

Guidelines for Managing Electronic Communications in Kentucky Public Agencies

[Approved: September 2023]

Employees and officials of Kentucky state and local public agencies, as defined under KRS 61.870(1), should understand that e-mails, 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 following guidelines will assist Kentucky state and local government employees in the proper maintenance and management of the electronic communications they create, exchange, and receive.

Employees should also understand that any electronic communications may potentially contain Personally Identifiable Information (PII), and the employees are obligated to handle that information appropriately (see definitions).

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.

This document will be reviewed bi-annually and updated as needed to incorporate technological and electronic communications changes.

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.

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Definitions

Electronic Messages: (See series E0059 in the General Schedule for Electronic and Related Records) Electronic messages are any messages sent or received by an electronic messaging system. Electronic messages may be in the form of electronic mail (e-mail), text messages (a variety of evolving systems use texts), voicemail messages (in a voicemail box on a phone or as an audio file in a unified messaging environment), faxed messages (faxes are electronically transmitted with a paper output or may be maintained electronically as an electronic fax), agency-approved messaging applications, and in-app messaging systems.

E-mail Systems: E-mail systems are store-and-deliver software systems that transport messages from one computer user to another. E-mail systems range in scope and size. They can include a local area network e-mail system that shuffles messages to users within an agency or office, a wide area network e-mail system that carries messages to various users in various physical locations, and an internet e-mail that allows users to send and receive messages from other internet users around the world.

Metadata: Metadata is information, generally not visible when an electronic record is viewed or printed, reflecting the history and description of the record but not its contents. This may include, but is not limited to, the time, date, location, duration, origin, or subject of the record, and the identity of the person, persons, group, or entity sending, receiving, creating, or revising an electronic record.

Personally Identifiable Information (PII): The definition of PII is not anchored to any single category of information or technology. Rather, it requires a case-by-case assessment of the specific risk that an individual's private information can be identified beyond the name of the sender or recipient of an e-mail. It is based on the restrictions in Kentucky statute (see "Restricted or 'Exempt' Records"). In performing this assessment, it is important for an agency to recognize that non-PII can become PII whenever additional information is made publicly available when combined with other available information. The combination, in any medium and from any source, could be used to identify private information of an individual.

Preservation: Preservation ensures the use and accessibility of information in a long-term or permanent record for the record's full retention period by adopting procedures and standards and applying them selectively. Every public agency employee and official is responsible for preserving records that they create, so that they can be managed in accordance with the applicable retention schedule. Please contact the [Kentucky Department for Libraries and Archives](#) (KDLA) for preservation guidance.

Preservation System: A system designed to manage long-term storage of electronic records via migration of formats, integrity checking, metadata documentation, and other methods that address technological obsolescence and file degradation. KDLA uses a commercial system to ensure this preservation once the record is transferred to the Archives from its native e-mail system by the responsible agency.

Public Record: KRS 171.410 (1) defines public records as “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.” Electronic mail (e-mail) created or maintained by public agencies meets the statutory definition of a public record in Kentucky. Because e-mail messages are public records, they are subject to the same open records requirements as any of the agency's other public records. E-mail messages that are available for public inspection must remain accessible during their entire retention period. Employees of public agencies have a responsibility under Kentucky law to see that records they create and maintain -- public records as defined by KRS 61.870(2) – are organized and accessible for use.

Records Management: Records management is the systematic control of recorded information, regardless of format, from original creation to ultimate disposition. Every office creates records, which may be paper, microfilm, electronic, or some other format. A public agency must have a records management program and is expected to work with KDLA and the State Libraries, Archives, and Records Commission (the Commission) to implement that program. Kentucky law (KRS 171.410 to KRS 171.740) assigns oversight of the management of state and local government records to KDLA.

Records Retention Schedules: A list of the records created, used, and maintained by state and local agency personnel, along with retention and disposal information for those records. Retention schedules for Kentucky state and local agencies are approved and updated as necessary by the Commission.

