



Guidelines for Managing Email

SCOPE.....2

INTENT AND PURPOSE.....2

INTRODUCTION.....2

DEFINITIONS.....2

USING PRIVATE EMAIL ACCOUNTS FOR PUBLIC BUSINESS.....3

RETENTION REQUIREMENTS.....4

GUIDELINES AND BEST PRACTICES FOR MANAGING EMAIL.....4

 Transitory Email 4

 The **Pac-Man®** Effect..... 5

 Filing..... 5

 Distribution Lists 7

 Subject Lines 7

 Email Messages and the Rules of Evidence 7

 Access..... 8

 Responsibility 9

 When an Employee Leaves a Position 9

APPENDIX - SAMPLE FILING SCHEMES FOR ELECTRONIC MAIL..... 10

 Example 1: Email Filed By Retention Time 10

 Example 2: Email Filed By Record Series 11

 Example 3: Email Filed By Project/Category..... 12



SCOPE

These guidelines apply to individual users and mailboxes within Ohio's state and local government entities

INTENT AND PURPOSE

The intent of these guidelines is to provide and explain requirements, guidelines, and best practices for electronic mail (email) 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 and local agency employees in complying in their use of email 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

Email's dual purpose of communication and record creation/keeping has created ambiguities on the status of email messages as records.

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

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

DEFINITIONS

Email is an electronic mail document. People often consider emails as simple messages; however, they are just like all other documents that are created and are subject to record retention schedules and public records requests. Email is not a type of record; it is just a delivery



mechanism. Any specific email can become a **record** if it meets the definition provided by [Ohio Revised Code \(ORC\) 149.011\(G\)](#):

"Records" includes any document, device, or item, regardless of physical form or characteristic, including an electronic record as defined in section [1306.01](#) of the Revised Code, 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.

It is the **content** of the email that determines its value as a record and the appropriate retention schedule for it.

You are the **custodian** if the content of the email is related to your job and you are the originator of it within your department. As the custodian, you have the record copy of the email. Consider these questions:

- 1) Did you create the email?
- 2) Will people naturally turn to you for information about the content of the email?
- 3) Did someone from outside the agency send the email to you?

"Yes" to any of these questions can make you the custodian. As the custodian, you are responsible for determining what retention period is appropriate for this email. You must keep the record copy of the email according to the appropriate retention schedule, even if many other people have copies of the email.

If the email is not a record it can be deleted when no longer of value. If you are not the custodian, then forward the email to the appropriate custodian before deleting the email.

USING PRIVATE EMAIL ACCOUNTS FOR PUBLIC BUSINESS

Using private email accounts for public business should be avoided. An email on a private email account that includes content that is a record, according to the Ohio Revised Code is still a record and is subject to retention schedules and public record requests. If constituents do send email to a private email address, it should be forwarded to a government email account and the response should be sent from the government account.

If a government entity does not have a government email system, use separate private email accounts that clearly distinguish between the official government account and a private account.



For example, you could create something like My-City-MayorSmith@mailsystem.com. Keep in mind that this email will still need to be accessible once the official or staff member leaves public service.

RETENTION REQUIREMENTS

You must evaluate the content of the email to determine its proper retention requirements. You will need to refer to the records retention schedule appropriate for your office to see which specific record series is best for any given email.

Your first reading of the retention schedule will be overwhelming; however, upon closer examination, you will find that the content of email will usually follow just a few of the record series in the document. You should note those specific record series and retention periods for your general use, keeping in mind that once in a while, you may have an email that does not fit one of these few series, and you may have to review the entire record retention schedule to find the appropriate series.

GUIDELINES AND BEST PRACTICES FOR MANAGING EMAIL

TRANSITORY EMAIL

Much of the communication via email has a very limited administrative value and is transitory in nature. Transient messages do not set policy, establish guidelines or procedures, certify a transaction, or become a receipt. The retention schedules for transitory email is usually short. Below are some examples of transitory email:

SPAM/Unsolicited email

Ads, news articles, non-work related mail

Personal (non-record)

Ready for lunch

Pick up milk

Late meeting, can you get kids?

Not related to job

Distributed (not by you) to multiple people for administrative purposes

Schedule your flu shot

Kitchen cleaning today!

