



Austin Transit Partnership Board of Directors Resolution

Meeting Date: 12/8/2021

ATP-2021-032

*Adoption of Records and Information Management Policy and
Designation of Records Management Officer*

SUBJECT: Adoption of the Austin Transit Partnership's Records and Information Management Policy and Designation of Records Management Officer.

FISCAL IMPACT: No Fiscal Impact.

BUSINESS CASE: Does not apply.

EXECUTIVE SUMMARY: To comply with the Texas Local Government Records Act, Title 6, Subtitle C, Local Government Code, ATP must adopt a records and information management policy and designate a Records Management Officer for the organization. This resolution is for the approval of Austin Transit Partnership's Records and Information Management Policy and the designation of a Records Management Officer.

RESPONSIBLE DEPARTMENT: Legal.

PROCUREMENT SUMMARY: Does not apply.

**RESOLUTION
OF THE
AUSTIN TRANSIT PARTNERSHIP
BOARD OF DIRECTORS**

STATE OF TEXAS

Resolution ID: ATP-2021-032

COUNTY OF TRAVIS

***Adoption of Records and Information
Management Policy and Designation of
Records Management Officer***

WHEREAS, the Austin Transit Partnership is a local government corporation as stated in its Bylaws, and must comply with certain policies and programs in accordance with the Texas Local Government Records Act (Title 6, Subtitle C, Local Government Code), which provides that each local government must establish an active and continuing records management program; and

WHEREAS, the Austin Transit Partnership desires to adopt a Records and Information Management (“RIM”) Policy compliant with the Texas Local Government Records Act and in the interest of cost-effective and efficient recordkeeping; and

WHEREAS, in accordance with Local Government Code §203.025, the Austin Transit Partnership must designate a person or title to serve as the Records Management Officer (“RMO”) to administer the agency's RIM Policy; and

WHEREAS, the RIM Policy of the Austin Transit Partnership provides for efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use, and disposition of all records of the agency through a comprehensive system of integrated procedures for the management of records from their creation to their ultimate disposition, consistent with the requirements of the Texas Local Government Records Act and accepted records management practice; and

WHEREAS, the RMO shall disseminate to employees of the agency information concerning state laws, administrative rules, and agency policies and procedures relating to the management of agency records; and



WHEREAS, the RMO designated under this section will continue to serve in that capacity until either: (1) the RMO ceases employment with ATP; or (2) the ATP Board appoints another person as the RMO; and

WHEREAS, it is the intent of the Board to promote transparency, accountability, and consistent organizational behavior through the adoption of equitable policies, procedures, and practices.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Austin Transit Partnership that this resolution is hereby adopted, the ATP Legal Services Coordinator (currently staffed by Lynn Trumbul) is hereby designated as the organization's Records Management Officer, and the Records and Information Management Policy, attached hereto as Exhibit A, is hereby adopted.

E-SIGNED by Casey Burack
on 2021-12-16 17:12:55 GMT

December 16, 2021

Date: _____

Casey Burack
Secretary of the Board



Austin Transit Partnership Board of Directors Resolution

Meeting Date: 12/8/2021

ATP-2021-032

**Adoption of Records and Information Management Policy and
Designation of Records Management Officer**



Exhibit A

[ATTACHED]



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EXHIBIT A

AUSTIN TRANSIT PARTNERSHIP RECORDS AND INFORMATION MANAGEMENT POLICY

A. PURPOSE

The Texas Local Government Records Act (Title 6, Subtitle C, Local Government Code) provides that each local government must establish an active and continuing records management program; and the Austin Transit Partnership (“ATP”) desires to adopt a plan to prescribe policies and procedures consistent with the Local Government Records Act and in the interests of cost-effective and efficient recordkeeping.

This Records and Information Management Policy (“RIM Policy”) defines the requirements and responsibilities to ensure that ATP is in compliance with federal and state laws, regulations, and best practices for the transit industry.