Record Series: A record series is either a document or a set of documents maintained together because they relate to a particular subject or function, result from the same activity, take the same form, or because of some other relationship arising out of their creation, receipt, or use.

Restricted or “Exempt” Records: Most public records are open to the public, but some records or parts of records are restricted. The agency should be aware that some records might be exempt from disclosure or contain exempt data and should be redacted before disclosing to the public. For example, Social Security Numbers that are protected by state and federal law. KRS 61.878 (1) contains the exemptions from public inspection under the Open Records Act. While Kentucky Statute provides specific exemptions from an Open Records request, records custodians need to be aware of other state and federal laws regarding privacy and confidentiality. Examples include the Health Insurance Portability and Accountability Act (HIPAA) for medical privacy and the Federal Education Rights and Privacy Act (FERPA) for student privacy.

I. Electronic Mail (E-mail)

Introduction

The following guidelines were created to assist employees of Kentucky's state and local government agencies with applying records management and preservation standards as required by statute to their e-mail.

I-1. State Government Agencies

Records Management and Preservation

E-mail management and preservation includes appraisal, organization, and maintenance. Applying appropriate records management and preservation standards to e-mail requires individuals to appraise the content of messages received, review the appropriate records retention schedule, and determine the records series into which that message falls. Each record's series description will state the retention period for that series, guidance on the transfer of records with permanent retention, and disposition of records after their retention has been met. Records should be organized and maintained using a method to facilitate their retention, transfer, and disposition as stated by the retention schedule.

Agency administrators should develop policies and systems designed to ensure appropriate storage/preservation, security, and accessibility to e-mail for the entirety of their established retention periods. The most current retention periods can be found on retention schedules accessible online through the KDLA website at:

General Schedule for State Agencies:

<https://kdla.ky.gov/records/RetentionSchedules/Documents/State%20Records%20Schedules/kystateagency.pdf>

State Government Records Retention Schedules:

<https://kdla.ky.gov/records/RetentionSchedules/Pages/State-Government-Records-Retention-Schedules.aspx>

E-mail containing information defined by a record series with permanent retention requires storage in a digital preservation system to ensure security and accessibility throughout the record's retention period. This storage must meet current digital preservation standards, provide the necessary digital health checks, and include the required migration capabilities needed to maintain access to the digital content and protect against file format obsolescence. Digital files may be stored with a state or local government agency in-house system or with the digital preservation system subscribed to by the Kentucky State Archives.

All e-mail users are strongly advised against using any "burner programs" that automatically delete or "self-destruct" e-mail messages after they are sent and read.

Content Appraisal

Employees should refer to both the *General Schedule for State Agencies* and their agency's own records retention schedule when determining the specific records series under which an e-mail belongs. The following examples are offered to assist with the appraisal of e-mail content:

M0050- Non Business-Related Correspondence / Messages

- **You receive an announcement of a promotional offer from a vendor.**

E-mails such as this would be considered spam (junk mail) or unsolicited correspondence. Messages such as these fall into the records series **M0050- Non Business-Related Correspondence / Messages** found on the *General Schedule for State Agencies*. The recipient should delete such e-mails immediately.

M0018- Informational and Reference Material

- **You receive an e-mail from the Personnel Cabinet explaining how to record and submit work time during the next week that includes a holiday.**

E-mails such as this would be considered an aide to conducting agency business. Messages such as these fall into the records series **M0018- Informational and Reference Material** found on the *General Schedule for State Agencies*. The recipient should delete such e-mails when they are no longer needed.

M0002- Routine Correspondence / Messages

- **You receive an e-mail containing a customer inquiry for general information about your agency.**

E-mails such as this would be considered customer service communication. Messages such as these fall into the records series **M0002- Routine Correspondence / Messages** found on the *General Schedule for State Agencies*. Routine Correspondence / Messages should be retained for up to two years. The specific retention of these records should be set by each agency, allowing employees to treat them consistently. For example, the recipient should delete such e-mails after the retention period set by the agency, which will be no longer than two years.

