

Model Policy and Procedure for the Management of Electronic Mail in Kentucky Agencies

Recommended Model for Records Management Requirements for E-mail

[Insert the AGENCY NAME to which this applies]
[EFFECTIVE DATE]

SECTION 1. INTRODUCTION

This document defines acceptable management and storage of e-mail messages in [Agency name] as part of the agency's records management program. Two policies, *Enterprise Architecture Standard 4060, "Recordkeeping – Electronic Mail"* and *Internet and Electronic Mail Acceptable Use Policy (CIO-060)* governs the acceptable use of Internet and e-mail resources in state government. This policy and procedure for e-mail [when adopted] **applies to e-mail use within the agency, and does not supersede any state or federal laws, or any other agency policies regarding confidentiality, information dissemination, or standards of conduct.**

Internet and e-mail resources, services, and accounts are the property of the Commonwealth of Kentucky, and are to be used for business purposes. Management has the right and the ability to view employee's e-mail. Agency e-mail is recorded and stored, and is the property of the Commonwealth of Kentucky, subject to the requirements of the Open Records Act (KRS 61.870 to 61.884.)

SECTION 2. POLICY

The [NAME OF AGENCY] provides for efficient, economical and effective management of electronic mail records in accordance with Kentucky Revised Statutes (KRS) chapter 171, sections 410-740. KRS 171.680 requires the agency head to administer a program for managing records created, received, retained, used, or disposed by the agency.

This policy for managing electronic mail is consistent with legal requirements and efficient recordkeeping standards from the State Archives and Records Commission, the Kentucky Department for Libraries and Archives, and the Commonwealth Office of Technology.

This policy applies to any and all electronic mail messages created, received, retained, used, or disposed of using the [NAME OF AGENCY's] electronic mail system regardless of how the system is accessed. Mobile computing devices (such as Blackberries and other Personal Digital Assistants (PDAs) or smart phones) allow for remote access to

the [NAME OF AGENCY'S] e-mail system and should be treated just like the system in your office or workstation.

SECTION 3. RETENTION REQUIREMENTS

The [NAME OF AGENCY'S] approved Records Retention Schedule and the General Schedule for State Agencies lists the record series that are created and the retention period authorized by the State Archives and Records Commission for each series. All e-mail sent or received by an agency is considered a public record. The content and function of an e-mail message determine its retention period. All e-mail messages must be retained or disposed of according to the agency's retention schedule or the General Schedule for State Agencies.

From General Schedule for State Agencies, Electronic and Related Records Series E0059, Electronic Messages

This is any communication using an electronic messaging system.

Retention: Electronic messaging systems are a form of communication. The messages found in these systems can be any type of record. Identify what type of record the message is and follow the appropriate retention schedule.

Examples of Electronic Messages include:

- E-mail
- Text Messages (more difficult to store than e-mail)
- Voice-mail (more difficult to store than e-mail)
- Fax messages

Most e-mail, but not all (see *Guidelines for Managing E-mail in KY Government* - <http://kdla.ky.gov/recmanagement/EmailGuidelines.pdf>), is considered correspondence and may be part of one of several categories of correspondence, described on the General Schedule for State Agencies .

The categories of correspondence are:

From General Schedule for State Agencies, Miscellaneous Records Series M0050, Nonbusiness Related Correspondence

This is correspondence that is not related to agency business.

Retention: Destroy immediately.

Examples of Nonbusiness Related Correspondence include:

- Unsolicited messages (for example, sales pitches).
- Nonbusiness related messages from co-workers (for example, news articles, nonbusiness related announcements from co-workers).
- Junk mail or spam.
- Personal messages

NOTE: Nonbusiness Related Correspondence is a public record, as defined by the Open Records Act (KRS 61.870-61.884) and, if retained, can be subject to disclosure.

From General Schedule for State Agencies, Miscellaneous Records Series M0002, Routine Correspondence

This is routine correspondence that is central or essential to your work, but is of a non-policy nature and deals only with the day-to-day, general operations of an agency.

Retention: Retain no longer than 2 years. Routine correspondence that is part of a larger file (for example, a case file), takes on the retention period of that file.

Examples of Routine Correspondence include:*

- Assistance to clients
- Explanations of policy
- Requests for information
- Business-related discussions within an agency

Note: Since the retention for series M0002 Routine Correspondence is “*retain no longer than 2 years,*” a uniform retention period within the 2 year window for routine correspondence needs to be established for all of the units covered by this policy. This could be done on the cabinet, department, or division level depending on where this policy is adopted. All employees in an agency, as defined in this policy, should be retaining routine correspondence for the same amount of time and following agency filing procedures (see Section 5 for further guidance.)

From General Schedule for State Agencies, Miscellaneous Records Series M0001, Official Correspondence

This is correspondence that documents the major activities, organizational functions and programs of an agency and the important events in its history.

Retention: Permanent.

Examples of Official Correspondence include:*

- Policy Memoranda (Those dictating or establishing policy)
- Directives
- Event and other announcements (Maintained by the issuing agency)
- Official notifications of agency decisions or actions
- Summaries of an agency’s cumulative experience or history

SECTION 4. USER RESPONSIBILITIES.

It is the responsibility of the user of the e-mail system, with guidance and training from the agency’s [Records Officer, Information Technology (IT) staff, and/or legal counsel]

* Agencies are encouraged to provide employees with examples relevant to their business practices. The “Identifying and Classifying E-Mail and Other Correspondence” page on the KDLA website offers some examples. See <http://www.kdla.ky.gov/recmanagement/tutorial/correspondence2.htm>

to manage e-mail messages according to the agency's records retention schedule and the General Schedule for State Agencies.

