



Commonwealth of Virginia

E-Mail Management Guidelines

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LIBRARY OF VIRGINIA

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1. E-MAIL MANAGEMENT GUIDELINES STATEMENT

1.1 Scope

These guidelines establish the basic best practices related to the creation, maintenance, use, and disposition of public records created by all state and local government employees using electronic mail applications. E-mail records can include numeric, graphic, and text information, which may be recorded on any medium capable of being read by a computer and which satisfies the definition of a public record.

1.2 Purpose

To ensure that the Commonwealth's electronic mail records are retained economically and efficiently for as long as they have legal, fiscal, business, or historic value and that confidential information is protected while making all other electronic mail available to the citizens of Virginia.

1.3 Authority

These guidelines are issued by the Library Board under authority granted under *Code of Virginia* (COV) [§42.1-82](#) and [§42.1-85](#). The creation of regulations and guidelines for the management of public records is delegated to the Library of Virginia (LVA).

1.4 Definitions

Basic records management terms are defined by [COV §42.1-77](#). Unless otherwise cited, the following terms are defined in the *Code of Federal Regulations*, [36 CFR 1234.2](#). As used in these guidelines:

“Electronic mail system” is a computer application used to create, receive, and transmit messages and other documents. Excluded from this definition are file transfer utilities (software that transmits files between users but does not retain any transmission data), data systems used to collect and process data that have been organized into data files or databases on either personal computers or mainframe computers, and word processing documents not transmitted on an e-mail system.

“Electronic mail message” is a document created or received on an electronic mail system including brief notes, more formal or substantive narrative documents, and any attachments, such as word processing and other electronic documents, which may be transmitted with the message.

“Electronic record” means a public record whose creation, storage, and access require the use of an automated system or device. Ownership of the hardware, software, or media used to create, store, or access the electronic record has no bearing on a determination of whether such record is a public record. ([COV §42.1-77](#))

“Electronic record-keeping system” is an electronic system in which records are collected, organized, and categorized to facilitate their preservation, retrieval, use, and disposition.

“Metadata” means data describing the context, content, and structure of records and their management through time. ([COV §42.1-77](#))

“Migration” means the act of moving electronic records from one information system or medium to another to ensure continued access to the records while maintaining the records' authenticity, integrity, reliability, and usability. ([COV §42.1-77](#))

“Public record” or “record” means recorded information that documents a transaction or activity by or with any public officer, agency/locality, or employee of an agency/locality. Regardless of physical form or characteristic, the recorded information is a public record if it is produced, collected, received, or retained in pursuance of law or in connection with the transaction of public business. The medium upon which such information is recorded has no bearing on the determination of whether the recording is a public record. (COV §42.1-77)

“Receipt data” is information in electronic mail systems regarding date and time of receipt of a message, and/or acknowledgment of receipt or access by addressee(s).

“Transmission data” is information in electronic mail systems regarding the identities of sender and addressee(s), and the date and time messages were sent.

2. AGENCY AND LOCALITY RESPONSIBILITIES

The effort to develop and implement an e-mail management program is the responsibility of each agency or locality and involves a cooperative effort between LVA and agency/locality records management staff members, agency/locality administration, legal counsel, and information technology departments. The head of each agency or locality should ensure that the management of e-mail records incorporates the following elements:

2.1

Assigning responsibility to develop and implement an agency- or locality-wide program for the management of all e-mail records created, received, maintained, used, and stored; and notifying the LVA of the name and title of the person(s) assigned the Records Officer responsibility.

2.2

Integrating the management of electronic mail records with other public records and information resources management programs of the agency/locality.

2.3

Incorporating e-mail management in pertinent agency/locality directives and disseminating them throughout the agency/locality as appropriate.

2.4

Establishing policy and procedures for addressing e-mail records management requirements, including record-keeping requirements and disposition, before approving new electronic information systems or enhancements to existing systems.

2.5

Ensuring that adequate training is provided for users of electronic mail systems on record-keeping requirements, the distinction between public records and nonrecord materials, and moving or copying records for inclusion in an agency/locality record-keeping system.

