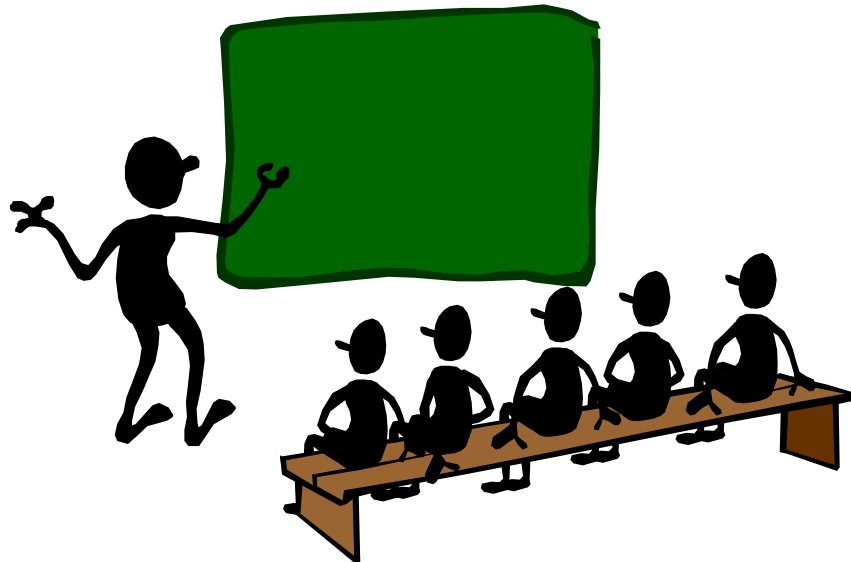


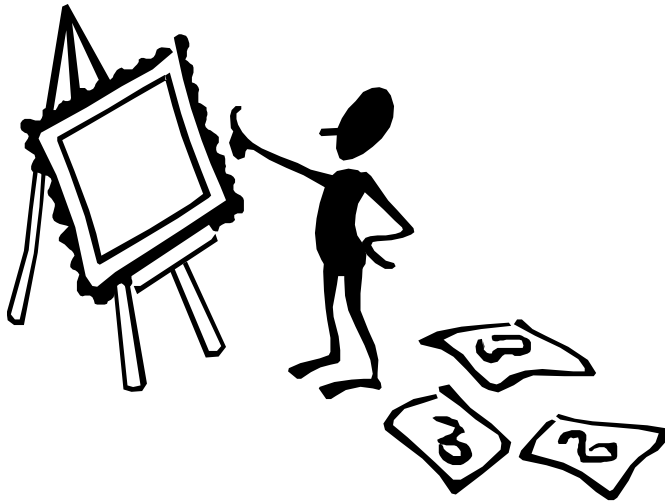
# E-Mail Management & Retention

Maine State Archives

*Records Management Division*



# Basic Information



# What is e-mail?

- Formally, it is a document created or received on an [electronic mail system](#) including brief notes, more formal or substantive narrative documents, and any attachments, such as word processing and other electronic documents, which may be transmitted with the message.

# Public Records

- E-mail received or created (incoming or outgoing) in the course of business is an official [public record](#).
- Depending on the topic, it may or may not be a *confidential* record under the Freedom of Access Act (FOAA).
- No official public records may be destroyed unless authorized. Clear authorization and a practical management system are essential to insure the proper disposition of official e-mail records.

# Freedom of Access Act

The Freedom of Access Act defines a public record as “any written, printed or graphic matter or any mechanical or electronic data compilation from which information can be obtained...that is in the possession or custody or an agency or public official of this State or any of its political subdivisions” *with specific exceptions for confidentiality purposes* [1 MRSA 402 (3)].

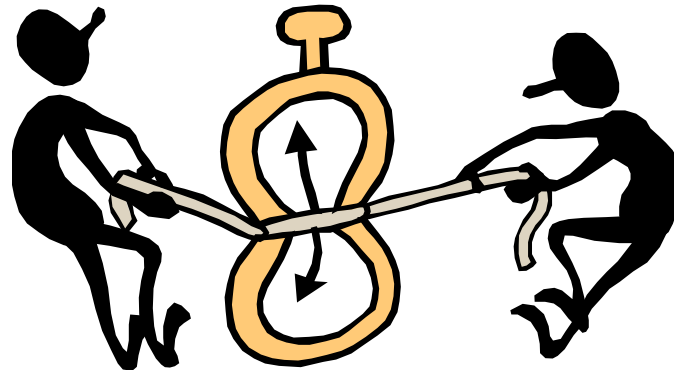
# Why the new policy?

