

# MSU

# **Guidance for Electronic Mail Records**

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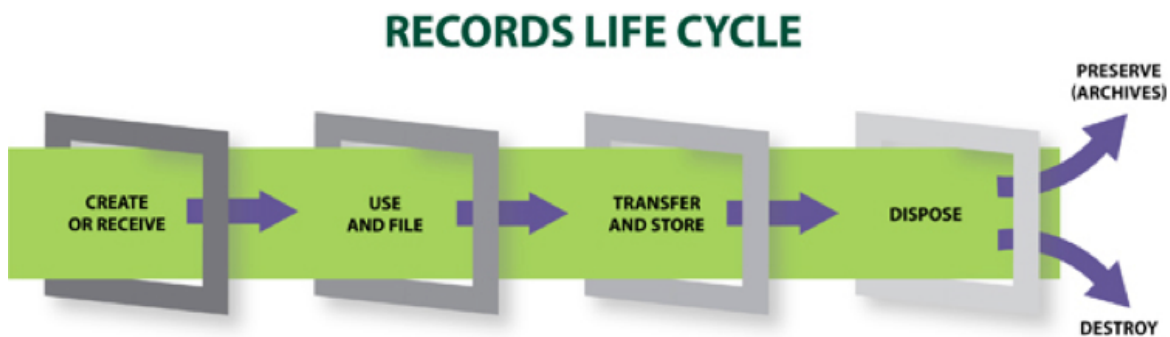
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# INTRODUCTION TO RECORDS MANAGEMENT AND EMAIL

## What is Records Management?

**Records Management** is the systematic control and management of records in all formats and media through the records lifecycle.



Records are found in electronic communications such as electronic mail (email), chat transcripts, voicemail files, and text messages. Communications of this sort can be very casual in nature. Because of this casual nature, these records are potential targets for FOIA/Open Records Requests and litigation holds. Electronic communications, just as paper records, should be managed through their entire records lifecycle in accordance to state and university policies.

As a university employee you should consider why you are creating a message, and whether it needs to be created. In other words, are you using the best tool to communicate with? Would a meeting or phone call be a better use of resources?

### Examples of Official Records include:

- Policies and directives
- Correspondence related to official business
- Work schedules
- Meeting agendas and minutes
- Any document that initiates, authorizes, or completes a business transaction
- Reports
- Tenure documentation
- Admission documentation
- Search and screen documentation

## What is email?

Electronic messaging (email) is a method of delivering and receiving electronic mail. Just as you receive physical mail in your mailbox at home, electronic messages that you receive in your university email box may be considered records.

### Email messages include the following elements:

- Textual Message (this is the main message)
- Metadata (To, From, Subject, Date, Time, System, etc.)
- Attachments

These three elements together (Textual Message, Metadata, and Attachments) may comprise a record.

Electronic communications may be records and may also fall under the definition of public record:

*A **public record** is a writing prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function, from the time it was created. (M.C.L. 15.231-15.232)*

Public records include all materials, **regardless of their physical form or characteristics** (Michigan Administrative Guide to State Government, 0910.10 – May 17, 2012).

# EMAILS AND SOCIAL MEDIA

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## Are emails records?

**Electronic communications are considered records if they are needed to substantiate your work at the university.**

Any record created, received, or maintained for university business is a record regardless of its format. Email is a format; what is important is the content of the email – what the email contains or what it says.

Consider all the official business that is conducted now with email, including: job offers, salary negotiations, contract negotiations, travel authorizations, university acceptance/rejection notices, and even important policy negotiations.

It's important to evaluate each email individually to determine if its content qualifies it as a university record.

Electronic communications are preserved or are appropriate for preservation as evidence of university functions, policies, decisions, procedures, operations, or other activities of the university, or because of information value and content of the data they contain.