M0001- Official Correspondence / Messages

- **You receive an e-mail from a Cabinet representative containing a statement on the agency's upcoming reorganization and the impact on agency services. This message includes a PDF attachment containing a revised agency organizational chart.**

E-mails such as this would be considered a statement of agency policy. Messages such as these fall into the records series **M0001- Official Correspondence / Messages** found on the *General Schedule for State Agencies*. The attached organizational chart falls into the record series **M0003- Policies and Procedures** also found on the *General Schedule for State Agencies*. The **sender** should retain such e-mails and their

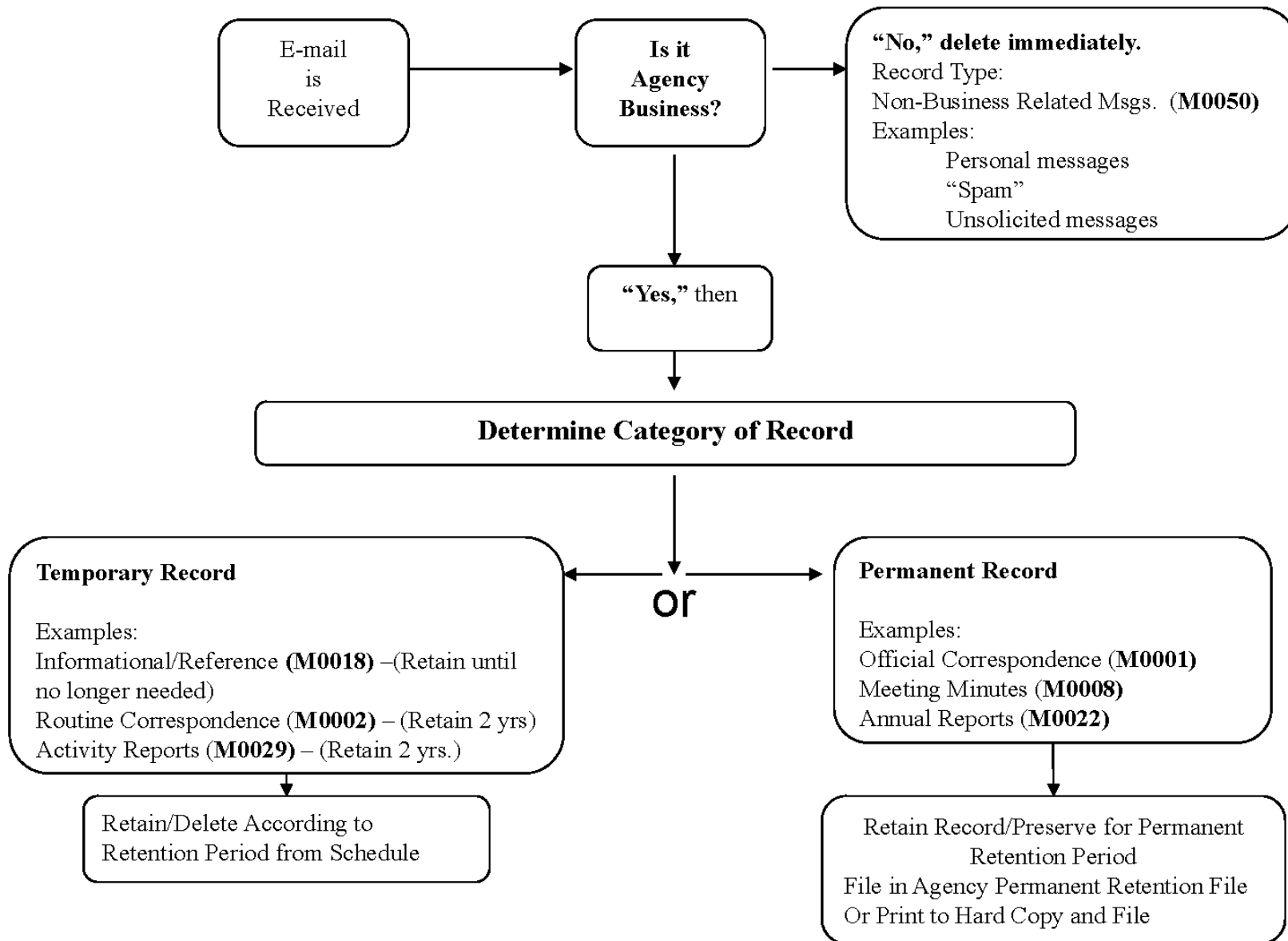
attachments permanently. E-mails with permanent retention should be transferred to the State Digital Archives when their administrative value has ceased.