*These policies are no different from what has been in place since the early 1970s.*

*What is new is our attempt to properly manage one segment of the new electronic records environment.*

# E-Mail Retention Requirements

How long do I keep my e-mail?



# Non-Archival Retention

*Non-archival (non-permanent) retention* is based completely on the record's time-value to the business functions of the agency, including audit or other statutory requirements, and reasonable access by interested parties.

*The vast majority of employees will have little, if any, e-mail requiring permanent retention.*



# Archival Retention

*Archival (Permanent) retention* is based on the record's value after it no longer serves the agency's business.

# Senior Administrators



Generally, senior administrators have a greater proportion of permanently valuable e-mail, given its greater degree of policy content.

# How long should I keep e-mail?

- E-mail is subject to the same retention requirements as is paper correspondence.
- Disposition Schedule A: General Disposition Schedule for Local Government Records (covering all agencies) establishes retention periods for correspondence, regardless of media.

# Correspondence

## A.27.a Correspondence - Transitory

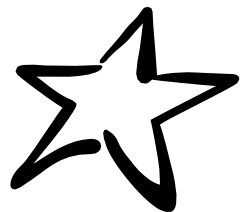
Letters of transmittal, requests for information, letters of application, of thanks, etc.

Retention: 60 days, not confidential

## A.27.b Correspondence – Substantive

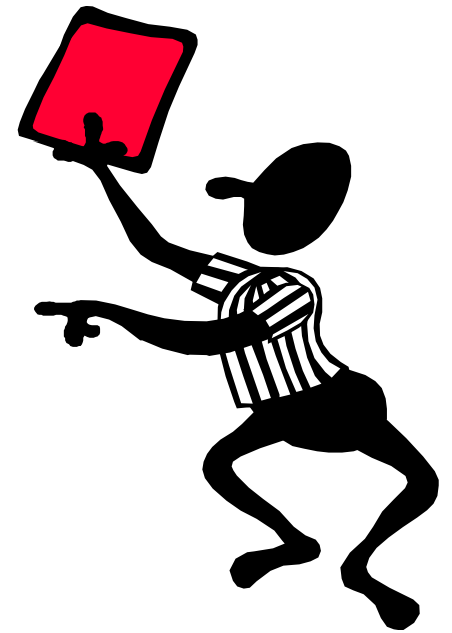
Letters and memoranda documenting actions taken by the local government agency.

Retention: File with related record series, not confidential (unless documented)



# The Requirements

## The Importance of E-Mail Management

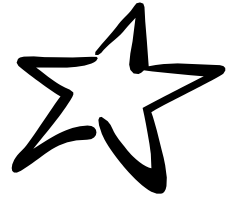


# Why is e-mail management important?

Organizing and managing e-mail (and other files) will:

- Save space
- Provide more efficient access
- Maintain confidentiality where needed

# Legal Implications



- Organizing and managing e-mail will reduce legal exposure in "discovery" proceedings on records that properly should have been destroyed.
- It also limits your own liability for deleting records you shouldn't, and gives you authority to delete those files you should delete.

# Discovery

It exists, but isn't supposed to...

IF IT EXISTS AND SOMEONE ASKS TO SEE IT, THE AGENCY HAS TO PRODUCE IT!

So, if you have records that are requested in discovery proceedings that were supposed to have been destroyed, but weren't, you must produce them...regardless of when they were *supposed* to have been destroyed.



# Examples of Non-Record Materials

- **Personal Correspondence:** Any e-mail not received or created in the course of business, may be deleted immediately, since it is not an official record: the "Let's do lunch" (not a government-business lunch) or "Can I catch a ride home" type of note.
  - incoming transmittal messages (like cover letters): "enclosed (attached) find copies of . . ."
  - internal office announcements: "Ms. Jones is here to see you, boss", "Joe Smith called, please call back", "Is this afternoon's meeting still on?"
- **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.