2.6

Developing and maintaining up-to-date documentation about electronic mail record-keeping systems in use that is adequate to: specify all technical characteristics necessary for reading or processing the records; identify all defined inputs and outputs of the system; define the contents of the files and records; determine restrictions on access and use; understand the purpose(s) and function(s) of the system; describe update cycles or conditions and rules for adding information to the system, changing information in it, or deleting information from it; and ensure the timely, authorized disposition of the records.

2.7

Specifying the location, manner, and media in which electronic mail records will be maintained to meet operational and archival requirements.

2.8

Working with the LVA through the agency/locality Records Officer to develop any necessary agency- or locality-specific Records Retention & Disposition Schedules, and ensuring implementation of their provisions.

2.9

Establishing procedures to ensure that the requirements of this section are applied to electronic mail records that are created or maintained by contractors in the course of government business.

2.10

Ensuring compliance with applicable Commonwealth policies, procedures, and standards, which may include but are not limited to those issued by the Library of Virginia, the [Virginia Information Technologies Agency](#), the Virginia Department of Emergency Management, and the Virginia Department of Planning and Budget.

3. GUIDELINES FOR THE CREATION, USE, PRESERVATION, AND DISPOSITION OF ELECTRONIC MAIL RECORDS

3.1 Electronic Mail Systems

Agencies should manage public records created or received on electronic mail systems in accordance with the provisions of these guidelines and as described in the Virginia Public Records Management Manual and Records Retention & Disposition Schedules. Agencies should consider the following criteria when developing procedures for the maintenance of electronic mail records in appropriate record-keeping systems, regardless of format:

3.1.1

If the electronic mail system is not designed to be a record-keeping system, agencies must instruct staff members on how to copy public records from the electronic mail system to a record-keeping system. Record-keeping systems that include electronic mail messages must:

- A. Provide for the grouping of related records into classifications according to the nature of the business purposes the records serve;
- B. Permit easy and timely retrieval of both individual records and files or other groupings of related records;
- C. Retain the records in a usable format for their required retention period as specified by an LVA Records Retention & Disposition Schedule;
- D. Preserve relevant e-mails, regardless of their retention periods, if litigation has occurred or is reasonably expected to occur;
- E. Preserve the transmission and receipt data;
- F. Permit transfer of permanent records to the LVA; and
- G. Protect confidential information in e-mails from disclosure. Maintaining privacy-protected files separate from files that can be disposed of by less-expensive means is an option agencies/localities may want to consider.

3.1.2

Often e-mail is considered correspondence, which is covered under [General Records Retention & Disposition Schedule 101](#) for state agencies and [General Records Retention & Disposition Schedule 19](#) for localities. For public records that are not classified as correspondence, review the appropriate retention schedule to determine the applicable retention and disposition period. Agencies may elect to manage electronic mail records with very short-term LVA-approved retention periods¹ on the electronic mail system itself, without the need to copy the record to a paper or electronic record-keeping system, provided that:

- A. Users do not delete the messages before the expiration of the LVA-approved retention period;
- B. After an employee terminates, e-mail messages are retained according to appropriate record series on Records Retention & Disposition Schedules, subject to consideration of preservation for legal needs; and
- C. The system's automatic deletion rules are turned off to ensure preservation of the records until the expiration of the LVA-approved retention period.

¹ For example, records with short-term retention periods can include correspondence with a retention period of two years or less as described in Records Retention & Disposition General Schedule 101, Series 12018 and 12019, and General Schedule 19, Series 010038 and 010039.

3.1.3

Except for those electronic mail records within the scope of paragraph 3.1.2 of this section, agencies must not use an electronic mail system to store the record-keeping copy of electronic mail messages identified as public records unless that system has all of the features specified in paragraph 3.1.1 of this section.

