

Policy for Records Management Requirements for Electronic Mail
[AGENCY]
[DATE]

SECTION 1. INTRODUCTION

This policy applies to e-mail used within [AGENCY] and e-mail used conjointly with the Internet, and does not supersede any state or federal laws, nor any other agency policies regarding confidentiality, information dissemination, or standards of conduct. Generally, e-mail should be used only for legitimate agency business; however, brief and occasional e-mail messages of a personal nature may be sent and received if the following conditions are met.

SECTION 2. GENERAL GUIDELINES

Personal use of e-mail is a privilege, not a right. Abuse of the privilege may result in appropriate disciplinary action. Employees need to keep in mind that all e-mail is recorded and stored along with the source and destination. Management has the ability and right to view employees' e-mail. Recorded e-mail messages are the property of the [AGENCY] and therefore the taxpayers of the State of Texas. Thus, they are subject to the requirements of the Texas Public Information Act and the laws applicable to [AGENCY] records retention. Employees should be aware that when sending an e-mail of a personal nature, there is always the danger of the employees' words being interpreted as official government policy or opinion. Therefore, when an employee sends a personal e-mail, especially if the content of the e-mail could be interpreted as an official government statement, the employee should use the following disclaimer at the end of the message:

"This e-mail contains the thoughts and opinions of [employee name] and does not represent official [AGENCY] policy."

SECTION 3. RESTRICTIONS

Personal e-mail should not impede the conduct of state business; only incidental amounts of employee time – time periods comparable to reasonable coffee breaks during the day – should be used to attend to personal matters. The following uses of e-mail are strictly prohibited: racist, sexist, threatening, or otherwise objectionable language; political lobbying or campaigning; inappropriately distributing protected works; forwarding chain letters; for any personal monetary interests or gain. Employees must not subscribe to mailing lists or mail services strictly for personal use and must not give the impression that they are representing, giving opinions, or otherwise make statements on behalf of [AGENCY] unless appropriately authorized to do so. Personal e-mail should not cause the state to incur a direct cost in addition to the general overhead of e-mail.

SECTION 4. POLICY

It is the policy of [AGENCY] to provide for the efficient, economical and effective management of electronic mail records in accordance with 13 TAC §§6.91-6.98 and V.T.C.A., Government Code, §441.182.

13 TAC §6.93 provides that state agency heads or designees must establish and administer a component of the agency's active and continuing records management program to address the management of electronic state records that includes the management of electronic state records created, received, retained, used, transmitted, or disposed of electronically, including electronic state records in the possession of the state agency, vendors, or other third parties.

[AGENCY] adopts this policy for that purpose and to prescribe procedures for the management of e-mail consistent with the Electronic Records Standards and Procedures and in the interest of cost-effective and efficient record keeping, including long-term records retention for the State Archives.

SECTION 5. SCOPE

This policy applies to any e-mail messages created, received, retained, used, or disposed of using the [AGENCY]'s electronic mail system.

SECTION 6. RETENTION REQUIREMENTS

[AGENCY]'s approved retention schedule lists the records series that are created/received and the retention period for each series. It is the content and function of an e-mail message that determines the retention period for that message. All e-mail sent or received by an agency is considered a state record. Therefore, all e-mail messages must be retained or disposed of according to the agency's retention schedule. E-mail systems must meet the retention requirements found in 13 TAC §6.94. E-mail generally, but not always, falls into several common record series categories. These are:

- (1) Administrative Correspondence, Records Series [AIN] – Incoming/outgoing and internal correspondence pertaining to the formulation, planning, implementation, interpretation, modification, or redefinition of the programs, services, or projects of an agency and the administrative regulations, policies, and procedures that govern them. Subject to Archival review. Retention period: [RETENTION PERIOD].
- (2) General Correspondence, Records Series [AIN] – Non-administrative incoming/outgoing and internal correspondence, in any media, pertaining to or arising from the routine operations of the policies, programs, services, or projects of an agency. Retention period: [RETENTION PERIOD].
- (3) Directives, Records Series [AIN] – Any document that officially initiates, rescinds, or amends general office procedures. Retention period: [RETENTION PERIOD].
- (4) Transitory Information, Records Series [AIN] – Records of temporary usefulness that are not an integral part of a records series of an agency, that are not regularly filed within an agency's recordkeeping system, and that are required only for a limited period of time for the completion of an action by an official or employee of the agency or in the preparation of an ongoing records series. Transitory records are not essential to the fulfillment of statutory obligations or to the documentation of agency functions. Some examples of transitory information, which can be in any medium (voicemail, fax, e-mail, hard copy, etc.) are routine messages; telephone message notifications; internal meeting notices; routing slips; incoming letters or memoranda of transmittal that add nothing of substance to enclosures; and similar routine information used for communication, but not for the documentation, of a specific agency transaction. Retention period: [RETENTION PERIOD].

Users must adhere to the agency's approved records retention schedule when retaining or deleting e-mail messages.

SECTION 7. USER ACCESS AND RESPONSIBILITIES

All e-mail messages are considered state records and management reserves the right to access employee e-mail messages at any time.

Employees wishing to notify the entire agency of agency-related information or an agency-sponsored activity must forward the draft message to [POSITION/UNIT/DEPARTMENT] for approval.

It is the responsibility of the user of the e-mail system, with guidance and training from the Records Management Officer, to manage e-mail messages according to the agency's approved retention schedule. It is the responsibility of the sender of e-mail messages within the agency's e-mail system and recipients of messages from outside the agency to retain the messages for the approved retention period. The same applies to any message that relates to [AGENCY] business that is sent from or received on a non-[AGENCY] owned computer. Names of sender, recipient, date/time of the message, as well as any attachments must be retained with the message. Except for listserv mailing services, distribution lists must be able to identify the sender and recipient of the message.

When a user's e-mail account is opened, the user is assigned the agency's standard amount of space for e-mail and the user is expected to manage his/her e-mail within that space. The user's [DIRECTOR/MANAGER/SUPERVISOR] must verify that the user is following an efficient process for managing e-mail prior to any request for an increase in space. Managing e-mail according to the agency's approved retention schedule will help ensure that storage requirements are minimized and, more importantly, that the user can efficiently locate the records he/she needs. [DIVISION/UNIT/DEPARTMENT] will require written approval from the [DIRECTOR/MANAGER/SUPERVISOR] before e-mail capacity is increased.

Employees who voluntarily terminate employment, retire, transfer, or are demoted will be required to review their e-mail accounts with their immediate supervisor(s). The employee's immediate supervisor is responsible for ensuring that the e-mail records are properly classified, stored, and that working or convenience copies are disposed of in the correct manner. E-mail accounts for deceased or dismissed employees will be the responsibility of the last immediate supervisor.

SECTION 8. MAINTENANCE AND FINAL DISPOSITION OF E-MAIL

The process for the legal disposition of state records (including e-mail) is subject to the same documentation requirements as any other format or medium (13 TAC §6.97). Employees must follow [AGENCY] procedures for the disposition of e-mail messages.

Supervisors must ensure that staff under their supervision use e-mail lawfully and to counsel or discipline them appropriately when misuse occurs. User adherence to [AGENCY] policies and procedures will be evaluated as part of the performance plan process.

Supervisors must require a signed acknowledgement from each user of the e-mail system that they have read the policy for records management requirements for electronic mail. This acknowledgement is required before a network password is issued to new users and upon completion of annual training.

SECTION 9. TRAINING

In cooperation with [DIVISION/UNIT/POSITION], the Records Management Officer will ensure that appropriate training is made available for staff. All employees will be required to participate in the training intended to cover the following areas on an annual basis:

- operation and care of equipment
- use of software;
- e-mail creation;
- content management;
- storing and filing structures;
- naming conventions;

- retrievals;
- final disposition;
- policies and procedures;
- relevant laws/rules.

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