

Records Retention Policy and Schedule



Silicon Valley Regional Interoperability Authority

Adopted: November 29, 2018

Records Retention Schedule Chart

The Silicon Valley Regional Interoperability Authority (Authority) adopts the following policy for the disclosure, retention and destruction of Authority records.

1. PUBLIC RECORD ACCESS

1.1 Policy and Definitions

Policy: It is the policy of the Authority to provide public records for inspection or to provide electronic or actual copies upon request. Public records are all records of the Authority except those that are exempt from disclosure under the California Public Records Act (Government Code sections 6250 et seq.). The following sections present a summary of pertinent portions of the California Public Records Act for the convenience of the public. In the case of a conflict between this summary and the provisions of the California Public Records Act (Act), as the Act may be amended from time to time, the provisions of the Act control.

Public Records: Include any writing containing information relating to the conduct of the public's business prepared, owned, used or retained by the Authority regardless of physical form or characteristics.

Writing: Means any handwriting, typewriting, printing, photostatting, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

1.2 Records Exempt from Disclosure

In accordance with Government Code section 6254, the following is a list of common records that are exempt from disclosure and shall not be disclosed. These include, but are not limited to:

- a. Preliminary drafts, notes or interagency or intra-Authority memoranda which are not retained by the Authority in the ordinary course of business, provided that the public interest in withholding such records clearly outweighs the public interest in disclosure;
- b. Records pertaining to pending litigation to which the Authority is a party, or to claims made under the California Government Claims Act (Government Code section 810 et seq.) until the litigation or claim has been finally adjudicated or otherwise settled;
- c. Personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy;

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- d. Geological and geophysical data and public security information related to the SVRIA's projects, functions and Members;
- e. The contents of real estate appraisals or engineering feasibility estimates and evaluations made for or by the Authority relative to the acquisition of property, easements or leases, or to prospective public supply and construction contracts, until such time as all of the property has been acquired or all of the contract agreements obtained, provided, however, the law of eminent domain shall not be affected by this provision;
- f. Records, the disclosure of which is exempted or prohibited pursuant to any other provisions of federal or state law, including but not limited to provisions of the Evidence Code relating to privilege;
- g. Documents prepared by local agencies (including the Authority) that assess the vulnerability of the local agency to terrorist attack or other criminal acts intended to disrupt the public agency's operations and that may be for distribution or consideration in a closed session;
- h. Critical infrastructure information, as defined in section 131(3) of Title 6 of the United States Code, that is voluntarily submitted to the California Emergency Management Agency for use by that office, including the identity of the person who or entity that voluntarily submitted the information; and
- i. Memoranda submitted to the Authority's Board of Directors by its legal counsel pursuant to Government Code Section 54956.9 until the pending litigation has been finally adjudicated or otherwise settled. This memoranda shall be protected by the attorney work-product privilege until the pending litigation has been finally adjudicated or otherwise settled.

Government Code section 6255 allows the Authority to withhold from inspection any record that is exempt under the express provisions of the Act, including those items set forth above, and further allows the Authority to withhold any other record if on the facts of the particular case the public interest served by not disclosing a record clearly outweighs the public interest served by disclosure of the record.

1.3 Procedures for Access to Public Records

The Executive Director and Board Secretary shall determine whether the requested record is subject to inspection. If the request concerns matters where the Executive Director is uncertain whether the record is exempt from disclosure under the Act, or whether on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record, he/she shall consult with the General Counsel.

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Inspection of public records shall be made only in the Authority offices or other locations of the Executive Director's determination and in a manner acceptable to the Authority. A representative of the Authority may be present during the inspection of any records.

The Authority will make every effort to cooperate with the persons seeking to inspect documents; however, if the request is to inspect a substantial quantity of documents or documents not readily available, the Authority shall have a reasonable period of time to collect such records and may require the inspection of such records to take place at a future date or dates.

A request for a copy of an identifiable public record or information produced therefrom, or a certified copy of such record shall be accompanied by payment of a reasonable fee to cover the direct cost of copying the record. The Authority's schedule of fees for reproducing public records is set forth in section 1.7 below.

