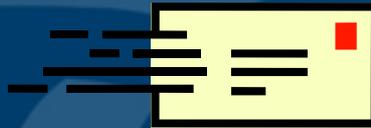


Managing Electronic Mail (E-Mail)



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E-mail Issues

- Commonly considered to be the riskiest form of business communication
- Most legal problems stem from personal use
- Incorrect assumption that e-mail messages are private & not subject to open records requirements
- Encourages “conversational atmosphere” as opposed to more formal, business-like communication
- Record no longer a static document
- Disposal can be difficult



“What is E-mail?”



E-mail Messages

- are public records
(KRS 171.410)
- can be subject to open records requests
(KRS 61.870-61.884)
- are discoverable in a lawsuit

“What is the retention period for e-mail?”

What type of record is it?

- E-mail is a communications medium, not a class of records
- There are several types of records that can be sent via e-mail
- Each of these types of records have different retention periods based on retention schedules



Follow your Retention Schedule!





E-Mail Types

Common types of e-mail records:

- **Official Correspondence**
 - Documenting agency policies and procedures
 - **M0001** - Retain permanently
- **Routine Correspondence**
 - Non-policy in nature and not critical to the agency
 - **M0002** - Retain up to 2 years
- **Non-Business Related Messages**
 - **M0050** – Destroy immediately

Non-business related email

- **Personal Messages**

- Needs to be a balance between use and abuse
- Could create risk
 - Viruses
 - Legal liability
 - Embarrassment

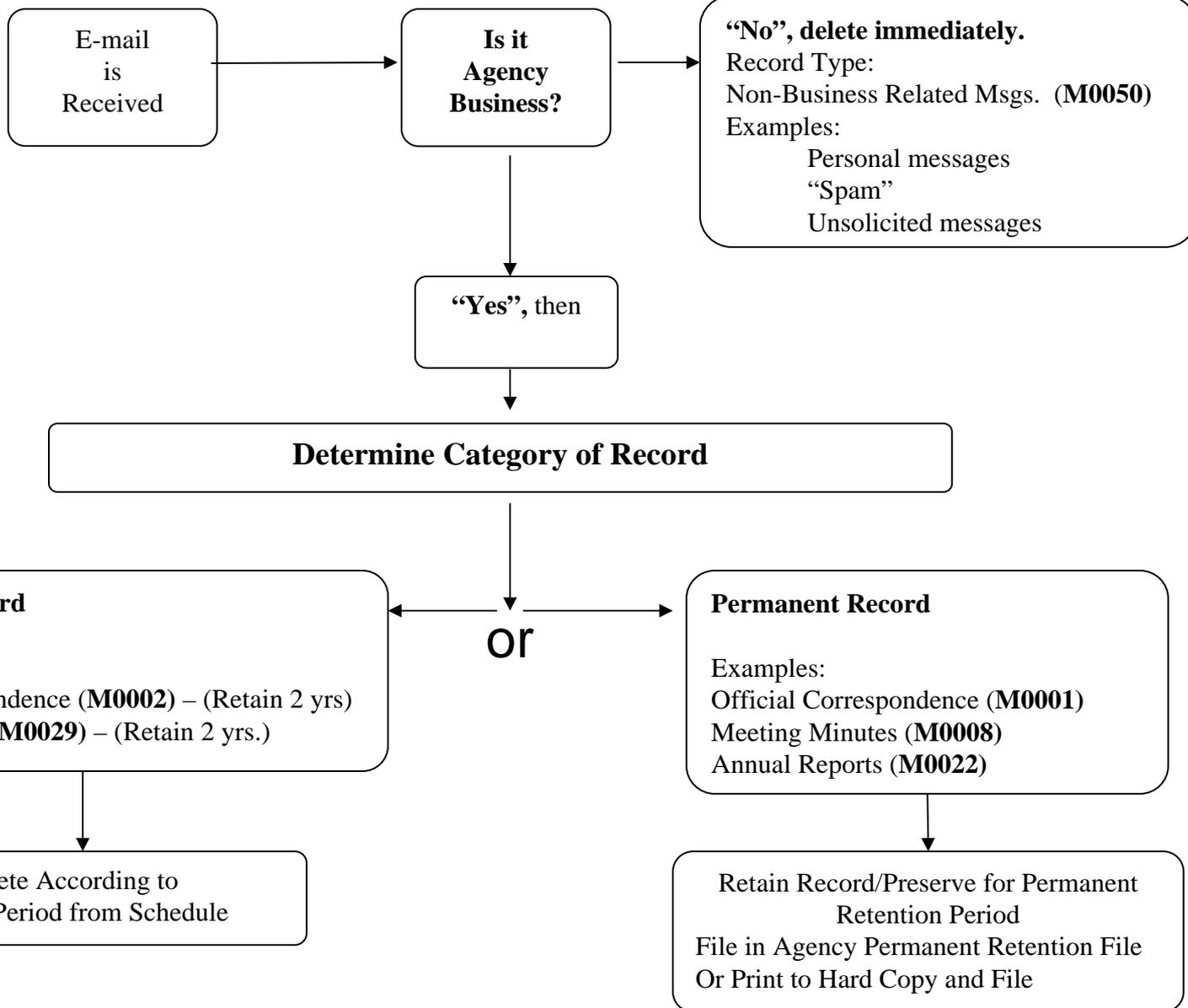
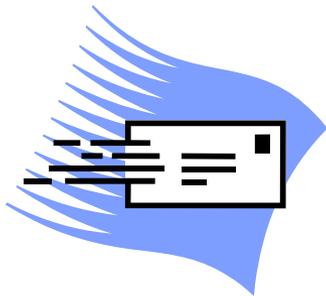
- **Spam**