Organizing Electronic Mail

The following flowchart and organizational structures are provided to simplify the necessary steps for applying proper records management to e-mail.

Maintaining E-mail: Who Is Responsible?

Because e-mail messages can be forwarded and routed to multiple addresses, multiple copies of the messages may exist. 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>

Official Correspondence (M0001) must be retained by the creator/sender, and not the recipient.

Organize by Retention Requirements:

Create the following folders in your e-mail inbox:

Reference: Destroy when no longer needed.

Temporary: Any records that have a defined retention period.

Permanent: Any e-mails that pertain to records series with permanent retentions.

Inside these folders, create folders for each records series under which your e-mail belongs. Include the retention period for the records series in the folder title.

Within the records series have folders for each year.

Sample Filing Structure for E-mail

- 📁 **INFORMATIONAL AND REFERENCE MATERIAL** – (M0018) Delete when no longer useful.
 - 📁 **Drafts** – Publications, Reports, Memos
 - 📁 **Listserv Messages**

- 📁 **TEMPORARY MESSAGES** – Delete per Retention Schedule
 - 📁 **Routine Correspondence** (M0002 – delete after 2 years)
 - 📁 Project 1
 - 📁 Project 2
 - 📁 Person A (Supervisor)
 - 📁 Person B (Co-worker)
 - 📁 **Activity Reports** (M0029 – delete after 2 years)
 - 📁 Year #
 - 📁 Jan, Feb, etc.
- 📁 **PERMANENT MESSAGES** – (As defined by retention schedules* Check with agency records officer for appropriate filing procedures.)
 - 📁 **Official Correspondence** (M0001 – usually from agency or division head)
 - 📁 Project A
 - 📁 Project B
 - 📁 **Annual or Summary Reports** (M0022)
 - 📁 **Policies and Procedures** (M0003)
 - 📁 **Meeting Minutes** (M0008)

The above graphic is only an example. You are encouraged to create a system that works for you and your position. You can also organize by year, subject, or by creating a folder for permanent records.

Maintenance of Electronic Messages

Organizing e-mail is the first step in applying records management requirements. Retaining records for their required retention periods must be followed by the disposition (deletion) of records that have met retention periods. The following methods are available for ensuring full maintenance and management of e-mail:

Manual Maintenance:

Create and maintain a schedule for reviewing your e-mail.

Automated Maintenance:

Create tags and/or policies within your account that include alerts for deleting records that have met their retention requirements.

Common Records Series

The following are records series from the *General Schedule for State Agencies* to which e-mail can possibly belong. Employees should check their agency's own records retention schedule for agency-specific records series under which e-mail could also belong.

M0001- Official Correspondence / Messages

This series documents the major activities, organizational functions, history, and programs of an agency and the events involving the formulation, evolution, and ultimate announcement of agency policy. Official correspondence is typically created by the upper-level administrative staff of an agency (director or above) or the general counsel.

This series consists of incoming and outgoing correspondence that may contain: letters, notes, memoranda, directives, policy statements, and other information commonly found in the body of an e-mail message and/or any attachments to the message. E-mail messages also contain transactional information (sender, recipient, date, subject, etc.) in the header of the message and in the properties field of the electronic file.

Retain permanently. Transfer to the Kentucky State Digital Archives when administrative value has ceased.¹

M0002- Routine Correspondence / Messages

¹ It is the responsibility of the creator/sender of the Official Correspondence to maintain the record permanently. Official Correspondence should be transferred to the Electronic Records Branch regularly for permanent preservation and access.

