



Regional Transit Authority

Regional Transit Authority Records Policy (GEN6)

POLICY STATEMENT

The New Orleans Regional Transit Authority (RTA) requires compliance with Louisiana Public Records Law to ensure public access to agency information as well as efficient and effective operations.

PURPOSE

The purpose of this policy is to affirm and set forth the manner in which RTA complies with state public records laws. This policy makes clear that each department of the RTA is responsible for the preservation and maintenance of its public records.

APPLICATION

This policy is applicable to all RTA employees and departments as well as any consultants or contractors that create or maintain agency records. In cases of conflict between RTA policies and collective bargaining agreements, the collective bargaining agreements will prevail.

APPROVED:

Chief Executive Officer

Effective Date:

1.0 PRESERVATION OF RECORDS

Pursuant to this policy, the custodian is directed to develop and maintain a records retention schedule in accordance with Louisiana Revised Statute § 44:1, *et seq.*

Unless otherwise required by law, all persons and public bodies having custody or control of any public record shall exercise diligence and care in preserving the public record for the period or periods of time specified for such public records in formal records retention schedules developed and approved by the State Archivist and Director of the Division of Archives, Records Management, and History of the Department of State.

In accordance with Louisiana Revised Statute § 44:36, all existing records or records accumulated by RTA which participates in federal programs or receives federal grants may be destroyed after three years from the date on which the records were made in those cases where this provision is not superseded by guidelines for the operative federal program or grant requiring longer retention periods for the records in question; provided that these records shall not be destroyed in any case where litigation with reference thereto is pending, or until the appropriate state or federal audits have been conducted.

However, in all instances in which a formal retention schedule has not been executed, such public records shall be preserved and maintained for a period of at least three years from the date on which the public record was made.

Discretion and common sense should be used when determining whether a public record should be maintained longer than the three-year period, or longer than the minimum retention period prescribed by law. This policy memorandum should not be interpreted as prohibiting RTA from maintaining its records for longer than three years if appropriate or otherwise required. However, in all instances in which a formal retention schedule has not been executed, such public records shall be preserved and maintained for a period of at least three years from the date on which the public record was made.

2.0 DESTRUCTION OF RECORDS

Public records shall not be destroyed or disposed of unless the custodian has determined, in consultation with the State Archivist and Director of the Division of Archives, Records Management, and History of the Department of State, and the New Orleans Public Library that the records are unsuitable for transfer to state or city archives.

Accordingly, if no applicable formal retention schedule exists, the custodian must consult with the Division of Archives, Records Management, and History in the Secretary of State's Office, and the New Orleans Public Library to obtain permission to destroy or otherwise dispose of public records.

If RTA seeks to destroy or dispose of records that have not already been selected for transfer to state archives, irrespective of whether a formal retention schedule has been established, the custodian will consult with the New Orleans Public Library to determine whether any records are suitable for transfer to city archives.

Public records shall not be destroyed in cases where the records may be involved in actual or potential litigation, until the appropriate state or federal audits have been conducted, or as otherwise prohibited by law.

The custodian should consider maintaining an electronic database or electronic storage device to store copies of destroyed paper records.

3.0 RECORD RETENTION SCHEDULES

When RTA develops a formal record retention schedule, the custodian shall submit to the State Archivist schedules proposing the length of time each record series warrants retention for administrative, legal, or fiscal purposes after it has been created or received by the RTA. The submitted schedules must comply with the policies, rules, and regulations prescribed by the Secretary of State and the implementation standards and procedures established by the State Archivist.

4.0 DEFINITIONS

a. **Public records** are all books, records, writings, accounts, letters and letter books, maps, drawings, photographs, cards, tapes, recordings, memoranda, and papers, and all copies, duplicates, photographs, including microfilm, or other reproductions thereof, or any other documentary materials, regardless of physical form or characteristics, including electronically stored information or information contained in databases or electronic data processing equipment, having been used, being in use, or prepared, possessed, or retained for use in the conduct, transaction, or performance of any business, transaction, work, duty, or function which was conducted, transacted, or performed by or under the authority of the constitution or laws of this state, or by or under the authority of any ordinance, regulation, mandate, or order of any public body or concerning the receipt or payment of any money received or paid by or under the authority of the constitution or the laws of this state.

Therefore, as a general rule, all print or electronic documents, including drafts and duplicate copies, handwritten notes, *etc.*, created in the course of RTA business are public records.

b. **Custodian** means the public official or head of RTA having custody or control of a public record, or a representative specifically authorized by them to respond to requests to inspect any such public records.

The head of each department will be considered the custodian for purpose of compliance with this policy memorandum and the Public Records Law.

c. **Public body** means any branch, department, office, agency, board, commission, district, governing authority, political subdivision, or any committee, subcommittee, advisory board, or task force thereof, any other instrumentality of state, parish, or municipal government, including a public or quasi-public nonprofit corporation designated as an entity to perform a governmental or proprietary function, or an affiliate of a housing authority.

5.0 POLICY HISTORY

Date	Revision No.	Resolution No.	Comments	Next Review Due

6.0 POLICY OWNER

- Legal

7.0 ATTACHMENTS

- Resolution