- This policy implements the Local Government Records Act (Texas Local Government Code, Title 6 Records, Subtitle C. Records provisions applying to more than one type of Local Government)
- This policy, the Records and Information Management Program (“RIM Program”), and the records control schedules apply to all records within the custody of ATP, in whatever form the records exist, including all digital records and all physical records (“ATP Records”).
- This policy applies to all ATP employees, Board members and contractors.

A person does not comply with the records management program unless the person complies with this policy and the Local Government Records Act.

B. POLICY

ATP shall have a RIM Program that complies with all federal and state records management laws, regulations, and best practices.

1. RIM Program

ATP’s Records Management Officer (“RMO”) shall submit the RIM Program to the Executive Director for approval.

The RIM Program must:

- comply with the Local Government Records Act and the Public Information Act;
- to the extent practicable, standardize records management practices among the ATP projects;
- in cooperation with the Texas State Library and Archives Commission (TSLAC), establish guidelines for the implementation of records control schedules;
- establish training requirements for records and information management team members and ATP staff;
- establish guidelines for ATP information technology systems and services to ensure that the systems and services create, store, manage, protect, preserve, dispose of, and provide access to records in compliance with the records management program;

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- establish guidelines for the transfer of records when a function is transferred from one project to another project;
- establish guidelines for the destruction of records, including the information that must be maintained in a destruction log;
- establish procedures for the suspension of records destruction as allowed by the Destruction or Disposition of Records section of this policy;
- establish guidelines and eligibility criteria for migrating records to an electronic or digital format, or to microfilm, including guidelines for the disposition of records that have been migrated;
- provide adequate protection of the essential/vital records of the Partnership, including a disaster recovery plan for records;
- establish procedures for safeguarding ATP Records in the custody of employees and contractors;
- regulate the operations and use of the records center serving as the depository of inactive records with continuing value to ATP, except records that have been transferred to the Austin History Center for preservation as historical records; and
- establish guidelines to ensure the preservation of long-term or permanent physical and digital records of ATP.

The RIM Program entails ten steps to facilitate the establishment and maintenance of the program:

- 1) Establish a Records and Information Management Team.
- 2) Conduct and Complete a Records Inventory.
- 3) Review and Approve a Records Control Schedule.
- 4) Apply Corporate Standards for Managing Records.
- 5) Develop Records and Information Management Procedures.
- 6) Implement the RIM Program and Procedures.
- 7) Create a Disaster Plan.
- 8) Records and Information Management Training.
- 9) Maintain the RIM Program.
- 10) Audit the RIM Program.

2. OWNERSHIP OF ATP RECORDS

All ATP Records are the sole property of ATP. A board member or employee has no personal property right to such records, even though the board member or employee may have developed or compiled them.

Except in compliance with the RIM Policy, or state or federal law, ATP Board members or employees may not:

- destroy, remove, or use a record except in the course of the board member's or the employee's official duties; or

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- sell, loan, give away, destroy, or otherwise alienate a record from ATP's custody.

ATP may demand and receive from any employee or board member ATP's record in the person's possession if the removal of the record was not authorized by law.

- ATP Board members and employees shall, at the expiration of the Board member's or employee's term, appointment, or employment, deliver to ATP all records in the Board member's or employee's possession.

A record received or created by an ATP contractor or service provider in fulfillment of the contract, except a record specifically relating only to the contractor's internal administration, is the property of ATP. The contractor may not dispose of or destroy a record that is ATP property without written authorization from the RMO and shall:

- maintain the record in compliance with the ATP RIM Policy; and
- deliver the ATP record, along with all finding aids and metadata, in all requested formats and media, to ATP at no cost upon completion or termination of the contract or upon receipt of a request from an ATP project manager, general counsel, the RMO, or an authorized ATP employee.

3. RECORDS CONTROL SCHEDULES

The RMO, in cooperation with each project manager and ATP records coordinator, shall prepare a records control schedule that lists each type of record the project created or is custodian of, the retention period for each type of record, and any other information needed to implement the records management program.

