

# **NORTH COUNTY TRANSIT**

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## **SAN DIEGO RAILROAD**

### **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 NCTD 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 NCTD documents.

#### Record Retention Schedule

The attached Record Retention Schedule of the North County Transit – San Diego Railroad (NCTD) 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 NCTD policy.

For the purpose of this policy, electronic records, which constitute official NCTD 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.

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

NCTD 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).

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

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

## Board Policy No. 15 – Records Retention Policy and Schedule

### Destruction of Documents

The Board of Directors authorizes the Chief Executive Officer 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 the Chief General Counsel.

The Chief Executive Officer 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. NCTD's email system should not be used for the electronic storage or maintenance of documentation, including, but not limited to, official NCTD records, which are records required to be retained by NCTD pursuant to NCTD's Record Retention Schedule.

It is the policy of the Board that email not defined as NCTD records shall not be retained for more than two years. 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 NCTD records. Examples of emails that are not NCTD records are as follows:

- Personal communications that do not relate to NCTD business
- Unsolicited advertisements or similar communications not related to NCTD business
- Preliminary drafts, notes and memorandums that have been retained for less than two years and are no longer needed

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

- Concern official actions or transactions concerning official public business of NCTD
- 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 NCTD

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

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### Litigation Holds

In case of litigation or threatened litigation against NCTD on a specific matter, NCTD 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 NCTD's Records Retention Schedule for documents, including emails, which may be relevant to a lawsuit or a reasonably anticipated lawsuit. The Chief General Counsel shall determine which records must be preserved in cases of litigation or threatened litigation and shall provide written notice to NCTD employees. An employee shall not destroy any records that relate to litigation or threatened litigation as such conduct may subject NCTD and the employee to legal sanctions.

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

Within one business day of receiving notice that NCTD is subject to actual or threatened litigation the Chief General Counsel shall inform all NCTD employees who may have documents relating to the subject of the litigation, including electronic communications, that NCTD 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 the Chief 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

  
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Board Chair

10/23/2025  
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Date

  
\_\_\_\_\_  
Chief Executive Officer

10/23/2025  
\_\_\_\_\_  
Date

  
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Deputy Chief Executive Officer/  
Chief General Counsel

10/23/2025  
\_\_\_\_\_  
Date

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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.
10/17/2024	10	24-08	UPDATED POSITION TITLES AND DOCUMENT CONTROL REPORTING
10/23/2025	11	25-06	2025 REVISION: UPDATES TO LOGO AND POSITION TITLES; UPDATES TO DIVISIONS/DEPARTMENTS IN RETENTION SCHEDULE ATTACHMENT