North Central Regional Transit District (NCRTD)

Resolution No. 2017-35

ADOPTING A RECORD RETENTION AND DISPOSITION POLICY

WHEREAS, the NCRTD is a "special District" pursuant to NMSA 1978, Section 73-25-1 et seq., and a subdivision of the State of New Mexico; and

WHEREAS, the Board of Directors adopted its existing "Record Retention and E-Mail Policy" by Resolution 2012-17; and

WHEREAS, the NCRTD needs to limit access to and assure the security of its records in order to ensure that an accurate history of the District's business is maintained; and

WHEREAS, the NCRTD needs to be able to dispose of records that have no further usefulness and value to the District in a manner that properly documents the orderly disposition of any document whether it is stored and archived or destroyed; and

WHEREAS, the NCRTD and its Board of Directors wish to ensure systematic control of all District records in order to ensure records are accurate and reliable by ensuring the authenticity, integrity, reliability and usability of all district records.

NOW THEREFORE BE IT RESOLVED BY THE NCRTD BOARD THAT THE ATTACHED "Records Retention and Disposition Policy" Is hereby adopted.

PASSED APPROVED AND ADOPTED BY THE GOVERNING BODY OF THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT ON THIS 13TH DAY OF OCTOBER, 2017.

Approved as to form:

Daniel Barrone, Chair

Peter Dwyer, Counsel
1.0 Purposes

The North Central Regional Transit District (NCRTD) ("District") generates numerous physical and electronic records in the course of performing its primary function as a public transit agency. The ability of the District and the public to obtain correct copies of District records is important to ensure that District operations are transparent, reasonable and consistent with Board approved policies.

2.0 Scope of Policy

This policy covers all District records regardless of the format in which the records are generated, stored, or retained. District records shall include all records obtained by District staff and employees in the course of their conduct of District business and such records of the District’s Officers and agents as the District staff may obtain in the course of conducting the District’s business. This policy only covers the District’s own actions in managing its records and does not cover the inspection or reproduction of records.

3.0 Oversight Responsibility:

This policy shall be administered by the Executive Director and his/her administrative assistant. However, each employee of the District shall be responsible for retention and disposition of District records within the individual’s control and nothing herein shall excuse District employees from compliance with laws including but not limited to the Inspection of Public Records Act.

4.0 Definitions:
The following terms shall have the respective meanings provided in this Policy. Terms
capitalized for non-grammatical purposes in this Policy shall have the meanings as defined in
this Policy.

A. "Agency" means the administrative subdivision of a county or municipal
government.

B. "Archives" means the permanent records of the state of New Mexico, which
may include government and private collections of the Spanish, Mexican, territorial and
statehood periods, assessed to have significant historical value to warrant their preservation by
the state of New Mexico.

C. "Disposition" means final action that puts into effect the results of an
appraisal decision for a series of records (i.e., transfer to archives or destruction).

D. "Executive level" means elected and appointed officials, statutory agency
heads and management personnel with decision making authority granted by the agency head.

E. "File closed" means the date the trigger event occurred, or, for electronic
records, equivalent to the date last modified unless otherwise stated in retention.

F. "Historical" means records deemed to have archival value by the
commission.

G. "Non-record" means extra copies of documents kept solely for convenience
of reference, stocks of publications, transitory records, records not usually included within the
scope of the official records of an agency or government entity and library material intended
only for reference or exhibition. The following specific types of materials are non-records:
materials neither made nor received in pursuance of statutory requirements nor in connection
with the functional responsibility of the officer or agency, extra copies of correspondence,
preliminary drafts, blank forms, transmittal letters or forms that do not add information, sample
letters and informational files.

H. "Public Record" means all documents, papers, letters, books, maps, tapes,
photographs, recordings and other materials, regardless of physical form or characteristics, that
are used, created, received, maintained or held by or on behalf of any public body and relate to
public business, whether or not the records are required by law to be created or maintained.

I. "Record" means all documents, papers, letters, books, maps, tapes,
photographs, recordings and other materials, regardless of physical form or characteristics, that
are used, created, received, maintained or held by or on behalf of the District for the conduct of
official District business. Other materials such a blank forms, extra copies of forms, draft
documents and spam e-mail are not records.

J. "Retention" means the period of time during which records should be
maintained by an organization because they are needed for operational, legal, fiscal, historical or
other purposes.

I. "Transitory" means messages which serve to convey information of
temporary importance in lieu of oral communication. Transitory messages are only required for
a limited time to ensure the completion of a routine action or the preparation of a subsequent
record. Transitory messages are not required to control, support or to document the operations of
government.
J. "Trigger event" means the closing event of a record which begins the retention period.

5.0 General Policy on Records Management, Retention and Disposition:

It is the general policy of the District to maintain records in an orderly fashion so as to ensure that the District and its officers and agents have reliable written documentary support for the conduct of all District business. In order to ensure the authenticity, integrity, reliability and usability of District records the District shall generally not give or lend originals of any District record to anyone and shall only provide inspection or copying of district records in lieu of providing the original records unless the provision of the original record is required by law or permitted by this policy.