The Authority will endeavor to notify the requester in writing within 10 calendar days of the request, advising whether or not the agency has the records sought and whether they are wholly or partly available for disclosure, or if the Authority needs additional time to respond. The time for notice may be extended up to an additional 14 days in unusual circumstances – for example, where the Authority needs to search for and collect the requested records from other offices, where the Authority needs to search for, collect, and examine voluminous records, or where the Authority needs to consult another agency or to compile data.

1.4 Computer Stored Information

Information that constitutes a public record does not lose its public record status because it is stored in a public agency's computer, pursuant to Government Code section 6252 (e) and (g). Records stored on the Authority's computer must be disclosed according to the provisions of the Public Records Act (Government Code section 6253.9).

Unless otherwise prohibited or restricted by law, where the Authority has information that constitutes an identifiable public record not exempt from disclosure that is in an electronic format, the Authority will make that information available in an electronic format when requested by any person. In addition, where applicable, the Authority will comply with the following:

- a. The Authority will make the information available in any electronic format in which it holds the information.
- b. The Authority will provide a copy of the electronic record in the format requested if the requested format is one that has been used by the Authority to create copies for its own use or for provision to other agencies. The charge to the requesting person shall be limited to the direct cost of producing a copy in an electronic format.

The Authority will charge the requesting party the cost of producing a copy of the record, including the cost to construct a record and

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the cost of programming and computer services necessary to produce a copy of the record, if allowed by law when either of the following applies.

- c. The Authority would be required to produce a copy of an electronic record and the record is one that is produced only at otherwise regularly scheduled intervals.

- d. The request would require data compilation, extraction, or programming to produce the record.

If the request is for information in other than electronic format, and the information also is in electronic format, the Authority may inform the requester that the information is available in electronic format.

The Authority need not release an electronic record in the electronic form in which it is held by the Authority if its release would jeopardize or compromise the security or integrity of the original record or of any proprietary software on which it is maintained.

1.5 Agendas of Public Meetings and Other Writings

Agendas of public meetings and other writings, with the exception of closed session materials, when distributed to all, or a majority of all, of the members of the Board of Directors by a member, officer, employee, or agent of such body, are public records under the Act as soon as distributed, and shall be made available for public inspection.

1.6 Response Procedure for Non Existing Records

A public agency is not required to create a record that is not in existence.

1.7 Reproduction Costs for Public Records

Public records that can be reasonably reproduced shall be copied for the public at a charge not to exceed the actual cost of providing the copy. Government Code section 6253 permits the Authority to require the payment of fees covering the "direct costs of duplication, or a statutory fee, if applicable."

The Authority's schedule of charges shall be as follows:

<u>Type of Copy</u>	<u>Charge</u>
Photocopy	\$0.20 per page

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8-1/2" x 11" or 8-1/2" x 14"

Photocopy
larger than 8-1/2" x 14" \$1.20 per page

Electronic duplications \$0.20 per page All sizes

Electronic Document Storage Device \$10.00 per USB 2GB Flash Drive; or no cost if provided by requestor

If the request necessitates making copies for which the Authority does not have reproduction equipment, or if the volume of copying required would, in the opinion of the Authority, impose too great a burden on Authority personnel and/or equipment, the Authority may elect to have the copying done by a third-party provider, on- or off-site, and the requester shall pay the actual cost to the Authority of such third-party copying service.

1.8 Dissemination of Information Concerning the Authority:

In order to establish an accurate and single-source contact point where the public and media may obtain information concerning the Authority, the policy of the Authority is that all questions regarding access to Authority records will be referred to the Executive Director or her or his designee. All public or media information will be provided by the Executive Director.

2. RECORDS RETENTION AND DESTRUCTION

Original documents, writings, and other forms of information produced or acquired by the Executive Director or other contractors, with the exception of the General Counsel in the course of their duties shall be the exclusive property of the Authority, and the Executive Director and contractors shall have no expectation of privacy with respect to such materials.

