

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Chief Executive Office

BOARD AGENDA # *B-5

Urgent

Routine

AGENDA DATE October 21, 2008

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval of Electronic Messaging Retention Policy

STAFF RECOMMENDATIONS:

1. Approve the Electronic Messaging Retention Policy.
2. Direct departments that maintain their own electronic messaging systems to implement their departmental retention schedules and to provide them in written form to the County Chief Information Officer by December 31, 2008.

FISCAL IMPACT:

There is no fiscal impact directly related to this proposed Policy. Departments may see a modest reduction in storage costs and system administration costs depending on what retention schedule they set, as permitted under this proposed Policy.

BOARD ACTION AS FOLLOWS:

No. 2008-714

On motion of Supervisor Grover, Seconded by Supervisor Monteith
and approved by the following vote,

Ayes: Supervisors: O'Brien, Grover, Monteith, and Vice-Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: Mayfield

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

ATTEST: Elizabeth A. King
ELIZABETH A. KING, Assistant Clerk

File No.

Approval of Electronic Messaging Retention Policy

DISCUSSION:

This proposed Policy (attached) would provide guidance for departments on the appropriate maximum retention period for certain electronic correspondence, while still allowing those departments to set their own retention periods within that specified maximum, based on departmental practice, storage requirements and business requirements. This Policy would also clearly delineate the existing requirements to store correspondence designated as a Public Record and provide direction as to their treatment.

Emails and Instant Messages (IM) are a wide-spread way for organizations such as Stanislaus County to communicate directly, both with internal staff and externally to the public and partner agencies. There are in excess of 4,000 user accounts in the various systems deployed within Stanislaus County. Today, twelve County departments maintain their own email systems. These departments are as follows: the Sheriff's Department, District Attorney's office, Probation Department, Health Services Agency, Community Services Agency, Behavioral Health and Recovery Services, Alliance WorkNet, Child Support Services, Library, Environmental Resources, Public Works and Strategic Business Technology. Tracking, storing, and when necessary, producing copies of emails and IM can be a time-consuming and expensive endeavor.

There are legal requirements regarding maintaining Public Records. Statutory retention periods differ, however, the County has the same mandate to keep a record that arrives via email as one that arrives via the Postal Service. The proposed Electronic Messaging Policy sets a maximum retention period for all County emails and IMs of 24 months. Where the email is required to be treated as a Public Record, the Policy requires that it be moved from the email system, by either printing it and filing as usual or saving to an electronic file system where it can be referenced and provided as necessary.

The Policy allows each department that maintains a separate email and/or Instant Messaging system (collectively referred to as "Electronic Messaging Systems") to set their own retention period providing that it does not exceed the maximum 24 months. Each of those departments will document their retention schedule and keep a copy of that document on file with the Chief Information Officer. The Electronic Messaging Policy will become effective upon approval of the Board of Supervisors and county departments have until December 31st, 2008 to implement their own retention schedules and to document that schedule.

This Policy is in keeping with the Tape Destruction Policy approved by the Board of Supervisors on May 6, 2008.

This effort will streamline efforts to manage electronic messages and give a clear direction to County Information Technology staff, allowing them to make better use of their time and of limited storage space.

Approval of Electronic Messaging Retention Policy

POLICY ISSUES:

The Board of Supervisors is asked to consider whether the proposed Policy will provide for the more effective use of County resources and promote the efficient delivery of public services.

STAFFING IMPACT:

There is no staffing impact associated with this item.



**STANISLAUS COUNTY
ELECTRONIC MESSAGING RETENTION POLICY
OCTOBER 2008**

Purpose

This policy covers retention periods for electronic mail (“email”) as well as instant messaging. Use of the term “email” throughout this document should be understood to include all email item types, including email and calendar items in the email system. The position of Stanislaus County is that electronic correspondence should be retained for the minimum amount of time required by the business need and should then be immediately cleaned from all information technology (“IT”) systems except where the content of the email or instant message could be considered public record or where legal proceedings dictate that electronic correspondence shall be retained for a longer duration.

Records

The definition of public records includes any writing containing information relating to the conduct of the public’s business prepared, owned, used or retained by the County. The definition includes electronic records, including e-mail, voicemail or fax messages sent to the same mailbox. The definition does not include preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the County in the ordinary course of business. Personal correspondence and interdepartmental and intradepartmental messages should routinely be deleted unless either the sender or the recipient would have retained the writing had it been sent in any other form. Messages received from outside the County should be retained by the recipient if he or she would have retained the document if it had been sent in any other form. Employees have the same responsibilities for their mailbox messages as they do for any other public record, and must distinguish between records and non-record information.

