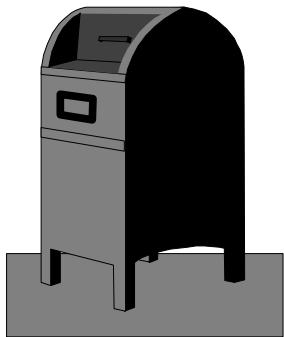




Appropriate Retention of Electronic Mail

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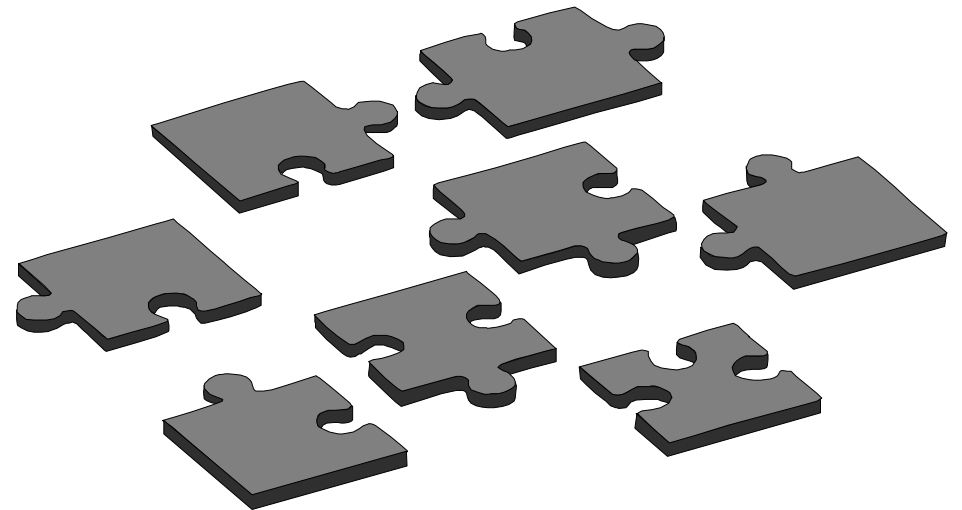
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Overview

- About Electronic Mail
- Retention and Destruction
- Public Access
- Do's and Don'ts





About Electronic Mail

- More than 25% of all American adults have e-mail access¹, and half of them use it daily².
- By the end of 2000, the number of e-mail users worldwide is expected to jump from 125 million to 827 million -- close to 1 out of every 7 human beings³.



Retention Requirements

- The State Library Board shall ... issue regulations to facilitate the creation, preservation, storage, filing, reformatting, management, and destruction of public records by all agencies. ... No agency shall destroy or discard public records without a retention and disposition schedule approved by the Librarian of Virginia...

-Virginia Public Records Act (§ 42.1-82)

- Unto every thing there is a season...
...a time to keep, and a time to cast away.

-Ecclesiastes (3:1, 3:6)



What is a Public Record?

- Recorded information;
- Documenting a transaction or activity by or with any public officer, agency or employee;
- Regardless of physical form or characteristic;
- Produced, collected, received or retained in pursuance of law or in connection with the transaction of public business.

-Virginia Public Records Act (§ 42.1-77)



E-Mail Retention Schedules

- Retention is based on the subject of the e-mail, not the format.
- Retain an e-mail message for the period specified in the schedule and series for the subject of the message.



E-Mail Retention Schedules

- E-mail can include any type of public record

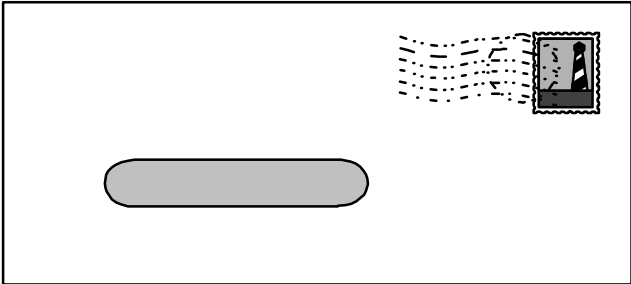
- Most e-mail is simple correspondence, but is it
 - ▶ City Manager/County Administrator/
City Council/Board of Supervisors?
 - ▶ Department/Division Manager?
 - ▶ Other Official?
 - ▶ Miscellaneous/Administrative/Internal/Social?



