

CITY OF EUREKA

Category: ADMINISTRATION

POLICIES & PROCEDURES

Subject: E-MAIL RETENTION POLICY

Date Adopted: April 5, 2005

File 1.11
Number

POLICY OBJECTIVE

To establish procedures for retaining e-mail correspondence.

ASSIGNED RESPONSIBILITY

Mayor, Council, City Manager, Department Heads

APPLICABILITY

Applicable to all employees who send or receive e-mails.

POLICY

Electronic Mail. Generally, e-mail messages are temporary communications which are non-vital and should be discarded routinely. However, depending on the content of the e-mail, it may be considered public record. Accordingly, employees have the same responsibilities for e-mail messages as they do for any other public record, and must distinguish between records and non-record information.

Back-up. E-mail should be considered a communication tool, not a storage mechanism. Back-up tapes are for disaster recovery purpose only. Retention is the responsibility of the e-mail user, not the back-up process. The back-up process is for the network files only and individual E-Mail is not backed up.

Legal Proceedings. Regardless of retention requirements, e-mail and all other electronic or paper documents pertaining to threatened or actual legal proceeding must be retained until the litigation is finally concluded.

Retention of Record E-Mails. The definition of public records includes any writing containing information relating to the conduct of the public's business prepared, owned, used or retained by the City. The definition includes electronic records, including e-mails. Excluded from the definition of public records are "preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business, provided that the public interest in withholding those records clearly outweighs the public interest in disclosure." (Govt. Code § 6254.) Thus, e-mails that relate to the conduct of City business which are neither drafts nor notes not retained in the ordinary course of business are public records.

Personal correspondence and interdepartmental and intradepartmental e-mails shall routinely be deleted unless either the sender or the recipient would have retained the writing had it been sent in any other form. E-mail from outside the City should be retained by the recipient if he or she would have retained the document if it had been sent in any other form.

CITY OF EUREKA

Category: ADMINISTRATION

POLICIES & PROCEDURES

Subject: E-MAIL RETENTION POLICY

Date Adopted: April 5, 2005

File 1.11
Number

Responsibility for Retention. The sender of the e-mail is responsible for ensuring proper retention of e-mails sent within the City. All other copies are duplicates and may be deleted. However, if a record e-mail was sent by an outside agency, a member of the public, or anyone outside the City, the recipient is responsible for retention.

Method of Retention. E-mail records that have not met their retention period should be saved by one of the following methods:

1. Print the e-mail and store the hard copy in the appropriate file.
2. Electronically move the e-mail out of the e-mail system and store it on a shared network drive in .txt. or html format. E-mail may be saved chronologically or by project. Any attachments with an e-mail should be saved in their original format in the same directory as the e-mail message and named consistently so they can be easily retrieved together. Note: When there is doubt about the retrievability of an electronic record over its life span, the record should be printed and maintained in a hard copy format.

Each department shall select the method of retention for that department.

Retention Period for Record E-Mails. E-mail itself is not considered a record series or category; it is a means of transmission of messages or information. Retention or disposition of e-mail messages must be related to the information they contain or the purpose they serve. Thus, the retention period is determined by the content of the e-mail, not the medium. Record e-mails may be deleted upon expiration of the statutory retention period (or after two years if there is no statutory retention period) upon authorization of the City Council pursuant to City Policy 1.10 regarding record retention.

E-Mail Attachments. Attachments should be retained or disposed of according to the content of the attachment itself, not the e-mail which transmits the attachment. Thus, attachments should be retained if they constitute a document which the recipient or the sender would ordinarily retain in the course of business.