Electronic Messages

This policy defines electronic messages as all typical, routine business correspondence such as messages, calendar events, tasks, etcetera generated by or stored within email and instant messaging systems. Electronic messages are non-vital and should be discarded routinely. Non-record messages make up the vast majority of all electronic messages and as such shall be permanently deleted during the defined retention period.

Retention

All non-record electronic messages shall be deleted and purged, both from the electronic messaging system as well as any other form of electronic storage such as tape and other archiving methods or systems within two years (24 months) of creation on County messaging systems or receipt on County messaging systems, whichever is later. The retention period for record messages is determined by the content of the message. Record messages may be deleted upon expiration of the statutory retention period (or after two years if there is no statutory retention period) upon authorization of the Board of Supervisors pursuant to Government Code section 26202. When in doubt about the legally appropriate retention period, consult the County Counsels office.



STANISLAUS COUNTY ELECTRONIC MESSAGING RETENTION POLICY OCTOBER 2008

Precedence

This policy does not supersede or override any regulations promulgated by State or Federal agencies that are more stringent or impose additional requirements than this policy.

Non-Compliance

All County Departments who maintain their own electronic messaging systems are responsible for developing their specific electronic message retention periods in compliance with this document. Retention periods shorter than 24 months are permitted but no electronic message retention period shall exceed 24 months as described under "Retention." All Departments who maintain email systems shall ensure that their systems can and do comply with the provisions of this policy. Department Heads are responsible for implementing this policy. Departments must maintain a copy of their current Retention Policy on file with the County Chief Information Officer. County staff are required to comply with all provisions of this policy and those adopted by their Department Head governing retention of electronic correspondence. Any attempt to purposefully circumvent this policy, by, for example, forwarding emails to oneself to artificially extend the retention period of an email will be seen as violations of this policy.

Systems Covered By This Policy

This policy covers all email and instant messaging systems internal to County, as well as non-County email and instant messaging systems used to access County electronic correspondence, cellular "smartphones" capable of storing or processing email or instant messages, personal digital assistants ("PDAs") and any other electronic device that can store and/or display email or instant messages. This policy also extends to any storage medium (hard drives, flash drives, backup tapes, etc) that could be used to store County email or instant messages. Ultimately, it is the responsibility of the end-user of such devices to ensure that this policy is effected on those devices. Any email generated or processed by automated systems should not be retained and should be purged as soon as practicable.

Back-up

Records of electronic messages will be retained by each Department, either online or on secondary storage such as tapes or DVDs, separate from all other County data. Reasonable steps should be taken to ensure that the data will not be recoverable after that retention period.

Legal Proceedings

Regardless of retention requirements, e-mail, instant messages and all other electronic or paper documents pertaining to threatened or actual legal proceedings must be retained until the litigation is finally concluded. When notified by County Counsel that certain emails or instant



**STANISLAUS COUNTY
ELECTRONIC MESSAGING RETENTION POLICY
OCTOBER 2008**

messages are required for legal proceedings, that correspondence shall be forwarded to an email account on the SBT-hosted email systems configured to support a longer retention period.

County Email and Non-County Systems

Electronic messaging, by design, permits communication between County and non-County IT systems. Due to the County interest in maintaining control over County electronic messages, it is necessary to stipulate some restrictions on including non-County IT systems such as other email and instant messaging service providers in this policy. Staff shall not manually or automatically forward their County email to non-County email or instant messaging systems for the purpose of reviewing or retaining the correspondence outside of the County. Examples of this prohibited behavior include routinely forwarding emails to a personal account provided by a private email service provider such as Hotmail or Google Gmail, as well as Carbon Copying or Blind Copying emails to email accounts outside of the County strictly for the purpose of circumventing this policy. Staff are responsible for ensuring that any County email that exists on their personal accounts (e.g. on non-County IT systems) is cleansed from that system to correspond with the County's retention period. Since service provider retention policies are typically beyond the control of their customers, use of these non-County systems for County electronic correspondence is discouraged. When one of the necessary and intended parties of the correspondence uses such a system, this is naturally unavoidable.