

**SALT LAKE COUNTY
COUNTYWIDE POLICY ON
RETENTION AND CLASSIFICATION OF ELECTRONIC MAIL**

References

Government Records Access Management Act (GRAMA); Utah Code Annotated § 63-2-101 et seq.
Salt Lake County Code of Ordinances: Title 2; Chapter 2.82 *Records Management*
Salt Lake County Countywide Policies and Procedures, GRAMA Policies 2000 through 2120, *Electronics Communications Policy* 1036, *Computing and Networking Systems* 1400

Purpose

The intent of this policy is to provide and explain the requirements, guidelines and best practices for electronic mail (e-mail) that meet the criteria for public records as defined by the Government Records Access Management Act (UCA Title 63 Chapter 2). This policy provides assistance to county agency employees in complying in their use of e-mail as a communication and business tool. In addition, this policy advances the best practices in capturing, managing, and retaining electronic messages as public records.

1.0 Background

Electronic mail systems, commonly called “e-mail”, have become the communications method of choice for many employees. E-mail messages are often used as a communication substitute for the telephone as well as to transmit substantive information or records previously committed to paper and transmitted by more traditional methods. E-mail systems touch on many functions that county agencies utilize to conduct business: administrative, fiscal, and legal. The need to properly manage e-mail messages and systems is the same as for other record-keeping systems: to ensure compliance with state law and county ordinance concerning the creation, retention of, and access to public records.

E-mail created or received by employees, agents, or representatives of Salt Lake County is subject to GRAMA and therefore must be managed and maintained appropriately. By identifying e-mails that are records and establishing their relevant retention periods, the county ensures compliance with state records law and promotes good management protocol of county information systems. By their nature, e-mail records may be inventory-resistant, meaning they are not controlled by the County through any practical application of technology but are under individual employee control.

2.0 Email Systems

E-mail systems are fundamentally software systems that transport messages from one computer user to another. E-mail systems range in scope and size. It may be a local e-mail system that transmits messages to users within an agency or office over a local area network (LAN), an enterprise-wide e-mail system that carries messages to a multiple of users in various locations over a wide area network, or a system that directs messages around the world over the Internet. Often an e-mail system may serve all three functions simultaneously.

3.0 E-mail Messages

E-mail messages are electronic communications created on and sent or received by a computer system. This definition applies equally to the contents of the communication, the transactional information, to the extent that such information can be reproduced, and attachments associated with the communication. E-mail messages are similar to other forms of communicated messages such as correspondence, memoranda, and circular letters – which fall within the definition of a record as defined in UCA § 63-2-103 (19)(a):

...all books, letters, documents, papers, maps, plans, photographs, films, cards, tapes, recordings, electronic data, or other documentary materials regardless of physical form or characteristics; which are prepared, owned, received, or retained by a governmental entity or political subdivision; and where all of the information in the original is reproducible by photocopy or other mechanical or electronic means.

An e-mail message is a document, or other similar item, created and/or received by a county agency and is a record as defined by state statute. E-mail messages that, by definition, meet the criteria of a government record must be made available to the public upon request during the required retention period, unless the content of the message is classified other than Public. E-mail records, irrespective of classification, must be retained for the duration of the appropriate retention period.

Disclosure of e-mail is governed by the Government Records Access Management Act (GRAMA). Employees responding to a GRAMA request for access to e-mail need to ensure they are complying with the classifications and access restrictions required by GRAMA.

4.0 Retention Requirements

4.1 Content

Retention and disposition of e-mail messages must be related to the information they contain or the purpose they serve. Content, transactional information, to the extent that such information can be reproduced, and attachments to the messages are considered records. Since content varies considerably, the length of time the message is to be retained and its classification must be circumspectly evaluated.

4.2 Backups

E-mail backups that are maintained for disaster recovery and business continuity purposes, either to tapes or other media, are not considered appropriate for managing e-mail retention.

4.3 Categories

E-mail may be categorized into four broad types: Non-records, Routine Requests and Notices, Administrative Support Records, and Policy and Program Records.

5.0 Managing E-mail

Employees must take responsibility to understand the content of messages sent and received, and maintain or delete e-mail records according to content. It is the e-mail's sender or originator's

responsibility to determine if it is a record and determine the appropriate retention period. Incoming e-mail that is acted upon by the recipient may become a record and subject to maintenance and retention as a record. The following categories of records and retention periods have been identified:

5.1 Non-Records (No Retention)

E-mail messages that do not meet the criteria of a record as defined by GRAMA do not need to be maintained by the user, scheduled and retained for retention, or granted public access under county policy.

Data not considered a record (as defined by GRAMA) includes:

- 5.1.1 temporary drafts or similar materials,
- 5.1.2 materials legally owned by an individual in his private capacity,
- 5.1.3 materials to which access is limited by copyright or patent,
- 5.1.4 proprietary software,
- 5.1.5 junk mail or commercial publications,
- 5.1.6 books or other materials catalogued as part of the library collection,
- 5.1.7 daily calendars and other personal notes,
- 5.1.8 computer programs developed or purchased by or for the governmental entity, and,
- 5.1.9 notes or internal memoranda prepared as part of the deliberative process by a member of the judiciary.

