

NORTH EAST TEXAS REGIONAL MOBILITY AUTHORITY
POLICIES AND PROCEDURES GOVERNING
RETENTION OF RECORDS

SECTION 1. PURPOSE. These policies and procedures are adopted by the North East Texas Regional Mobility Authority (“NET RMA” or “Authority”) in the interest of cost-effective and efficient recordkeeping. The NET RMA recognizes the need for orderly management of official records and a documented records retention schedule consistent with state and federal laws and regulations. These policies and procedures are intended to provide for efficient, economical, and effective controls over the creation, maintenance, and disposition of all records of the NET RMA. All NET RMA records shall be created, maintained, and disposed of in accordance with the provisions of these policies and procedures.

SECTION 2. DEFINITIONS.

1. Record. All documents, papers, letters, books, maps, photographs, sound or video recordings, microfilm, magnetic tape, electronic media, or other information recording media, regardless of physical form or characteristic and regardless of whether public access to them is open or restricted under the laws of the state, created or received by the NET RMA or any of its officers or employees pursuant to law or in the transaction of public business.

2. Retention Period. The minimum time that must pass after the creation, recording, or receipt of a record, or the fulfillment of certain actions associated with a record, before it is eligible for destruction.

3. NET RMA Records Retention Schedule. A document adopted by the NET RMA Board of Directors listing classes of records maintained by the NET RMA, their respective retention periods, and other records disposition information that these records retention policies and procedures may require. Attached hereto as Attachment A.

SECTION 3. NET RMA RECORDS DECLARED PUBLIC PROPERTY. All NET RMA records as defined in Section 2 of these policies and procedures are hereby declared to be the property of the NET RMA. No NET RMA official or employee has, by virtue of his or her position, any personal or property right to such records even though he or she may have developed or compiled them. The unauthorized destruction, removal from files, or use of such records is prohibited.

SECTION 4. RECORDS RETENTION SCHEDULE. The NET RMA has adopted the NET RMA Records Retention Schedule attached hereto as Attachment A. The NET RMA Records Retention Schedule specifies retention periods for certain classes of records routinely created and maintained by the NET RMA based on their administrative, legal, fiscal, and historical value. To the extent that the retention period for a class of record is prescribed by federal or state law, rule of court, or regulation, the legally-prescribed retention period is

reflected in the NET RMA Records Retention Schedule. Should the NET RMA Records Retention Schedule conflict with any retention period prescribed by law for any class of record, the NET RMA shall maintain those records for the longer of the retention period set forth in the NET RMA Records Retention Schedule or prescribed by law. If a class of record is not covered by the NET RMA Records Retention Schedule, the NET RMA shall maintain the record for the retention period specified in the retention schedules for local governments established by the Texas State Library and Archives Commission pursuant to section 441.158 of the Texas Government Code (the "TSLAC Records Retention Schedules"). If two or more records listed in the NET RMA Records Retention Schedule and/or the TSLAC Records Retention Schedules are maintained together and are not severable, the combined record must be retained for the length of time of the component with the longest retention period.

The retention period for a record applies to the record regardless of the medium in which it is maintained. Electronically stored data used to create a record or the functional equivalent of a record as described in this schedule must be retained, along with the hardware and software necessary to access the data, for the retention period assigned to the record, unless backup copies of the data generated from electronic storage are retained in paper or on microfilm for the retention period.

Unless otherwise stated, the retention period for a record is in calendar years from the date of its creation. The NET RMA Records Retention Schedule may be revised from time to time to include or delete a class of records or to change the retention period specified for a class or classes of records.

SECTION 5. DESIGNATION OF RECORDS CUSTODIAN. The NET RMA shall designate an employee or officer of the Authority to serve as a Records Custodian. The Records Custodian shall oversee all issues of records and information management policy and shall maintain an index generally showing what records presently exist and what records have been destroyed. As set forth in Section 6 below, the Records Custodian shall also provide written authorization prior to the destruction of any NET RMA record other than those specifically excepted from that requirement and shall be responsible for determining when a record not covered by the NET RMA Records Retention Schedule or the TSLAC Records Retention Schedules may be destroyed.

SECTION 6. DESTRUCTION OF NET RMA RECORDS. Provided such records are no longer needed for the operation of the NET RMA, records shall be maintained no longer than is required under these policies and procedures or applicable state or federal law or regulations. If a record is listed on the NET RMA Records Retention Schedule attached hereto as Attachment A, it may be destroyed following the expiration of the retention period set forth therein. If a record is not covered by the NET RMA Records Retention Schedule but is covered by the TSLAC Records Retention Schedules, it may be destroyed following the expiration of the retention period set forth in the TSLAC Records Retention Schedules. A record not listed on the NET RMA Records Retention Schedule or the TSLAC Records Retention Schedules may be destroyed following the legally-prescribed retention period, if any, and upon the determination of the Records Custodian that the record is no longer useful for administrative, legal, fiscal, or historical purposes.

