

# CITY OF WHITING

## EMAIL RETENTION POLICY

### 1. **PURPOSE**

The purpose of this policy is to establish guidelines and policy for preserving records created using City of Whiting computers or e-mail addresses.

### 2. **SCOPE**

This policy is applicable to all employees and officials who use City of Whiting computer equipment or send or create e-mails with a City of Whiting address.

### 3. **PUBLIC RECORD DECLARATION**

All e-mail conducted on city computers is owned by the City and is a public record. IC 5-14-3-2(m) defines a public record as:

*(A)ny writing, paper, report, study, map, photograph, book, card, tape recording, or other material that is created, received, retained, maintained or filed by or with a public agency and which is generated on paper, paper substitutes, photographic media, chemically based media, magnetic or machine readable media, electronically stored data, or any other material, regardless of form or characteristics.*

Anything on any medium that is created for any governmental purpose is subject to the terms of the public records law. All e-mail messages sent or received for a government purpose are public records and are subject to the requirements of public records retention schedules.

### 4. **RETENTION REQUIREMENTS**

The content not the medium determines how long an email has to be retained. The City has designated three general categories of e-mail as follows:

- A. Transitory & Duplicate messages or casual and routine communications;
- B. Public records with a less than permanent retention period; and
- C. Public records with a permanent or archival retention period.

#### A. Transitory and duplicate records

- 1. There is no retention requirement for these records.
- 2. Transitory messages do not set policy, establish guidelines or procedures, certify a transaction or become a receipt. They serve to convey information of temporary importance and can be deleted.

3. Examples of transitory e-mails include, but are not limited to, incoming list serve messages; personal e-mails unrelated to City business; spam or unsolicited advertisements or sales promotions; non-policy announcements; telephone messages; public reference materials; invitations and response to meetings, etc.; thank yous; replies to routine questions; scheduling meetings; out-of-office auto replies; and attachments to e-mail that are identical to records that are stored and managed outside the e-mail system pursuant to record retention schedules
  4. Duplicate records are those which are copies or extracts of documents distributed for convenience or reference. They may be used to speed up distribution of time-sensitive information. If the record is one which is required to be retained, the sender has the obligation to retain the original document.
- B. Public Records with a less than permanent retention period
1. This is defined as documentation of the informational, communicative, or decision making process of city government that is:
    - a. made or received in connection with the transaction of the public business or government function; and
    - b. which is created, received, retained, maintained or filed by the City as evidence of its activities or because of the informational value of the data in the document.
  2. All record retention shall be done in accordance with the Schedule adopted by the Lake County Public Records Commission, and as it may be amended from time to time.
- C. Public Records with a permanent or archival retention period
1. These are records which are defined the same as a public record with a less than permanent retention period.
  2. These records include ordinances; minutes of the meetings of the Common Council, Board of Works, etc.; plats of survey, etc.
  3. All record retention and archiving shall be done in accordance with the Schedule adopted by the Lake County Public Records Commission, and as it may be amended from time to time.
5. **PROCEDURE FOR MANAGEMENT OF RETAINED E-MAILS**
- A. Each employee is responsible for managing all the e-mail they send and receive.
  - B. E-mail should be sorted, filed, retrieved, and archived or deleted.
  - C. In order to avoid wasting computer storage space, e-mail should be deleted promptly if it is not a record under IC 5-14 and if it has no further value.
  - D. E-mail for short-term storage should be filed within folders which each employee shall create.

- E. E-mail for long term storage should be printed and the hard copy filed in a paper file or converted into another software format for long-term electronic filing.
- F. *Confidential* e-mail should be stored in a designated folder. Contact the City Attorney as to what types of information may be considered confidential under the Indiana statutes. Confidential e-mail which is sent should be sent with the message "Please treat this as confidential" and shall contain a signature block claiming the e-mail as confidential. Statutory citations should be included in the e-mail which designate the exception to disclosure relied upon in designating the e-mail as confidential. The proper citation may be obtained from the City Attorney.
- G. E-mails which constitute a public record should be stored so that an employee can easily retrieve the record in a timely fashion upon receipt of a public records request or a discovery request.
- H. When an employee voluntarily leaves employment with the City, retires, or is terminated, it is the responsibility of the employee to organize, file and archive e-mail prior to separation. Supervisors are responsible for ensuring that the employee is in compliance with this provision prior to the last day of work.
- I. Documents which may be relevant to pending or anticipated litigation must be preserved even if record retention schedule would allow for its destruction. All questions regarding this matter should be referred to the City Attorney

## **6. PUBLIC RECORDS REQUESTS OR SUBPOENAS**

- A. All requests for public records or subpoenas for information should be forwarded to the City Attorney as soon as received since a response is time sensitive under the Indiana statutes.
- B. The City Attorney will determine if a particular e-mail falls under a specific exception to public disclosure under the Indiana Public Records law.