# What IS a record?

All documentary material, regardless of media or physical characteristics, made or received and maintained by a state or local government agency in accordance with law and rule or in the transaction of its official business.

# Managing Your Electronic Records

Mailboxes, folders and their contents



# Filing Electronic Records

Any electronic record (word processing document, spreadsheet, e-mail message, etc.) should, if it's "record material" that requires retention and filing, be stored in a properly named directory/subdirectory.

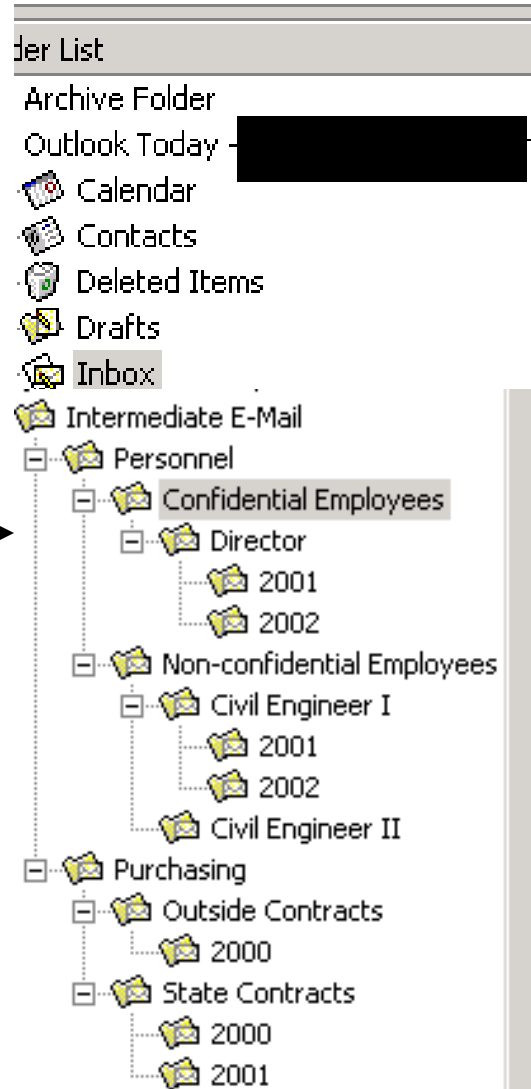
# Some Suggested Mailboxes...

Here are some mailbox suggestions:

- **Personal e-mail** (you can delete at will)
- **Non-record material** (you can delete at will)
  - *Personal Correspondence, incoming transmittal messages, internal office announcements, publications*
- **Transitory e-mail** (delete after 60 days)
  - *Holiday parties, work related events*
- **Intermediate e-mail** (retain according to schedule)
- **Permanent e-mail** (delete only when permanent copy is made)

# Subdirectories

(example from State Outlook Email)



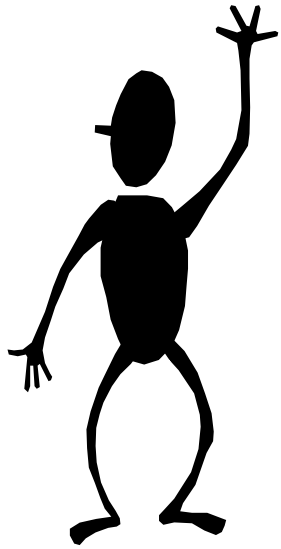
Subdirectories should be named first by subject/topic, then by correspondent, then by year.

Directories should be named for the position, not the individual.

# Subject Lines

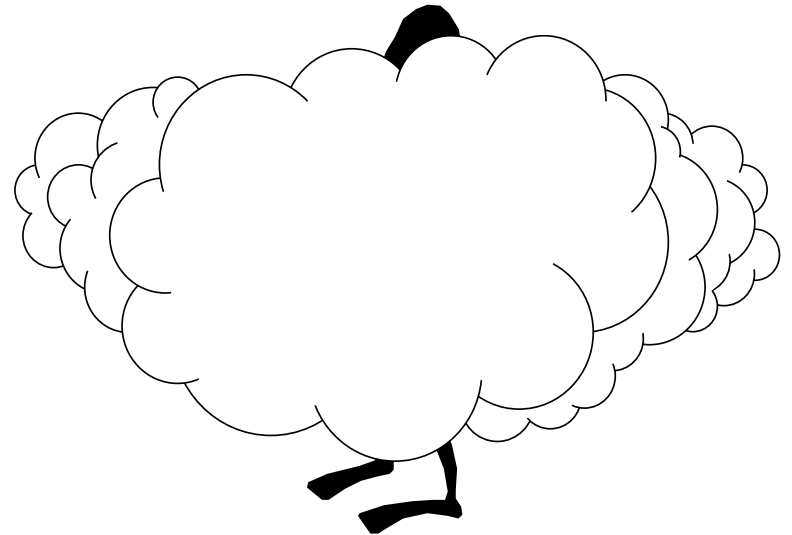
Fill in the “subject” line on your e-mail

