

Town of Florence



POLICY TITLE: EMAIL RETENTION POLICY	EFFECTIVE DATE: JULY 1, 2010
RESPONSIBLE DEPARTMENT: Town Clerk Office	AP / RESOLUTION No.: 2010-02
APPROVAL: <input checked="" type="checkbox"/> TOWN MANAGER SIGNATURE: <u>Hi Manish Patel</u> <input type="checkbox"/> TOWN COUNCIL DATE APPROVED: <u>MARCH 17, 2010</u>	REFERENCES:

1.0 Purpose

The purpose of this policy is to provide guidelines for email retention, preserving emailed records, and establishing a 90-day active email retention policy.

2.0 Scope

This Policy applies to all employees who have been assigned an email account on the Town email system.

3.0 Responsibilities

All employees of the Town of Florence are responsible for reading, understanding, and following the Email Retention Policy. The Town Clerk and the Information Technology Division (ITD) are responsible for the update and enforcement of this policy.

4.0 Policy

Anything, on any medium, that is created for any governmental purpose is subject to the terms of the public records law. Consequently, all email messages sent or received for a government purpose are public records and are subject to record retention requirements. This policy includes all copies of email (i.e. Outlook, Blackberry, pst files) regardless of where they reside. For the purpose of this policy, public access instant messaging (i.e. Yahoo, MSN, Google Chat etc.) are not supported by the Town and is not used for business purposes. Private Blackberry to Blackberry instant messaging is supported and falls under the same records retention guidelines as email. Blackberry to Blackberry instant messages that are public records shall be converted to email by the user and saved pursuant to this policy.

- 4.1 Records Created with Email: Electronic mail systems transmit a wide variety of information. The length of time that an email is retained varies according to the content of the email. In short, the content and not the medium determines how

long an email has to be retained. Email messages fall within two broad categories: Transitory and Duplicate messages, and Retainable records.

4.11 Transitory and Duplicate messages or casual and routine communications are not retained. Public officials and employees sending or receiving such communications should delete transitory and duplicate messages immediately. Most emails are transitory.

4.12 Retainable records are defined as documentation of the informational, communicative, or decision making process of government that is; made or received in connection with the transaction of the public business or government functions; and which is created, received, retained, maintained or filed by the agency as evidence of its activities or because of the informational value of the data in the document. Retainable records are classified by a less than permanent or permanent retention period.

4.2 Defining Transitory, Duplicate, and Retainable Records

4.21 Transitory messages do not: a) set policy; b) establish guidelines or procedures; c) certify a transaction; or d) become a receipt. Transitory documents serve to convey information of temporary importance. The following types of email can be deleted because they are transitory:

- Incoming listserv messages
- Personal emails unrelated to Town business
- Spam or unsolicited advertisements or sales promotions
- Non-policy announcements
- Telephone messages
- Published reference materials
- Scheduling meetings; invitations and responses to meetings
- Thank-yous
- Replies to routine questions, “we’re open 8 to 5”, “our address is...” “the deadline is...”
- Out of Office auto replies
- Attachments to email that are identical to records that are stored and managed outside the email system pursuant to approved record retention schedules.

4.22 Internal Duplicate Records: Email as a medium promotes expedited communication to multiple users with great ease. Consequently, email frequently contains duplicates of records, such as copies or extracts of

documents distributed for convenience and /or references. If retention is required of the original, the sender has the obligation. Otherwise, all duplicates should be deleted. For example, if an employee is “cc’d” on an email, he/she should delete it after reading.

4.23 Retainable Public Records: Records created for any governmental purpose with a less than permanent retention period. Retainable records include but are not limited to: (reference the Retention and Disposition Schedule for more examples)

- Activity reports
- Audit trail reports
- Project work plans
- Status reports
- Correspondence for recovery records
- Expense accounting records
- Requests for proposals
- Case management files

4.24 Examples of email message categories requiring some level of retention include the following:

- Containing information developed in preparing position papers, reports, and studies
- Reflecting official actions taken in the course of conducting Town business
- Conveying information on Town programs, policy decisions, and essential transactions
- Conveying statements of policy or the rationale of official decisions or activities
- Documenting oral exchanges, such as meetings or telephone conversations, during which policy was discussed or formulated
- Email calendars reflecting the daily appointments of officials conducting Town business
- Distribution lists for Town business mail

- 4.3 Public retainable records created for any governmental purpose with a permanent or permanent/archival retention period include but are not limited to: (reference the Retention and Disposition Schedule for many examples)
- Executive correspondence that sets or discusses policies
 - Disaster Recovery Plans
 - Continuity Plans