## **Are social media messages — such as Instant Messaging (IM), Twitter or Facebook — considered public records?**

**Possibly, in certain circumstances these messages are similar to email and may constitute a record.**

The determining factor will be the information contained in the message. For instance, if any form of social media is used to make an offer of employment, it is a public record. If a form of social media is used to notify students of an emergency or disaster situation on campus, it is a record.

It may be necessary to transcribe or capture the message in another format. Since users may be uncertain how to preserve or maintain social media records, it may be best to transfer the information conveyed into another electronic format, such as an ASCII file or Word document, or to print out the message sent by a university office.

When transferring any information, it will be imperative to capture any transmittal information – such time/date stamps and send/receive headers and footers – this information will make the printout or copy valid.

Electronic communications such as email, chat, and text are extremely useful tools: They are quick, easy to use, and provide us with an instant record of a transaction which a telephone conversation or face-to-face meeting does not provide.

**You should continue to use electronic communications such as email for a wide range of transactions, including:**

- Sending small documents or links to documents to recipients instead of paper copies through the mail.
- Sending information.
- Requesting information.
- Arranging appointments and meetings through the calendar option.

**However, the following issues are vital and should always be kept in mind:**

- Be very careful about sending personal or sensitive information by email.
- Be careful how you write emails. Always be courteous and write in a business tone.

# USING EMAIL FOR OFFICIAL BUSINESS TRANSACTIONS

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## What are some things to consider when using email for university business?

1. Before creating an email, consider if this method is the correct communication tool for the task. Is email the right tool to use? If the subject of the transaction is sensitive or confidential, a phone call or a face-to-face discussion may be a better vehicle for the transaction.
2. Do **not** use email to send or transmit confidential or sensitive information or data.

Refer to MSU's policy on "Appropriate Use of MSU Email Services" at [vplits.msu.edu/guidelines-policies/appropriate-use-of-msu-email.html](https://vplits.msu.edu/guidelines-policies/appropriate-use-of-msu-email.html).

There is also a helpful FAQ regarding appropriate use of MSU email at [vplits.msu.edu/guidelines-policies/appropriate-use-of-msu-email-faqs.html](https://vplits.msu.edu/guidelines-policies/appropriate-use-of-msu-email-faqs.html).

3. Use a professional tone and language in creating an email message. Do not create an email that you wouldn't want to be read by the public.
4. Email may not be used as a substitute for an open meeting.
5. Email used for official business must be maintained in accordance with MSU Records and Retention Schedules. Please remember there will be no one schedule for email since email is judged by content and not format.

For example, if an email is used to offer employment to an applicant, that email is considered a Personnel Record, and will become part of the Employee's Personnel File.

If an email is used to convey a new or updated policy to MSU employees, then that email becomes an Administrative Policy Document.

Please remember that not all email is considered a Correspondence Record. A great deal of email may be correspondence depending on the type of work an employee does. However, email can easily be other forms of records.

# EMAIL MANAGEMENT

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## Who is responsible for managing email records?

**Users are responsible for management of their email messages. Good management means organizing messages and disposing of them properly according to the university records policies.**

“Users” are defined as any university administrator, employee, faculty, or student who uses university-owned software to create, send, and receive email.

MSU allows its users to evaluate and determine the nature of the emails they produce or receive. This allows MSU employees a great deal of freedom in using email and in determining the record status and value of their own emails. However, this puts a great deal of responsibility on users to understand and manage their email.

## What are some suggestions for organizing email?

Categorizing and organizing email so that it is accessible at a later date is a challenge. As the volume of email increases, so does the difficulty of this task.

**Simply leaving incoming messages in an inbox and outgoing messages in a sent folder is inefficient.** In addition, some systems are set up to automatically delete messages from these folders after a set period of time. This means key messages could be deleted without user input or knowledge.

**It is recommended that you manage both your inbox and outbox messages.** The reason for this recommendation is that both sender and recipient of email messages have the responsibility to document their activities and those of the university. Both the sender and the recipient have to determine whether a particular email message is a necessary part of that documentation.

