

**UNIVERSITY of NORTH DAKOTA
OFFICE OF RECORDS MANAGEMENT**

**Policy for the Retention of Electronic Mail (E-mail):
Office of Record**

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PURPOSE

The purpose of this policy is to establish the procedures and best practices for keeping e-mail records in compliance with the University of North Dakota's (UND) Records Retention Schedule.

BACKGROUND

E-mail messages are subject to the same records retention rules that apply to other, more traditional, paper documents and must be retained in accordance with applicable retention periods listed on the UND Records Retention Schedule.

While not all e-mail communications are considered records, all e-mail communications may be subject to the North Dakota Open Records Act (with certain limited exceptions) and may also be subject to discovery requests in the event of litigation. In other words, if it's on your computer or in your e-mail account (including archives), it's subject to review and disclosure.

POLICY STATEMENTS

Distinguishing between a record and non-record¹

E-mail messages fall into two basic categories, record and non-record (transitory).

E-mail messages are considered records when they are created or received in the transaction of official business. They must be retained as evidence of official policies, actions, decisions, or transactions. An example of an e-mail message that is considered to be a record would be the agenda of a meeting sent to the attendees of that meeting. The individual sending that message is considered to be the Office of Record, and must keep that record in accordance

¹ Refer to Attachment 1: "When is E-mail a Record?" to help you determine which e-mails are considered a record and which are considered non-record.

with stated retention periods outlined in the Records Retention Schedule. The recipients' copies are not records, except where the sender is external to UND (see Retention section below).

Non-record (or transitory) e-mail messages that have limited business value do not need to be retained and should be regularly deleted. An example of a non-record/transitory message is an e-mail that is received from an external listserv distribution list.

Retention

There is no single retention period for e-mail messages. The value of e-mail messages is based upon their informational content. E-mail messages that are deemed to be an official record need to be retained the same length of time that they would be retained if they were hard copy. Employees should familiarize themselves with the Records Retention Schedule in order to accurately classify their e-mail records and attach the correct retention period.

The responsibility for retaining, classifying, and disposing of an internally created e-mail that documents official business falls on the author of that message – not the recipient(s). Recipients may delete such received messages when their usefulness has been fulfilled.

However, in the case of an employee receiving an e-mail from outside UND (an external entity) documenting official UND business, that employee would then be responsible for proper classification, retention, and disposition of those messages.

E-mail that has been requested under an Open Records request, discovery request, or subpoena must be retained until the request or litigation has been resolved, even if the retention period has passed. Check with the Records Manager or General Counsel if you are unsure whether the information you possess is currently involved in a legal procedure before destroying.

PROCEDURE

Procedures for the Maintenance of Record Copy E-mail

It is recommended that after an e-mail message has been determined to be a record, the user should immediately (within a week) act on that message by removing it from their Inbox. This can be achieved by two methods:

- 1) Print the e-mail to hard copy (paper), and file that into the appropriate matching paper file. The e-mail may then be deleted.
- Or-
- 2) The user should create and maintain an electronic filing and classification scheme. This can be accomplished by moving the e-mail record from the "Inbox" to a user's disk space separate from the e-mail system.² Generally, the easiest manner to accomplish this is to parallel the structure and naming convention of the electronic system to the one used for the hard copy file system.

For those e-mail messages that have a permanent or long-term (over 10 years) retention, the recommended best practice would be for that record to be printed to paper and maintained with the hard copy file.

Also, at the end of the day, each user should delete all e-mails contained in their "Trash" or "Deleted Items" folder.³

These procedures will facilitate the efficient access, retention, and disposition of e-mail messages.

Backup Copy of E-mail

The various e-mail system administrators routinely create backup copies of e-mails, however those copies are not intended for retention purposes. The backup copies are intended for restoration purposes in the case of system failure, in the event of disaster. The backup copies are kept for only 15 days.

² Contact your e-mail system administrator if you need instruction on how to move e-mail messages to a local storage device.

³ Some e-mail programs have the ability to automatically delete anything in the "Trash" or "Deleted Items" folder upon shutdown. Ask your e-mail administrator for assistance.

ATTACHMENT 1

When is E-mail a Record?

You should determine that e-mail is a record if the e-mail was created in the course of conducting business and needs to be preserved as evidence documenting:

- Decisions
- Policies, guidance, or procedures
- Operations, organization
- Meetings or other activities
- Significant or historic information

To help determine if an e-mail meets the above criteria, ask yourself the following questions regarding the information contained in the message:

- Could this e-mail help make it clear how a business decision was made?
- Could this e-mail help me support or justify my actions?
- Could this e-mail form part of a financial, legal, or business audit trail, claim, or obligation?
- What has transpired or will transpire due to this message?
- Whose authority made a decision?
- What advice was given?
- What was involved?
- When did it happen?
- Is there a chronology of events?

When is an E-mail NOT a Record?

The following are some examples of e-mails that would not be classified as records (non-record or transitory messages) and can be immediately deleted:

- E-mails which are for transmittal purpose only and contain no significant information or have any value and do not require action
- E-mails of a personal nature and are not business-related
- E-mails received from an external listserv distribution list.
- Lunch dates
- E-mails announcing social activities
- Retirement parties
- E-mails announcing events
- E-mails that are the interim messages in a "string" of messages. Only the last message in the "string" of messages is necessary to be retained since all the information will be contained in the "final" message in the series.