Adoption and Goals of Records Retention Schedule

The Authority adopts the attached Record Retention Schedule pursuant to Government Code section 60201, subdivision (b)(2). The goals of the Authority in adopting this Schedule are to:

- Optimize records volume
- Improve storage and retrieval systems
- Improve Authority productivity

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- Identify and protect vital records
- Continue to meet legal requirements
- Protect the organization, contractors, and the public

2.1 Retention and Destruction of Documents

All records identified in the Records Retention Schedule shall be retained in original or scanned form in the Authority offices for the number of years indicated in the column designated "Retention Period (Years)."

Each document scheduled for destruction shall, prior to destruction, be reviewed by the Executive Director or her or his designee and shall be retained if the Department Manager determines that the document has continuing value, or use, by reason of litigation, relationship to a continuing project, or any other valid reason.

Upon determination of records eligible for destruction, the Records Disposition Form shall be completed and approved by the Executive Director and General Counsel. This approval shall occur BEFORE the records are destroyed. Once approved, the records shall be properly destroyed, signed off and the completed form shall be retained by the Executive Director or designee for permanent retention.

The Schedule has guidelines for the appropriate retention of numerous types of records. If there is a question regarding the proper disposition or retention of a particular document or series of documents, it shall be the responsibility of the Executive Director or her or his designee to make the determination in conjunction with the General Counsel, if required. It is impossible to describe and include in a Record Retention Schedule all categories of records, whether existing currently or developed in the future. The Executive Director shall have the right to add to this list at his or her discretion with any additions to be approved by the Board of Directors at an annual or biannual review of the Records Retention Schedule

2.2 Other Terms

As used in this policy, the following terms are defined as follows:

Active Record: a record referred to in the general conduct of current Authority business, and is retained by the Authority.

Citation: the legal basis for a retention period.

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Duplicate Record: a record that is a copy of an original record.

Historical Record: a record that is valuable to future researchers in that it documents accomplishments, changes, and growth of the Authority (for example, newspaper articles about the Authority, maps, and Authority-issued newsletters).

Inactive/Archived Record: a record that is no longer referred to in the general conduct of current departmental business but is still accessible.

Non-record: any writing which is not within the definition of “Record.” (for example, drafts, working copies, information produced by other agencies, etc.).

Retention Period: the length of time that a particular record series shall be retained by the Authority before it is destroyed in accordance with the Retention Schedule.

Retention Schedule: the schedule of record series which are prepared, owned, used, or retained by the Authority, and which identifies a minimum retention period for each category of record. The Retention Schedule is subject to the approval of the Board of Directors and may be amended from time to time by resolution.

Transitory Writing: any writings that are preliminary drafts, notes, interagency or intra- agency memoranda that are not retained in the ordinary course of business. Generally, information contained on a transitory record has transitory value as the information is only used for a short period of time, or as reference material.

Vital Record: a record that is needed to continue or resume basic Authority operations in the event of a disaster. (for example, the FCC Permits, Brown Act body meeting minutes, resolutions and ordinances.)

Record #	Record Series	Examples	Vital	Retention Period (Years)	Citations Considered	Comments
AD-01	Agency Logo	The image identifying the Authority.	x	Permanent		Historical
AD-02	Correspondence	General correspondence not related to an agreement or project file.		2	GC 34090(d)	
AD-03	Goals & Objectives	Includes goal setting sessions with Board		Superseded + 2	GC 34090	
AD-04	Grants - Federal and	Includes application, award and		Completion + 7	GC 34090;	May be

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	State	reimbursement documentation, and other supporting documentation.			FEMAP-323	extended due to Federal audit.
AD-05	Litigation	May include subpoenas, logs, complaints, police reports, court orders, motions, briefs, discovery-evidence, rulings, settlement agreements, correspondence, etc.		Conclusion + 5	42USC1983: GC60201(d)(12)	
AD-07	Legal Opinions	Confidential.		Completion + 7	GC34090(d); GC40801; GC6254	
AD-08	Non-Brown Act Meeting Documents	For meetings not subject to the Brown Act. Includes meeting agendas, minutes, and other supporting documents.		Meeting Date + 2	GC34090(d)	
AD-09	Budget, Accounts Payable or Accounts Receivable	Documents related to accounts payable, accounts receivable, Member contributions and Budget related documents.		Determination + 10	GC34090	
AD-10	Photographs	Photographs documenting events, Authority sponsored events, trainings, etc. not related to construction projects or claims.		Current + 2	GC34090(d)	