## How is an email inbox like a physical inbox?

**An email inbox is like an inbox on a desk because what comes in, should always go out by either being deleted or placed in a folder.**

**Think about your computer and email application like a correspondence file in a filing cabinet.** Start with setting up a standardized filing system (labels, arrangement, and order) to store your messages so that you can efficiently retrieve documents to use the information or make decisions. Think about how you need to access and retrieve the information. Naming your electronic files

with consistent naming schemes is important to be able to access and retrieve information in a timely way to answer requests or take action as a part of daily workflow.

**One suggestion in creating file folders is to use a simple scheme of three or four folders based on the time you need to take action on emails that are records.**

In this scheme, whenever a user opens an email message and does not take immediate action on the item, they file the email in one of four folders:

- Immediate Action (Requiring an answer within 24 hours)
- Short-Term Action (Requiring an answer within 2 weeks)
- Long-Term Action (Requiring an answer within 2-4 months)
- Archive Emails (Need to retain for longer than 1 year - usually policy or personnel emails)

Within each of the four folders above, users can create sub-folders to further organize their emails. Filing emails by this time-oriented folders allows users to prioritize emails and also allows users to identify and delete emails once they have been successfully answered.

**University Archives and Historical Collections strongly suggests each user create an email folder structure.** The worst-case scenario is when a user does not manage any emails and only uses the inbox to answer and track emails. This can make it extremely difficult to find messages, clean up old messages, and can lead to a loss in productivity.

Creating folders is usually very easy in most email clients and programs.

Once a folder structure has been chosen it should be used and applied consistently for easy access, retrieval, and queries for information.

**A good folder structure also allows for quick, efficient identification of records that are ready for destruction.** If the folders are subdivided by year, and labeled according to MSU Records Retention Schedules, then records can quickly be evaluated for disposal or preservation. If a folder structure is not in place, then the user has to periodically sift through volumes of email to determine which emails can be disposed and which should be saved, wasting valuable time and leading to unintentional errors and destruction.



# HANDLING EMAIL RECORDS

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## What types of email records need to be saved and for how long?

Email management is user driven, so it is up to the user to manage email appropriately and according to university policies.

### In general:

- Approximately 50% of email will be designated as non-records.
- Approximately 25% will be of a transitory nature.
- Approximately 15% will be of a routine nature.
- Approximately 10% or less will be governed by the appropriate records schedule according to what the content of the email is.

The key to management of email is to delete non-records and manage any routine or transitory records per the General Retention Schedule for Business Communications.

*Refer to Appendix 1: Email Record Decision Tree on page 14.*

## Non-Records

**If email is considered a Non-Record, delete the email outright.** This is like sorting through mail at home, where you would throw away advertisements, but would keep bills.

### Examples of Non-Records include:

- Duplicates (Duplicates records are maintained by a University employee only for convenience or reference and for no other substantive purpose.)
- Unsolicited notices or invitations (Unsolicited notices or invitations received by a university employee, which are not related to any official action taken, proposed, or considered by the Michigan State University.)
- Drafts, notes, and preliminary computations
- Personal correspondence (Personal materials that are purely the personal property of a university employee and that have no relation to his or her office. Examples would be messages from family members, invitations to lunch, photographs from friends or family, jokes or humorous images, information on fantasy sports leagues, and shopping coupons or offers.)

## Transitory and Routine Records

Users may receive messages that contain important information that they do not need to take action on – these are called Transitory or Routine Records. These emails will need to be kept simply for informational purposes for a short

period of time then can be deleted. They would be considered records for the creator or office that sent out the information, but not for the recipient.

**Examples of Transitory and Routine Records include:**

- Notices of training opportunities
- Meeting notices
- Construction notices or Physical Plant alerts
- Human Resources announcements on open enrollment for benefits
- Informational newsletters on office/unit events
- Requests for holiday schedules
- Reminders to renew parking permits or professional credentials

# EMAIL PRINTING PRACTICES

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## Should I print my emails?

MSU has a university-wide initiative to create a paper-sparse environment, so the Records Management Program does not encourage the printing of emails nor the retaining of email content in a paper format.

