



City of Fort Bragg

Administrative Regulation No. E-4

E-MAIL RETENTION POLICY

I. OBJECTIVE

This Administrative Regulation governs retention of e-mail, or electronic communication, that is created, sent, received, forwarded, edited, stored, or otherwise used by means of City electronic information resources of any kind, including, but not limited to, computers, computer networks, software, personal data assistants, and any other electronic data systems or equipment ("City E-mail"). This policy applies to City E-mail of City officials, officers, employees, volunteers, and contractors. City E-mail may consist of correspondence and other documentation which may constitute official City records subject to the requirements of the California Public Records Act ("CPRA"), the City's Records Retention Schedule and the laws and regulations governing it, and other laws and regulations that apply to public agency information.

City E-mail and City E-mail systems are intended to be a medium of communication. City E-mail and City E-mail systems are not intended to be, and may not be, used for the electronic storage or maintenance of permanent official City records.

II. PROCEDURES

1. Persons subject to this policy are responsible for determining whether City E-mails created, received, or used by them should be retained as permanent official City records. Typically, City E-mails that contain substantive information concerning City policies, decision-making, proceedings, projects, or contractors, or that may later be important or useful for carrying out City business should be retained as permanent official City records in accordance with this policy. Such records must be retained in accordance with this policy and the City's Records Retention Schedule.
2. Persons subject to this policy are responsible for determining whether City E-mails that should be retained as permanent City records should be stored in hard copy or electronic form. Permanent City electronic records are subject to disclosure in electronic form in accordance with the CPRA. Typically, only City E-mails intended for later editing, incorporation in other documents or electronic transmissions should be stored electronically. Such City E-mails must be individual personal folders in Outlook and deleted from the City E-mail system. All other City E-mails that should be retained as permanent City records should be printed and filed in the appropriate City file and deleted from the City E-mail system. The City Clerk is available to assist persons subject to this policy in determining which City E-mails should be retained as permanent City records and how, and to address other questions concerning the application of this Administrative Regulation.
3. Persons subject to this policy should generally determine whether City E-mails created, received, or used by them should be retained as permanent City records within ten working days of creation, receipt, or use of the City E-mail. Because City E-mails and E-mail systems may not be used for permanent storage of City records, City E-mails are generally deemed pursuant to this policy to constitute preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the City in the ordinary course of business and that are, therefore, exempt from disclosure pursuant to the CPRA. However, City Department Heads and the City Clerk are responsible for determination concerning disclosure of City records, including City E-mails, in response to requests pursuant to the CPRA, subpoena, or court order.

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4. When the City receives a request for disclosure of City records that applies to City E-mail, the person responsible for the covered records must, using his/her best efforts and by any lawful means available, preserve any City E-mail covered by the request until it is determined whether the City E-mail is subject to retention and/or disclosure. The City Clerk must be contacted concerning any request for disclosure of City records that applies to City E-mail in the possession of persons subject to this policy.
5. Persons subject to this policy are responsible for managing City E-mail and City E-mail systems used by them in accordance with this policy. Persons subject to this policy should regularly review their mailboxes or folders that contain City E-mails and delete City E-mails that are not required to be kept by law or this policy, or that are unnecessary or inconvenient for the discharge of official City duties or the conduct of City business, or that are otherwise no longer needed in accordance with this policy.
6. Persons subject to this policy should bear in mind the following design features of the City electronic information systems that relate to City E-mails:
 - a) The systems administrator performs an electronic back up of the City's E-mail system each evening. The back up is a "snap shot" of the data contained in the City E-mail server at the end of each business day. The back up is not a copy of all City E-mail activity that occurred on the City E-mail server that day.
 - b) The systems administrator maintains back ups for no longer than three weeks before they are overwritten. Back ups are not permanent City records. The sole purpose of back ups is to provide a means of complete server recovery in case of a system failure.
 - c) The systems administrator has established a City E-mail management system that automatically removes City E-mails that are more than thirty days old and that are contained in Deleted Items or Sent Items folders. The City E-mail management system also automatically removes City E-mails that are more than three months old and are contained in Inbox folders.

III. RESPONSIBILITY

1. It is the responsibility of each employee to follow the procedures outlined in the Administrative Regulation.
2. It is the responsibility of the City's system administrator to develop and implement a program for backing up the City's E-mail system, and purging City E-mails according to this Administrative Regulation.

IV. DEFINITIONS

1. "Official City Records" are identified as: 1) E-mail created or received in connection with official public business; 2) E-mail that documents the formulation and implementation of policies and decisions; or 3) Messages that initiate, authorize, or complete a transaction of official public business.

Approved by City Manager

Linda Ruffing
(Signature)

4-29-10
(Date)

Made a part of the City's Administrative Regulations
binder and distributed to all City staff

5-12-10
(Date)