

# Electronic Mail (Email) Retention Policy

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## Purpose:

- The purpose of this policy is to ensure that electronic Mail is maintained in accordance with approved records retention schedules, accepted records keeping practices and laws as required by LA. R.S. Title 44 and LAC 4: XVII Chapters 1-15.

## Policy:

- Electronic Mail (email) should not be treated as a single record series for retention schedule purposes (such as Email or General Correspondence). Email should be first incorporated into existing record series maintained by an agency (based on its content and context) before classifying it as General Correspondence.
- Email retention should not be set artificially based on the fact that it is an email (its format) or arbitrary (i.e. 90 days) or on storage limitations. Nor should emails be retained on backups for retention compliance (backups are for business continuity and resumption, not retention).
- Email should be retained for the same duration as other records of similar content included in a given record series on an approved records retention schedule.
  - For example: emails that are generated as receipts of financial transactions would be held for the same duration as a cash register receipt record would be maintained.

## Scope:

- This policy applies to all Louisiana public bodies as defined in LA. R.S. 44:1 and LA. R.S. 44:402. Based on rules found in Chapter Thirteen of LAC 4: XVII, Email fall into two broad categories based on their administrative and retention requirements: record and non-record (which includes transitory records).
- Emails that are considered records meet the definition of a record, as defined by LA. R.S. 44:1 or LA. R.S. 44:402 and need to be retained to document the administrative, financial, legal or archival needs of the state. These records can include:
  - Records that document FEMA claims or actions taken during Presidentially declared disasters;
  - The procurement process (RFP, Bid, contract, purchase, delivery and acceptance) of grants and projects;
  - Records generated during the licensing or renewal process for regulatory processes;
  - Time and attendance, leave requests, disciplinary issues and other personnel related matters;
  - Legal issues including public records requests and legal holds;
  - Treatment records for patients;
  - Offense records for offenders;
  - This list is not comprehensive. You need to consider your operating and legal environment to determine what your list might look.
- Transitory or Non-Record related emails are records that have limited to no administrative value to the agency and are not essential to the fulfillment of statutory obligations or the documentation of agency functions. There is no retention requirement for transitory or non-record related messages. Public officials and employees receiving such communications may delete them immediately without obtaining approval from the State Archives.
  - If your agency is under a legal hold, please note that you may be required to maintain all records including transitory until legal counsel and judge ok such disposals (even if disposal approval is NOT required by the State Archives).
  - Examples of transitory information can include "junk solicitations" that are unsolicited (not related to agency work), listserv and other email broadcast lists that require subscriptions (including newspapers), reminders for meetings (not to be confused with Meeting Notices or Board Calls) and office events (i.e. cake in the conference room), personal, non-work related emails sent or received by employees.

## Responsibilities:

- All public bodies that fall under the scope of this policy must maintain their email in a manner that complies with that public body's approved records retention schedule and the records management practices already established by law.
- If emails cannot be assigned to an existing record series of an approved records retention schedule and it has been determined by State Archives staff that a new series does not need to be created, then such emails can be classified in a correspondence series.
- However, if no approved records retention schedule has been approved by the agency, all record-related emails must be maintained for at least three years from the date created as required by LA. R.S. 44:36.
- All public bodies should communicate this policy to their employees and their elected or appointed board members and should take the steps necessary to ensure compliance with this policy.

## Maintenance of Electronic Mail:

- Records created using an email system may be saved for their approved retention period by one of the following methods:
  - Print message and file in appropriate hard copy file;
  - Place in folders and save on personal network drive or C:drive (that is regularly backed up for business continuity purposes);
  - Save to a removable disk (including CD-ROM) Not recommended for records with retention period of more than one year due to access and viability of media;
  - Transfer to an automated records management software application;
  - Managed at the server by an automated classification system.
- It is the responsibility of the sender of email messages within the agency and recipients of messages from outside the agency to retain 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(s) of the message. User responsibilities may be mitigated by the use of a server level automated classification system.

## Legacy Systems:

- Agencies that are trying to retire legacy email systems, must first cull emails from the system to be retired that have not yet met their retention.
- Special attention should be given to records related to programmatic records with long retention periods (license or permits), grants, litigation, legal matters that have yet to close, FEMA/Disaster response related emails that are from named events that have not yet closed out at the state level (like Hurricanes Katrina/Rita, Gustave/Ike, Flood of 2016) and other significant events that may be of an archival nature.
- Once all of the emails related to long term records (greater than 10 years) have been removed, then a disposal can be generated for general correspondence (email) that is older than 10 years. Then begin the review for shorter term records like receipts, financial and administrative records that fall in the 5-10 year range. Once you have completed that phase, you can dispose of your general correspondence (email) older than 5 years. Eventually you will be processing series appropriately and then your correspondence series and your system should be up to date with how records are being maintained going forward.

## Who to contact regarding this Policy:

- Agencies that have a question email retention and scheduling questions can be sent via email to [rcmgt@sos.la.gov](mailto:rcmgt@sos.la.gov) (put Email Retention in the Subject Line) or faxed to (225) 922-1220. If you need to speak to someone, please contact the Records Policy Planner at (225) 925-7552 or the Records Management Section Supervisor at (225) 922-0104.