MSU offers robust technology services for students, faculty, and staff. The MSU community should feel confident in retaining their email in electronic format.

However, if any student, faculty, or staff feels the need to print out emails, especially in response to a request for public information or for litigation, please follow these guidelines:

1. Always print the email header and footer. The information contained in the header and footer of emails is the information that makes printed emails valid and admissible in court. Without that information, the printed email cannot be considered a true representation of the email. For instance, printing only the text of an email message will not suffice.
2. Always expand the printing options to include all recipient email addresses. Current email programs disguise email recipients or uses aliases, but this will not work with printed email. A printed email must list all recipients - including Blind copy recipients under the “Bcc” option.
3. Do not delete any text, whatever the reason, as this invalidates the integrity of the email. Also, do not delete any photos, artwork, or other files imbedded in the email. It might make sense and save paper to delete such items, but doing so again invalidates the integrity of the email. Any printed email must be an exact iteration of the email in electronic format.

4. Always print out any attachments included with the email. This includes signature files that sometimes are used as attachments rather than email text. For printed emails to be valid, they must include all attachments and all embedded photos or artwork.
5. If the emails are part of a thread, print all copies of the thread even if they are contained in separate emails.

## INFORMATION RETENTION

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### How much email should I keep?

#### **Retaining all email is not a good records management practice.**

MSU employees are responsible for good records management practices for all records they create, which include email. Disposition and retention play an important role in management of our university records.

#### **There needs to be a commitment to the MSU Records Retention Process.**

There should be good, well-considered reasons why your office would retain records past their final disposition date – including email.

**Keeping everything could be detrimental.** Using the MSU Records Retention Schedule for email records in the normal course of business reduces the amount of records liable to legal holds or records discovery that might occur due to litigation. This is commonly referred to as e-discovery.

If you haven't deleted email records in accordance to the schedule, you are **still** required to produce the email for an open records request, litigation, or audit which may have associated consequences for not following the records retention schedule.

**Keeping everything means you have to make it available.** When all emails are kept, then all emails must be made available for any litigation research or discovery, open records requests, and even internal business research.

Keeping copies of personal email, non-record email, and even outdated or superseded business emails means that these emails could be open to searching and reading by other employees in the course of normal business. Also, since MSU is a public institution, these emails could be available for disclosure under public records requests even though they are not university records.

**Keeping everything is expensive.** Following the MSU Records Retention Schedule frees up server space reducing risk and the cost for storage of email records.

**The less email you keep means there is less email to manage and track**

Following the schedule also reduces searching and retrieval times and eliminates risk of lost or misfiled information.

## BACKUPS AND EMAIL

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### What's the difference between backup and storage?

**Backups of email are for business continuity or disaster recovery only and are not kept for record keeping purposes.**

Your IT department should physically expunge or purge backup media, and this should happen in compliance with a routine schedule. Backup media are designed to recover a system in the event of a catastrophe or incident that renders data irretrievable. When a new backup is run, the earlier versions should be overwritten, destroyed, or otherwise rendered unusable.

**Do not depend on routine IT backups to be your email archive.**

It is time-consuming and frequently expensive for IT departments to recover routine email from backup tapes. Also, many IT managers won't recover individual emails from backup tapes unless there is a litigation reason or local disaster.

As stated above, backup media are routine overwritten after specific time periods. If you delete or destroy email from your work systems on schedule, don't worry that backup copies will linger. These backup copies will be overwritten, usually within the space of one work week if not sooner.

**Don't confuse "storage" with "backup."**

When you store your email messages outside of your standard email system, this is not considered a backup. A backup is a copy of all your current email (or any electronic file) at a specific time.

When you use a process or method to store your active and inactive email in another format – PST files, Word files, or even a cloud storage program, you should be applying records management rules to your files. In other words, you should not store everything off line, just those emails (or files) you need to conduct university business. Your storage should be selective and relevant. Backups are an IT process that normally you should not have to worry about.