3.1.4

Agencies that maintain their electronic mail records electronically should move or copy them to a separate electronic record-keeping system unless their system has the features specified in paragraph 3.1.1. Because they do not have the features specified in paragraph 3.1.1 of this section, backup tapes should not be used for record-keeping purposes. Agencies may retain public records from electronic mail systems in an off-line electronic storage format (such as optical disk or magnetic tape). Agencies that retain permanent e-mail records scheduled for transfer to the LVA should maintain the ability to convert the records to the format and medium required at the time transfer is scheduled.

3.1.5

Agencies that maintain paper files as their record-keeping systems should print their electronic mail records and the related transmission and receipt data specified by the agency.

3.1.6

Rather than using the AutoArchiving function, an automatic process that if turned on within the electronic mail system takes place at regular intervals, users should set aside time to clean up mailboxes and archive appropriate folders manually.

3.2 Guidelines for Managing Electronic Mail Records

Agency/locality instructions on managing electronic mail messages will address the following unique aspects of electronic mail.

3.2.1

There are several acceptable methods of archiving e-mail communications:

- A. Storing e-mails within an electronic mail system. Because of mailbox size limitations in most organizations, e-mails should only be stored within electronic mail systems temporarily. In addition, if this method is in use, e-mail accounts must not be deleted until a supervisor certifies that all public records in the e-mail accounts have been transferred to another record-keeping system or that any retention periods have passed and there is no litigation, audit, investigation, or request for records pursuant to the Virginia Freedom of Information Act ([§2.2-3700](#) et seq.).

(i) Advantages of this method:

- a. Uses existing interface
- b. Easy for end user to manage
- c. Available via Outlook Web Access (OWA)

(ii) Disadvantages associated with this method:

- a. Not a records management tool (no global search capabilities)
- b. Inadvisable long-term strategy from Microsoft
- c. Increased costs (server, storage, backup, etc.)
- d. Reliance on end user to adhere to policy

- B. Creating folders that are stored outside of the mailbox but can be viewed using the e-mail client. If e-mail is stored on a shared drive, proper and regular backup procedures must be in place.

(i) Advantages of this method:

- a. Uses existing technology
- b. Familiar, easy for end user to manage

(ii) Disadvantages associated with this method:

- a. Not a records management tool (no global search capabilities)
- b. Reliance on end user to adhere to policy

- C. Storing, accessing, and managing e-mail messages and other electronic records using an Enterprise Content Management (ECM) system, such as IBM FileNet.

(i) Advantages of this method:

- a. Enables global search and access to all retained messages
- b. Potential to capture e-mail, calendars, contacts, tasks, and notes
- c. Reduces reliance on end user through allowing for automated, rules-based capture of e-mails
- d. Automates and enables selective retention and disposition
- e. Allows users to meet mailbox size quotas and retention periods

(ii) Disadvantages associated with this method:

- a. Onetime and ongoing costs associated with software
- b. Requires additional technology and administrative resources (servers, storage, and support staff)

- D. Printing e-mails along with any transmission and receipt data and maintaining them in a manual filing system.

(i) Advantages of this method:

- a. No additional technology costs
- b. Each agency/locality defines, controls, and manages their own requirements based on LVA guidelines

(ii) Disadvantages associated with this method:

- a. Potential for high administrative costs
- b. Storage costs (facilities, smokeproof/fireproof containers, etc.)
- c. Security and authenticity considerations
- d. Manual processes rely on user adherence to established processes and result in high error rate

3.2.2

Complete e-mail records, whether maintained in electronic or paper format, must include the following transmission data elements and other metadata in order for the context of the message to be understood (see Section 3.2.1 D for risks of managing electronic mail messages in paper format):

- A. Names and e-mail addresses of recipients, including names and addresses of all members of distribution lists

(i) Agencies that use an electronic mail system that identifies users by codes or nicknames or identifies addressees only by the name of a distribution list should instruct staff on how to retain names on directories or distributions lists to ensure identification of the sender and addressee(s) of messages that are public records.

B. Name and e-mail address of sender

C. Time and date that the e-mail was sent

(i) Agencies that use an electronic mail system that allows users to request acknowledgments or receipts showing that a message reached the mailbox or inbox of each addressee, or that an addressee opened the message, should issue instructions to e-mail users specifying when to request such receipts or acknowledgments for record-keeping purposes and how to preserve them.

