



## **Tuscola County Information Systems**

# *POLICY FOR ELECTRONIC MAIL RETENTION*

### **SECTION 1. INTRODUCTION**

Electronic mail (e-mail) is a means of exchanging messages and documents using telecommunications equipment and computers. A complete e-mail message not only includes the contents of the communication, but also the transactional information (dates and times that messages were sent, received, opened, deleted, etc.; as well as aliases and names of members of groups), and any attachments.

### **SECTION 2. PUBLIC RECORDS**

In accordance with the Michigan Freedom of Information Act (FOIA) (Public Act 442 of 1976, as amended), e-mail messages are public records if they are created or received as part of performing a public employee's official duties. All e-mail messages that are created, received or stored by a government agency are the property of Tuscola County. They are not the property of its employees, vendors or customers. E-mail accounts are provided to employees for conducting public business. Employees should have no expectation of privacy when using Tuscola County's computer resources.

### **SECTION 3. RETENTION AND DISPOSAL SCHEDULES**

Michigan law requires that all public records be listed on an approved Retention and Disposal Schedule that identifies how long the records must be kept, when they may be destroyed and when certain records can be sent to the Archives of Michigan for permanent preservation. Retention and Disposal Schedules for local government agencies are approved by the Records Management Services, Archives of Michigan and the State Administrative Board. Records cannot be destroyed unless their disposal is authorized by an approved Retention and Disposal Schedule. The State of Michigan Records Management Services is available to advise local government agencies about a variety of records management issues.

### **SECTION 4. RETENTION POLICY**

Just like paper records, e-mail messages are used to support a variety of business processes. Just like paper records, senders and recipients of e-mail messages must evaluate each message to determine if they need to keep it as documentation of their role in a business process. Just like paper records, the retention period for an e-mail message is based upon its content and purpose, and it must be retained in accordance with the appropriate Retention and Disposal Schedule.

### **SECTION 5. E-MAIL STORAGE AND MAINTENANCE**

Tuscola County will retain its e-mail by storing e-mail online in the active e-mail system for its entire retention period. Employees are encouraged to establish folders for arranging e-mail according to their content, and they are responsible for disposing of e-mail that has met all of its retention requirements.

## **SECTION 6. EMPLOYEE RESPONSIBILITIES**

Employees are responsible for organizing their e-mail messages so they can be located and used. They are responsible for keeping e-mail messages for their entire retention period, and for disposing of e-mail messages in accordance with an approved Retention and Disposal Schedule.

Employees are responsible for ensuring that e-mail messages with longer retention periods remain accessible until the appropriate Retention and Disposal Schedule authorizes their destruction. *Note: Records, including e-mail, cannot be destroyed if they have been requested under FOIA, or if they are part of on-going litigation, even if their retention period has expired.*

Employees who use a home computer and a personal e-mail account to conduct government business must manage their work-related e-mail the same way as those messages that are created and received using government computer resources.

Just like paper records, e-mail messages might be subject to disclosure in accordance with FOIA. They can also be subject to discovery once litigation begins. Employees should be prepared to provide access to their e-mail to their FOIA Coordinator or an attorney for Tuscola County under these circumstances.

## **SECTION 7. INFORMATION SYSTEMS STAFF RESPONSIBILITIES**

Individual employees are responsible for deleting messages in accordance with the appropriate Retention and Disposal Schedule. Information Services staff will ensure that deleted messages are rendered unrecoverable immediately after employee deletion. *Note: The destruction of e-mail messages on servers must cease when an agency becomes involved in litigation or when it receives a FOIA request.*

Many e-mail messages need to be kept longer than the original technology that was used to send and receive them. New technology is not always compatible with older technology that agencies may have used. Information Systems staff will ensure that older e-mail messages remain accessible as technology is upgraded or changed. Each time technology upgrades and changes take place Information Systems staff will ask agency administrators for information about the existence and location of older messages so they can be migrated to the new technology.

Information Systems will not keep copies or review user email. There is no local archive kept of user accounts. Users are responsible for the retention and destruction of their records. Once a record is deleted, there is no means for Information Systems to recover the message from destruction.

Information Systems will not provide access to any user account unless requested in writing by appropriate department head or legal document.

## **SECTION 8. ADMINISTRATOR RESPONSIBILITIES**

Agency administrators are responsible for ensuring that their employees are aware of and implement this policy. They are also responsible for ensuring that their agency has an approved Retention and Disposal Schedule that covers all records (regardless of form or format) that are created and used by their employees.

Agency administrators are responsible for ensuring that the e-mail (and other records) of former employees are retained in accordance with approved Retention and Disposal Schedules.

Agency administrators are responsible for notifying Information Services staff when the agency becomes involved in litigation or when a FOIA request that involves e-mail is received.

## **SECTION 9. FOIA COORDINATOR RESPONSIBILITIES**

Just like paper records, e-mail messages might be subject to disclosure in accordance with FOIA. FOIA coordinators are responsible for identifying if the records that are requested by the public are stored in e-mail, even if the public does not specifically request e-mail. They are also responsible for ensuring that Information Services staff is notified that a FOIA request involving e-mail was received to prevent the destruction of relevant messages.

## **SECTION 10. ATTORNEY RESPONSIBILITIES**

Just like paper records, e-mail messages might be subject to disclosure during the discovery phase of litigation. Attorneys representing Michigan government agencies are responsible for identifying if the records that are requested during the discovery process are stored in e-mail, even if the discovery order does not specifically request e-mail. They are also responsible for ensuring that Information Services staff is notified that a discovery order involving e-mail was received to prevent the destruction of relevant messages.

## **SECTION 11. ACCEPTABLE USE**

Use of non-county email services, such as AOL or Yahoo on Tuscola County's network is prohibited unless authorized by Information Systems. Any email conducted with the use of the @tuscolacounty.org domain, shall remain professional in manner and never for personal purposes. All email should be treated as public record.

Staff may use e-mail to communicate outside of the agency for legitimate business activities within their job assignments or responsibilities. Staff will not use e-mail for illegal, unethical, or unprofessional activities, or for personal gain, or for any purpose that would jeopardize the legitimate interests of the County