



GUIDELINES FOR MANAGING EMAIL

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SCOPE

These guidelines apply to State of Ohio executive agencies. Other governmental entities may also wish to follow these guidelines as appropriate.



INTENT AND PURPOSE

The intent of these guidelines is to provide and explain requirements, guidelines and best practices for electronic mail (e-mail) messages that meet the criteria for records as defined by the Ohio Revised Code.

These guidelines have a two-fold purpose. First, they are intended to assist state agency employees in complying in their use of e-mail with Ohio public records law. Second, the guidelines promote best practices and suggestions that facilitate the effective capture, management, and retention of electronic messages as public records.

INTRODUCTION

Electronic mail systems, commonly called e-mail, are becoming the communications method of choice for many public officials and public employees in Ohio. E-mail messages are often used as communication substitutes for the telephone as well as to communicate substantive information previously committed to paper and transmitted by more traditional methods. This combination of communication and record creation/keeping has created ambiguities on the status of e-mail messages as records.

The management of e-mail systems touches on nearly all functions for which a government agency is dependent on recordkeeping: privacy, administration, vital records management, administrative security, auditing, access, and archives. The need to manage e-mail messages and systems properly, then, is the same as for other records keeping systems -- to ensure compliance with Ohio laws concerning the creation of, retention of, and access to public records.

Government agencies that use electronic mail have an obligation to make employees aware that e-mail messages, like paper records, must be retained and destroyed according to established records management procedures. Agencies should set up or modify e-mail systems to facilitate electronic records management. Procedures and system configurations will vary according to the agency's needs and the particular hardware and software in place.

These guidelines are based partly upon the work done by the Maine State Archives, Delaware State Archives and Florida Department of State (see bibliography for citation). Their work is included here with their kind permission. We appreciate their expertise and generosity.

DEFINITIONS

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 from a local area network e-mail system that shuffles messages to users within an agency or office; to a wide area network e-mail system which carries messages to various users in various physical locations; to Internet e-mail that allows users to send and receive messages from other Internet users around the world.

E-mail *messages* are electronic documents created and sent or received by a computer system. This definition applies equally to the contents of the communication, the



transactional information, and any attachments associated with such communication. Thus, e-mail messages are similar to other forms of communicated messages, such as correspondence, memoranda, and circular letters.

LEGAL REQUIREMENTS

The [Ohio Revised Code \(ORC\)](#) includes no specific definition for electronic mail, however [ORC Section 149.011\(G\)](#) provides the following definition:

"Records" include any document, device, or item, regardless of physical form or characteristic, created or received by or coming under the jurisdiction of any public office of the state or its political subdivisions, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

Clearly, an e-mail message is a document or item created or received by a public office. Whether the e-mail serves to document the organization, functions, policies, decisions, procedures, operations or other activities is the deciding factor as to its status as a record. This is true of any communication, whether electronic or paper.¹

E-mail messages that meet the criteria of the definition of a record must be scheduled and retained for the appropriate time period before disposition. Scheduling e-mail is discussed in detail below.

E-mail messages that meet the criteria of the definition of a record may be considered public records and must be available to the public. A record must meet the definition of a public record as defined in the Ohio Revised Code. This definition is found in [ORC Section 149.43](#), which states in part:

Public record means any record that is kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, except that public record does not mean any of the following: medical records...

All public records shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Subject to division (B)(4) of this section, upon request, a public office or person responsible for public records shall make copies available at cost, within a reasonable period of time. In order to facilitate broader access to public records, public offices shall maintain public records in such a manner that they can be made available for inspection in accordance with this division.

As with any format, an e-mail message is considered a public record unless it falls under one of the exceptions listed in Section 149.43. These records must be maintained and made accessible to the public upon request through the appropriate retention period.

