




**STATE OF MONTANA
DEPARTMENT OF TRANSPORTATION
POLICY MANAGEMENT POLICY**

Policy No. POL 1.03.002	Subject: RECORDS MANAGEMENT POLICY
Signature: <i>Signature on File</i>	
 <hr/> Michael T. Tooley Director	Effective Date: 9/16/2016

1 PURPOSE

1.1 The purpose of this policy is as follows:

1.1.1 To improve strategic management of MDT's information in order to:

1.1.1.1 Protect the integrity and availability of business critical information;

1.1.1.2 Facilitate access to necessary information by MDT personnel, by employees of other state or Federal government organizations, and by the citizens of Montana;

1.1.1.3 Take advantage of information to enhance decision-making;

1.1.1.4 Reduce operating and storage costs;

1.1.1.5 Improve efficiency and productivity; and

1.1.1.6 Preserve MDT historical documents in conjunction with the Montana Historical Society.

1.1.2 To facilitate MDT's compliance with retention obligations arising out of existing or reasonably anticipated inspection, investigation, or litigation, which may be broader and more extensive than statutory and regulatory obligations.

2 DEFINITIONS

2.1 **Business Unit** - Business line or functional area components of the MDT organizational structure. Generally, these are Divisions, Bureaus, and Offices within MDT.

2.2 **Business-Useful Non-Record Information** - Those records that have business value and are retained for convenience, reference, or research. These records are listed in the retention schedule; however they do not have specified retention periods.

- 2.3 **Legal Hold** - The combination of processes and systems which assist in the identification of responsive MDT information and data, as well as the safeguarding of the responsive information and data from alteration or disposal, in response to evidentiary requirements related to existing or reasonably anticipated inspection, investigation, or litigation.
- 2.4 **MDT Information** - Content created, received, or maintained by MDT or any MDT employee or any third party, in pursuance of legal obligations or during the transaction of MDT business or during hours of employment and/or using MDT resources. MDT information comprises:
- 2.4.1 transitory information.
 - 2.4.2 records, which comprise:
 - 2.4.2.1 retention required records
 - 2.4.2.2 discretionary detention records.
 - 2.4.3 reference information.
- 2.5 **MDT Record Retention Schedule** - The MDT document which describes MDT's record types and the retention period for each type; the schedule will set forth, at a minimum:
- 2.5.1 record types;
 - 2.5.2 the retention period for each record type;
 - 2.5.3 the event or activity that causes the retention period to begin (the "retention trigger");
 - 2.5.4 the MDT Business Unit which is the record type owner;
 - 2.5.5 specified conditions of storage, if any, applicable to the record type;
 - 2.5.6 the vital record status of the record type; and
 - 2.5.7 any required disposition point in the lifecycle of the record type.
- 2.6 **MDT Record Retention Schedule – Annotated** - The MDT document maintained by the MDT Records Manager, which includes all of the information stated above for the MDT Record Retention Schedule and includes the legal or business-need basis for the retention period.
- 2.7 **Record** - Any paper, correspondence, form, book, photograph, microfilm, magnetic tape, computer storage media, map, drawing, or other document, including copies of the record required by law to be kept as part of the official record, regardless of physical form or characteristics, that:
- 2.7.1 has been made or received by MDT to document the transaction of official business;

- 2.7.2 is a written act or record of the acts of the Department; and
- 2.7.3 is designated for retention in the MDT Record Retention Schedule.
- 2.7.4 Records are also all other documents required by law to be filed with or kept by the Department.
- 2.7.5 The following are not records: documents that are for reference purposes only, preliminary drafts, messages and routing slips, preprinted forms, and superseded publications.

(This definition is based upon the provisions of MCA 2-6-202 and should never be interpreted as conflicting with that statutory provision.)

- 2.8 **Reference Materials** - Information made or acquired or preserved solely for reference or exhibition purposes.
- 2.9 **Retention Required Record** - A record belonging to a record type described in the MDT Records Retention Schedule and having a specified period of time for retention based upon the provisions of laws, judicial decisions, standards of practice, or specified business need.
- 2.10 **Responsible Representative of the MDT Chief Counsel** - An appointee of the MDT Chief Counsel who is the primary point of contact concerning each legal hold affecting MDT information.
- 2.11 **Transitory Information** - Information of temporary usefulness required only for a limited period of time for the completion of an action by an MDT personnel or a third party, and is not essential to the fulfillment of legal obligations or to document MDT's functions.
- 2.12 **Third Party** - Absent specific written agreement to the contrary, third parties referred to in this policy are business entities or individuals with a contractual relationship with MDT that have access to MDT information in order to conduct business activities with MDT or to provide services to MDT.

3 SCOPE (PERSONS AFFECTED)

This policy applies to all business units within MDT and service providers who have access to MDT's facilities or information.

4 POLICY

4.1 Introduction

- 4.1.1 This policy governs the retention and disposition of information across all activities of the Montana Department of Transportation (MDT). This policy is applicable to all MDT personnel, and to all contractual third parties, as defined below, who interact with MDT

information in any way. This policy is applicable to information in all formats and media, wherever located.

