirements unless otherwise provided by law or by District policy.

For the purpose of this policy, electronic records, which constitute official District records, must be analyzed and retained in the same manner and to the same extent as paper records in accordance with the requirements of law and this Policy.

The District shall generally retain all official communication in electronic form for a minimum of two (2) years, unless a shorter or longer retention period is specifically authorized by State or Federal regulation and this Board of Directors retention policy.

The District shall retain original administrative, legal, fiscal and/or historical records with continued value (e.g., records for long-term transactions, pending litigation, and/or special projects) until all matters pertaining to such records are completely resolved or the time for appeal has expired. (Gov. Code § 60201).

The District shall retain indefinitely original documents that are designated as vital to:

- Resuming and/or continuing operations.
- Re-creating the legal and financial status of the District in case of a disaster.
- Fulfilling obligations to bondholders, customers, and/or employees. (Gov. Code § 60201).

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Destruction of Documents

The Board of Directors authorizes the Executive Director or designee(s) to interpret and implement this policy and the Records Retention Schedule, and to cause to be destroyed any and all records, papers, and documents that meet the specifications set forth in these documents, with the concurrence of District General Counsel.

The Executive Director or designee(s) may authorize the destruction of any duplicate records, including duplicates less than two years old, if no longer needed. (Gov. Code § 34090, 60200, 53161, Sec. of State Guidelines.)

Retention of Email

The email system is intended as a medium of communication only. The District's email system should not be used for the electronic storage or maintenance of documentation, including, but not limited to, official District records, which are records required to be retained by the District pursuant to the District's Record Retention Schedule.

It is the policy of the Board that email not defined as District records shall not be retained for more than sixty (60) days. Individual employees are responsible for the management of their mailboxes and associated folders. To ensure maximum efficiency, staff members should delete email messages that are not District records. Examples of emails that are not District records are as follows:

- Personal communications that do not relate to District business
- Unsolicited advertisements or similar communications not related to District business
- Preliminary drafts, notes and memorandums that have been retained for less than sixty (60) days and are no longer needed

E-mails that are designated as District records shall be retained consistent with the Records Retention Schedule and will be included in the District's document and/or project management systems. Examples of emails that are designated as District records include, but are not limited to, any records which:

- Concern official actions or transactions concerning official public business of the District
- Concern reports or recommendations
- Are kept in connection with the discharge of official duties
- Have legal, fiscal, historical or administrative value
- Provide unique information that contributes to the understanding of major fiscal, operational, or program decisions of the District

Some messages sent or received on the District's email system will constitute confidential, privileged communications between the District and its attorneys. **Attorney-client communications should not be forwarded to any person without consulting with General Counsel.**

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Litigation Holds


In case of litigation or threatened litigation against the District on a specific matter, the District is legally required to keep all records, including electronic communications, related to the dispute. This is what is referred to as a "litigation hold." A litigation hold suspends the District's Records Retention Schedule for documents, including emails, which may be relevant to a lawsuit or a reasonably anticipated lawsuit. General Counsel shall determine which records must be preserved in cases of litigation or threatened litigation and shall provide written notice to District employees. An employee shall not destroy any records that relate to litigation or threatened litigation as such conduct may subject the District and the employee to legal sanctions.

In order to ensure that the District complies with this requirement, it is the policy of the District that in the event of litigation or threatened litigation the following procedures shall be followed:

Within one (1) business day of receiving notice that the District is subject to actual or threatened litigation the General Counsel shall inform all District employees who may have documents relating to the subject of the litigation, including electronic communications, that the District is involved or about to be involved in litigation.


Immediately upon receiving such notice, all employees who have might have documents, or electronic communications relating to the subject of litigation, shall segregate those documents or electronic communications, and either print and retain the documents, or forward the documents to General Counsel for printing and retention. Discoverable electronic communications shall be preserved either in the Document Management System or by printing a copy of the email and placing it into the appropriate file for the matter until the claim is resolved.

Approvals



Board Chair

10/21/2021
Date



Executive Director

10/21/2021
Date



General Counsel

10/21/2021
Date

Board Policy No. 15 – Records Retention Policy and Schedule

DATE	REVISION No.	RESOLUTION No.	COMMENTS
10/18/2012	ADOPTED	12-10	
10/17/2013	1	13-07	2013 REVISION
10/16/2014	2	14-04	2014 REVISION
11/19/2015	3	15-08	2015 REVISION
10/20/2016	4	16-10	2016 REVISION
10/19/2017	5	17-10	2017 REVISION
10/18/2018	6	18-09	RECORDS RETENTION SCHEDULE UPDATED.
10/17/2019	7	19-06	RECORDS RETENTION SCHEDULE UPDATED.
10/15/2020	8	20-08	RECORDS RETENTION SCHEDULE UPDATED.
10/21/2021	9	21-05	RECORDS RETENTION SCHEDULE UPDATED.