Schedule Examples

<u>Subject</u>	<u>Schedule & Series</u>	<u>Retention Period</u>
Agendas	GS-19, No. 10024	3 years
Appointment Calendars	GS-19, No. 10027	1 year after last event
Citizen Complaints	GS-4, No. 10004	1 year
Correspondence (Council/Board/ Manager/Administrator)	GS-4, No. 10006	Permanent
Consultants' Reports	GS-19, No. 10033	5 years
Correspondence (Dept. Managers)	GS-19, No. 10037	3 years
Correspondence (Other Officials)	GS-19, No. 10038	2 years
Correspondence (Administrative)	GS-19, No. 10039	As long as administratively necessary
Directives from Council/Board/ Manager/Administrator	GS-19, No. 10041	Permanent
FOIA Responses	GS-19, No. 10049	3 years after final action

E-Mail Examples





Permanency

- Magnetic media is only acceptable for short-term storage (1 year or less).
- Archival records (information having enduring historical or research value, or designated permanent by law) must be converted to paper or microfilm.



Printing E-Mail Messages

- Print as soon as retention need is determined
- File by series, in chronological or indexed order
- Be sure the printout includes
 - ▶ Name of sender
 - ▶ Names of recipients
 - ▶ Date and time of transmission and/or receipt



Non-Records

- Listserv Messages
- Spam and Junk Mail
- Courtesy Copies
- Duplicates of Existing Records



Destruction of E-Mail

- If the e-mail is a "non-record," destroy when no longer necessary

- Otherwise, do not destroy unless
 - ▶ Record series is listed on a records schedule;
 - ▶ The minimum time period on the schedule has passed;
 - ▶ All required audits have been completed;
 - ▶ E-mail is not required for investigations or litigation; and
 - ▶ Certificate of Records Disposal (RM-3) has been approved by agency records officer.

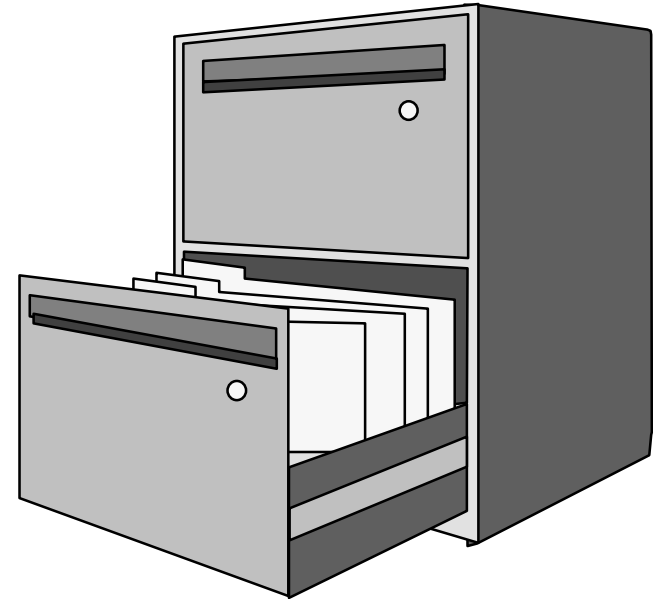


Destruction Issues

- Deleting Messages
- Trash
- Wiping

Who Has Access to Your E-mail?

- Co-workers
- Technicians
- Management
- Media
- General Public





Public Access

- Except as otherwise specifically provided by law, all public records shall be open to inspection and copying by any citizens of the Commonwealth... The custodian of such records shall take all necessary precautions for their preservation and safekeeping.
- Public bodies shall produce nonexempt records maintained in an electronic database in any tangible medium identified by the requester, including, where the public body has the capability, the option of posting the records on a website or delivering the records through an electronic mail address provided by the requester, if that medium is used by the public body in the regular course of business.



Do's and Don'ts

■ Do

- ▶ Organize and index e-mail
- ▶ Print paper copies of e-mail with a retention period longer than 1 year
- ▶ Make regular backups of all data files
- ▶ Distribute a clear policy for e-mail retention



Do's and Don'ts

■ Don't

- ▶ Destroy e-mail containing public records without meeting legal requirements
- ▶ Use e-mail for anything inappropriate for a memo
- ▶ Use agency-provided e-mail access for personal use



The Fine Print

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