# PUBLIC RECORDS REQUESTS FOR ELECTRONIC COMMUNICATIONS

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## What happens in a request for public information?

**Emails generated for MSU business are considered public records and are covered by requests for public information.**

If you receive an open records request for records contained in your email system, you are obligated to respond to it in the same fashion that you would a request for paper records.

**Please contact Administrative Legal Services if you receive a request for records, or follow established office policies for handling such requests. Do not attempt to answer a request for public information on your own.**

## Legal Requests for Electronic Communications

**As with public records requests, MSU emails are also subject to legal requests and litigation holds.** If you requested to put a legal hold on any email, electronic communication, or electronic file, that means you may not destroy, alter, or manipulate these records until the legal hold is lifted. Any records destruction or alteration of records under legal hold may lead to legal action against the MSU employee and the university.

In the past, judges have ruled that any non-business email on publically owned equipment (MSU-owned PCs and servers) could be considered for litigation and legal holds. This means that personal, non-MSU records stored on your computer could be made available to legal requests. Such emails could prove damaging or embarrassing to the university and make employees vulnerable to legal action.

**It is imperative that each MSU employee:**

1. Be careful what they say in emails sent from university-owned equipment.
2. Destroy personal and non-university records immediately or as quickly as possible.

# ARCHIVING AND PRESERVING EMAILS

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## What are some long-term email archiving options?

Managing email and electronic communication is a shared responsibility among the record creator, information technology staff, campus administration, and the University Archives.

Long-term preservation of emails presents special problems as there is no one reliable model of process to preserve emails permanently. MSU staff are working on guidelines for the preservation of emails that will be available in the future. Currently, there are several long-term options to preserve emails, but no one preferred way to archive and preserve emails at MSU.

**A simple solution to preserve email correspondence is to print emails.** To do this the user must print the header and footer information, not just the email text. Also the user must print the full recipient name (or list) with full email addresses, not aliases or nicknames in this field. Lastly, any attachments must also be printed. To accomplish this, adjustments to email settings may be needed.

**Another option is to convert emails to PDF documents.** The rules here are the same for printing emails - the header, footer, and full recipient list must be displayed, and any attachments must also be converted to PDFs.