RECORDS RETENTION SCHEDULE

RETENTION CODES	
AU = Audit	CU = Current
CL = Closed/Completed	PE = Permanent
EX = Expired	SU = Superseded
LIFE = Full term of position or life of manual	TE = Terminated

Destruction of any official record listed herein must be authorized by the CEO or designee. (Gov. Code 60200-60204)

RECORDS TYPE/DESCRIPTION	DEPARTMENT	MINIMUM RETENTION PERIOD	LEGAL AUTHORITY
ADMINISTRATIVE SERVICES			
Administration			
Annexations, Reorganizations (<i>i.e. Notices, Resolutions, Certificates of Completion</i>)	Administration	PE	GC 60201(d)(1)
Articles of Incorporation and other records relating to formation	Administration	PE	GC 60201(d)(1)
Board Agenda	Administration	PE	GC 34090
Correspondence, CEO	Administration	LIFE+3	GC 34090
Employee Travel Logs	Administration	CU+2	GC 34090
Minutes, Board (speaker slips and written public comment)	Administration	PE	GC 34090(e), GC 60201(d)(3)
Notices, Public Meetings	Administration	CU+2	GC 34090
Ordinances	Administration	PE	GC 34090(e), GC 60201(d)(3), GC 40806
Policies, Administrative	Administration	SU+2	GC 34090
Policies, District Board	Administration	SU+2	GC 34090
Recordings, audio (<i>Board Meetings</i>)	Administration	PE	GC 34090
Records Destruction Authorization Forms	Administration	PE	GC 34090
Staff Reports	Administration	PE	GC 34090
General Records			
Correspondence, General (certified mail receipts)	All	CU+2	GC 34090
Correspondence, Project Related (including substantive emails)	All	CL+7	GC 34090
Reports (Departmental/Consultants)	All	SU+2	GC 34090
Recordings, audio (phones)	All	2 years	GC 34090.6, GC 53160
Manuals and Plans	All	SU+3	GC 34090
Administrative Policies and Standard Operating Procedures	All	SU+3	GC 34090
Newsletters	All	CU+5	GC 34090

Memorandum of Understanding/Memorandum of Agreement	All	CL+7	GC 34090
Certified Payroll	All	CL+7	GC 34090
HR Training & Organizational Development			
Collective Bargaining Agreements (<i>Labor agreements</i>)	HR	PE	29 CFR 516.5
District Drug & Alcohol/MIS reports	HR	CU+5	29 CFR 1627.3(b)(1)(v)
Economic Interest Statements - Form 700	HR	CU+4	GC 81009(f),(g)
Employment, ERISA Record, Benefit plans	HR	CL+4	GC 34090
Employment, Personnel Files	HR	TE+5	GC 12946
Ethics Training Records (AB 1234)	HR	CU+5	GC 53235.2
Family and Medical Leave Act (<i>Federal</i>)	HR	TE+5	29 CFR 825.500
Recruitment Files (Applications)	HR	CU+2	GC 34090
Unemployment Insurance Records	HR	TE+5	CCP 337
Workers Compensation	HR	CL+5	8 CCR 10102
Employee Medical & Exposure Records (<i>toxic substances or harmful physical agents</i>)	HR	TE+30	8 CCR 3204

ADVOCACY, MARKETING & COMMUNICATIONS			
Marketing & Communication			
Marketing Literature (<i>Ads, outreach materials, press releases, etc.</i>)	Marketing	CU+5	GC 34090

BUS OPERATIONS			
Bus Operations			
Maintenance Manuals (Buses, vehicles)	Bus Operations	LIFE+3	GC 34090
Maintenance Records (Buses, Vehicles)	Bus Operations	LIFE+3	FTA Cir. 5010.1E
Maintenance Plans (Buses, Vehicles)	Bus Operations	LIFE+3	GC 34090
Performance Reports/Contract Deliverables	Bus Operations	CL+4	CCP 337
Recordings, video: BREEZE	Bus Operations	3 days	GC 53160, 34090(6),
Recordings, audio: BREEZE dispatch & LIFT Reservations	Bus Operations	2 years	GC 34090.6, GC 53160
Reports: Driver Vehicle Inspection Reports	Bus Operations	90 days	13 CCR § 1234; 49 CFR 396
American Disabilities Act (ADA/Paratransit) (<i>ADA review group minutes.</i>)	Bus Operations	CL+4	49 CFR 37A
ADA Appeals	Bus Operations	CU+3	49 CFR 37A
Service Requests/Charter Bus	Bus Operations	CU+3	GC 34090