It is the responsibility of the sender of e-mail messages within the [AGENCY NAME]'s e-mail system and recipients of messages from outside the agency to retain the messages for the approved retention period. See diagram Figure 1.2 "Determining Responsibility for Retaining E-Mail Messages" in the previously mentioned *Guidelines for managing E-mail*.

Because e-mail messages can be forwarded and routed to multiple addresses, copies of the names of sender, recipient, date/time of the message, as well as any attachments must be retained with the message. Except for listserv mailing services, distribution lists must be able to identify the sender and recipient of the message.

The use of the administrative settings to control management of e-mail messages (for example the rules, filters, and the AutoArchive features) in Outlook/Exchange as well as other server level automated classification and management systems, may automate and assist employees classification and storage of messages. If such settings or software are used by the agency, employees should be adequately trained and informed.

See "Storage of E-mail Messages Using Outlook" on the KDLA website. (<http://kdla.ky.gov/recmanagement/tutorial/Storage%20of%20email-v.2-10-17-06.pdf>)

SECTION 5. MAINTENANCE OF ELECTRONIC MAIL.

Records created using an e-mail system may be saved for their approved retention period by one of the following: [Agencies should customize to meet their own IT infrastructure, filing systems, and business needs.]

- (1) Place in folders and save in a user account on a network drive. *Agencies need to provide detailed instructions on how employees access their user accounts, create folders, and the location of where any folders should be located on the agency network. **KDLA strongly discourages the storage of e-mail on individual workstations.** (See *Guidelines for Managing E-mail*.)*
- (2) Transfer to an automated records management software application Print message and file in appropriate hard copy file. Delete the electronic copy.
- (3) Print message and file in appropriate hard copy file. Delete the electronic copy.

SECTION 6. DISPOSITION OF ELECTRONIC MAIL.

The legal retention and disposition of electronic mail messages is subject to the same requirements as any other record. This usually requires internal agency approval, and the completion and submission of a records destruction certificate.

<http://www.kdla.ky.gov/recmanagement/schedules/kyrecordsdestruction.doc>

Due to the volume of e-mail and the frequency of deletion, completing a records destruction certificate for e-mail records is not practical. Agencies need to adopt the following policy statements to ensure proper documentation of the destruction process:

[Agency Name] will establish and implement procedures to address the disposition of electronic mail records, in accordance with agency business practice and following records retention schedules approved by the State Archives and Records Commission.

"It is the official policy of [agency name] that all e-mail messages found to be classified as routine correspondence will be deleted after ["x" amount of time] in accordance with the General Schedule for State Agencies or the [agency name] specific schedule."

SECTION 7. DEFINITIONS

(1) Agency (public) - every state or local office, state department, division, bureau, board, commission and authority; every legislative board, commission, committee and officer; every county and city governing body, council, school district board, special district board, municipal corporation, and any board, department, commission, committee, subcommittee, ad hoc committee, council or agency thereof; and any other body which is created by state or local authority and which derives at least twenty-five percent (25%) of its funds from state or local authority. (see KRS 171.410(4))

(2) Electronic - relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities. (see KRS 369.102(1))

(3) E-mail messages - any communication supported by e-mail systems internally, between other state, local, and federal agencies, and with constituents, voters, vendors, clients, citizens, and others. This definition applies equally to the contents of the communication, the transactional information associated with each message, and any attachments to the body of the message.

(4) E-mail systems - applications that enable users to compose, transmit, receive, and manage text and/or graphic e-mail messages and images across LAN and WAN networks and through gateways connecting the latter with the Internet. The approved product for state agencies is Microsoft Outlook/Exchange.

(5) Electronic mail receipt data - information in electronic mail systems regarding the date and time of receipt of a message, and/or acknowledgment of receipt or access by addressee(s).

(6) Electronic media - media capable of being read by a computer including computer hard disks, magnetic tapes, optical disks, or similar media.

(7) Electronic record - a record created, generated, sent, communicated, received, or stored by electronic means. (see KRS 369.102(7))

(8) Electronic records system - any information system that produces, manipulates, and stores public records by using a computer.

(9) Employees (for the purposes of this policy only) - all users of Commonwealth of Kentucky e-mail systems, including employees, contractors, consultants, temporaries, volunteers and other workers within state government.

(10) Mailing list service -an electronic mailing list hosting service (e.g., Listserv) used for discussions and announcements within a specified group of individuals. Subscribers to the service participate by sending information to and receiving information from the list using electronic mail messages.

(11) Public record or Record - all books, papers, maps, photographs, cards, tapes, disks, diskettes, recordings, and other documentary materials, regardless of physical form or characteristics, which are prepared, owned, used, in the possession of or retained by a public agency. "Public record" shall not include any records owned by a private person or corporation that are not related to functions, activities, programs or operations funded by state or local authority;. (see KRS 171.410 (1))

(12) Records officer - public agency employee who represents his unit of government in its records management relations with the State Archives and Records Commission and the Kentucky Department for Libraries and Archives as defined in 725 KAR 1:010..

(13) Transactional information -information about the e-mail message that can include name of the sender and all recipients, date and time the message was created and sent, host application that generated the message, and all of the systems and computers the message was routed through. Some or all of this transactional information may or may not be a visible part of the message. The federal courts have ruled that this information is a vital part of the message itself, and is an important consideration when storing e-mail messages. (from *Guidelines for Managing E-mail in State Government*)