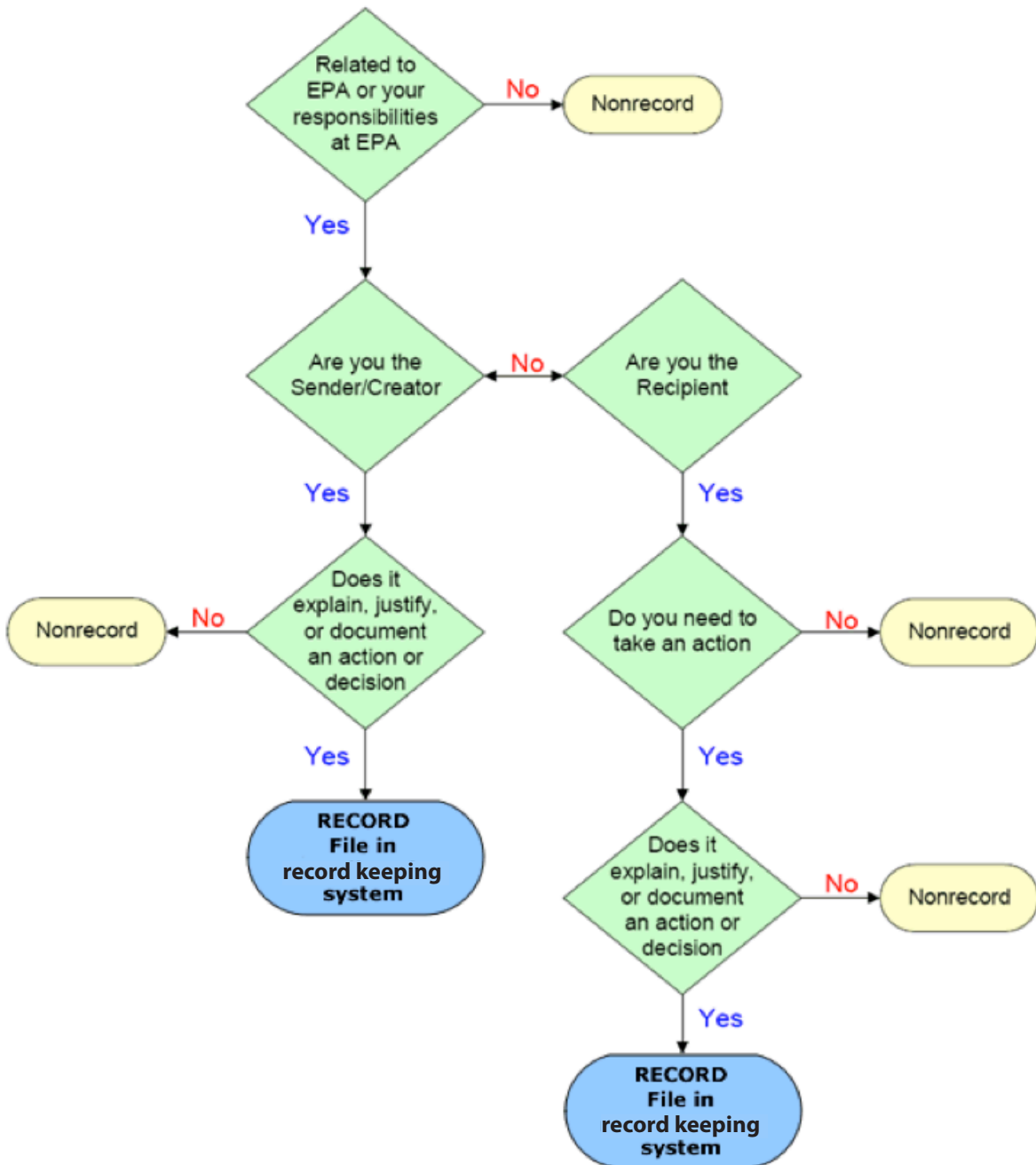
**A third option is to copy and convert emails to an electronic document (e.g., Word document, RTF file, other word processing format).** Again the basic rules apply: the full header and footer must be printed, any recipients must be fully displayed and all attachments must be copied and converted as well.

**Lastly, an option exists to convert emails to a PST file archive.** This is an option provided by Outlook where emails are converted from single files to one large, preserved file that can be accessed long term. The advantages to this system are that conversions can be automatically programmed by Outlook. Outlook stores the necessary header, footer, and recipient information and conversions can be performed on a periodic basis and stored on shared drives. The disadvantages are that retrieval can be tedious as the email records are stored as a list in no certain order. The PST files can also become quite large. Retrieval can take a long time and involve intensive user time to sort through a multitude of email messages.

# APPENDIX 1

## EMAIL DECISION MAKING TREE

How to decide if an e-mail is a record.



# APPENDIX 2

## MSU AND OUTSIDE RESOURCES

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**Michigan State University - Records Management Program:**

[archives.msu.edu/records](http://archives.msu.edu/records)

**Michigan State University - Vice Provost for Libraries and Information Technology Services — Guidelines & Policies:**

[vplits.msu.edu/guidelines-policies](http://vplits.msu.edu/guidelines-policies)

**State of Michigan Electronic Mail Retention Guidance:**

[michigan.gov/documents/E-Mail\\_Retention\\_Guidelines\\_126565\\_7.pdf](http://michigan.gov/documents/E-Mail_Retention_Guidelines_126565_7.pdf)

**State of Michigan FAQ about Email Retention:**

[michigan.gov/documents/hal\\_mhc\\_rms\\_email\\_faq\\_161101\\_7.pdf](http://michigan.gov/documents/hal_mhc_rms_email_faq_161101_7.pdf)