RETENTION AND SCHEDULING REQUIREMENTS

E-mail itself is not considered a record series or category. It is a means of transmission of messages or information. Like paper or microfilm, e-mail is the medium by which this type of



record is transmitted. Just as an agency cannot schedule all paper or microfilm records together under a single retention period, an agency cannot simply schedule e-mail as a record series. Rather, retention or disposition of e-mail messages must be related to the information they contain or the purpose they serve. The content, transactional information, and any attachments associated with the message are considered a record (if they meet the ORC criteria). The content of e-mail messages may vary considerably, and therefore, this content must be evaluated to determine the length of time the message must be retained.

Simply backing up the e-mail system onto tapes or other media or purging all messages after a set amount of time are not appropriate strategies for managing e-mail.

For more information on records management, contact your agency's records officer, the State Records Administrator or the State Archives of Ohio.

For the purposes of this document, there are four categories of e-mail retention: non-record messages, transitory messages, intermediate messages, and permanent messages. An example of a mailbox with filed email messages is included as an [Appendix](#).

NON-RECORD MATERIALS:

E-mail messages that do not meet the criteria of the Ohio Revised Code definition of a record may be deleted at any time, unless they become part of some official record as a result of special circumstances. These types of messages may include:

Personal Correspondence:

Any e-mail not received or created in the course of state business, may be deleted immediately, since it is not an official record: the "Let's do lunch" (not a State-business lunch) or "Can I catch a ride home" type of note.

Non-State Publications:

Publications, promotional material from vendors, and similar materials that are "publicly available" to anyone, are not official records unless specifically incorporated into other official records. In the electronic world, this includes listserve messages (other than those you post in your official capacity), unsolicited promotional material ("spam"), files copied or downloaded from Internet sites, etc.

These items may be immediately deleted, or maintained in a "Non-Record" mail box and deleted later, just as you might trash the unwanted publication or promotional flyer.

However, for example, if you justify the purchase of a "Zippo Filing System" by incorporating the reviews you saved (from the "Files R Us Listserve") in your proposal to your boss, those listserve messages become official records and must be retained in accordance with the retention schedule for purchasing proposals.

OFFICIAL RECORDS – RETAIN AS REQUIRED:

E-mail messages that meet the definition of a record in the ORC are official records and must be scheduled, retained and disposed of as such. These official records fall into the following categories:



Transient Retention:

Much of the communication via e-mail has a very limited administrative value. For instance, an e-mail message notifying employees of an upcoming meeting would only have value until the meeting has been attended or the employee receiving the message has marked the date and time in his/her calendar.

Transient messages do not set policy, establish guidelines or procedures, certify a transaction or become a receipt. The informal tone of transitory messages might be compared to a communication that might take place during a telephone conversation or conversation in an office hallway. These types of records are transient documents and can be scheduled using the Department of Administrative Services (DAS) General Schedules:

- ‡ **Transient Documents:** Includes telephone messages, drafts and other limited documents which serve to convey information of temporary importance in lieu of oral communication.
- + **Retention:** Until no longer of administrative value, then destroy.

Intermediate Retention

E-mail messages that have more significant administrative, legal and/or fiscal value but are not scheduled as transient or permanent should be categorized under other appropriate record series. These may include (but are not limited to):

- ‡ **General Correspondence:** Includes internal correspondence (letters, memos); also, correspondence from various individuals, companies, and organizations requesting information pertaining to agency and legal interpretations and other miscellaneous inquiries. This correspondence is informative (it does not attempt to influence agency policy).
 - + **Retention:** 1 year, then destroy
- ‡ **Routine Correspondence:** Referral letters, requests for routine information or publications provided to the public by agency which are answered by standard form letters.
 - + **Retention:** 6 months, then destroy
- ‡ **Monthly and Weekly Reports:** Document status of on-going projects and issues; advise supervisors of various events and issues.
 - + **Retention:** Retain 1 year, then destroy
- ‡ **Minutes of Agency Staff Meetings:** Minutes and supporting records documenting internal policy decisions.
 - + **Retention:** Retain 2 years, then transfer to State Archives for their possible retention or destruction.