The length of a retention period, or a change in the length of a retention period, shall be determined by the RMO after consultation with the project manager, project records coordinator, and as needed ATP's General Counsel. After considering any comments made by the above listed individuals, the RMO shall adopt and approve each control schedule and each change to a control schedule.

The RMO shall maintain an official set of control schedules for ATP. The control schedules maintained by the RMO are ATP's official control schedules, to which every ATP project and employees must comply.

4. DESTRUCTION OR DISPOSITION OF RECORDS

When the retention period for a record has expired, the RMO and the project manager will approve the destruction of the record unless:

- a request for the record under Chapter 552 (Public Information Act) of the Government Code is pending;
- the ATP General Counsel determines that the subject matter of the record is related to pending or anticipated litigation, or to an ongoing legal matter;
- the subject matter of the record is related to an ongoing audit, or an ongoing review by a governmental regulatory agency;
- a project manager requests to the RMO in writing, and states the reason, that the record be permitted to be retained for an additional period, and the request is approved in writing by the RMO;

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- the Austin History Center (AHC) Managing Archivist determines that the record is of historical value:
- retention is otherwise required by law.

The RMO shall record the destruction of records carried out under this chapter or another law and maintain a destruction log.

Before a board member or employee may destroy the original or source document of a record that has been transferred to microfilm or to an electronic or digital format, the employee or board member must obtain written authorization from the RMO.

5. RECORDS WITH HISTORICAL VALUE

A Partnership project manager, general counsel, the Austin History Center (AHC) managing archivist, and the RMO may agree to transfer custody of a record that has historical value to the AHC.

- If custody of an ATP Record is transferred to AHC, ownership of the record will transfer to AHC.
- The AHC managing archivist shall establish guidelines for the preservation of records that are of historic value.

6. MANAGEMENT OF DIGITAL RECORDS

The creation, maintenance, preservation, and storage of a digital record, including the conversion of a physical record to a digital record, must comply with the records and information management program.

- The Microsoft SharePoint system and eBuilder are ATP's Enterprise Document and Records Management Systems, unless otherwise approved by the RMO. Digital Records stored within these systems are designated the official record for ATP.
- An ATP Project must receive written approval from the RMO before they can store official copies of digital records in a different system.
- The RMO shall review a project plan to acquire or implement an information technology system or service that creates, stores, manages, protects, preserves, destroys, or provides access to digital records.

RESPONSIBILITIES

Board members, Executives, Project Manager, Managers and/or Supervisors

Each Board member, Executive, Project Manager, Managers and/or Supervisor shall cooperate with the RMO to implement this policy and may not refuse to comply with the requirements of this policy based on an ATP resolution or policy relating to a duty, recordkeeping requirement, or other responsibility and shall:

- cooperate with the records and information management team to document the records and information that support the services, programs, and duties that are the responsibilities of their project;

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	<ul style="list-style-type: none"> ○ maintain the project's records in accordance with the records and information management program; ○ include records and information management requirements in project policies and procedures; ○ designate a Partnership Records Coordinator (PRC) for their project to maintain records created and received by that project and ensure records are maintained in compliance with the records and information management program. Managers must ensure that the Records Coordinators have sufficient time and resources to execute their duties and include records management responsibilities in their performance management plan; These duties and responsibilities should account for a minimum of 5% of the PRC's Performance Management Plan (PMP); ○ consult the RMO before recommending or implementing a change to ATP's processes or capabilities relating to the creation, storage, retention, destruction, disposition, security, accessibility, or custodianship of records; and ○ notify the RMO within 24 hours of the discovery of any loss, theft, or damage to a project record.
<p>Employees and Contractors</p>	<p>All ATP employees and contractors shall cooperate with the RMO to implement this policy. An ATP employee and contractor may not refuse to comply with the requirements of this policy based on an ATP resolution or policy relating to a duty, recordkeeping requirement, or other responsibility.</p> <p>Each ATP employee and contractor must:</p> <ul style="list-style-type: none"> ○ follow all applicable records and information management policies and procedures; ○ work with Records and Information Management Team, Managers and Supervisors to maintain the project's records in accordance with the records management program; and ○ dispose of ATP Records only after receiving written notice from the RMO.
<p>Records Management Officer (RMO)</p>	<p>ATP's Legal Services Coordinator shall serve as the Records Management Officer under Local Government Code, § 203.025 (Designation of Records Management Officer) and shall:</p> <ul style="list-style-type: none"> ○ develop, implement, and administer an ATP-wide records management program that complies with the Local Government Records Act; ○ coordinate, and to the extent practicable, standardize records management practices among projects; ○ prepare, review, and approve each new and amended records control schedule for ATP, and make necessary changes to the schedules at intervals set by the records management program; ○ report periodically and provide a formal annual report to the ATP General Counsel on the implementation of the RIM Program;