This series documents general work activities related to administration of the functions, programs and policies of a state agency. Routine Correspondence documents day-to-day activities, including but not limited to: customer/constituent service, procurement, or internal communication. It can be in paper or electronic format. This series does not cover constituent services in the Governor's Office, which is covered under Series 04347, Governor's Official Correspondence File.

This series consists of incoming and outgoing correspondence that may contain: letters, notes, postcards, memoranda, announcements, or information commonly found in the body of e-mail messages and/or any attachments. E-mail messages also contain transactional information (sender, recipient, date, subject, etc.) in the header of the message and in the properties field of the electronic file. Routine correspondence does not include non-business related messages, spam, and junk mail.

Retain no longer than two (2) years.

M0050- Non Business-Related Correspondence / Messages

This series represents e-mail and other correspondence that is commonly found at all levels of an organization and is not related to agency business. It consists of messages of a purely personal nature, spam, and other unsolicited correspondence. (See contents for more detailed descriptions.) Agency staff should delete these records upon receipt because they are not business-related and because agencies may be required to produce them under legal orders or open records requests. This type of correspondence is problematic for many reasons: Spam and unsolicited messages (1) tend to exist in tremendous quantities, which can overwhelm an e-mail system; (2) are usually unwanted; (3) can be offensive; and (4) are potentially virus-laden. Personal messages (1) take away from an employee's work time; (2) may be interspersed with business-related e-mail, making management difficult and exposing the agency to potential embarrassment and legal risk; and (3) may be a violation of the state's e-mail and Internet acceptable use policy (see CIO-060, "Internet and Electronic Mail Acceptable Use Policy"). Given the nature of e-mail, the existence of this type of correspondence is inevitable, and agencies are encouraged to train employees to delete it as soon as possible.

Non-business related correspondence is incoming and outgoing correspondence that may consist of:

- Personal messages. All agencies should have an appropriate use policy that determines the amount of personal messages acceptable on the system. (See "Internet and Electronic Mail Acceptable Use Policy, CIO-060.")
- Spam (electronic junk mail). It is completely unsolicited and unwanted. Spam mail can be offensive in nature, can carry viruses, and can disrupt normal business operations.
- Unsolicited messages. This is e-mail that may be unwanted but is somewhat business-related such as advertising from vendors, non-work related e-mail from co-workers such as jokes and forwards, miscellaneous news articles, non-work related announcements, etc.

Delete or destroy all non-business related correspondence/messages immediately. Agencies are encouraged to train all employees with e-mail access to use the system properly for work-related activities and immediately remove all non-business-related records.

M0018- Informational and Reference Material

This series documents materials of a non-technical or technical nature that may aid in or support official agency business but are not critical to continued operations. This series may also include material used in the professional enhancement of agency employees or duplicate copies of material maintained solely for reference purposes by the agency or individual employees. Informational and reference material may appear in paper or electronic format. It may also be as formal as a publication or brochure (usually external to the agency) or as informal as a news clipping. Records in this series may be destroyed when they become obsolete or no longer useful to the agency. This series should not be applied to correspondence. (See Series M0001, Official Correspondence; Series M0002, Routine Correspondence; and Series M0050, Nonbusiness Related Correspondence.)

Informational and reference material may include published and/or non-published material (usually external to the agency) such as: Periodicals, books, brochures, reports, some logs and other tracking tools, professional literature not related to day-to-day activities, and duplicate copies of other records retained for reference purposes only. This series does not include correspondence (See Series M0002, Routine Correspondence).

Destroy when no longer needed.

I-2. Local Government Agencies

Introduction

Records Management and Preservation

Applying appropriate records management requirements to e-mail requires individuals to appraise the content of messages received, review the appropriate records retention schedule, and determine the records series into which that message falls. Each record's series description will state the retention period for that series, guidance on the transfer of records with permanent retention, and disposition of records after their retention has been met. Records should be organized and maintained using a method to facilitate their retention, transfer, and disposition as stated by the retention schedule.

