

# Frequently Asked Questions about E-mail

## **Are my e-mails public records?**

Pursuant to CGS §1-200, “‘public records or files’ means any recorded data or information relating to the conduct of the public’s business prepared, owned, used, received or retained by a public agency, or to which a public agency is entitled to receive a copy by law or contract under section 1-218, whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method.” Therefore, e-mail sent or received in the conduct of public business is a public record. Consequently, e-mail is subject to disclosure under FOIA, a court action, or an audit and should be treated in the same manner as any other recorded information.

## **Why do I have to manage my e-mail?**

E-mail provides documentation of your day-to-day operations. Access to these e-mails also allows your public agency to function more efficiently when decisions and discussions are properly documented. Therefore, employees are responsible for managing e-mail messages in the same way they should manage other records in their custody – so they can be located and used. You and your public agency must be able to access e-mail messages through the duration of the designated retention period.

## **Who is responsible for retaining e-mail messages – the sender or the recipient?**

It depends. E-mail messages can be forwarded and routed to multiple people, resulting in copies of the messages potentially existing in many areas of your public agency. In most cases, the sender is the person responsible for retaining the messages sent within an organization. Therefore, the recipient(s), in most cases, may destroy their copy at will. However, where the sender is from outside an organization (e.g., the public), the recipient is the record custodian and should retain the message. If the e-mail recipient has altered the message (made changes, added or revised attachments), the recipient is responsible for retaining the message. For committees, working groups, or other collaborative efforts, one individual or office should be designated as the records custodian for e-mails.

## **How do I handle threads or e-mail chains?**

Similar to conversations, a thread is a string of e-mail messages. After a thread is completed, the record custodian may retain only the last message (as long as it includes the prior messages) as the official record copy.

## **What should I do with e-mail attachments?**

Pursuant to Office of the Public Records Administrator General Letter 2009-2 *Management and Retention of E-mail and other Electronic Messages*, if the e-mail message is a record and contains attachments, the attachments should be retained as part of the record. In these cases, the retention period is either the retention requirement for the message or the retention requirement for the attachment, whichever is longer.

## How should I store e-mail during the designated retention period?

E-mail systems are not designed to be filing systems. Each public agency should determine the best method for filing and storing e-mail messages that have a retention period longer than two-years outside of the e-mail system, if possible. Whatever policy regarding the filing and storage of e-mails is adopted, agencies should use the same file plan for paper, e-mail, and network drives. Move e-mail messages to the appropriate folders on a regular basis.

## Why can't I just keep every e-mail?

Records generated through e-mail are subject to the same laws that regulate paper, microform, and other formats of state records. The more e-mail messages stored on the server the longer and more complicated search and retrieval becomes. Searching through a high volume of e-mails is time consuming, and attempting to locate a single e-mail record is often difficult regardless of available search tools. In addition, records kept beyond their retention date can become a liability, and the high cost of storage space can be prohibitive.

## Do I have to get permission to destroy my e-mail?

In accordance with CGS §§ 11-8, 11-8a(c) and 7-109, the Public Records Administrator must approve the destruction of records which have met all retention requirements. However, certain types of e-mail may not require the approval of the Public Records Administrator for deletion. Disposal requests for email should be submitted for the department or the entire public agency. Refer to General Letter 2009-2 Management and Retention of E-mail and other Electronic Messages for detailed guidance.

## Where do I start?

Just like paper records, not all e-mail has the same retention period. E-mail messages need to be evaluated for their content and purpose to determine the length of time the message must be retained in accordance with the appropriate Retention Schedule.

**Step 1:** Conduct an inventory of your e-mail.

**Step 2:** Determine which records series the message belongs to, for example:

**Transitory Correspondence** consists of communication that does not relate to an employee's job responsibilities or has a short term administrative value.

Examples:

- Staff announcements of a general nature (i.e. *The long-term health insurance representative will be available for questions on Tuesday.*)
- CC or bc copy of an e-mail where there is no action required on the part of the employee being copied.

**Routine Correspondence** consists of any communication that is part of or relates to commonplace tasks or duties within an office and is done at regular or specified intervals.

Examples:

- General requests for information.
- Freedom of Information Act (FOIA) requests where no complaint filed.

**All Other Correspondence** consists of all other correspondence related to series listed elsewhere on the other general records retention schedules or on a state agency specific schedule, if the agency has one. Record series may or may not include “and related correspondence” in the description.

Examples:

- Capital projects should be kept for 3 years from the end of project
- Non-fatal accidents should be kept for 10 years
- Intergovernmental agreements should be kept for 5 years after expiration

**Step 3:** Maintain the e-mail messages for the required retention period under the equivalent records series. E-mail must remain accessible for the entire retention period. E-mail with a less than permanent designation on the records retention schedule may not be disposed of without an approved disposal request. Once the retention period has been satisfied, submit a *Records Disposal Authorization* (Form RC-075 for municipalities / Form RC-108 for state agencies).

Please note that backup systems or tapes are not acceptable for the retention of electronic messages. Backups should only be used to protect essential records in the event of a disaster or to retrieve a record due to loss of data.

### **Tips for Taming Your Inbox**

- Be proactive. Manage your e-mail as part of your daily business practices.
- Use a clear and informative subject line. Your subject line should reflect the content of your message. Clear and informative subject lines will also assist you or the e-mail recipient if/when the message needs to be found later.
- Keep your e-mails related to the topic you’re discussing. Manage your e-mail based on its content and retain messages based on your agency’s records retention guidelines. Keep only what you need to keep.
- Keep personal use of work e-mail to a minimum. There is no expectation of privacy in work e-mail. This will also help reduce the number of e-mails in your Inbox.

**Please note:** The Connecticut Uniform Electronic Transactions Act (CUETA) defines an electronic record as “a record created, generated, sent, communicated, received or stored by electronic means, including, but not limited to, facsimiles, electronic mail, telexes and Internet messaging” (CGS §1-267).

Questions, contact:

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