

EMAIL

A Guideline of the Utah State Archives and Records Service

September 23, 2014

OBJECTIVE: Each agency should establish procedures to manage its electronic mail (email) in accordance with the Utah State Archives [Electronic Mail for State Agencies](#) (updated September 23, 2014). Established procedures should incorporate consistent review of the management and destruction of email by records managers. This guideline is a brief version specific to the state's adoption of a Google hosted email system.

The Government Records Access and Management Act (GRAMA) and the Public Records Management Act (PRMA) impose obligations to retain records. Email may be records, depending upon content.

Non-record emails are emails with no business-related content. They include, but are not limited to, personal messages and spam. They should be destroyed immediately and not kept in the email system. They may be forwarded to personal accounts.

Email records are work-function related. They are subject to legal retention schedules and have administrative, legal, fiscal, or historical value based on the content of the email.

- **Agency specific records** would include emails specific to the type of work of the agency. For example, general contracts (record series GS, Item 13-4, Contract purchasing files) have a legal retention period of six years and personnel matters and documentation (record series GS, Item 11-2, Official employee personnel file) have a legal retention period of 65 years after employee separation. Appropriate retention schedules are published on the State Archives' website (archives.utah.gov).
- **Historical, or permanent, email records** document agency policy, document the major transactions, services, and programs of the agency (record series GS, Item 1-61, Executive correspondence). These records generally originate from or directly involve the executive director or agency head. Other high-level executives within large agencies may generate historical email records and an agency should contact the State Archives to arrange for their transfer. Historical email records are permanent and should be transferred to the State Archives once the agency no longer has an administrative or legal need to maintain them. (63A-12-105(3))
- **Administrative correspondence** (records series GS, Item 1-63): These records are created in the course of administering agency functions and programs. Email under this schedule document work accomplished, transactions made or actions taken, but not part of a more specific record series. Creation of functions or policies are not part of this schedule.

- **Transitory correspondence** (record series GS, Item 1-62): Most email is general correspondence and may be disposed of according to administrative need. This includes “me-too” responses, specific answers to information, comments on reports, feedback requests on routine business matters, etc.

Email records management is the responsibility of the agency. The Department of Technology Services and third-party vendors, such as Google Mail (Gmail), are not responsible for legal retention of email records. The agency is responsible for managing email records and ensuring their accessibility, including for discovery in conjunction with anticipated or pending litigation and open records requests, for their entire legal retention period. (63G-2-604(1))

An agency should take action on email records in hosted environments and not leave email records unmanaged. An agency needs to establish procedures to retain email records according to their legal retention schedules, destroy obsolete email records, and transfer historical email records to the State Archives. Absent a centralized or enterprise record-keeping system, an agency can utilize features of the email system to help manage email records. In Gmail, an agency can use labels to categorize email records to follow documented retention schedules. Filters assist in organizing email records by defining criteria to take specific actions. By taking no action, an agency is making the decision that the parameters of hosted email storage, including any time and/or size restrictions, are appropriate and sufficient to meet the legal retention period of those email records. This may not be adequate and could lead to increased risk by keeping records beyond approved retention periods.

Even though some unique agency records have very long retention periods, these records should be destroyed when obsolete. These email records should be deleted completely at the end of their approved retention period. Emails should be deleted to the system’s Trash with the understanding that email records placed there are obsolete, their timely destruction appropriate, and they will be thoroughly destroyed and unrecoverable. There is a 30-day period where emails wait in the Trash before their complete removal.

Historical email records should be transferred to the State Archives at the end of their administrative use. The format MBOX supported in Gmail’s archival suite is the appropriate format for transfer.

Record copy refers to the email copy to which the retention period applies. Both sent and received email can be records. Duplicative emails should be disposed of when administrative need ends.

Primarily the:

- Outgoing (sender’s) email *within* government is the record copy.
- Incoming (the recipient’s) email from *outside* the government is the record copy.

Email reference chart:

Non-record emails	➔		Destroy immediately
Email records, transitory	➔		Destroy after administrative use ends
Email records, administrative, legal, or fiscal	➔		Retain and then destroy according to retention schedule
Email records, historical	➔		Retain and then transfer to the Archives according to retention schedule

Email flowchart:

