

**EMAIL RETENTION GUIDELINES
JUNE 2010**

For Marion County Employees using Email.

Since e-mail is a **public record (ORS 192.005(5))**, it is subject to the laws and rules that govern the destruction of public records. In order to destroy public records, it is essential that legally established retention schedules be followed. Retention schedules establish how long public records must be kept before they can be destroyed. It is a Class A Misdemeanor to illegally destroy a public record.

Currently Marion County does not have a centralized process that classifies and manages retention for e-mail. The responsibility rests with each individual employee. E-mail has many retention periods depending on its subject matter. Please use the following link to a list of retention periods for county records.

<http://www.sos.state.or.us/archives/recmgmt/sched/gen/countymenu.html>

The following list breaks down e-mail into easy-to-use categories until a formal Marion County e-mail policy, procedure and system is established.

1. Short-lived e-mail: This e-mail does not contain any significant information that would pertain to your department's program, fiscal status or routine agency operations.

Examples: Messages, food drives, Notices of upcoming events, bake sales etc. **Retain until read.**

Note: The department that is responsible for staging charity events would have to retain their copy for one year.

2. General: This e-mail does not contain any significant information pertaining to a department's programs but does pertain to routine department operations.

Examples may include: routine requests for information, mail sent & received, memoranda, notes etc. **Retain 2 years**

3. Program: This e-mail contains significant information that relates to the primary functions of the department.

Examples may include but are not limited to: letters sent or received, memoranda, etc., that would pertain to specific case files or other primary files documenting a function for which the department was created. **Retain: Same period of time as the program records to which they relate.**

4. Financial: E-mail containing significant information about the financial status of the department.

Retain: 3 years or, if applicable **3 years after deemed uncollectible**

5. Historical: Very little, if any, e-mail falls within this category. E-mail that would form a basis for policy, set important precedents, or record historic events would be included.

Retain: permanent

"Historical" e-mail should always be printed and retained in hard copy form (paper or microfilm).

E-mail classified "Program", "Financial" or "Historical" can be printed, with the resultant hard copy then filed with the appropriate related records. Alternately, program or financial email could be copied and retained electronically in a file separate from the general e-mail system, provided applicable rules are followed. Use GroupWise's - Help, User Guide, Managing your Mailbox to show how to put e-mail you want to keep into a library or to disk:

http://www.novell.com/documentation/gw65/?page=/documentation/gw65/gw65_userwin/data/ab32nt1.html

Here are more tips from IT on managing email, entitled "Email Best Practices for users":

<http://intra.co.marion.or.us/NR/rdonlyres/69AED4CA-06E2-4B29-91F3-86F1ED152A0D/0/EmailBestPractices.pdf>

Question: Please provide additional clarity on who has the obligation to keep the **Official public record** available and readably accessible. For internal e-mails, is the obligation only on the sender, but not on the recipients - especially if they were just on the "Cc:" list? If people were on the "Cc:" list of external e-mails and they do not have direct responsibility for a program/service that the e-mail is related to, do they have an obligation to retain it?

Reply:

Messages sent, received, filed or recorded in pursuance of law or in connection with the transaction of public business, whether or not confidential or restricted in use are considered public records. It does not matter if the recipient is copied or blind copied, if a recipient responds, then a retention period applies also to the responder. If there is no response from the recipient (and the recipient has no program responsibility in regard to the email), then the subject email may be deleted at any time by this recipient. **Example:** Department directive; "There will be no Denim clothing worn by employees in public service areas." Here, the retention period applies to the sender. However, if a recipient replies, for instance "Wait, the doctor told me that I had to wear Denim for a skin condition", a retention period for both messages now applies also to this recipient/responder.

Should you have any questions or require assistance in determining retention periods of public records, please contact **Records Coordinator Frank Milton at 503.588.5490** or **Licensing and Recording Supervisor Kerrie Nevers at 503-373-4473** in the Clerk's Office.

Approved by Bill Burgess, County Clerk