

DEPARTMENT OF ADMINISTRATIVE SERVICES
INTERNAL POLICIES AND PROCEDURES

Subject: EMAIL MANAGEMENT

Date: January 1, 2014

Ref: Utah Code 63G-2 and 63A-12; DTS Rule R895-7, Acceptable Use of Information Technology Resources; and State Agency Schedule 1 Administrative Records

Purpose:

Email is a primary method of communication within the Department and, in many cases, is an official record of what has transpired in state government. Employees shall consistently manage email according to a retention schedule approved by their Division. Employees shall limit their personal use of state email resources.

Definitions:

Disposition — Records' final destruction or transfer to the State Archives as determined by their appraisal.

Email — An asynchronous message, following the RFC 2822 international standard applied to the vast majority of emails. Email consists of a header, with routing information, and a body, which contains the message, separated by a blank line. Email records include metadata and attachments.

Email Records — Work-function related messages that have administrative, legal, fiscal, or historical value and are subject to legal retention schedules based on the email content. Metadata and attachments are a necessary part of the record and must be included, along with the text, in an unaltered state.

Metadata — All of the accompanying contextual information that the email system tracks, such as who sent it (their full name plus email address), when it was sent, who received it, when it was opened, any distribution lists used, etc.

Non-Record Email — Correspondence that has no government business-related content. This includes such messages as personal messages, listserv messages, and spam.

Record Copy — The copy of a document, often the original, that is designated as the official copy for reference and preservation and to which the retention period applies. Both sent and received email can be records. Primarily, for email between government and non-government, the governmental entity is the custodian of the record-copy. For email between governmental entities the sent copy is the record-copy. Additionally, the

governmental entity whose function is the topic of discussion is the custodian of the record-copy.

Record Series — A group of records that may be treated as a unit for purposes of designation, description, management, or disposition. Record series identify the typical accumulation of like-content records and reflect the natural course of work.

Record Retention Schedule — Identifies the length of time each record series needs to be retained by a governmental entity for administrative, legal, fiscal, or historical purposes and disposition.

Policy:

The Government Records Access and Management Act (GRAMA) and the Public Records Management Act (PRMA) impose obligations to retain and manage records, including email records. Email correspondence that discusses government business is a government record that must be managed. The Department is responsible for managing email records for the entire legal retention period and for ensuring accessibility (including discovery in conjunction with anticipated or pending litigation and open records requests).

Email record requirements:

1. Each employee shall manage, retain, and destroy their own email within the context of the current email environment with the oversight of the Division records officer.
2. An employee shall maintain the record copy. In the instance of an email thread, the last email in the thread—the one containing the entirety of the correspondence between two or more persons—becomes the record copy and thus the copy with the longest retention period.
3. State law (Utah Code Section 63A-12-105(3)(a)) provides that records must be managed in accordance with an approved records retention schedule. Archives maintains agency-specific and general retention schedules. If an agency has created a specific retention schedule, it trumps provisions in the general retention schedule. Email records are disposed of according to their respective series retention schedule. The disposition is either: destroy records when obsolete or transfer historical records to the State Archives. Records not entirely destroyed are still liable for discovery and GRAMA requests. The Division's records officer shall approve and document the destruction or deletion of email that is part of any records series that substantially documents the agency's functions.
4. Each employee shall immediately dispose of email that has no administrative value in accordance with State General Retention Schedule Item 1-47. The Division's records officer must approve exceptions for employees to keep copies of email records past the retention period for personal use as these records are still subject to disclosure.
5. Each employee should separate business from personal content and not combine messages of business (records) with messages of a personal nature (non-records). Emails that combine both a personal message and record-content are kept as a record.

6. An employee generating email should give each email message a meaningful subject line that clearly reflects the content of the email on outgoing emails related to state business to promote accessibility. Changing the topic of the correspondence requires a new subject line
7. Each employee shall retain email in a manner that preserves the original format, including metadata. It is not acceptable to save email to plain text, PDF, or as hard-printed copies.
8. State law prohibits employees from conducting private business, religious, and political activities using state email systems. See Rule R895-7.
9. Employees shall use the approved Division email system and their official state email accounts for sending and receiving emails related to state business. If the state system is unavailable, state business done from personal accounts or on personal devices shall be transferred to the state system as soon as practicable so records may be managed appropriately. Using personal accounts or personal devices subjects the personal accounts and devices to discovery and GRAMA requests.
10. Regardless of a retention schedule, an employee must not destroy emails that are part of a GRAMA request until the appeals process is completed or expired. An employee must not destroy emails that have a litigation hold or might be subject to discovery.
11. Employees have no expectation of privacy, and the Division has authority under Rule R895-7 to review all email in state resources.

Email account requirements:

Division management may not terminate an email account unless the Division has taken the necessary steps to preserve email that has not met its retention schedule.

The Division may transfer email records with long retention periods (more than ten years) from the email system into a recordkeeping system for retention and preservation. The State Archives has tools available for records officers that can retain and preserve email records. The Division management shall transfer historical email records to the State Archives at the end of their administrative use.

Non-record emails

Employees may use state resources for limited personal use consistent with Rule R895-7. An employee shall dispose of personal email messages and non-record email from the state email system. Personal email may be forwarded to personal accounts for employees' wishing to have a copy of their personal email.

While non-record emails on state resources are not subject for disclosure under GRAMA, they are subject to review by the Division for determination in instances of a GRAMA request. Non-record emails are subject to discovery in litigation.

Identifying email records

Email records must be retained according to their respective retention schedules. Each Division's administrator and records officer will identify record series which contain email records. They shall:

- Identify record series that contain email records critical to the Division's mission and core functions. Implement the appropriate, approved records series retention schedules for these records for employees to maintain within the email system or to export them to a record keeping system.
- Identify historical and permanent email records. Records that document policy; provide documentation of legal rights; and document the major transactions, services, and programs of the Division are historical. These records document executive decisions made regarding agency interests. The executive director shall identify policy correspondence and transfer custody to the State Archives after the completion of administrative use (record series GS, Item 1-61, Executive correspondence).
- Identify business-related correspondence created in the course of administering agency functions and programs that documents work accomplished, transactions made, or actions taken. This correspondence documents the implementation of agency functions rather than the creation of functions or policies. (Business-related correspondence that is related to a core function with an associated retention schedule should follow the associated schedule.) Administrative correspondence shall be retained according to the retention schedule (record series GS, Item 1-63, Administrative correspondence).
- Identify remaining email records, not otherwise scheduled, as transitory correspondence and retain according to the retention schedule (record series GS, Item 1-47, Transitory correspondence).