Local government administrators should develop policies and systems designed to ensure appropriate storage/preservation, security, and accessibility to e-mail for the entirety of their established retention periods. The most current retention periods can be found on retention schedules accessible online through the KDLA website at:

Local Governments General Records Retention Schedule:

<https://kdla.ky.gov/records/RetentionSchedules/Documents/Local%20Records%20Schedules/LocalGovernmentGeneralRecordsRetentionSchedule.pdf>

Local Government Records Schedules:

<https://kdla.ky.gov/records/RetentionSchedules/Pages/Local-Government-Records-Schedules.aspx>

E-mail containing information defined by a record series with permanent retention requires storage in a digital preservation system to ensure security and accessibility throughout the record's retention. This storage must meet current digital preservation standards, provide the necessary digital health checks, and include the required migration capabilities needed to maintain access to the digital content and protect against file format obsolescence. Digital files may be stored with a state or local government agency in-house system or with the digital preservation system subscribed to by the Kentucky State Archives.

All e-mail users are strongly advised against using any “burner programs” that automatically delete or “self-destruct” e-mail messages after they are sent and read.

Common Record Series

The following are records series from the *Local Governments General Records Retention Schedule* that e-mail can possibly belong to. Employees should check other local government records schedules related to their work records series under which e-mail could also belong.

L4954- Official Correspondence:

This record series documents the major activities, functions, events and programs of a local government and, in addition, helps in the establishment of administrative history. It provides a record of policy evolution and formulation, how and why decisions are made, and how these

decisions impacted the local government and the public. This series is usually created by the local government's chief administrative officer and also by administrative heads of official departments, commissions, boards, and agencies within the local government. The series provides adequate and proper documentation of agency matters, as required in KRS 171.640. Official correspondence has traditionally been in paper format (handwritten or typed) but is increasingly found in electronic format such as e-mail.

This series consists of incoming and outgoing correspondence that may contain: letters, notes, memoranda, directives, policy statements, and other information commonly found in the body of an e-mail message and/or any attachments to the message. E-mail messages also contain transactional information (sender, recipient, date, subject, etc.) in the header of the message and in the properties field of the electronic file.

The originator should retain official correspondence permanently.

L4955- Routine Correspondence:

This record series can be found at all levels of an organization and documents business-related correspondence that is not crucial to preserving the administrative history of an agency. It consists of correspondence that is of a non-policy nature and deals only with the day-to-day, general operations of an agency. Routine correspondence has traditionally been in paper format (handwritten or typed) but is increasingly found in electronic format such as e-mail.

This series consists of incoming and outgoing correspondence that may contain: letters, notes, postcards, memoranda, announcements, or other information commonly found in the body or the message and/or any attachments. E-mail messages also contain transactional information (sender, recipient, date, subject, etc.) in the header of the message and in the properties field of the electronic file. General correspondence does not include: non-business related messages, spam/junk mail, and duplicate copies of general announcements. (See series L4956, Informational and Reference Material and L5866, Non Business-Related Correspondence.)

Retain for two (2) years, then destroy.

L5866- Non Business-Related Correspondence:

This record series documents paper correspondence and e-mail commonly found at all levels of an organization and is not related to agency business. It consists of messages of a purely personal nature, spam, and other unsolicited correspondence. (See contents for more detailed descriptions.) Agency staff should destroy or delete these records upon receipt because they are not business-related, and agencies may be required to produce them under legal orders or open records requests. This type of correspondence is problematic for many reasons:

- Spam and unsolicited messages (1) tend to exist in tremendous quantities, which can overwhelm an e-mail system; (2) are usually unwanted; (3) can be offensive; and (4) are potentially virus-laden.
- Personal messages (1) take away from an employee's work time; (2) may be interspersed with business-related e-mail, making management difficult and exposing the agency to

potential embarrassment and legal risk; and (3) may be a violation of the agency's e-mail and Internet acceptable use policy.