Permanent Retention

E-mail messages that have significant administrative, legal and/or fiscal value and are scheduled as permanent also should be categorized under the appropriate record series. These may include (but are not limited to):



- ‡ **Executive Correspondence:** Correspondence of the head of an agency dealing with significant aspects of the administration of their offices. Correspondence includes information concerning agency policies, program, fiscal and personnel matters.
- + **Retention:** 2 years, then transfer to State Archives
- ‡ **Departmental Policies and Procedures:** Includes published reports, unpublished substantive reports and policy studies.
- + **Retention:** Retain until superseded, obsolete or replaced, then transfer to State Archives for their possible retention or destruction.

Not all e-mail messages will fall into these record series. For more suggested retention periods, consult the State of Ohio General Schedule and your agency's retention schedule.

GUIDELINES AND BEST PRACTICES FOR MANAGING E-MAIL

RECORD COPY E-MAIL

E-mail users should be aware that e-mail messages are often widely distributed to a number of various recipients. Determining which individual maintains the record copy of the message, ie. the original message that must be retained per the retention schedule, is vital to e-mail management. If the holder of the record copy is not identified and aware of his/her responsibility, the agency may find that no one retains the message or that everyone retains the message. Neither of these scenarios is appropriate.

For example, agency policy documents which are transmitted to multiple recipients via an e-mail system need not be maintained by each recipient beyond his or her need for this information if record copy responsibility is established so that the record is maintained by some office or agent for its established retention period. In this example, a logical record copy responsibility rests with the creator of the policy document. Prompt deletion of duplicate copies of e-mail messages from an e-mail system makes the system as a whole much easier to manage and reduces disk space consumed by redundant information.

Generally speaking, the individual who sends an e-mail message should maintain the record copy of the message. However, the varied uses and wide distribution of e-mail may result in many exceptions to this rule that will have to be dealt with internally.

FILING

Non-transitory e-mail messages should be filed in a way that enhances their accessibility and that facilitates records management tasks. Agencies should set up or modify e-mail systems to facilitate records management and appropriate filing systems. Procedures and systems configurations will vary according to the agency's needs and the particular hardware and software in use.

In addition to the IN and OUT boxes that come with your mail system, you usually have the option of creating other "mailboxes" or "folders." After brief periods in your IN-OUT boxes, messages should be transferred to other boxes, based on business and retention requirements. Examples are provided in the [Appendix](#).



Employees should be responsible for classifying messages they send or receive according to content, the agency's folder/directory structure and established records series.

DISTRIBUTION LISTS

If you send to a "distribution list" (not a listserv, but a specified list of individuals), you must also keep a copy of the members of that list for as long as you are required to keep the message itself. It is of little value to know that the "Security Alert!" notice went to "Swat Team 7," without knowing whether Arnold S. received the message. Nicknames present a similar problem.

SUBJECT LINES

Fill in the subject line on your e-mail both to help your recipient identify and file messages, and to help you file your OUT box messages that must be retained for some period. Subject lines should be as descriptive as possible.

The following are some examples of poor and good subject lines for the same message...

| Poor or confusing subject lines | Better, descriptive subject lines |
|---------------------------------|-----------------------------------|
| "helpful info" | "contact info" |
| "report" | "quarterly financial report" |
| "minutes" | "Jan 99 board minutes" |
| "important" | "revised admin. procedures" |
| "today?" | "lunch plans today?" |
| "news" | "new agency head appointed" |

STORAGE OF E-MAIL

We recommend that agencies explore three options when retaining records from an e-mail system: on-line storage, near-line storage and off-line storage. It is important to remember that messages only have to be retained and stored for as long as the retention period requires. Very few messages must be maintained for a long period of time or permanently. The storage method of e-mail may also depend on the retention period of the record. Messages that need to be retained for six months should be relatively easy to maintain on the current mail system and then delete. Storage decisions for messages that need to be retained permanently will more require careful consideration.

Each of these options carries with it benefits and disadvantages and may be affected by your agency's information technology environment. In all these scenarios it is important to incorporate metadata considerations into your storage decision. (In this context metadata refers to information such as sender, recipient, date, routing, subject lines, system information and manuals, etc.)