In addition, Non-record messages include:

5.1.10 Personal Correspondence

E-mail neither received nor created nor retained in the normal course of county business.

5.1.11 Non-Governmental Publications or Documents

Publications, promotional material from vendors, junk mail, and similar materials that are publicly available; listserv messages (other than those posted in an official capacity), unsolicited promotional material, files copied or downloaded from Internet sites, and other materials defined as non-records under 5.1.

5.2 Records

E-mail messages meeting the definition of a record must be scheduled, retained, classified and disposed of appropriately. Employees creating or originating documents should manage their e-mails at the desktop by creating folders for each category and deleting them when retention has been met. Retention criteria that allow users to print hard copies of e-mail messages and related attachments must ensure the printed copy includes the sender's name, date sent, receivers' names, attachment information, and the message. When providing access to e-mail records, the user must ensure the appropriate classification guidelines are followed.

5.2.1 Attachments

Documents attached to an e-mail identified as a record should also be managed as a record and retained appropriately. The sender or originator should ensure the most recent version of the attachment has been saved according to retention guidelines of this policy. The attachment does not need to be retained if it is retained elsewhere, unless needed to provide context to the e-mail.

5.2.2 Routine Requests and Notices (Short-term Retention)

The following records are considered Routine Requests and Notices. This information may be in the body of the e-mail or included as an attachment.

Routine requests for information such as requests for policies, reports, etc;

Non-official notices for training, meetings, parking restrictions, blood drives, etc;

Requests for supplies;

Approvals to attend workshops and training;

Schedule and activity records such as duty rosters or work assignments; schedules, appointment or telephone logs, or other daily activity logs.

Working copies of documents which are not considered drafts under UCA 63-2-103(b)(i)(ii) and records relating to daily agency activities that do not reflect policy or official actions;

Cover letters or memos that reference an attached document.

Retention: Retain until the administrative need ends, but no longer than thirty (30) days.

5.2.3 Administrative Support Records (Medium-term Retention)

The following records are considered Administrative Support Records. This information may be in the body of the e-mail or included as an attachment.

General administrative or agency business correspondence (both sent and received); interoffice or interdepartmental communications that do not result in policy ;

Reference materials, activity reports which are summarized in annual reports;

Internal training distributed to County employees.

Retention: Save to an electronic medium or print to paper and retain for no longer than two (2) years. Refer to Administrative Retention Schedule or other County schedules for specific retention and classifications.

5.2.4 Policy and Program Records (Long-Term or Permanent Retention)

The following records are considered Policy and Program Records, regardless of whether this information is in the body of the e-mail or included as an attachment.

Executive correspondence (both sent and received) that documents aspects of county administration concerning agency public policies, programs, directives, and service delivery matters;

Final policies and procedures and similar regulations;

Annual, financial, or statistical reports;

Organizational charts and mission statements;

Program studies;

Correspondence or directives to staff on policy issues;

External training presentations to the general public;

Agendas and minutes of meetings which are covered by the Utah Open Meetings Act;

Public relations issues, photographs, published materials, and audio or video attachments.

Retention: Print to paper and retain permanently. Refer to Administrative Retention Schedule or other County schedules for specific retention and classifications.

5.3 User Responsibilities

5.3.1 Sender

It is the responsibility of the sender or originator to manage e-mail when it is a record by selecting the appropriate retention, maintaining the record for the required time period, and complying with the classification requirements of the record.

When using a “distribution list” (not a listserv, but a specified list of individuals) the sender or originator must maintain a copy of it for as long as the required retention period of the associated message. Printing or saving a copy of the “sent” message automatically retains the names on the distribution list.

5.3.2 Recipient

The recipient of e-mail may need to retain it according to retention guidelines if it is received from outside the County network and is from; 1) either the public as a constituent of county government or 2) a company or individual doing business with the County, or 3) another governmental entity. The recipient may also need to maintain email received from other County employees if it significantly impacts the activities and functions of the recipient’s agency. Examples of agencies that may need to retain email received in the agency include elected officials, department and division directors, and program managers.

6.0 Agency Responsibilities

Agency administrators, employees, records managers, information technology (IT) managers and server administrators share responsibility for managing electronic records. Agencies should clearly identify the roles of each staff member, adopt procedures, train staff, and monitor compliance on a regular basis. Agencies should take appropriate measures to preserve data integrity, confidentiality and physical security of e-mail records.

7.0 Managing Electronic Mail at the System Level

7.1 Storage and Deletion of E-mail

The county has established criteria for the appropriate use of the e-mail system (refer to Electronic Communications Policy 1036). Deleted e-mail messages will be maintained for thirty (30) days and then permanently removed according to policy.

7.2 Retention for Audit or Legal Proceedings

E-mail identified as a record that has completed its period of retention, but has also been earmarked as part of an audit or legal proceeding, must be retained until completion of the audit or resolution of the legal proceeding.

8.0 E-mail as Evidence

E-mail may be used in court as evidence and appropriate consideration must be given to manage it as a record.

APPROVED and PASSED this 23 day of November, 2004.

SALT LAKE COUNTY COUNCIL

Steve Harmsen, Chair

ATTEST:

APPROVED AS TO FORM:

Sherrie Swensen, County Clerk

District Attorney's Office Date