

ELECTRONIC MAIL FOR STATE AGENCIES

A Guideline of the Utah State Archives and Records Service

October 2012

FAQ—Records Management and Gmail

The State Archives has developed [Electronic Mail Guidelines](#) to assist agencies in developing their email policies. Email records are governed by legal retention periods based on the administrative, legal, fiscal, or historical value of the email content. An agency policy should address how to maintain, preserve, and provide access to email records according to those retention periods. This guide addresses some of the most common issues regarding email records and the State's move to Google Mail (Gmail).

Are there recordkeeping abilities in Gmail?

Gmail is an email system, not a recordkeeping system. The tools and functions within Gmail can be utilized to help in recordkeeping if consistently and appropriately applied, but they do not provide efficient recordkeeping processes. For example, Gmail labels can categorize email records to follow documented retention schedules. Filters may assist in organizing email records by defining criteria to take specific actions.

The Gmail's Trash will dispose of email in 30 days, but email records should only be placed in 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.

Because these are actions that are user-created, i.e., taken by individual email account holders, these processes should be overseen by the agency records officer to ensure agency employees are utilizing correct retention schedules and disposing of records timely and appropriately.

Is GMD a recordkeeping tool?

Gmail provides an optional application that creates an irrefutable repository of all email of a user's account: Google Message Discovery (GMD). GMD automatically retains *all* sent and received email of an account in a repository separate from the user's Gmail account. It provides a means that email, and attachments, may be searched and put on hold in instances of pending litigation or even GRAMA requests. *Copies* of email can be taken from the repository for use in

an individual's account, but the emails in the repository cannot be in any way altered, manipulated, or deleted.

However, it retains *all* email of an account holder, including copies, personal email, and non-records. In an efficient recordkeeping system, these should be disposed of immediately and not kept.

GMD retains all email for ten years, so even transitory email of little value will be retained past the retention period and subject to GRAMA requests and discovery. GMD does not retain email records longer than ten years. Retention schedules cannot be applied to email in the GMD repository but, instead, retention is subject to the period defined by the GMD application.

How do I know what record series retentions schedules to use?

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

Refer to your agency's unique agency retention schedules to determine the core set of record series that agency employees will use to manage email records specific to the type of work the agency conducts. From there it will be easier to have agency employees manage transitory records of administrative value.

Department directors should work with DTS and the State Archives to have their system set up to preserve permanent records that will be transferred to the State Archives

Employees need to work with the agency records officer to identify email that belongs to a specific records series, to understand how the retention will be applied, how the email will be tagged, and where it will be stored until it meets retention.

How do I retain email records with long retention periods?

The Gmail system retains email indefinitely up to a 25 GB per user limit. GMD will retain email for ten years.

However, the State Archives recommends that email with long retention periods be transferred from the Gmail system into a recordkeeping system for retention and preservation. Historical email records should be transferred to the State Archives at the end of their administrative use.

The State Archives has tools available that can retain and preserve email. The format MBOX supported in Gmail's archival suite is the appropriate format for transfer of historical records to the State Archives.

What will happen to email that is more than 10 years old?

Email that is 10+ years old will not be transferred from a GroupWise account to a Gmail account unless the employee makes specific arrangements. Employees should review email that is 10+ years old carefully. Employees should ask the following questions of older emails: 1) Is the email a government record or is it about government business? 2) Does the email record belong to a record series identified by an agency records officer? 3) Based on an approved retention schedule should the email be retained for more than 10 years? 4) Is the email record transitory correspondence?

Non-government record email, email copies, or email records that have already met their required retention should not be transferred from GroupWise to Gmail.

Employees with email records 10+ years old will need to arrange with DTS to have those email records transferred to Gmail, if transfer is appropriate.

Can I rely on DTS backup tapes to retain email records?

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

Upon request, DTS provides copies of backup tapes to State agencies. Backup tapes are only retained for up to two weeks and contain records of mixed record series with different retention periods.

What are some guidelines state employees can follow to help manage government email accounts?

Preserve the record copy

The record copy is the official government record and the copy to which state retention periods apply. The record copy is maintained for reference and preservation. Generally, the outgoing (sender's) email within government is the record copy. The incoming (recipient's) email from outside the government is the record copy.

Preserve the thread

The retention schedule for email records applies until a response is made to the initial email, at which point a series of correspondence (thread) is created.

In such instances, the last email in the thread—the one containing the entirety of the correspondence between two or more persons—becomes the record copy and thus the copy with the approved retention period.

Use a meaningful subject line

Subject lines need to adequately address the content of the email record. Vague subject lines make it difficult for state employees understand the content of the email, and difficult to follow the appropriate retention periods. Meaningful subject lines should allow the recipient to discern the email content before opening the email.

Avoid subject lines such as: “Question,” “form,” “for review,” “hi,” etc. Use subject lines such as “Draft meeting minutes for review” and “Registration for April 26 Records Conference,” etc.

Conduct agency business on agency systems

Government business conducted via email should be conducted on approved agency email systems. State employees who need to conduct state business from personal computers should use their official state mail (Gmail) account, which is accessible through the Internet.

If using a personal account cannot be avoided, work email done from personal accounts should be transferred to the state system so records may be managed appropriately.

Do not combine business and personal email

Do not combine messages of business (records) with messages of a personal nature (non-records). If the content of an email contains both personal information and business-related information, it must be kept as a record.

Do not retain copies

Duplicate copies should be discarded. Copies do not need to be retained. Email can be broadcast to hundreds of people at once, and each of those duplicates should not be saved. Only those recipients who then respond to the correspondence need to consider whether or not they need to save copies.

Do not retain non-records

Non-record emails should be destroyed immediately and not kept in the email system. They may be forwarded to personal accounts.

Personal matters should not be conducted on State email systems if possible. Though the state allows employees to use state resources for limited personal use consistent with DTS Rule R895-7, Acceptable Use, free email accounts may be obtained for personal use. Divisions and employees need to be aware that while personal or non-record email are not subject for disclosure under GRAMA, they may still be reviewed by the agency to determine if they are subject to GRAMA. Personal email in state systems is subject to discovery in litigation.

For detailed information about these guidelines please review the *resources* available on the Archives' website. If you have additional questions, please contact the State Archives at (801) 531-3863.