Brown Bag lunch at 12:00

Daily/Weekly newsletter

Listservs

Newsletters/Bulletins

Discussion boards

Other professional communities for information sharing

Transient

Accepted/Declines meeting requests

“read” receipts

Meeting arrangements

Non-substantive messages of short-term usefulness

FYI’s – no response required

CC/BCC messages

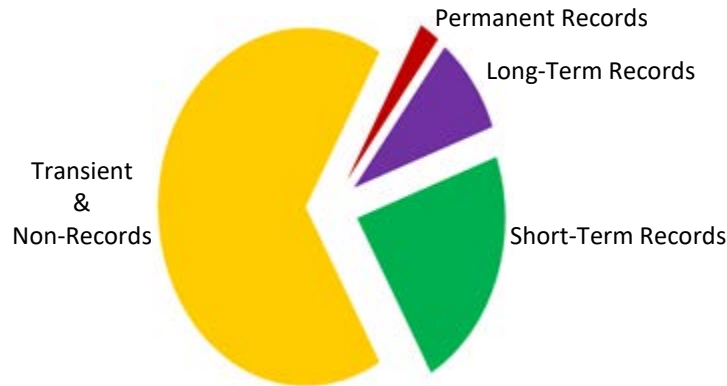
Minutes, notes, drafts, agenda that you received for information, but you are not record-keeper

“Thank you!”



THE PAC-MAN® EFFECT

You will find that most email is transitory or non-record. Email whose content requires longer retention periods are fewer, giving you a PAC-MAN® effect where the records that require retention are overtaken by the larger group of transient and non-record emails.



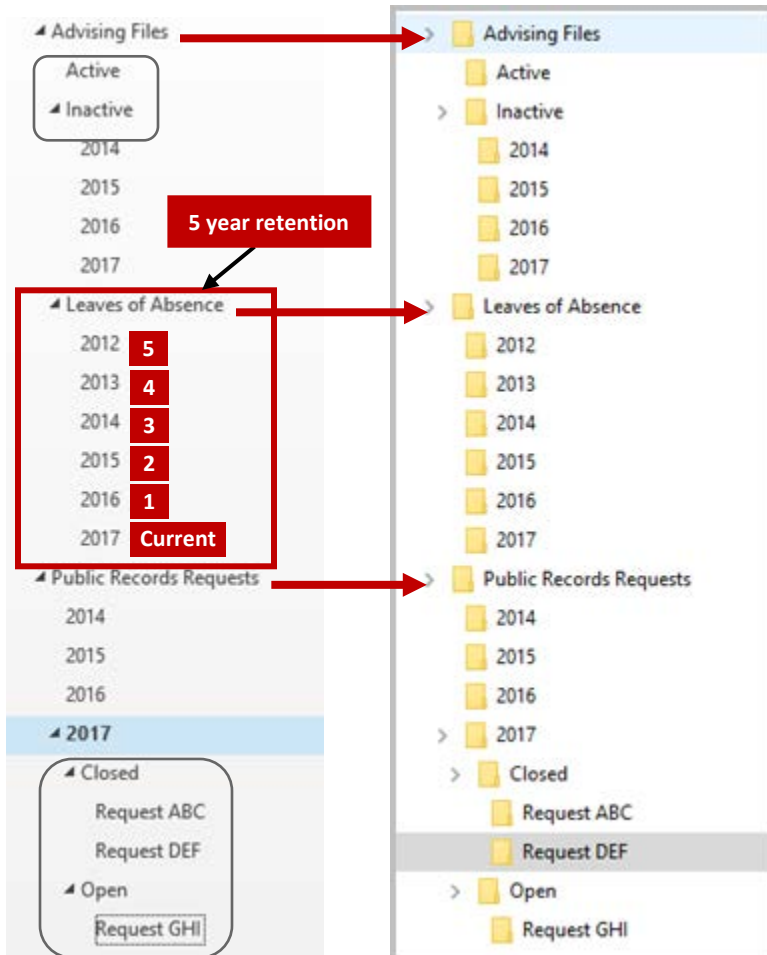
FILING

Non-transitory email messages should be filed in a way that enhances their accessibility and that facilitates records management tasks such as production for public records requests and discovery, as well as eventual deletion or transfer to historical archives. Agencies should set up or modify email systems to facilitate records management. Procedures and systems configurations will vary according to the agency's needs and the system in use. Email systems have Inbox and Sent folders, and these folders can be divided into sub-folders that correlate to retention schedules or server filing schemes. If you are saving email to a filing system external to the email system, you can create a similar filing structure and even save email in the same location as related non-email documents.

Your filing structure should reflect your retention schedule by incorporating the record series and dates into the folder names. This will allow for efficient retrieval and implementation of disposition. You could have something like this:

Outlook Structure

File Structure



Notice the year folders. They reflect retention periods. You shouldn't have more annual folders than the retention period calls for, plus one for the current year.

An email should be moved to an appropriate folder shortly after creation or reception. If it is moved to an external file system, it can be deleted from the email system; that is, an email should exist in only one system or location.

Other examples of file structures are provided in the Appendix.

Employees should be responsible for classifying messages they send or receive according to content and established records series. Folder structures can be developed with record series titles and retention time periods incorporated.

