



Email Records Policy

Purpose. Electronic mail (email) has become a ubiquitous service that greatly enhances communication internally at the Ohio Department of Agriculture (ODA) and with the public at large. However, keeping all email received and sent by ODA is costly and subjects ODA to large legal risks in the event of litigation. Accordingly, this policy establishes the default retention roles and responsibilities for implementation, including management of litigation holds. This policy applies to all email systems provided or funded by ODA, all users and account holders of ODA email accounts, and all emails sent or received by the ODA email system.

Transitory Messages. Most email is created primarily for routine communication or information exchange, i.e., not public records as defined by ODA Public Records policy. These messages should be considered transitory messages that do not have lasting value (as defined below) and should be:

- a) Read and promptly deleted; or
- b) Read and retained on the active server for no longer than the default retention period (defined below) or until their usefulness has ended (whichever occurs first), and then promptly deleted; or
- c) Read and moved off the active server when job requirements necessitate retention for periods longer than the default period, and then promptly deleted when their usefulness has ended.

Examples of transitory messages are:

- a) Notices about meetings or events;
- b) Internal requests for information; or
- c) An inquiry about scheduling issues, announcements, or spam email.

Lasting Value Messages. When the contents of an email exhibits one or more of the following characteristics, it should be classified as having lasting value:

- a) Has operational value (required by a department to perform its primary function);
- b) Has legal or evidential value which is required to be kept by law, such as a litigation hold or internal investigation;
- c) Has fiscal value (related to the financial transactions of ODA, or information required for financial reporting and audits);
- d) Has historical significance (documents past events or significant historical events);
- e) Has vital value (critical to ensure operational continuity after a disruption or disaster).

Messages, records, and information with lasting value must be retained in accordance with current record retention schedules, or if necessary longer than that until their usefulness has ended. Current retention schedules can be found at <http://apps.das.ohio.gov/rims/General/General.asp>.

Since the email system is not designed to be a record retention or document management system, email that has lasting value should be i) moved to dedicated storage on the department/office networked file systems with pre-assigned retention periods; and ii) **not** stored within the individual users' email folder or files. **This is particularly true for emails with documents or other attachments.**

Responsibility for Retention of Messages with Lasting Value. The burden of determining whether a specific message has lasting value should fall to the department or office responsible for that particular class or series of records, and **typically the originator or custodian of those records.** Other recipients, such as those cc'd or bcc'd on emails, should not retain messages longer than required for their respective job purposes. "All Agency" or other emails sent to listservs, if considered of lasting value, should be retained by the sender and no other



individuals. When that need no longer exists, the information should be destroyed. Any questions about proper classification regarding a specific email should be referred to the employee's manager or department chair. All employees and their supervisors should understand any applicable laws which require retention beyond the default retention period, including but not limited to the Fair Labor Standards Act and Occupational Safety and Health Administration.

Default Retention Period. ODA email accounts will be configured to **automatically archive messages retained for more than 6 months on active email servers**. This archive policy applies to messages within all folders (inbox folders, sent file folders, draft file folders, etc.) stored on active email servers. ODA email accounts will also be configured to **automatically delete messages retained for more than two years in archive**, except for emails of the senior staff, which will be automatically deleted after four years. This deletion policy also applies to non-active account information of employees who have separated from ODA, and such information has been stored on CD or other media storage.

Litigation Holds. When litigation is pending or threatened against ODA or its employees, the law imposes a duty upon ODA to preserve all documents and records that pertain to the issues. A litigation hold directive must be issued to the legal custodians of those documents. Receipt of a litigation hold directive overrides this email policy, as well as any record retention schedules that may otherwise call for the transfer, disposal or destruction of relevant documents until the hold has been cleared. No employee who has received a litigation hold directive may alter or delete an electronic record that falls within the scope of the hold. Email and accounts of separated employees that have been placed on litigation hold must be maintained by the Information Technology office until the hold has been released.

Revisions. This policy is subject to revision in response to changes in policy or ODA initiatives.

Issue Date: June 2013