- Problems
 - Volume
 - Offensive
 - Viruses



- **Unsolicited E-mail**

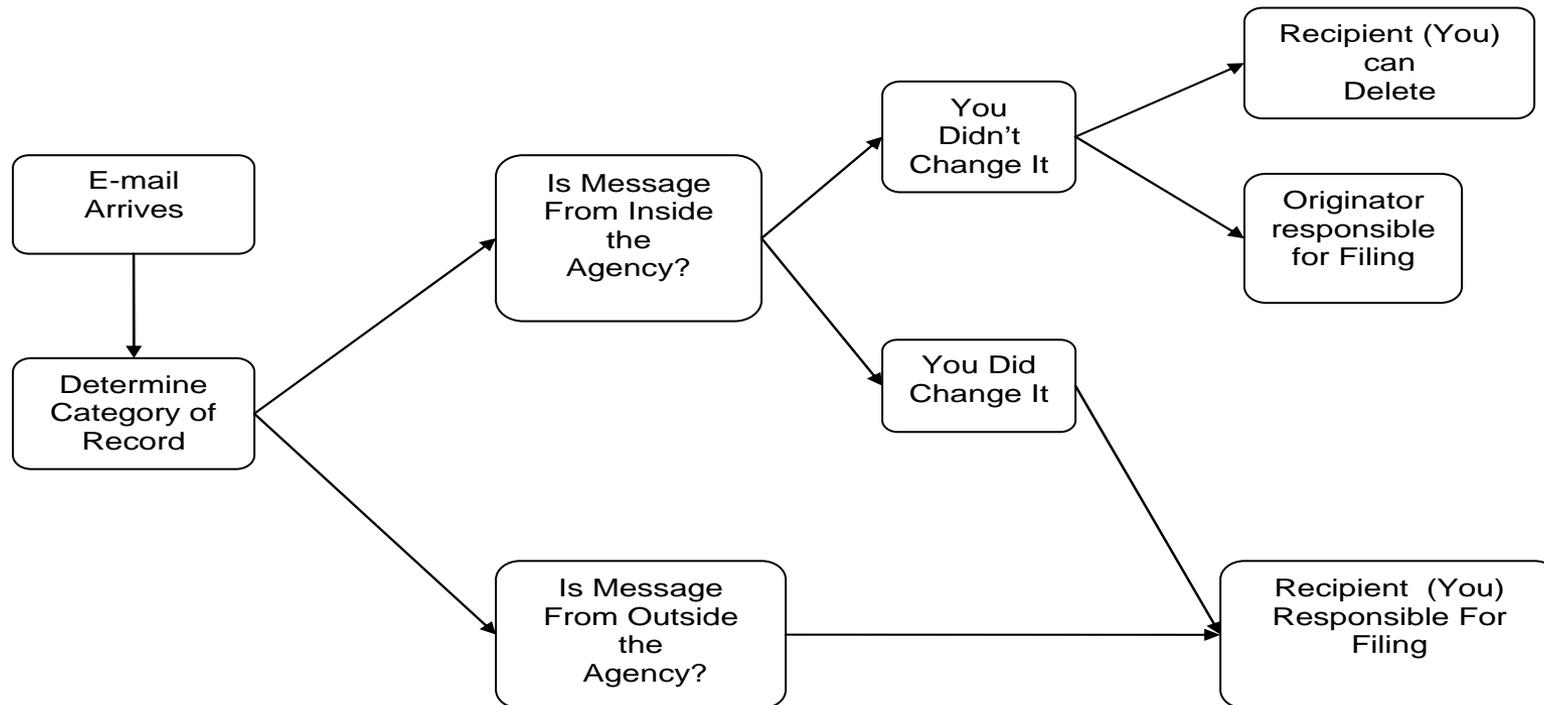
- A type of spam
- Unwanted e-mail that is work related
 - Advertising from vendors
 - Non-work related e-mail from co-workers
 - Jokes
 - News articles
 - General (Not work related) Announcements