6.0 Identification of Mission Critical Records:

The District's Mission Critical Records shall include but not be limited to the following:

Board Resolutions and attached Exhibits;
All policies adopted by the Board;
All administrative procedures implemented by the Executive Director;
All formally adopted plans for the District.
All minutes of District Meetings.

The Executive Director may, from time to time, identify additional records as "Mission Critical" if, in the Executive Director's opinion the records warrant retention and disposition other than that normally prescribed for records of that category.

7.0 Access and Security:

Access to and security of District records is limited through the physical and electronic storage of records as well as the passwords and security permissions granted to employees and agents of the District. Generally, only the officers, employees and agents of the District shall have access to District records. Any information technology specialist whether an employee or a contractor of the District may have access to District records when necessary to perform their assigned job duties but shall not have authority to inspect, alter or delete any District record without express written permission of the executive director. Inspection or reproduction of District records by the public are not covered by this policy.

7.1 Purposes of Restricted Access and Security Measures:

The purpose of access and security limitations are to ensure systematic control of records, ensure that the records are accurate and that the documentation of District decisions is reliable. In order to ensure accurate and reliable records the District must ensure the authenticity, integrity and usability of all records it retains. Access and security limitations are designed to protect sensitive, personal or proprietary information from improper or illegal alteration, use, and dissemination. Access to records and security protocols shall apply to specific staff members on the following bases:
7.2 Access to Personnel Records:

Generally access to all personnel records shall be limited to the Executive Director, the Human Resources Director and the employee. Others may have access to personnel records:
(a) when given express written permission by the employee
(b) when the record is required to perform job duties for the District
(c) when the record is required to be provided by law
(d) when the record is required as part of an investigation or audit by a person or entity either hired by the District or whom has authority to investigate the District's operations.

7.3 Access to Financial Records:

Generally access to all financial records shall be limited to the Finance Director and his or her staff. Others may have access to financial records:

(a) when given express permission by the Finance Director;
(b) when the record is required to perform job duties for the District;
(c) when the record is required to be provided by law;
(d) when the record is part of an investigation or audit by a person or entity either hired by the District or whom has authority to investigate the District's operations;
(e) when required by a person or entity other than the District's agents or employees to complete a transaction or authenticate another record;
(f) when required by the Board of Director's to verify or inform the Board's decisions.

7.4 Access to Legal Records:

Generally access to all legal records shall be limited to the District's attorney and Executive Director. Others may have access to legal records:
(a) when given express written permission by the Executive Director;
(b) when the record is required to perform job duties for the District;
(c) when the record is required to be provided by law;
(d) when the record is required as part of an investigation or audit by a person or entity either hired by the District or whom has authority to investigate the District's operations.

7.5 Access to Drug and Alcohol Testing Records:

All drug and alcohol testing records shall have limited access as personnel records under 7.2 above but with the following additional access permitted:

(a) access to federal and state employees may be permitted as necessary to authenticate records and to confirm District compliance with mandated drug and alcohol testing laws and regulations;
(b) access to contractors required to perform their duties under the District's drug and alcohol related policies;
(c) access to authorized doctors, therapists and medical practitioners necessary to perform any assessments or render any medical services following a drug and alcohol test.
7.6 Security for All District Records:

District records shall be maintained using security protocols to ensure the record's authenticity, integrity, reliability and usability. Nothing herein shall limit the ability of the district to make or provide copies of records so long as the original record is secured properly. Security of District records shall be ensured by the use of password protections on electronic access to electronic files, limitations on physical access to offices and storage spaces where original records are retained, and network security limiting access to portions of the District's computer network containing original records.

(a) Passwords shall be utilized to limit access to District electronic files. Only persons having access to records under this policy shall be given passwords allowing them access to the electronic records. Passwords shall be changed not less than every 180 days to ensure security. Passwords shall also be change any time there is a new employee who receives access to District records and every time there is a former employee who is no longer permitted access to District records. Specific portions of the District's network shall be segregated from the open and shared portion of the network in order to limit access pursuant to this policy. The District may password protect access to the portions of the network if it deems such security measures necessary or prudent.

8.0 File Maintenance:

District record files shall be maintained as either "Active" or "Closed." Active files shall include all records which are final and currently in regular use by District staff. Closed files shall include all records which are no longer in active use and which have been designated "Closed" and assigned a retention date pursuant to this policy. All files are deemed Active until designated as Closed by the person responsible for maintaining those files and records. Closed files shall be maintained primarily by listing the closure date and the retention date followed by the name of the Active file and any other descriptive information that may assist in managing the records contained in the file. District staff shall annually review their files and records and shall submit to the Executive Director a list of files to be Closed along with the assigned retention dates and file descriptions. The Executive Director shall review the list of proposed file closures and shall approve or deny the closure depending on whether all possible actions involving the file (other than use as a historical or archival record) have been completed and the record is no longer in regular use by District employees or agents.

