

Subject:	DISTRICT EMAIL RETENTION REGULATION	Regulation Identifier:	TEC-09
Office:	TECHNOLOGY SERVICES		
Reference:	Records Control Schedule		
To:	All Campuses/Departments		
Date:	May 2009	Reissued By:	Kelly Smith

The purpose of this administrative regulation is to help employees determine what information sent or received by e-mail should be retained and for how long.

E-mail messages fall within two broad categories:

1. Non-Record/Transitory (delete at will)

- a. This category of messages makes up the bulk of all e-mails sent or received. These messages are created primarily for the communication of *information*. Transitory messages do not set policy, establish guidelines or procedures, certify a transaction, or become a receipt. Generally, examples include: mailing list broadcast messages, thank yous, replies to routine questions, invitations, etc.
- b. These casual and/or routine communications do not have a specified retention requirement. Employees sending or receiving such communications may delete them immediately or after any administrative value is lost.

2. Official Records (retain as required)

- a. This category of messages has more significant administrative, legal and/or fiscal value than non-record/transitory messages. They may pertain to a particular board action, business transaction, project/case file, student/personnel issue, etc. Examples include: Documentation of projects and issues, employee and student discipline matters, policy, procedures, regulations, contracts, etc.
- b. By law, these messages *must* be retained for a period of time specified in the District Records Retention Schedule found at <http://www.nisd.net/its/records> .

If, according to the District's records retention schedule, the content of an e-mail message possesses long-term business value, employees shall archive the message electronically.

A simple way to manage the retention and deletion of e-mail is by separating it as much as possible into broad categories by topic and then by year. When the time comes to delete, you simply delete the folder containing the outdated records.

Public Records Law Adherence

E-mail messages created or received in the transaction of official Northside Independent School District business can be categorized as public records based on the content and topic of the message. State and federal Open Records laws are designed to guarantee that the public has access to public records of government bodies at all levels Districts are required to produce all pertinent e-mail messages as part of the Open Records process.

eDiscovery Requirements

In December 2006, the Supreme Court made changes to the Federal Rules of Civil Procedure (FRCP). These are the legal rules that dictate what happens in federal civil cases and how discovery of information and materials relevant to civil cases is conducted. ***Under the rule change, all e-mail messages are subject to legal discovery*** (i.e. eDiscovery). Failure to produce such documents may lead to sanctions, including monetary fines and adverse court rulings in the underlying case. Districts are required to produce all pertinent e-mail messages as part of the eDiscovery process in all Federal lawsuits.

Each user is individually responsible for maintaining the public accessibility and eDiscovery accessibility of his/her own incoming and outgoing e-mail messages.

Backup of E-Mail Messages

For disaster recovery purposes, Technology Services will backup e-mail to magnetic tape for offsite security storage. These "point-in-time snapshot" security backup procedures are not designed to meet records retention requirements. The retention period of e-mail data resident on these tapes does not exceed twelve (12) months. The backup process does not guarantee full recovery of users' e-mail messages.