- This will help the recipient identify, file and retrieve messages
- This will help you file your OUT box messages that must be retained for a period of time



# Frequently Asked Questions

From our customers





# Can I print messages, then delete them?

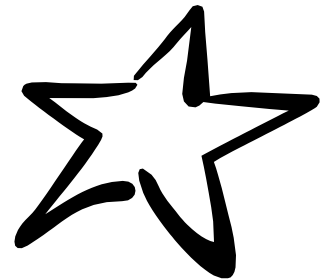
Yes, provided you print the following information with the message:

- name of sender
- name of recipient
- date and time of transmission and/or receipt

You then retain the printed message according to the appropriate records retention schedule, file them as needed and destroy (or retain permanently) dependant on the schedule.

# What about draft documents that undergo several revisions?

Drafts and notes may also be destroyed when no longer needed, EXCEPT when these materials document the development of local government policy and are therefore incorporated into an official file. Drafts and notes incorporated into official files become part of that file, and have the same retention period as the other records contained therein.



# What do I do with attachments I receive with e-mail?

File them with other electronic documents on your PC or network and apply the appropriate retention schedule.

Your PC files should be organized similar to your e-mail. Attachments can then be filed in the PC folder that corresponds with the e-mail folder.

What about multiple copies of the same document?

If another agency has responsibility for keeping a record copy, and if you have no business need to retain it, the document is simply a duplicate and subject to deletion/destruction at will.

# Mailbox Example 1

## Non-Archival

(from State Outlook Email)

### Audit

Series 11# Schedule No. 1

Departmental Correspondence

Media: P

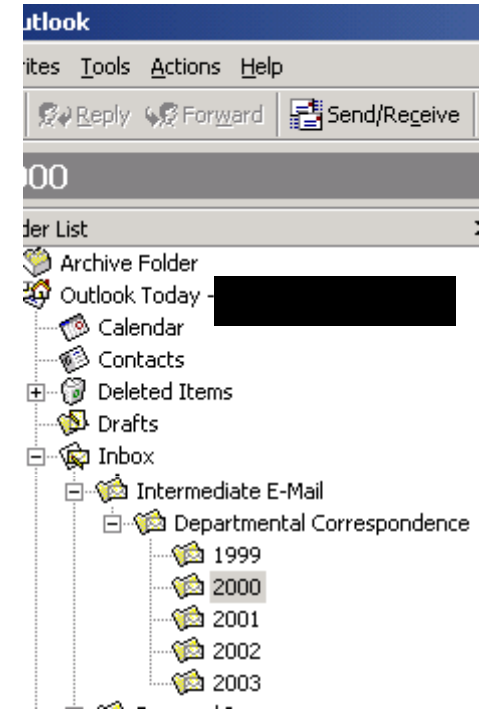
In Agency Retention Period Length: 3

Records Center Retention Period Length: 0

Disposition (Archives or Destroy): D

Description:

Administrative departmental memorandum,  
bulletins.



Applying this schedule would be easy for employees of Audit if their e-mail was organized as shown. When a 2003 folder was created, the 1999 folder could have been deleted. Retention requirements would have been met!

# Mailbox Example 2

## Archival

(from State Outlook Email)

### Environmental Protection

Series 64#

### Commissioners Correspondence

Media: P

In Agency Retention Period Length: 2

Records Center Retention Period Length: 0

Disposition (Archives or Destroy): A

Description:

Correspondence to and from the

Commissioner of Environmental Protection

Applying this schedule would be easy for the Commissioner of DEP if the e-mails were organized as shown. Retention requirements would have been met!