9.0 Classification of Records:

District records shall be classified according to the Records Retention and Disposition Schedule the "RRDS") attached hereto as Exhibit A. The RRDS shall, to the maximum extent possible, classify all District records by their functional use when they were Active records.

10.0 Official Records and Copies:

Official records are the District records which are final (non-draft) records that have been duly executed or authorized by their originator and that are expressly designated by the District employee who uses them as Official Records. Official records should be maintained in a segregated file or folder and protected against alteration, amendment, deletion or other changes that would compromise there authenticity, integrity, reliability and usefulness. Mission Critical Records as defined herein shall be
maintained as hard copy original files in the offices of the Executive Director and all electronic copies of said Mission Critical Records including copies provided to the public or published on the Districts web page shall be marked and designated through watermarking, version saving, or other methods as being copies and not the authentic original records. All personnel and legal records shall similarly be maintained in the respective Human Resources and Legal offices as hard copy original records and copies shall be marked and designated through watermarking, version saving, or other methods as being copies and not the authentic original records. Financial records shall be maintained in hard copy original to the extent that the documents are generated and maintained by the District staff and where such documents are generated externally a hard copy shall be printed and preserved in the condition it was received.

Reference copies or duplicates may be maintained by the District or District employees or agents for their own convenience but shall not be deemed records within the meaning of this policy.

11.0 Storage of Records

District records shall generally be stored in hard copy format in files developed and maintained by each functional unit of the District according to needs, purposes and uses of the District's employees and agents. Electronic storage of records may be utilized in the following circumstances:

(a) the person using the record must create a specific and segregated electronic file for the category of records using the RRDS to classify the Active records on an interim basis pending the closure and final designation of the records;

(b) the electronic file must meet the access and security requirements of this policy;

(c) the electronic file must be regularly backed up to a server or site that is secure and that minimizes the risk of loss, alteration or damage to the record;

(d) the electronic file must contain only records in a file format that minimizes the risk of alterations and deletions of District records.

12.0 Disposition of Records

Disposition of records means either archiving the record or destruction of the record. All records may be disposed of after the time set for in the RRDS. All Mission Critical Records shall not be destroyed and shall be archived. Any time a record or a series of records is disposed of the person destroying the record shall first complete and sign a Notice of Destruction form substantially in the format attached hereto as Exhibit B.

12.1 Litigation Holds

Legal counsel for the district is responsible for notifying District employees if there is threatened or pending litigation that may require the preservation of Records, Non-Records, or Public Records. In the event that the District's staff, officers, employees and agents are advised of a Litigation Hold all documents pertaining to the topic shall be retained and all retention periods under the RRDS shall be suspended until such time as the Litigation Hold is lifted by legal counsel.

12.2 Administrative Holds
Any time the Executive Director or the Board Chair decides that records should be retained in order to perform an investigation or analysis of any District or District employee activity they may require the preservation of Records, Non-Records, or Public Records. In the event that the District’s staff, officers, employees and agents are advised of an Administrative Hold all documents pertaining to the topic shall be retained and all retention periods under the RRDS shall be suspended until such time as the Administrative Hold is lifted.

13.0 Audio and Video Records

Due to the limited storage capacity of the District, audio and video records regardless of their RRDS categorization may be overwritten or destroyed once the District staff has reviewed samples and segments of the audio or video recordings and determined that the audio or video is unlikely to contain any Record information that is needed for future District business or activities. Notwithstanding the preceding provision, the District shall retain and store any audio or video record that the District determines to be needed or useful for its future business including audio or video documenting incidents, accidents or violations of the law or District policies to the extent the District has actual knowledge of the existence of such audio or video records.

14.0 E-mail Records

E-mail records shall be retained and managed in the same fashion as hard copy records except that the electronic storage of e-mails shall be permitted by maintaining all e-mails in their native format until such time as the e-mails are reviewed, sorted for relevance and deleted by the person maintaining the e-mail account. E-mails accounts should be reviewed and sorted not less than annually to ensure that transitory and ephemeral documents, solicitations and spam and all other Non-records are removed from the e-mail account and are not retained as Records. All E-mails that are Records should be retained and saved into a file folder by employee and year.

15.0 Externally Generated Records

Records that are created by persons outside the District but that qualify as Records under this policy shall be retained in the form and format in which they are received.

16.0 Tampering With District Records

Knowingly altering destroying, concealing, mutilating or removing without lawful authority any record or document belonging to or under the direct control of the District at a time or in a manner that would constitute a violation of this policy shall be grounds for disciplinary action.

17.0 Records Retention and Disposition Schedule:

The Records Retention and Disposition Schedule attached hereto as Exhibit A shall be utilized in the District’s retention, storage and disposal of records. The Schedule may be amended from time to time by the Executive Director who shall post a current version of the schedule and the effective date of any subsequent schedule on the District’s website.