

Texas State Agencies
Model Policy for Records Management Requirements for
Electronic Mail
[AGENCY]
[DATE]

SECTION 1. INTRODUCTION

This policy applies to e-mail used within the agency and e-mail used conjointly with the Internet, and does not supersede any state or federal laws, or any other agency policies regarding confidentiality, information dissemination, or standards of conduct. Generally, e-mail should be used only for legitimate state 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 State records retention. Employees should be aware that when sending an e-mail message of a personal nature, there is always the danger of the employees' words being interpreted as official agency 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 agency 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 name) policy."

[OPTIONAL]If the content of the e-mail contains sensitive or confidential information the employee may use the following message at the end of the message:

"This message contains information which may be confidential and privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy or disclose to anyone the message or any information contained in the message. If you have received the message in error, please advise the sender by reply e-mail and delete the message."

SECTION 3. RESTRICTIONS [OPTIONAL]

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. Racist, sexist, threatening, or otherwise objectionable language is strictly prohibited. E-mail should not be used for any personal monetary interests or gain. Employees should not subscribe to mailing lists or mail services strictly for personal use. 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 [NAME OF AGENCY] to provide for the efficient, economical and effective management of electronic mail records in accordance with Texas Administrative Code (TAC), Chapter 13, Sections 6.91-6.97 (State Agency Bulletin Number One, Electronic Records Standards and Procedures). TAC Chapter 13, Section 6.92(c), provides that the agency head or designated records management officer must administer a program for the management of records created, received, retained, used, or disposed on electronic media.

The [NAME OF AGENCY] desires to adopt a policy for that purpose and to prescribe guidelines and procedures for the management of electronic mail consistent with the Electronic Records Standards and Procedures and in the interest of cost-effective and efficient recordkeeping, including long-term records retention for the Archives of the State.

SECTION 5. DEFINITIONS

(1) Electronic mail message-A record created or received on an electronic mail system including brief notes, more formal or substantive narrative documents, and any attachments which may be transmitted with the message.

(2) Electronic mail receipt data-Information in electronic mail systems regarding the date and time of receipt of a message, and/or acknowledgment of receipt or access by addressee(s).

(3) Electronic mail system-A computer application used to create, receive, retain and transmit messages and other records. Excluded from this definition are file transfer utilities.

(4) Electronic mail transmission data-Information in electronic mail systems regarding the identities of sender and addressee(s), and the date and time messages were sent.

(5) Electronic media-All media capable of being read by a computer including computer hard disks, magnetic tapes, optical disks, or similar machine-readable media.

(6) Electronic record-The information that is maintained in electronic format in a computer for computer processing and the product of computer

processing of that information that satisfies the definition of a state record in the Government Code §441.180.

(7) Electronic records system-Any information system that produces, manipulates, and stores state records by using a computer.

(8) Mailing list service-An electronic mailing list hosting service (e.g., Listserv) used for discussions and announcements within a specified group of individuals. Subscribers to the service participate by sending information to and receiving information from the list using electronic mail messages.

(9) Records management officer-The person who administers the records management program established in each state agency under the Government Code, §441.183.

(10) State record-Any written, photographic, machine-readable, or other recorded information created or received by or on behalf of a state agency or an elected state official that documents activities in the conduct of state business or use of public resources. The term does not include:

(A) library or museum material made or acquired and maintained solely for reference or exhibition purposes;

(B) an extra copy of recorded information maintained only for reference; or

(C) a stock of publications or blank forms.

SECTION 6. SCOPE.

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

SECTION 7. RETENTION REQUIREMENTS.

The [NAME OF AGENCY's] approved retention schedule lists the record series that are created 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 TAC 6.94(e). E-mail generally (but not always, see the Texas State Records Retention Schedule for more information) falls into several common record series categories. These are:

(1) Administrative Correspondence, 1.1.007 - Incoming/outgoing and internal correspondence, in any format, 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: 3 years.

(2) General Correspondence, 1.1.008 - 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: 1 year.

(3) Transitory Information, 1.1.057 - 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 on-going records series. Transitory records are not essential to the fulfillment of statutory obligations or to the documentation of agency functions. Examples of transitory information are routine messages (can be recorded on any medium, such as hard copy message slips or in an electronic format on e-mail and voice mail); 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: AC (after purpose of record has been fulfilled).

SECTION 8. USER RESPONSIBILITIES.

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 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. 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. User responsibilities may be mitigated by the use of a server level automated classification system.

SECTION 9. MAINTENANCE OF ELECTRONIC MAIL.

Records created using an e-mail system may be saved for their approved retention period by one of the following:

- (1) Print message and file in appropriate hard copy file.
- (2) Place in folders and save on personal network drive or C:drive.
- (3) Save to removable disk. 3.5" disks are not recommended for retention periods of more than one year due to the instability of this medium.
- (4) Transfer to an automated records management software application.
- (5) Managed at the server by an automated classification system.

Note: Agency may include specific instructions for saving e-mail messages to a hard drive. For example using Microsoft Outlook E-mail Application:

How to create a personal folder for e-mail that resides on the C: Drive (your hard drive).

1. Open Outlook
2. Click on "Tools"
3. Click on "Services"
4. Click on the "Add" button
5. Click the bottom line in the text box that says "Personal Folders"
6. This box allows you to designate the drive and folder you want your e-mail to go to. It will default to the Outlook folder. You might want to direct it instead to a folder you have created. Once you designate the folder (at the top of the text box), then name the file that your e-mails will reside in and click "OK" or "Apply" whichever is listed.
7. Now your personal file should appear on the left-hand column of your outlook screen. You can add subdirectories to this (just like you would with the "inbox"). If you file your e-mail here it avoids server problems and gives you some more leeway in storing your files.

SECTION 10. DISPOSITION OF ELECTRONIC MAIL.

The process for the legal disposition of state records (including electronic mail) is subject to the same documentation requirements as any other format or medium. This usually requires agency permission and some type of disposition log to adequately document disposition and destruction of electronic records. Section 6.95 of the Electronic Records Standards and Procedures (relating to the Final Disposition of Electronic State Records) states that:

(b) An electronic state record that is an archival record must be maintained by the agency through hardware and software migrations and upgrades as authentic evidence of the state's business in accessible and searchable form, except as otherwise determined by the state archivist.

(d) A state agency must establish and implement procedures that address the disposition of an electronic mail record by staff in accordance with its approved records retention schedule and, specifically, must establish guidelines to enable staff to determine if an electronic mail record falls under transitory information (records series item number 1.1.057) on the agency's approved records retention schedule in order to encourage its prompt disposal after the purpose of the record has been fulfilled.