DEVELOPMENT SERVICES			
Environmental Planning			
Environmental Impact Report/Statement (CEQA / NEPA)	Development Svcs	PE	GC 34090(a)
Environmental Permits	Development Svcs	SU+2	GC 34090
Hazardous Materials (<i>Waste Disposal, Storage, Permits</i>)	Development Svcs	PE	GC 34090
Storm Water Maintenance Program/Plan Documents	Development Svcs	SU+5	40 CFR 122.26
Facilities and Project Management			
Drawings, (<i>As-Builts</i>)	Facilities	PE	GC 34090
Geotechnical Reports	Facilities	PE	GC 34090(d)

*Represents On-Board NCTD system capacity limits

Hydraulics and Hydrology Reports	Facilities	PE	GC 34090
Environmental Hazard Report (asbestos, PCBs, lead)	Facilities	PE	GC 34090(a)
Contract Oversight Reports (<i>Contract Deliverables including QA Reports, PMR, PM Reporting, Change orders, schedule modifications</i>)	Facilities	CU+3	GC 34090
Facility Inspection Reports (Generators, Exit Lights and Signs, UPS systems, Key Audits, Access Badge Issuance audits, Corrective action/verification)	Facilities	CU+5	GC 34090(d)
Environmental Testing/Exposure Monitoring	Facilities	SU+5	GC 34090
Facility Project Files (minutes, design plans, estimates, comments & responses, traffic control plans, RFIs, inspection reports, submittals, specifications, encroachment permits, SWPP, and drawings (includes storm water reports))	Facilities	LIFE+3	GC 34090
Leases; Facilities (<i>Equipment</i>)	Facilities	TE+5	CCP 337.2
Maintenance Records, Facilities (<i>Work orders</i>)	Facilities	LIFE+3	FTA Cir. 5010.1E
Maintenance and Operation Warranties and Manuals	Facilities	LIFE+3	GC 34090(d)
Permits, Facilities (<i>Equipment</i>)	Facilities	SU+2	GC 34090
Underground Storage Tank O&M	Facilities	PE	HSC: 25296.10 USEPA 42 U.S.C. §6912
Rail Engineering			
Bridge Rating Report	Engineering	PE	GC 34090
Bridge Inspection Report (Construction)	Engineering	PE	49 CFR 237.109
Bridge Inspection Report (Special/Annual)	Engineering	PE	49 CFR 237.109
Drainage Study	Engineering	SU+5	GC 34090(d)
Drawings, (<i>As-Builts</i>)	Engineering	PE	GC 34090
Engineering Project Files (includes AWW/FAWW, Exhibit A, minutes, design plans, estimates, comments & responses, traffic control plans, RFI's, inspection reports, submittals, specifications, encroachment permits, SWPPP, and drawings)	Engineering	CL+3	GC 60201(d)(12)
Track Inspection Records	MOW	SU+1	49 CFR 213.369; CPUC GO 143.B
Real Estate			
Denied Real Estate Submittals	Real Estate	CL+2	GC 34090
Insurance Certificates, Real Estate	Real Estate	EX+6	GC 34090
Permits: Right-of-Way, Work plans, Activity, Hazard Analysis, Construction Drawings, Communications	Real Estate	EX+6	GC 34090(a)
Real Property; (<i>including Abandonment, Acquisition, Disposition, Deeds, Titles, Easements, Appraisals, Surveys, Work plans, Leases, Licenses, Environmental</i>)	Real Estate	PE	GC 34090; 40 C. Real E.R. 141.91; CCP 337.2
FINANCE			
General Accounting (<i>Non-grant related</i>) (Bank Deposits, Bank Statements, Cash Receipts, Invoices to Customers, Journal Entries-Non-Project Related, Reconciliations)	Finance	AU+4	CCP 337
General Reports, Financial (<i>Includes Survey, Audits, Investments, State Controller</i>)	Finance	CU+3	GC 34090
Journal Entries – Project Related (State and Federal Grants)	Finance	CL+7	24 CFR 85.42

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		<i>or AU+3, whichever is later</i>	
Journal Entries – Project Related (Proposition 1A and 1B)	Finance	CL+35	CAL-EMA-GMM 2011-09
Scanned Accounts Payable Checks	Finance	PE	GC 34090
Accounting, Permanent Books of Accounts	Finance	PE	26 CFR 1.6001-1(e)
Annual Financial Reports (<i>includes CAFR</i>)	Finance	PE	17 CFR 210
Audit Hearing, Review, Analysis, or Findings (<i>Includes Survey, Audits, Investments, State Controller</i>)	Finance	CL+7	GC 34090
Bonds, Authorizations, Public Hearing Records, Proposals	Finance	See Bond Terms	GC 34090
Fixed Assets (Grant Related)	Finance	AU+4 from Date Sold/Disposed or Grant Terms, whichever is later	CCP 337
Fixed Assets (Non-Grant Related)	Finance	AU+4 from Date Sold/Disposed	VC 9900 et seq.
Vehicle Ownership & Title (Non-Grant related)	Finance	<i>AU+4 from Date Sold/Disposed</i>	VC 9900 et seq.
Deferred Compensation Reports	Finance	CU+7	29 CFR 1627.3
Employee Expense Reports	Finance	CU+7	GC 60201(d)(12)
Payroll	Finance	CU+7	GC 60201(d)(12)
Tax Records - Employee Related	Finance	CU+7	GC 34090
NCTD Tax Filings (fuel, etc.)	Finance	CU+7	26 USC §6501, et. seq (IRS); CA RTC § 19066.5 (FTB)
Grants			
Grants (State and Federal)	Grants	CL+7 or AU+3, whichever is later	24 CFR 85.42
Grants (Proposition 1A and 1B)	Grants	CL+35	CAL-EMA-GMM 2011-09

GENERAL COUNSEL			
Claims	General Counsel	CL+2	GC 60201(d)(4)
Legal Opinions	General Counsel	SU+2	GC 34090
Litigation	General Counsel	CL+2	GC 60201(d)(4)
Audits (<i>Non-financial; Regulatory; Non-Regulatory; External</i>)	General Counsel	AU+10	GC 34090
Audits (<i>Non-Financial; Internal</i>)	General Counsel	AU+10	GC 34091
Investigatory files (<i>Internal</i>)	General Counsel	CL+5	CCP 337, 338, 342; GC 34090
Investigatory files (<i>EEO</i>)	General Counsel	TE+2	GC 12946; 29 CFR 1602.14
Investigatory files (<i>Title VI, UNRUH, ADA</i>)	General Counsel	CL+5	CCP 338, 340; 49 CFR 27.121
Reasonable Accommodations (<i>includes Religious</i>)	General Counsel	TE+4	GC 12946,

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			29 CFR 1602.14
Disparity Study	General Counsel	CU+2	GC 34090
DBE Reports	General Counsel	CU+4	GC 34090, 49 CFR 26.11
Insurance Policies	General Counsel	CL+4	CCP 337
Public Records Request	General Counsel	CU+2	GC 60201(d)(5); 1 CFR 304.10
Recordings, Audio or Video (Litigation)	General Counsel	CL+2	GC 60201(d)(4)
Procurement and Contract Administration			
Procurement File: Successful-Non-Construction, Non-Public Works includes maintenance agreements subject to prevailing wages (<i>including, but not limited to: legal docs, contract, amendments, PO's, insurance bond termination docs, procurement summary form, Bid letter, legal opinion, sole source, SSC reports, RFP, RFSQ, RFB, IFB, abstracts, addendums, vendor submittals, bid, proposals, notices of publication, and protest docs.</i>)	Procurement & Contract Admin	CL+7	GC 34090; GC 60201(d)(12)
Procurement File: Successful- Construction, and Public Works (<i>including but not limited to: legal docs, contract, change orders, PO's, insurance bond termination docs, procurement summary form, Bid letter, legal opinion, sole source, SSC Reports, RFP, IFB, abstracts, addendums, vendor submittals, bid, notices of publication, and protest docs.</i>)	Procurement & Contract Admin	TE+15	CA Contracting Code; GC 60201(d)(12)
Procurement File: Unaccepted Bids and Proposals	Procurement & Contract Admin	CL+2	GC 60201(d)(11)
Procurement and Contract Administration Division Policies and Procedures Procurement Manual	Procurement & Contract Admin	SU+6	GC 34090
Unqualified Bid List	Procurement & Contract Admin	TBD	NCTD Ordinance No. 6