Record #	Record Series	Examples	Vital	Retention Period (Years)	Citations Considered	Comments
AD-11	Plaques/Awards	Plaques and awards received by the Authority.		Current + 2		
AD-12	Policies & Procedures	Includes rules and regulations, management policies, standard operating procedures, manuals written by the Authority including supporting documentation.	x	Supersede + 5	GC34090(d)	Administrative (versus technical) SOPs are not considered vital.
AD-13	Regulatory Correspondence	Correspondence related to regulatory requirements such as		Completion + 5	GC34090(d)	

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		FCC Licenses, Federal and State Grants such as UASI and SHSGP and AFG grants				
AD-14	Training Materials	Materials related to conducting or coordinating training, such as flyers, registration, outreach materials, presentation documents, and workbooks.		Completion + 2	GC34090	
AD-15	Acquisitions/Dispositions of Real Property Administrative Documents	Supporting documents related to the sale, purchase, exchange, lease or rental of property by Authority such as title reports and prelims.	x	Action + 15,	GC34090(a); GC6254	If property is still in use then records are permanent
AD-16	Agenda Packets (Brown Act Bodies)	Agendas, board memo communications and attachments, supplemental information, and any other documents published with the meeting packet or provided at the meeting. Includes meetings of the Board of Directors and the Working Committee.		Permanent	GC34090	
AD-17	Bids & Proposals (Successful)	Awarded Bids, Requests for Qualifications; Request for Information; and Requests for Proposals regarding goods and services.		Project Completion + 10	GC34090; CCP337; CCP337.15; CCP343	
AD-18	Bids & Proposals (Unsuccessful)	Submitted, but not awarded Requests for Qualifications; Requests for Information; and Requests for Proposals regarding goods and services.		Project Award + 2	GC34090(d); CCP337.15; CCP343	
AD-19	Conflict of Interest Code	Adopted Conflict of Interest Code.		Superseded + 5	FPPC Opinions	
AD-20	Fair Political Practices Commission (FPPC) Filings	Statement of Economic Interests (Form 700); Gifts, Tickets, Behest Payments (Form 800 series).		Filing Date + 7	GC81009(E); GC81009(G)	

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Ad-21	Public safety communications recordings.	Any public safety communications recording made in the ordinary course of Authority business.		1 year from date of origin		Time should be extended upon notification of litigation.
AD-22	Minutes (Brown Act Bodies)	Minutes from any meeting of the Authority, subject to the requirements of the Brown Act, including the Board of Directors and the Working Committee.	x	Permanent	GC34090(d); GC36814; GC40801; GC60201(d)(3)	
AD-23	Permits	FCC Permits, County Permits, Land Use Permits.		Current + 2	GC34090	
AD-24	Public Notices	Notices and newspaper proof of publications including notice for ordinance adoption, construction projects (notice to proceed, of award, or of completion), public hearings, and special meetings.		Current + 4	CCP343; CCP349; GC34090; GC54960.1(c)(1)	
AD-25	Public Record Requests	Documentation related to requests submitted under the Public Records Act, including correspondence, invoices and responsive records.		Completion + 2	GC34090(d); GC60201(5)	
AD-26	Records Disposition Certification	Completed certificates for records disposition.		Permanent	GC34090	
AD-27	Record Retention Schedule & Policy	Documents the policy of the Authority for compliance with the Public Records Act, identification of record types and retention period for such records.		Superseded + 4	CCP343	
AD-28	Resolutions	Resolutions adopted by the Board of Directors.	x	Permanent	GC34090(d); GC40801	
AD-29	Travel Records	Includes travel request forms and all supporting documentation related to the request.		Current + 7	GC34090; GC60201(12)	
AD-30	Acquisitions,	Final documents related to the sale,		Permanent	GC34090(a);	