Who Should Keep it?

Determining Who is Responsible for Retaining E-Mail Messages

Because e-mail messages can be forwarded and routed to multiple addresses, copies of the messages may exist in many areas of the agency. In most cases, the author, or originator, of the e-mail message is responsible for maintaining the “record” copy. However, in cases in which the recipient has altered the message (made changes, added attachments, etc.), or when the message is coming from outside the agency (and therefore not documented anywhere within the agency), the recipient is the one responsible for retaining the message.



From the Guidelines for Managing Email in KY Government located on the KDLA website at:
<http://www.kdla.ky.gov>



Retaining E-mail Messages

All *business-related* e-mail needs to be:

- **Accessible**

- Separate personal & business messages
- Stored in a logical manner



- **Secure**

- Intentional/Unintentional access
- Alteration
- Damage or Loss

- **Backed-up** on a Regular Basis

For the entire life of the record!

Deleting E-mail



Delete messages that are not needed!

- Transitory messages
- Informational and Reference material
- “Spam” and other non-business messages



SUSPENSION OF DESTRUCTION

DESTRUCTION OF
RECORDS MUST
BE SUSPENDED
IN CASE OF
LITIGATION,
PENDING
LITIGATION, OR
AN ONGOING
OPEN RECORDS
DISPUTE



E-mail Policy & Procedures

- Guidelines for acceptable use
 - Personal vs. Business (<http://cot.ky.gov/policies/>)
 - Model Policy and Procedure for the Management of Electronic Mail in Kentucky Agencies (<http://www.kdla.ky.gov/recmanagement/tutorial/email.htm>)
- Follow retention periods for the records
 - Delete messages when retention periods expire
- Determine where & how messages will be retained
 - In a user share on a network drive
 - **Print & File** – Must make sure all information is printed
 - **Electronically** – In central file repository like other electronic records.



E-mail Training

Make sure all employees are aware of and understand the policy!

Provide training on

– how to use the e-mail system

- Folders
- Where to store e-mail
- Filters/Rules

– how to send/receive e-mail

- Don't send sensitive/confidential e-mail
- Restrict personal/casual e-mail
- Control of copies
- E-mail etiquette



E-mail Resources

- KDLA website: www.kdla.ky.gov
- Understanding E-mail page:
 - <http://www.kdla.ky.gov/recmanagement/tutorial/email.htm>
 - Guideline for Managing E-mail in KY Government
 - Internet and E-mail Acceptable Use Policy (CIO-060)
 - Model Policy and Procedure for the Management of Electronic Mail in Kentucky Agencies
 - Storage of E-mail Messages using Outlook