- 4.1.2 The Montana Secretary of State's Records and Information Management Division is actively engaged in the management of records at the state level, has published retention schedules for use throughout state government, and has provided guidance to state agencies concerning the management of their records. This policy implements the guidance from the Secretary of State for MDT Divisions, Bureaus, and offices.
- 4.1.3 This policy is to be construed in conjunction with other MDT policies dealing with legal holds, information security, and the appropriate use of technology and electronic communications. In the event of a conflict with regards to Records Management activities, this policy shall supersede any existing MDT policies.

4.2 **Requirements**

- 4.2.1 All MDT information will be retained and disposed of in accordance with this policy, the MDT Records Retention Schedule, and implementing procedures, which will incorporate applicable legal, regulatory and business requirements of Federal law, Montana statutes and requirements set forth by the Secretary of State and the State Records Committee. This section sets forth requirements concerning retention and disposition of MDT information and records, and for the administration of the MDT records program. These provisions will be implemented by guidance issued by the MDT Chief Counsel and MDT Records Manager.
 - 4.2.1.1 **Legal Holds**: MDT information subject to a legal hold will not be destroyed or altered without the consent of the responsible representative of the MDT Legal Counsel.
 - 4.2.1.2 **Retention of Transitory Information**: MDT information not essential to the fulfillment of legal obligations or to the documentation of MDT's functions will be disposed of as soon as no longer needed, unless subject to a legal hold on disposal.
 - 4.2.1.3 **Retention of Reference Materials**: Reference materials procured for or created for MDT business purposes may be retained for as long as they meet a business need. They will be disposed of as soon as retention is no longer needed for MDT business purposes.
 - 4.2.1.4 **Retention of Discretionary-Retention Records**: MDT information not subject to specified retention periods by the MDT Records Retention Schedule and not subject to any legal hold may be disposed of at any time, however, when retention of such information meets a business need, it may be retained for a maximum of 12 months after its creation unless it is a copy or version of a retention-required record which has a retention period of less than 12 months, in which case retention will not exceed the retention-required record.

- 4.2.1.5 Retention-Required Record Preservation and Storage: For all retention-required records, preservation and storage practices shall be documented in supporting procedures and file plans, as deemed appropriate by the MDT Records Manager, to assure authenticity, reliability, integrity, and usability. The retention and storage practices shall provide for efficient information retrieval and assembly to meet appropriately identified business and legal discovery timeframes, and shall include provisions concerning records located in any disaster recovery, backup or third party systems, as well as in archival systems.
- 4.2.1.6 Records Administration: Processes and procedures will be implemented to classify and manage all retention-required records, regardless of format or media type. The following will be included:
- 4.2.1.6.1 Coordination of MDT Information Governance and Records Management activities with the Secretary of State and the State Records Committee.
 - 4.2.1.6.2 Capture of data concerning each retention-required record, including, at a minimum:
 - 4.2.1.6.2.1 storage location,
 - 4.2.1.6.2.2 record type,
 - 4.2.1.6.2.3 retention period,
 - 4.2.1.6.2.4 retention trigger, and
 - 4.2.1.6.2.5 specific conditions of storage.
 - 4.2.1.6.3 Capture of appropriate additional data concerning each retention-required record to facilitate search, retrieval, and disposition scheduling.
 - 4.2.1.6.4 View and report capabilities concerning the data associated with record types and retention-required records.
 - 4.2.1.6.5 Capture of appropriate data concerning dispositions of MDT records to facilitate location of records and documentation of disposal of expired records.
 - 4.2.1.6.6 Capture of appropriate data concerning all legal holds applicable to MDT information in a manner that can be related to individual records .
 - 4.2.1.6.7 A demonstrably reliable process to assure MDT information subject to legal hold is properly accounted for and is not altered, destroyed, or otherwise disposed of.

4.2.1.7 Destruction: After determination no legal hold applies, MDT information in any format which has reached the end of its retention period, as set forth in this policy and in the MDT Records Retention Schedule, will be disposed of.

5 CLOSING

Questions concerning this policy should be directed to Information Services Division Administrator.

6 REFERENCES

6.1 *MCA 2-6-202*

6.2 *MCA 2-6-213*

7 ADDITIONAL DOCUMENTS

7.1 [PRO 1.03.002 Records Management Procedure](#)

8 KEYWORDS

8.1 Not Applicable.

REVISION HISTORY

DATE OF REVISION	REVISION # OF POLICY	REASON FOR MODIFICATION	AUTHOR OF REVISION
September 16, 2016	MDT Management Memo 09-05 (resc) Revision occurrence #1	Rescinded – Outdated Format (Non-compliant per MDT PRO 1.01.001)	Mike Bousliman, Information Services Division, Administrator
September 16, 2016	Policy # POL 1.03.002 Associated Document: MDT Management Memo 09-05 (resc) Revision occurrence #2	New Policy Format	Paul Grant, Policy Specialist