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	Dispositions, Easements for Real Property	purchase, or exchange of property including deeds and leases.			GC6254	
AD-31	As-Built drawings (Authority Owned Assets)	Plans, Final CAD Maps, Final Coverage Maps.		Permanent	GC34090(a); GC4004; HSC19850	
AD-32	California Environmental Quality Act (CEQA) documents	Environmental documents, mailing lists, board memos, Exemptions, Environmental impact report, mitigation monitoring, negative declaration, notices of completion and determination, comments, and statements of overriding considerations.		Permanent	GC34090(a); CEQA guidelines	
AD-33	City or County Issued Permits(Encroachment & Building)	Related to all SVRIA projects.		Permanent	GC34090	
AD-34	Geotechnical Soil & Hydrological Reports	Final.		Permanent	GC34090(d)	
AD-35	Incomplete Project Plans (Authority Owned)	Documents related to unapproved, incomplete, or approved and non-constructed projects.		10	GC34090(d)	
AD-36	Maps & Plats	Subdivision, record survey, and parcel maps.		Permanent	GC34090(a)	Recorded Maps
AD-37	Master Plans	Special or long range program plan for Authority, coordination of services, strategic planning, and historical collection system maps.		Permanent	GC34090	
AD-38	Surveys or Studies	Recording data and maps, benchmark, horizontal and vertical control data.		Permanent	GC34090(a)	
AD-39	Public Outreach Materials	Includes Brochures, publications, presentations, media releases.		Current + 2	GC34090; CCP335.1	

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AD-40	Maintenance & Operations	Typical inspection, including condition assessment, service call follow-up, and engineering research.		10		
AD-41	Maintenance & Operations	Includes work orders, repairs, cleaning, reports (including inspections and service calls), complaints, and correspondence.	x	Permanent	GC34090	
AD-42	Property	Annual or Biennial Inspection of Capital Assets & maintenance records).		Current + 2	GC34090; CCP340.5	

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Record #	Record Series	Examples	Vital	Retention Period (Years)	Citations Considered	Comments
AD-43	Banking	Bank statements, reconciliations, cancelled/voided checks, check register.		Current + 5	GC34090; 26CFR31.6001-1	
AD-44	Budget Document	Final annual budget.	x	Current + 10	GC34090	
AD-45	Financial, Annual	Final complete audit report.	x	Current + 10	GC34090	
AD-46	Fixed Assets	Includes asset lists, depreciation schedule, asset work papers, and disposition paperwork.		Audit + 4	GC34090	
AD-47	Journal Entries	Month-end closing entries, corrections, electronic transaction entries.		Current + 7	GC34090	
AD-48	Purchasing	Requisitions, purchase orders, invoices, vendor register.		Current + 7	GC34090; CCP337	
AD-49	Agreements (Non-Construction)	Signed agreements, service and maintenance agreements, consultant agreements, amendments and extensions.	x	Completion + 5 or	CCP337.2; CCP343; B&P7042.5	
AD-50	Claims	Tort Claims or Property/Incident Report, paid and denied claims related to contracts or agreements, including supporting documentation.		Completion + 5	GC34090; GC25105.5	
AD-51	Insurance	Authority Certificates, Liability Policies including; Pool, Pollution, Workers Compensation etc., Vendor Certificates.	x	Permanent		
AD-52	Joint Powers Authority Agreements, Member	All legal Agreements with Partner Agencies or Member Agencies.	x	Permanent	GC 34090(a)	

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	Agreements. Partner Agreements, MOU's with Members or Partner Agencies. ,					
AD-53	Email	All email unless drafts, or not retained in the ordinary course of business.		One year, unless notified of the subject of litigation.	GC 6254(a)	
AD-54	Construction Contract	All contracts for the construction of any facility utilized by SVRIA or constructed on behalf of its Members or Partners.	x	Permanent, unless facility is demolished or replaced. One year after replacement or demolition.	GC 34090(a)	
AD-55	Future Additions of Agreement to be added by Executive Director.	TBD		TBD	TBD	

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