INFORMATION TECHNOLOGY			
Licenses, Software	IT	TE+2	GC 34090
Rail Technologies			
Configuration Control Management Plan	Rail Technologies	SU+3	49 CFR 236.1037
Event Recordings (If pulled, retain per this schedule)	Rail Technologies	(see video retention)	49 CFR 236.1037
Field Configuration Management Plan	Rail Technologies	SU+3	49 CFR 236.1037
NCTD Master Test Plan	Rail Technologies	SU+3	49 CFR 236.1037
Operations Manual	Rail Technologies	SU+3	49 CFR 236.1037
PTC Communications Restoration Plan	Rail Technologies	SU+3	49 CFR 236.1037
PTC Development Plan	Rail Technologies	SU+3	49 CFR 236.1037
PTC Failure Backup Plan	Rail Technologies	SU+3	49 CFR 236.1037
PTC Implementation Plan	Rail Technologies	SU+3	49 CFR 236.1037
PTC Safety Plan	Rail Technologies	SU+3	49 CFR 236.1037
Training Program Plan	Rail Technologies	SU+3	49 CFR 236.1037
PTC Project files	Rail Technologies	CL+10	GC 34090

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PTC Inspection	Rail Technologies	SU+1	49 CFR 236.1037
Training & Testing Records	Rail Technologies	1) LIFE of Equipment 2) Until next record filed, not < 1yr	49 CFR 236.1037 49 CFR 236.1043 49 CFR 236.110 49 CFR 236.587 49 CFR 236.917
Type Approval	Rail Technologies	SU+3	49 CFR 236.1037

OPERATIONS SUPPORT SERVICES			
Customer Service			
Reduced Fare Application	Customer Svc	CU+3	49 CFR 37A, 37.3, 49 CFR 609
Reports, Rider (<i>Complaints and Feedback</i>)	Customer Svc	CU+10	GC 25105.5, 60201(d)(4)
Riders Guide	Customer Svc	CU+3	GC 34090
Security Oversight			
Citations	Security	CL+3	GC 34090

PLANNING, STRATEGY, & INNOVATION			
Service Planning			
Schedules (<i>Bus, Rail</i>)	Service Planning	SU+3	GC 34090
Performance Reports, Annual, Quarterly	Service Planning	CL+4	CCP 337
Strategic Planning			
Grants	Strategic Planning	EX+2	GC 34090
Planning Studies	Strategic Planning	CL+2	GC 34090

RAIL OPERATIONS			
Maintenance Manuals (Rail)	Rail Operations	LIFE+3	GC 34090
Maintenance Records (Rail)	Rail Operations	LIFE+3	FTA Cir. 5010.1E
Performance Reports/Contract Deliverables	Rail Operations	CL+4	GC 34090
Recordings, audio (Dispatch, Rail)	Rail Operations	2 years	GC 34090.6, GC 53160,
Recordings, video: COASTER (Passenger area)	Rail Operations	*5 days	GC 53160, 34090(6)
Recordings, video: COASTER (Inward and Outward facing video)	Rail Operations	*14 days	GC 53160, 34090(6)
Recordings, video: SPRINTER (On-Board)	Rail Operations	*16 Days	GC 53160, 34090(6)
GO-88 Related Documents	Rail Operations	CU+5	PUC 12014-1220
Crossings Tests and Inspections	MOS	SU+3	49 CFR 234.109; CPUC GO 143B
Signal Tests and Inspections	MOS	SU+3	49 CFR 236.110; CPUC GO 143B
Hours of Service	MOS/OPS	SU+3	49 CFR 228.11; CPUC GO 143B

SAFETY

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Safety Oversight			
Accident Reports (<i>General/Bus</i>)	Safety	CL+3	CCP 335.1
Accident Reports (Rail – FRA)	Safety	CU+5	49 CFR 225.25
Accident Reports (Rail – CPUC)	Safety	AU+3	CPUC GO 164-E
Accident, Damage to District Property	Safety	CL+4	GC 34090, CCP 338
Audits (<i>Safety</i>)	Safety	CU+5	29 CFR 1904.33
OSHA (Risk Management and all non-exposure accident reports)	Safety	CU+5	29 CFR 1904.33
Investigatory Files (<i>Safety</i>)	Safety	CL+5	GC 34090

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