Each time you send or read an email, make an immediate decision:



File



Delete

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. You may have to either contact your IT department or do some testing to see how distribution lists are kept on your system. If the distribution list is not automatically expanded in the email after it is sent, you will need to contact IT on how to maintain an accurate note of the distribution list for any email whose content is a record.

SUBJECT LINES

Fill in the subject line on your email both to help your recipient identify and file messages, and to help you file your Sent folder 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 information for XYZ Company"
"report"	"quarterly financial report 2 nd Qtr 2018"
"minutes"	"Jan 2018 board minutes"
"important"	"revised administrative procedures"
"news"	"new agency head appointed"

EMAIL 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 email 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. At a minimum, agency personnel should ensure the following:



- email systems used to create, receive, and maintain email messages have full, complete, and up-to-date systems documentation
- email systems follow all recommendations for system security
- complete systems backups are regularly and consistently performed
- email systems retain all data and audit trails necessary to prove their 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 email 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 their retention period. Rapid changes and enhancements to both hardware and software compound this challenge.

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

This system should allow the disposition of messages according to their retention schedule once their retention periods expire, including the potential transfer of emails with permanent value to your government's designated repository.

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 email systems can be located and retrieved when required. A central step is a system of standardized naming conventions and filing rules within the email systems.

Email messages should be indexed in an organized and consistent pattern reflecting the ways in which records are used and referenced. Records maintained electronically, including email 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 email 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. Training on records management, including email management, should be provided to all employees. The creator or recipient should make decisions regarding messages. The agency should take appropriate measures to preserve data integrity, confidentiality and physical security of email records.

WHEN AN EMPLOYEE LEAVES A POSITION

When an employee leaves a position, all information that was formerly kept by that employee must be properly maintained in accordance with the appropriate retention schedule, including electronic files such as email. An appropriate senior administrator will need to contact IT to ensure that email is properly preserved, as well as accessible when needed. How this is accomplished will depend on the email system that is in use. Examples of some basic techniques include:

- Linking mailboxes
- Moving emails to document management system
- Moving emails to a similar file structure in a shared drive
- Exporting the email into a file, such as Microsoft Exchange exporting into a PST file

The most important point here is that every organization needs to develop a procedure for email record review and preservation prior to separation. This could include having employees review their own email before they leave or having another appropriate staff person review the emails. This procedure should be developed with input from the staff of both the records and IT departments.



APPENDIX - SAMPLE FILING SCHEMES FOR ELECTRONIC MAIL

EXAMPLE 1: EMAIL FILED BY RETENTION TIME

- ▲ 1 - eMail Filed By Retention Time
 - ▲ Records - 01 Year Retention
 - ▲ Professional Organization Files
 - AY2018
 - AY2019
 - ▲ Public Request Forms
 - AY2018
 - AY2019
 - ▲ Records - 03 Year Retention
 - ▲ Abstracts of Manufactured Homes Tax
 - AY2016
 - AY2017
 - AY2018
 - AY2019
 - ▲ Exempt Peronal Property Lists
 - AY2016
 - AY2017
 - AY2018
 - AY2019
 - ▲ Records - 10 Year Retention
 - ▲ School Fund Settlement
 - AY2008
 - AY2017...Continue To Make 11 Years Of Folders
 - AY2018
 - AY2019
 - Records Transient (Weekly Review)



EXAMPLE 2: EMAIL FILED BY RECORD SERIES

▲ 2 - eMail Filed By Record Series

▲ Abstracts of Manufactured Homes Tax (3 Year Retention)

AY2016

AY2017

AY2018

AY2019

▲ Exempt Personal Property Lists (3 Year Retention)

AY2016

AY2017

AY2018

AY2019

▲ Professional Organization Files (1 Year Retention)

AY2018

AY2019

▲ Public Request Forms (1 Year Retention)

AY2018

AY2019

▲ School Fund Settlement (10 Year Retention)

AY2008

AY2017...Continue To Make 11 Years of Folders

AY2018

AY2019

Transient (Weekly Review)



EXAMPLE 3: EMAIL FILED BY PROJECT/CATEGORY

▲ 3- eMail Filed By Project/Category

▲ Property Records

▲ Abstracts of Manufactured Homes Tax (3 Year Retention)

AY2016

AY2017

AY2018

AY2019

▲ Exempt Personal Property Lists (3 Year Retention)

AY2016

AY2017

AY2018

AY2019

▲ Public Request Forms (1 Year Retention)

AY2018

AY2019

Transient (Weekly Review)

▲ Settlements

▲ Public Request Forms (1 Year Retention)

AY2018

AY2019

▲ School Fund Settlement (10 Year Retention)

AY2008

AY2017...Continue To Make 11 Years of Folders

AY2018

AY2019

Transient (Weekly Review)