

# Guidelines for Managing Electronic Communications in Kentucky Public Agencies



KENTUCKY DEPARTMENT FOR LIBRARIES AND ARCHIVES

## Overview

Employees and officials of Kentucky state and local public agencies, as defined under KRS 61.870(1), should understand that emails, text messages, social media posts, and other electronic communications “which are prepared, owned, used, in the possession of, or retained by a public agency” are considered public records under KRS 171.410(1) and KRS 61.870(2).

These records, therefore, should be maintained per general or agency specific retention schedule specifications and managed according to Kentucky state records management standards. The most up to date retention periods are found online on the KDLA website:

- [General Schedule for State Agencies](#)
- [State Government Records Retention Schedules \(Agency Specific\)](#)
- [General Schedule for Local Agencies](#)
- [Local Government Records Retention Schedules \(Local Specific\)](#)
- [The State University Model Records Retention Schedule](#)

The full guidelines can be read here: [Guidelines for Managing Electronic Communication in Kentucky Public Agencies](#)

## Email Management

Email messages are public records in Kentucky (KRS 171.410(1)) and should be treated as such. Applying appropriate records management and preservation standards to email requires individuals to appraise the content of messages received, review the appropriate retention schedule, and determine the records series to which these messages belong.

To apply appropriate retentions to email, first you must organize your inbox! Set yourself reminders to review items in batches or use automated tags, flags, and inbox rules to help sort email for retention and deletion.

### Disclaimer:

These guidelines are intended to be best practices for the assistance of the reader and are not intended to constitute a formal legal opinion or advice. If you have any additional questions on the subject matter of these guidelines please contact your agency’s legal counsel.

Because email messages can be replied to and/or forwarded, multiple copies of the messages may exist. In most cases, the author (originator) of the email is responsible for maintaining the “record” copy. However, if the recipient has replied to or altered the thread or if the message is coming from outside the agency, the recipient is the one responsible for retaining the message.

## Text and Instant Messages

Most messages sent via text message or instant message (ex. Teams Chat) are Routine Correspondence and have a 2 year or up to 2 year retention. Please refer to the applicable retention schedule for specifics.

Text messages are difficult to capture due to device and software variations. While there are commercial methods available, they may not suit every agency's needs and budget. The recommended best practice is to use the device's native software to copy messages with permanent or long-term importance to a secure environment like an agency server or preservation software.

KDLA discourages the use of private devices and accounts to conduct public business. Doing so can bring about legal complications and make it more difficult to manage public records under Kentucky law.

## Voicemail

Telephone-based voicemails are often utilized by public agencies (KRS 61.870(1)), but are often not managed as public records (KRS 171.410(1)). However, voicemail can contain important information, and must be treated as part of the record.

To manage voicemail effectively, two steps are essential:

1. Determine the appropriate retention period according to the relevant record schedule
2. Ensure that these messages are retained for the required duration.

Examples of records that could be captured in voicemail include: reports, non-business-related correspondence, routine correspondence, informational/reference material, and authorizations for business transactions.

## Web Meeting / Teleconferencing Chat

Teleconferencing software typically includes a native method of preserving the chats. This content is part of the meeting and should be maintained for the same retention as the meeting recording, and may be consulted for the purpose of writing meeting minutes.

The retention and disposition for Recordings of Meetings (M0049/L4940) is: “Destroy thirty (30) days after minutes have been transcribed and approved, unless challenged.” If minutes are challenged, recordings should be retained until final resolution. Anyone using teleconferencing software should be aware of the [Open Meetings Act](#) and its effects on retention and public accessibility.