Given the nature of e-mail, the existence of this type of correspondence is inevitable, and agencies are encouraged to train employees to delete it as soon as possible.

Non business-related correspondence is incoming and outgoing correspondence that may consist of: Paper records that may be personal, unsolicited, unwanted, and have nothing to do with agency business. E-mail that may be:

- Personal messages. While a certain amount of personal material may be acceptable, abuse of the system can lead to disciplinary action and even dismissal. All agencies should have an appropriate use policy that determines the amount of personal messages acceptable on the system.
- Spam (electronic junk mail). It is completely unsolicited and unwanted. It can be offensive in nature, carry viruses, and disrupt normal business operations.
- Unsolicited messages. This e-mail that may be unwanted but is somewhat business-related. Examples include but are not limited to advertising from vendors, non-work related e-mail from co-workers such as jokes and forwards, miscellaneous news articles, non-work related announcements, etc.

Destroy all non business-related records and delete all non business-related e-mail as soon as possible.

L4956- Information and Reference Material:

This record series documents materials of a non-technical or technical nature that may aid in or support the conduct of official agency business but which are not critical to continued operations. This series may also include material used in the professional enhancement of agency employees or duplicate copies of material maintained solely for reference purposes by the agency or individual employees. Informational and reference material may appear in paper or electronic format. It may also be as formal as a publication or brochure (usually external to the agency) or as informal as news clippings or notes. Records in this series may be destroyed when they become obsolete or no longer useful to the agency.

Information and reference material may include published and/or non-published material (usually external to the agency) such as: Periodicals, books, brochures, reports, some logs and other tracking tools, copies of memoranda and general announcements (that require no action on the part of the recipient), professional literature not related to day-to-day activities (such as postings on a professional listserv), voice mail, casual e-mail and other correspondence not related to official duties (see L4955, General Correspondence), and duplicate copies of records retained for reference purposes only.

Destroy when obsolete or no longer needed.

Organizing E-Mail

The following organizational structure is suggested to simplify the necessary steps for applying proper records management to e-mail:

Create the following folders in your e-mail inbox:

Reference: Destroy when no longer needed.

Temporary: Any records that have a defined retention period.

Permanent: Any e-mails that pertain to records series with permanent retention.

Inside these folders, create folders for each records series under which your e-mail belongs. Include the retention period for the records series in the folder title.

Within the records series have folders for each year.

Sample Filing Structure for E-mail

- 📁 **INFORMATIONAL AND REFERENCE MATERIAL** – (L4956) Delete when no longer useful.
 - 📁 **Drafts** – Publications, Reports, Memos
 - 📁 **Listserv Messages**

- 📁 **TEMPORARY MESSAGES** – Delete per Retention Schedule
 - 📁 **Routine Correspondence** (L4955 – delete after 2 years)
 - 📁 Year #
 - 📁 Project 1
 - 📁 Project 2
 - 📁 Year #
 - 📁 Project 3 (Co-worker)
 - 📁 **Itineraries/Schedules of Meetings** –(L4966 delete after 1 year)
 - 📁 Year #
 - 📁 Jan, Feb, etc.
- PERMANENT MESSAGES** – (As defined by retention schedules* Check with agency records officer for appropriate filing procedures.)
 - 📁 **Official Correspondence** (L4954 – usually from agency or division head)
 - 📁 Project A
 - 📁 Project B
 - 📁 **Annual or Summary Reports**
 - 📁 (L4959) **Policies and Procedures**
 - 📁 (L4958) **Official Minutes of Subsidiary Boards, Commissions and Authorities**

II. Other Forms of Electronic Communication

In addition to e-mail, there are other electronic messaging systems available to most state and local agencies. Other systems may include text, voice mail, meeting recordings, teleconferencing chats, and instant messaging. Social media can also contain messaging elements. A message created and managed in these systems may also be considered a government record if part of a government business transaction. Therefore, agencies should review all messaging systems in use and include any records covered under the existing records retention and disposition process. As with e-mail, the content of the message rather than the media determines the retention period. However, different dispositions or management procedures may be determined by the structure of the system. Like e-mail, employees and officials can risk mixing both personal and government business in a communications system. This practice is highly discouraged. Work with your records management staff to apply appropriate records retention schedules. For additional information on retention schedules, visit [KDLA's website](#).

