

Policy Governing the Retention of Electronic Mail (E-mail)

Section I: Records Retention

The County College of Morris (“College”) is required to retain government records as defined in New Jersey public records statutes for the retention period and retention schedule established by the State Records Committee. The public records retention requirements apply to government records produced in electronic mail (e-mail) form.

Section II: Scope

In order to comply with the statutes and regulations governing retention of public records, this policy establishes the process to be followed by employees that use the College’s electronic mail system to create, receive, transmit, and retain information in the course of the conduct of the official business of the College. This includes full time and part time employees, temporary employees, and contracted personnel.

Section III: Legal Requirements

The New Jersey Open Public Records Act (OPRA), P.L. 2001 c. 404 (N.J.S. 47:1A-1.1) defines a “government record” or “record” as;

“...any paper, written or printed book, document, drawing, map, photograph, microfilm, data processed or image processed document, information stored or maintained electronically or by sound recording or in a similar device, or any copy thereof, that has been made, maintained or kept on file in the course of his or its official business by any officer, commission, agency, or authority of the State or of any political subdivision thereof, including subordinate boards thereof, or that has been received in the course of his or its official business by such officer, commission, agency, or authority of the State or of any political subdivision thereof, including subordinate boards thereof. The terms shall not include inter-agency or intra-agency advisory, consultative, or deliberative material.”

All electronic mail (e-mail) that meets the criteria of the definition of a government record per N.J.S. 47:A-1.1 must be made available to the public upon request under the Open Public Records Act (OPRA) during the required retention period, unless the content of the message falls under one of the exceptions contained in OPRA or as otherwise provided by law such as in any other statute, regulation, executive order by the Governor, rule of court, or federal law, regulation or order.

Any electronic mail message that falls within the statutory definition of a government record whether it is subject to access by the general public or not, must be retained according to records retention and disposition schedules approved by the State Records Committee. No government record may be destroyed without prior consent of the Division of Archives and Records Management of the Department of the State and the State records Committee, even if the retention period for a record has expired.

Section IV: Retention Requirements

Electronic mail that is considered an official college government record is to be printed to paper, with its contextual information and attachments in place, and filed within the employee's and/or office paper filing system for retention in accordance with the approved records retention and disposition schedule.

Section V: Managing Electronic Mail

Electronic mail is often widely distributed to a number of recipients. Determining which individual maintains the "official" copy of the governmental record is vital to electronic mail management. Generally, the individual who sends an electronic mail message and the primary recipient(s) ("To" not "CC") should retain the electronic mail message as required by this policy.

Only those electronic mail messages that meet the definition of a government record are to be retained. For the purposes of this policy, there are non-governmental electronic mail messages and three categories of official governmental electronic mail messages.

Non-Governmental Record Electronic Mail Messages

Electronic mail messages that do not meet the statutory definition of a governmental record are not subject to this policy. These types of messages include:

- a. Personal electronic mail not received or created in the course of College business.
- b. Electronic mail received or created by members or officers of a bargaining unit in the course of conducting the internal activities and business of the bargaining unit and not received from or directed to a College employee outside the bargaining unit.
- c. E-mail or other electronic correspondence with a student pertaining to (i) course content, assignments or projects, or (ii) testing, grades or other academic matters.
- d. Unsolicited electronic mail (spam) received and not related to an employee's work responsibility.
- e. Non-college publications such as promotional material from vendors, and similar materials that are publicly available to anyone. This includes LISTSERVE@ messages (other than ones you post in your official capacity), unsolicited promotional material, files copied or downloaded from internet sites, etc.

Retention: May be deleted immediately

Government Record Electronic Mail Messages

Electronic mail messages that meet the statutory definition of a government record are official records of the College and must be retained and disposed of as such. These government records fall into the following categories

- a. Transient Record

The content of much of the communication via e-mail has a very limited, temporary "administrative" value. These transient records do not set policy, establish guidelines

or procedure, certify a transaction or become a receipt. Transient electronic mail messages include messages, drafts, and other correspondence that serve to convey information of temporary importance in lieu of oral communication.