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	<ul style="list-style-type: none"> ○ report noncompliance with the RIM Program by a project manager, employee, or contractor to the ATP General Counsel; ○ provide storage, retrieval, and destruction services of physical records no longer required to be kept in active office space and transferred to the records center; ○ provide support for ATP-wide document and imaging management systems and services designed to manage digital records; ○ establish standards for the long-term preservation of permanent records not transferred to the AHC; ○ maintain records on the volume of records destroyed under the approved records retention schedule, records transferred to the AHC, and records transferred to the records center; ○ provide consulting services to project managers and training to employees on the implementation of the RIM Program, records and information technology requirements, and other subjects related to records and information management; and ○ assist projects to identify essential/vital records and establish a disaster recovery plan for those records in order to re-establish operations quickly and with minimum expense.
<p style="text-align: center;">Records and Information Management Team</p>	<p>ATP shall have a records and information management team consisting of the following:</p> <ul style="list-style-type: none"> ○ Records Management Officer, who is the chair of the team; and ○ at least one Project Records Coordinator (ARC) from each of ATP's Projects or locations. <p>The records and information management team shall:</p> <ul style="list-style-type: none"> ○ assist the RMO in the review of their project's RIM Program deliverables, procedures, and practices at intervals set by the records management program to determine if they comply; ○ assist the RMO and their project staff with the implementation of corrective action for program compliance as needed; and ○ meet at intervals set by the records management program.
<p style="text-align: center;">Project Records Coordinator (PRC)</p>	<p>Each of ATP's Records Coordinators shall:</p> <ul style="list-style-type: none"> ○ be responsible for the daily implementation of the records and information management program within their project; ○ be knowledgeable of all physical and digital records created and maintained by the project; and have access to all records maintained by the project; ○ attend records and information management team meetings; ○ complete reports and training required by the records management program; and

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	<ul style="list-style-type: none"> ○ perform other records management duties as detailed in the ATP PRC Appointment Letter.
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DEFINITIONS

Austin History Center (AHC)	The division of the City of Austin’s Public Library Project that serves as the Historical Archive of Austin and Travis County.
AHC Managing Archivist	Means the manager of the Austin History Center of the City of Austin’s Public Library acting under the direction and supervision of the director of the Library Project, or the equivalent position as may be established in the Library Project.
Project Records Coordinator (PRC)	The title of the persons designated by each project at ATP to provide support to ATP staff in developing and implementing records and information management practices within their project.
Digital	When used in reference to a record, means the record is maintained in an electronic data format that requires an electronic device to create, store, access, retrieve, or read the record.
Local Government Records Act (LGRA)	Means Texas Local Government Code Title 6 (Records), Subtitle C (Records Provisions Applying to More Than One Type of Local Government) and includes the rules adopted by the commission under the Local Government Records Act.
Physical	When used in reference to a record, means that the record is maintained in a tangible form, such as paper, photographic film, analog tape, or a similar medium.
Public Information Act (PIA)	Means Texas Government Code Title 5 (Open Government; Ethics), Subtitle A (Open Government), Chapter 552.
Record	Any document, paper, letter, book, map, photograph, sound or video recording, microfilm, magnetic tape, electronic medium, or other information recording medium regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state; created or received by a local government or any officer or employees pursuant to law, including any ordinance, or in the transaction of public business.