

NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

Policy Number 6 – Records Retention Policy¹

- I. **Purpose.** The purpose of this policy is to ensure that the Northern Virginia Transportation Authority (NVTa) is compliant with federal and state requirements for records retention.
- II. **General.** The Virginia Public Records Act (*Code of Virginia* §42.1-76 et seq.) defines public records: "Public record" or "record" means recorded information that documents a transaction or activity by or with any public officer, agency or employee of an agency. Regardless of physical form or characteristic, the recorded information is a public record if it is produced, collected, received or retained in pursuance of law or in connection with the transaction of public business. The medium upon which such information is recorded has no bearing on the determination of whether the recording is a public record.

Federal and state requirements, as well as good business practice, dictate that the NVTa have a disciplined and organized approach to records retention. Although the Sarbanes-Oxley legislation was largely aimed at private sector businesses, many of its requirements are seen as also appropriate for the public sector.
- III. **Specific Requirements of Policy.** NVTa documents shall be maintained for the periods indicated in the schedule adopted by the Library of Virginia in accordance with the Public Records Act.
- IV. **Electronic Records.** Electronic records will be handled as if they were paper documents. Any electronic files classified into one of the Library of Virginia categories will be maintained according to that guideline. If there is sufficient reason to keep an email message, the message should be printed in paper copy and kept in the appropriate file or moved to an "archive" computer file folder. Backup and recovery methods will be tested on a regular basis.
- V. **Safekeeping.** The Executive Director shall designate a staff member with responsibility for compliance with this policy. NVTa documents shall be maintained in a safe, and secure, and accessible manner. Electronic files will be backed up nightly.
- VI. **Destruction of Documents.** Financial and employee related documents will be destroyed by shredding. Document destruction will be suspended immediately upon any indication of an official investigation or when a lawsuit is filed or appears imminent. Destruction will be reinstated upon conclusion of the investigation.
- VII. **Compliance.** All NVTa employees shall comply with the details of this policy. Failure to comply may result in civil and/or criminal sanctions. The Executive Director will periodically review these procedures with legal counsel and/or outside certified public accountants to ensure that NVTa remains in compliance with new or revised regulations.

¹ Adapted from Virginia Public Records Act. 42.1-82

Approved by the Finance Committee: December 5, 2014

Approved by Northern Virginia Transportation Authority: December 11, 2014