5.0 Town-Wide Procedures

5.1 Procedures for managing emails that are retained.

- 5.11 Each employee is exclusively responsible for managing all the email sent and received. Each employee must sort, file, retrieve, and retain or delete the email in accordance with the municipal retention schedule approved by the Arizona State Library, Archives and Public Records, or by exception (e.g. lawsuits), whichever is longest. Under no circumstances should Town business emails be sent to an employee's personal email account.
- 5.12 Sorting: Sorting involves promptly deleting email by the applicable record retention schedule. Sorting also involves routinely filing email that must be retained for the applicable retention period. To avoid wasting computer storage space, email should be deleted promptly if it is not a record and it has no further value. Employees must properly sort and either delete or retain all email within 90 days of receipt. Email older than 90 days is permanently deleted by the ITD. Email that requires being stored longer than 90 days should be stored in Laserfiche.
- 5.13 Filing: Filing email for short-term storage (less than 90 days) involves moving the email into folders created within the email software (Outlook). Email that qualifies as a retainable record must be retained outside the email system in accordance to the applicable record retention schedule. Acceptable outside email storage includes printing and filing hard copies of emails in a paper file or storing the email in Laserfiche. The content of the email will determine which record series applies. A permanent or historical record series should be printed and stored in a paper file. All non-permanent or non-historical records should be stored in Laserfiche.
- 5.14 Retrieving: Upon receipt of a public records request, the Town Clerk will work with the ITD to retrieve all applicable emails either on the email system or in Laserfiche. Records requests may also be sent to the employee(s) who must promptly retrieve email stored in an alternative medium. The employee is exclusively responsible for the requested email and must find and retrieve it in a timely manner just as he or she must be able to quickly retrieve and produce a proper paper document in his or her possession or control.

5.15 Retaining and deleting: Retaining and deleting filed email must be done according to the Arizona Municipalities Record Retention Schedule. Retaining involves the long-term storage of a record, including any original link(s) and /or attachment(s) included in the email.

5.151 The content of the email determines the applicable retention period. Record retention schedules are maintained by each Town department.

5.152 At times a record may be part of a law suit this requires the Town preserve the record even if a record retention schedule allows for its destruction. Such records are subject to a litigation hold by the Town Clerk's Office or Legal Counsel.

5.2 Procedure for managing email when employees leave.

5.21 Each employee is responsible for organizing, filing, and archiving email before leaving his or her position.

5.22 Supervisors are responsible for ensuring that their staff completes the final organization of email before leaving. Supervisors are also responsible for managing, filing, retrieving and archiving the email of their former staff.

5.3 Exceptions to the Public Records Requirements and Confidentiality. Every email written or received while fulfilling the duties of a public employee is considered to be a public record. This means the public has a right to inspect and copy every email that a public employee writes or receives in the official capacity of the employee's duties unless the email fits a specific exception to public disclosure. An example of an email that would not be a public record is attorney client privileged information. To ensure that confidential information is properly protected, employees should take the following precautions to ensure confidentiality;

5.31 Clearly label the email as confidential and warn the recipient not to forward the email to anyone who is not authorized to receive it. Labeling the subject line of the email as confidential assists the Town Clerk's Office and the ITD when releasing records. Records that do not meet the confidential criteria are released regardless of label.

5.32 Name in the email the exception(s) to disclosure for the claim of confidentiality, including the statutory citation.

5.33 Confirm whether a more secure form of communication is available or appropriate.

5.4 Procedures for backing up the email system. The ITD is responsible for performing a back-up for the recovery of the email system in case of a catastrophic failure. This back-up is not intended as an email retention plan.

5.41 ITD is responsible for maintaining one week of daily back-ups (about six days).

5.42 A minimum of one back-up is kept off-site.

5.43 ITD Backup Details:

5.431 Off-Site: Email messages are archived to a separate location for a period of one week, onto a Storage Attached Network (SAN) disaster recovery appliance.

5.432 On-Site: Emails are retained for the (90) day retention period utilizing two different email servers and an email archiving appliance.

5.5 Recovery of email:

5.51 ITD will not recover email unless a catastrophic failure occurs.

6.0 Definitions

Listserv: An electronic mailing list software application, consisting of a set of email addresses for a group in which the sender can send one email and it will reach a variety of people.

Public Record: A.R.S. §41-1350 defines a public record as: All books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics...made or received by governmental agency in pursuance of law or in connection with the transaction of public business and preserved or appropriate for preservation by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government, or because of the informational historical value of the data contained therein.

Non Record: Material made or acquired solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference and stocks of publications or documents intended for sale or distribution to interested persons are not included within the definition of records. Reference: A.R.S. §41-1350.