On-line Storage

On-line storage is defined as storage of e-mail messages, metadata, and attachments in an e-mail system that is being used at an agency. The system in use does not necessarily have to be the same throughout the retention. For



example, a message stored in "Beyond Mail" may also be accessed, read, and then stored again by using "Banyan Blue" Mail.

On-line storage maintains the full functionality of the e-mail message, and allows users to recall the message at any time for reference or responding. A disadvantage of on-line storage is the potential costs and effects of storage on the performance of the e-mail system. Any solution to e-mail retention which includes on-line storage should be done only after consultation with the agency information resource manager and the agency network administrator.

Near-line Storage

Near-line storage is defined as storage of e-mail messages, metadata, and attachments in an electronic record keeping system. This type of storage requires that the message, metadata, and attachments be removed from the on-line e-mail system and stored in an electronic format. For example, a message stored in an on-line e-mail system can be saved to a file on a local hard drive. The file should be stored in a format that is compatible with agency operations, and filed according to filing practices established by the agency and/or user.

Near-line storage allows the user to maintain a moderate amount of functionality, in that e-mail messages stored near-line can be retrieved and referenced electronically. In storing e-mail messages, metadata, and attachments, users should be careful to maintain a filing system which is consistent with established practices. This includes filing sequences as well as the use of naming conventions for computer files. In addition, users may want to consider "protecting" such records from alteration.

Off-line storage

Off-line storage is defined as the storage of e-mail messages, metadata, and attachments outside of an electronic record-keeping environment. The clearest example of this type of storage is to simply print out an e-mail message to paper, with its contextual information and attachments in place, for filing within existing filing systems in the agency.²

Off-line storage dramatically reduces the functionality, in that e-mail messages are no longer searchable or retrievable in electronic form. However, off-line storage offers users the ability to integrate the filing of records in e-mail systems within existing hard-copy filing systems in agencies. Any e-mail messages, metadata, and attachments stored off-line should be done in a manner consistent with agency practice.

E-MAIL MESSAGES AND THE RULES OF EVIDENCE

Agency personnel should be familiar with both state and federal "rules of evidence" requirements. For records maintained in electronic information systems, including e-mail systems, courts concentrate on assurances that records, and the systems in which the records are created and maintained, are reliable. The reliability of the process or system used to produce records, not the type of media or technology used, determines the admissibility of records in evidence. Moreover, the federal rules of evidence place the



burden for the identification of relevant records on the record creator, and often within a ninety-day time period.

At a minimum, agency personnel should ensure the following:

- e-mail systems used to create, receive and maintain e-mail messages have full, complete, and up-to-date systems documentation
- e-mail systems follow all recommendations for system security
- complete systems backups are regularly and consistently performed
- e-mail system retains all data and audit trails necessary to prove its reliability as part of the normal course of agency business
- the record copy of a message is identified and maintained appropriately
- backup procedures should be coordinated with disposition actions so that no copies of records are maintained after the retention period for the records has expired

Again, agency records officers need to plan for records maintenance and record copy responsibilities for the records system to meet requirements for reliability and legal records disposition.

The e-mail system should allow the server administrator to prevent destruction of records for legal and/or audit purposes.

ACCESS

A major challenge for agency records officers is to guarantee that records maintained in electronic information systems are accessible and usable for the entire length of the retention period. Rapid changes and enhancements to both hardware and software compound this challenge. As many e-mail systems have limitations in storage space that cause operational problems when messages are stored in the system beyond a specific period (such as sixty or ninety days), procedures must be in place to transfer records from the e-mail system to another electronic records keeping system to meet retention requirements.³

Messages should be maintained in a format that preserves contextual information (metadata) and that facilitates retrieval and access.

The system should allow deletion of messages once their retention periods expire.

Beyond this generic challenge of technology change, there are more mundane, but equally critical steps that must be in place to ensure that records created by e-mail systems can be located and retrieved when required. A central step is a system of standardized naming conventions and filing rules within the e-mail systems.