The Records Custodian must provide written authorization prior to the destruction of any records, with the exception of those records for which the retention period set forth in the NET RMA Records Retention schedule is ninety (90) days or less.

Notwithstanding any conflict with the NET RMA Records Retention Schedule, records shall be maintained as long as they are needed to provide the NET RMA with information and data needed for its operations, to comply with requests of internal or external auditors, or to comply with federal and state law. A record may not be destroyed if any litigation, claim, negotiation, audit, open records request, administrative review, or other action involving the record is initiated before the expiration of the retention period in the NET RMA Records Retention Schedule.

Records containing sensitive or confidential information must be disposed of in an appropriate manner and must also be stored in a secured location until final disposition. All records containing confidential information must be shredded or similarly destroyed as directed by the Records Custodian. Recycle and trash bins shall not be used for disposing of confidential information. Electronic records shall be deleted and destroyed. Magnetic media shall be destroyed through erasure of the information.

SECTION 7. DUPLICATE RECORDS. When several copies of a record are in the possession of the NET RMA, the Records Custodian shall decide which shall be the official record and where it shall be maintained. Duplicate files, duplicate copies, library materials, and stocks of obsolete forms or pamphlets originally intended for distribution are not considered to be official records or record copies and need not be retained. Duplicates or nonrecord convenience copies should be destroyed when they cease to be useful and should never be kept longer than the official record copy.

SECTION 8. ELECTRONIC MAIL. All e-mail sent or received by NET RMA employees regarding NET RMA business is considered a NET RMA record and shall be retained or disposed of according to the NET RMA Records Retention Schedule. It is the content and function of an e-mail message that determines the retention period for that message. Records created using an e-mail system may be saved for their required retention period by one of the following methods: 1) printing the message and filing an appropriate hard copy; 2) placing the message in a folder and saving it on the C: drive; 3) saving the message to a removable disk; 4) transferring the message to an automated records management software application; or 5) managing the message at the server through an automated classification system.

Personal e-mails sent by employees, such as messages to and from family and friends, and stored on NET RMA equipment are not covered by the NET RMA Records Retention Schedule. Such e-mails may, however, be subject to disclosure under the Texas Public Information Act (Texas Government Code, Chapter 552), and employees should not consider any e-mail stored on NET RMA equipment to be private. Employees should therefore minimize personal use of the NET RMA e-mail system and should delete e-mails not meeting the definition of a NET RMA record the day that they are received so that they are not stored on NET RMA servers.

SECTION 9. RELEASE OF RECORDS. Records maintained by the NET RMA may be subject to disclosure under the Texas Public Information Act. Written requests for documents under the Texas Public Information Act should be directed to the Public Information Officer and handled immediately pursuant to the requirements set forth in Chapter 552 of the Texas Government Code.

Attachment A

NET RMA Records Retention Schedule

Type of Record	Retention Period
Meeting agendas (including agendas of open meetings and certified agendas of closed sessions)	2 years (note that Tex. Gov't Code § 551.104(a) requires that certified agendas of closed sessions be maintained for 2 years)
Written minutes	Permanent
Notes taken during meetings from which minutes are prepared	90 days after approval of written minutes by the Board
Audio recordings of open meetings	If written minutes are prepared: 90 days after approval of written minutes by the Board. If no written minutes are prepared: permanently
Audio recordings of closed meetings	If no certified agenda is prepared: 2 years, pursuant to Tex. Gov't Code § 551.104(a). If certified agenda is prepared: 90 days after approval of certified agenda.
Supporting documents submitted to the Board for consideration, approval or other action	2 years
Open meeting notices	2 years
Resolutions adopted by the Board	Permanent
Bylaws and policies	Permanent
Minutes of internal staff meetings	As long as is useful, as determined by the Records Custodian
Correspondence and internal memoranda	<ul style="list-style-type: none"> • Correspondence and memoranda pertaining to policy and program development – 5 years • Routine and administrative correspondence and memoranda – 2 years
Organizational charts	Until superseded
Annual reports	Permanent
Monthly, bimonthly, quarterly, or semi-annual reports	3 years
Activity reports compiled on a daily or other periodic basis	1 year
Contracts, leases & agreements (including reports, correspondence, performance bonds, and similar records relating to negotiation, administration, renewal or termination)	4 years after the expiration or termination of the instrument according to its terms