D. Subject line that describes the content of the e-mail

E. Text in the body of the e-mail

F. Attachments, if applicable

3.2.3

Some e-mail systems provide calendars and task lists for users. These may meet the definition of a public record and are to be managed in accordance with the provisions of LVA Records Retention & Disposition [General Schedule 101](#) for state agencies or [General Schedule 19](#) for localities, Series 100308 and 100309 or Series 010027 respectively.

3.2.4

Draft documents that are circulated on electronic mail systems may be public records if they meet the definition of such records in the Virginia Public Records Act as cited in the definitions Section 1.3 of these guidelines and are retained according to LVA Records Retention & Disposition [General Schedule 101](#) for state agencies and [General Schedule 19](#) for localities.

3.3 Judicial Use of Electronic Mail Records

E-mail records are also subject to the same legal requirements regarding access as other public records, and requests for e-mail records must be honored in the same manner as other records. E-mail records, like all other public records, must remain accessible during their entire retention period and should be maintained in a manner that permits efficient and timely retrieval.

Electronic records may be used in federal or state court proceedings ([Federal Rules of Civil Procedure, Rule 34](#); [Federal Rules of Evidence, Rule 803 \(8\)](#); and [Rules of the Supreme Court of Virginia, Rule 4:9](#)) if trustworthiness is established by thoroughly documenting the record-keeping system's operation and the controls imposed on it. Agencies should implement the following procedures to enhance the legal admissibility of electronic records:

A. Develop a standardized system of document naming and filing, along with planning for indexing and retrieval points, which will assist an agency or locality in maintaining the accessibility of all e-mail messages throughout the required retention period.

- B. Ensure that security procedures prevent unauthorized addition, modification, or deletion of an e-mail record.
- C. Identify the electronic media on which e-mail records are stored throughout their life cycle, the maximum time span that records remain on each storage medium, and the LVA-approved disposition of all public records.
- D. Coordinate all of the above with legal counsel and records management staff members.

3.4 Retention of Electronic Mail Records

Agencies should establish policies and procedures to ensure that electronic mail messages and any attachments are retained as long as required by the Commonwealth. These procedures should include provisions for:

- A. Applying Records Retention & Disposition General or Specific Schedules approved by the LVA.
- B. Transferring archival electronic records and any related documentation and indexes to the LVA at the time specified by the Records Retention & Disposition Schedule. Transfer may take place at an earlier date if convenient for both the agency/locality and the LVA.
- C. Establishing procedures for regular migration (recopying, reformatting, and other necessary maintenance) to ensure the retention and usability of electronic mail records throughout their authorized life cycle.

3.5 Disposition of Electronic Mail Messages

Electronic mail messages may be destroyed only in accordance with a Records Retention & Disposition Schedule approved by the LVA. If the records in the record-keeping system are not scheduled, the agency/locality Records Officer must work with LVA Records Analysts to develop or revise a Records Retention & Disposition Schedule. At a minimum each agency/locality should ensure that:

- A. Electronic mail records scheduled for destruction are disposed of in a manner that ensures protection of any sensitive, proprietary, or critical infrastructure information and that all duplicate copies, which may reside on servers or backup tapes, are also destroyed.
- B. Procedures that specifically address the proper destruction of e-mail are established and implemented.
- C. Destruction of e-mails that are records is reported to LVA via a [Certificate of Records Destruction \(RM-3 Form\)](#). ([COV §42.1-86.1](#)) LVA Records Retention & Disposition Schedules indicate whether or not disposal reporting on RM-3 forms is required. Transitory records, records with little or no documentary or evidential value and that need not be set aside for future use, may not need to be reported on an RM-3 form.
- D. There is no litigation, audit, investigation, request for records pursuant to the Virginia Freedom of Information Act ([§2.2-3700 et seq.](#)), or renegotiation of the relevant Records Retention & Disposition Schedule pending at the expiration of the retention period for the applicable records series. ([COV §42.1-86.1](#))