E-mail messages should be indexed in an organized and consistent pattern reflecting the ways in which records are used and referenced. Records maintained electronically, including e-mail messages, have an advantage over conventional "hard copy" document filing systems in that indexing for multiple access points is relatively simple and inexpensive, provided an effective indexing framework is in place. Planning records indexing and retrieval points is time well spent. Unnecessary time needed to retrieve electronic records is not productive staff time, and is an annoyance to the public as well. See the [Appendix](#) for more information about filing e-mail messages to enhance access.



Messages should be stored in a logical filing system that is searchable by multiple data elements.

RESPONSIBILITY

Roles and responsibilities of agency personnel should be clearly defined. Employees must understand and carry out their role in records management and agencies must ensure compliance with agency procedures and Ohio law. Unauthorized users should not be able to access, modify, destroy or distribute records.

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

APPENDIX - SAMPLE FILING SCHEME FOR ELECTRONIC MAIL

This sample filing scheme illustrates how electronic mail can be filed in accordance with the electronic mail guidelines and the State of Ohio General Schedules. General Schedule numbers are provided in brackets.

- **Non-Record Messages** - Delete at will
 - **Personal Messages**
 - Family
 - Friends
 - Miscellaneous
- **Transitory Messages** - Delete when no longer of administrative value per General Schedule GAR-CM-05
 - **Drafts**
 - Publications
 - Reports
 - Memos
 - **Meeting Notices**
- **Intermediate Retention Messages** - Delete per Retention Schedule
 - **Budget FY200**
 - Accounting Correspondence & Memos [Delete after 1 year. GAR-CM-02]
 - Budget Preparation Materials [Delete after budget is in effect. GF-BA-01]
 - Capital Improvement Projects Correspondence and Memos [Delete after 1 year. GAR-CM-02]
 - *Project 1*
 - *Project 2*
 - Payroll Correspondence and Memos [Delete after 1 year. GAR-CM-02]
 - Vendor Correspondence and Memos [Delete after 1 year. GAR-CM-02]
 - *Vendor A*
 - *Vendor B*
 - **General Correspondence & Memos** [Delete after 1 year. GAR-CM-02]



- Project 1
- Project 2
- Person A
- Person B
- **Monthly Reports** [Delete after 1 year. GAR-RPM-07]
 - Department A
 - Department B
- **Staff Meeting Minutes** [Retain for 2 years, then transfer to State Archives for possible retention or destruction. GAR-RPM-08]
- **Permanent Retention Messages Executive Correspondence** [Retain for 2 years, then transfer to State Archives. GAR-CM-01]
 - Project A
 - Project B
 - Issue 1
 - Issue 2

BIBLIOGRAPHY

Electronic Mail and Voice Mail: A Management Guide for Maine State Government. Maine State Archives. November 17, 1998. [No longer available online 2 June 2010/dwn]

Policy Guidelines: Electronic Messages. Florida Department of State. January 1998. [No longer available online 2 June 2010/dwn]

Policy Statement and Guidelines: Electronic Mail. Delaware State Archives. March 1, 1999. [Revised policy @ <http://archives.delaware.gov/govsvcs/pdfs/Records%20Policies/Electronic%20Mail.pdf> 2 June 2010/dwn]

ENDNOTES

¹ In *State ex rel. Wilson-Simmons v. Lake County Sheriff's Dept.* (1998) the Ohio Supreme Court held that e-mail requested by the plaintiff did not constitute "records" for purposes of R.C. 149.011(G) and 149.43 because it did not document the organization, functions, policies, decisions, procedures, operations or other activities of the sheriff's department. However, the court did reject "the sheriff's department's broader assertion that no public office e-mail would ever be a public record."

² In *Public Citizen v Carlin* (1997), the United States District Court for the District of Columbia ruled that retaining paper printouts of e-mail messages and deleting electronic originals was not an acceptable procedure for federal agencies.

³ See DOD 5015.2-STD, *Design Criteria Standard for Electronic Records Management Software Applications*, published by the Department of Defense in November 1997. <http://jtc.fhu.disa.mil/recmgt/index.html> [Link updated 2 June 2010/dwn]