II-1 Text Messages and Instant Messages

Text messages can be difficult to capture, depending on the device and software in use and associated wireless network architecture. While there are some commercially available methods for capturing and storing text messages, they are not a one-size-fits-all approach and may not fit every agency's needs and budget. The best practice is currently to use the device software's native environment to copy messages of permanent or long-term retention to another secure environment (agency server, preservation software, etc.).

Instant messaging (IM) is a service that permits individuals to quickly exchange electronic messages with selected others in an informal manner that mimics conversation. Instant messaging differs from ordinary e-mail in the immediacy of the message exchange that makes a continued exchange simpler than sending e-mail back and forth. Most exchanges are text-only; however, some services allow voice messaging and file sharing.

Proprietary messaging services can be difficult to capture. Every agency should make an effort to adopt business software that allows the capture and export of business-related messages to a secure, locally available storage option.

As a reminder, 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.

II-2. Voicemail

Voicemail is a highly sophisticated, computerized system for receiving, recording, saving, and managing voice messages. Although telephone-based voice mail is well-established in many organizations and used to conduct public business, it is rarely managed as a public record. Nevertheless, voicemail may communicate important information, provide direction or guidance on a significant issue, or authorize actions. Some state or local government offices also use voicemail for routine activities such as verifying meetings, work schedules, or other government transactions. This makes voicemail a necessary part of the record. As a result, it must be managed by first determining how long each voicemail should be retained according to the record schedule appropriate to the activity and, second, by taking steps to ensure such messages are retained for the necessary period.

The types of records that could be recorded as voicemail vary widely, and their prescribed retention can span short-term to long-term periods.

Examples of records that could be recorded as voicemail include:

- Reports
- Non-Business related Correspondence (spam, unrelated vendor contacts)
- Routine Correspondence (work assignments, announcements)
- Informational/Reference Material (external reports, events notices not related to business)
- Authorization of a business transaction (verbal confirmation of a transaction, in lieu or prior to paperwork/form)

Recent technological advances capable of delivering a message as an audio file to your e-mail inbox can make it easier to capture and manage audio records. Voicemail systems that can NOT be saved as audio within an e-mail are very difficult to manage and therefore should be discouraged for use as an official record. There is also software capable of generating transcripts of voicemail. If the resulting transcript is accurate and complete, the text can be maintained as the official record for the duration of the retention.

II-3. Web Meeting/Teleconferencing Chat

Most, if not all, current teleconferencing solutions include the ability to share information via a chat feature. Oftentimes, the chat can take on a parallel conversation of its own, and it is important to preserve these interactions for full context of what transpired in the meeting.

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 should also be consulted for the purpose of writing meeting minutes.

For example, a Zoom chat can contain pertinent links pasted in by attendees. These links, if it changes the context and direction of the meeting, should be referenced in the minutes. They should also be kept for the same period of time as the meeting recording (longer, if the chat has lasting administrative value).

The retention and disposition for Recordings of Meetings (M0049) 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.**

Additionally, users of any teleconferencing software should be aware of the [Open Meetings Act](#) and its effects on retention and public accessibility.

III. State-Approved Software

For state agencies, it can be beneficial to keep the majority of work-related messaging limited to software that has been approved by the Commonwealth Office of Technology (COT). This will ensure that it is updated regularly, and that stored data can be retrieved with their assistance. Examples of COT approved software include:

- Microsoft Outlook: **e-mail**
- Microsoft Teams: **collaboration**
- Citrix (GoToMeeting, GoToWebinar, GoToTraining): **webinars/meetings**
- Zoom: **web conferencing**
- Avaya: **voicemail**

Up-to-date Commonwealth Office of Technology approved software can be found at

<https://technology.ky.gov/about-the-agency/Pages/kits.aspx>