Transient electronic mail relates to the business of the College, but is intended only for informational value or to facilitate College business. This includes:

- E-mail that is only relevant to specific departments or offices and where the e-mail message has only temporary value. Examples include advice of meeting arrangements, and courtesy copies of documents sent only for reference purposes.
- E-mail messages received by courtesy copy and where no action is required. Examples include copies of committee minutes, reports, and newsletters.
- Broadcast e-mails received including announcement of general College functions.

Retention: Retained electronically or in a printed format until no longer of administrative value then destroyed.

b. Intermediate Record

Electronic messages that have more significant administrative, legal and/or fiscal value but are not categorized as transient or permanent records should be printed and filed under their appropriate records series. These may include (but not limited to):

- General Correspondence:
Including correspondence to or from various individuals, companies, and organizations requesting information, responding to prior communications, confirming or documenting an occurrence or transmittal, and other miscellaneous inquiries. This correspondence is informative (it does not attempt to influence College policy or communicate College decisions).
- Internal Correspondence
Including letters, memos, and requests for routine information; monthly and weekly reports; and documents advising supervisors of various events, issues, and status of on-going projects.
- Minutes of Departmental Staff Meetings
Minutes and supporting records documenting internal policy decisions.

Retention: This category of electronic mail messages should be retained for the appropriate period of time per the records retention schedule approved by the State Records Committee that is located either on the internet at www.state.nj.us/state/darm/links/pdf/c270000.pdf or in the County College of Morris Records Management Program Operation Manual, then destroyed in accordance with the College records disposition policy and procedure 07.02 titled "Destruction of College Records".

c. Permanent Record

Electronic mail messages that have significant administrative, legal, and/or fiscal value and are scheduled as permanent also should be printed and filed under the appropriate record series. These may include (but not limited to):

- Executive Correspondence
Correspondence dealing with significant aspects of the administration of the College. Correspondence that concerns College policy, program, fiscal, legal, and personnel matters.
- Policies & Procedures
Includes published reports, unpublished substantive reports and policy studies.
- Minutes of Board meetings
Including approved minutes for Board of Trustees, attachments, and transmittal documents. This does not apply to drafts of minutes or minutes that have not been approved.

Retention: Permanent. Periodic review for transfer to College Records Archive in accordance with College records archival policy and procedure 07.01 titled “Archival of College Records”.

Section VI: E-Mail Storage Methodology

The College’s record-keeping system is primarily paper-based. Accordingly, e-mail messages that are considered to be a government record with continuing administrative value should be printed, filed, and managed in a regular office filing system until the date when they are subject to legal destruction or transferred to the College’s record archive.

To facilitate retrieval when required, the paper copy of the e-mail should be stored in chronological order in a file or folder that relates to the principal subject of the e-mail.

Section VII: Roles and Responsibilities

A. All Employees

College employees should observe the following when constructing and managing electronic mail:

1. Retain, print to hard copy, and arrange for filing e-mail messages considered to be a government record, as required by this policy.
2. Prevent the premature deletion of e-mail government records prior to printing to hard copy and filing with the appropriate record series.
3. Respect the confidentiality of e-mail records and the privacy of personal information.

4. Protect e-mail records against unauthorized access by password protecting employee issued computers and not sharing passwords or other computer access codes.
5. Contact the Director of Budget & Compliance with questions pertaining to the implementation of this policy or any questions arising under this policy.

B. Compliance Officer

The Director of Budget & Compliance is responsible for compliance with the College's records retention policy and is responsible for the following:

1. Dissemination of this policy to all employees through e-mail, and individual departmental staff meetings.
2. Assisting College employees in implementation of this policy and responding to questions arising under this policy.
3. Providing all new employees, during scheduled New Employee Orientation Seminars, an overview of the College Records Retention Program and policies.
4. Annually, at minimum, publicizing and conducting a records retention-training seminar open to all employees.