Deeds & easements (including title opinions, abstracts and certificates of title, title insurance, documentation concerning transfer or title, and documentation relating to easements and right-of-ways, including releases)	Permanent
Insurance policies (including supporting documentation relevant to the implementation, modification, renewal, or replacement therein)	4 years after the expiration or termination of the policy according to its terms
Legal opinions rendered by counsel for the NET RMA or by the Attorney General	Permanent
Litigation case files	As long as is useful following the final disposition of the case, as determined by legal counsel for the NET RMA
Permits & licenses (including applications and related documentation)	2 years after expiration, cancellation, revocation, or denial
Open records requests (including related correspondence and documentation)	1 year after final disposition of the request
Publications (including pamphlets, reports, studies, proposals, and similar material printed by or for the NET RMA and distributed to the public)	Permanent (one copy of each)
Complaints received from members of the public	2 years after resolution or dismissal of complaint
Records management records	<ul style="list-style-type: none"> Record retention schedules and documentation related to record destruction – Permanent Record management plans and policy documents – 5 years following the time such documents are superceded
Records related to federal, state, or private grants	3 years, unless a longer retention period is required by the grantor agency. If, however, the NET RMA is a subgrantee in the case of an indirect federal grant, the records must be retained for at least two years after the expiration of the retention period provided by the grantor.
Audit records	<ul style="list-style-type: none"> Cumulative or biennial cumulative audit – Permanent Annual, biennial, or other periodic audit for a program, fund, or account if included in a cumulative audit – 2 years Annual, biennial, or other periodic audit or a program, fund, or account if not included in a cumulative audit –

	<p>Permanent</p> <ul style="list-style-type: none"> • Special audits ordered by a court or grand jury or mandated by the administrative rules of a state or federal agency – Permanent • Working papers, summaries, etc. created for purposes of conducting an audit – 3 years after all questions arising from the audit are resolved
Bond records	<ul style="list-style-type: none"> • Preliminary studies, proposals and prospectuses, authorizations and certifications for issuance or cancellation, and related correspondence – Permanent • Bond registers – Permanent • Records relating to the exchange, conversion, or replacement of bonds – 1 year if contained in a bond register; permanent if not • Bond certificates and redeemed coupons – 1 year after payment
Budget records	<ul style="list-style-type: none"> • Annual budgets – Permanent • Special budgets (i.e., project-specific budgets) – Permanent • Working papers created for purposes of preparing a budget, encumbrance and expenditure reports, and budget change documentation – 2 years
Financial reports	<ul style="list-style-type: none"> • Monthly, bimonthly, quarterly, or semi-annual financial reports – 3 years after the end of the fiscal year • Annual reports, long range fiscal planning reports, and capital improvement reports – Permanent
Accounts payable and disbursement records (including claims, invoices, statements, copies of checks and purchase orders, expenditure authorizations, claims for reimbursement by employees and Board members, etc.)	3 years after the end of the fiscal year following date of payment
Accounts receivable records (including bill copies or stubs, statements, billing registers, account cards, deposit warrants, cash receipts, receipt books, cash transfers, and other records documenting money owed to or received by the NET	3 years after the end of the fiscal year following date of receipt

RMA)	
Banking records (including bank statements, canceled checks, check registers, deposit slips, debit and credit notices, reconciliations, notices of interest earned, etc.)	5 years after the end of the fiscal year
Transaction summaries	<ul style="list-style-type: none"> • Daily summaries – 30 days • Weekly summaries – 90 days • Monthly, bimonthly, quarterly, or semiannual summaries – 2 years • Annual summaries – 3 years after the end of the fiscal year
Conflict of interest affidavits	5 years after leaving position for which the affidavit was filed
Disciplinary and adverse action records against an employee	2 years after case was closed or action was taken
Employee benefit plans (including pension; life, health, and disability insurance; seniority and merit systems; and deferred compensation plans)	1 year after the termination of the plan, pursuant to 29 C.F.R 1627.3(b)(2)
Employee selection records (including employment applications and related materials, notes of interviews with candidates, applicant rosters, background checks, correspondence related to an offer of employment, and other records documenting the filling of a vacant position)	2 years from the creation or receipt of the record or the personnel action involved, whichever later, as required by 29 C.F.R. 1602
Record containing employee name, address, social security number, amount of wages paid for each payroll period, and date of payment (such as an individual employee earnings card or master payroll register)	4 years, pursuant to 20 C.F.R. 404.1225(b)(3)
Master payroll registers	3 years after the end of the fiscal year
Forms used to determine withholding from wages and salaries for payroll tax purposes and forms and reports used to report the collection, distribution, deposit, and transmittal of payroll or unemployment taxes	4 years after separation or after tax due date or date tax paid, pursuant to 20 C.F.R. 404.1225(b)(3) and 26 C.F.R. 31.6001-1(e)(2)
Successful bids, requests for proposals, requests for qualifications, invitations to bid, bid bonds and affidavits, and supporting documentation	3 years after the end of the fiscal year in which the award is made
Unsuccessful bids	2 years

<p>Postal and delivery service records (including meter and permit usage records and registered, certified, insured, and special delivery mail receipts)</p>	<p>1 year</p>
<p>Transitory information not regularly filed within the NET RMA's recordkeeping system, required only for a limited period of time for the completion of an action by an official or employee of the NET RMA, and not essential to the fulfillment of the NET RMA's statutory obligations (including internal meeting notices, routing slips, incoming transmittal memoranda or letters that add nothing of substance to the enclosures, and similar routine information used solely for communication purposes)</p>	<p>May be disposed of after the purpose of record has been fulfilled without the authorization of the Records Custodian</p>