



## Archives & Records Management Division

# RECORDS MANAGEMENT POLICIES

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## E-mail Management & Retention Policy\*

**SCOPE / COVERAGE:** Citywide - All E-mail Users

**General Principle:** The City regards its e-mail system as a tool to facilitate daily communications of a transitory nature between employees and external parties relative to current business matters and not as a platform for the long-term preservation of official, mission-critical, or vital records. More specifically, the City's e-mail system is not authorized for purposes of the retention of stored records. The City desires to retain only such records as are needed to operate the business and comply with the law. All other records including e-mail should be systematically disposed of. Accordingly, the City imposes the following retention requirements on e-mail.

### Legal Status, Content and Rights of Access

All e-mail messages and attached documents are the property of the City and are therefore subject to reasonable management controls. E-mail is not authorized for any purpose other than the conduct of official City business.

Employees are advised that they can make no presumption of any right of privacy with respect to e-mail. The City retains the right to access all e-mail files, just as it retains rights of access to any other City property. Finally, employees are advised that, from a legal point of view, e-mail messages are discoverable in litigation to the same extent as any other recorded information maintained by the City.

All e-mail must be as formal and businesslike as the situation dictates. Employees should construct the content of every e-mail message with the same care as if it were a paper letter or memorandum. The inclusion of remarks of a derogatory nature is strictly prohibited. Employees who violate these principles are subject to disciplinary action.

### E-mail Retention Policy

Except as provided below, the maximum retention period for e-mail shall be 90 days after the message is opened / read by its recipient, but employees are encouraged to delete the messages DAILY, immediately after reading, replying or taking other action concerning them. Such

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\* Adapted from *Electronic Records Retention: New Strategies for Data Life Cycle Management*. © 2003, (ARMA International, [www.arma.org](http://www.arma.org)). Used with permission.

actions are required of all employees during Records Purge Days. This policy applies to documents attached to e-mail messages as well as to the messages themselves.

All opened e-mail older than 90 days remaining in employees' mailboxes will be automatically purged upon the expiration of this retention period. The retention of e-mail data on back up media will not exceed 90 days.

### **E-mail of Long-Term Value**

If the content of an e-mail message or attachments possess business value for longer than 90 days, and relates to an established records series appearing in the City's General Records Retention and Disposition Schedule (the "Retention Schedule"), it should be made a part of that established file and retained appropriately as per the retention period in the schedules. In such cases, employees are required to:

- Generate a hard copy printout and place it into the proper paper file for further retention in accordance with the Retention Schedule; or
- Migrate the message (and/or attachments) from the e-mail system to another software program, and save it for the retention period specified in the Retention Schedule.

These provisions should not, however, be construed to provide general authority to apply long-term retention to e-mail messages. City policy is to retain e-mail only if it is required for government operations, and to comply with the law.

### **E-mail Related to Litigation or Government Investigation**

If the content of an e-mail message is related to actual or pending litigation or a government investigation, it may not be destroyed without the express written approval of the Corporation Counsel. This restriction begins from the moment at which any employee *gains knowledge that litigation or a government investigation is imminently foreseeable* (even though the lawsuit or investigation has not yet officially commenced) and continues until removed by the Law Department. The term "imminently foreseeable" is defined as the point in time at which a City employee initially gains knowledge that any particular record or document may or will be relevant to an actual or possible lawsuit or government investigation. Employees who violate this policy are subject to disciplinary action and/or judicial penalties imposed by courts of law.