

# Sample Email Management Policy for State Government Agencies and Officials

This policy defines acceptable management and storage of email messages in [name of entity] as part of its records management program.

## Email Messages as Public Records

Email is a means of transmission of messages or information. The content and any attachments associated with the email are considered a record if they meet the definition of “Public Records” in Mississippi Code Annotated (MCA) §25-59-3(b):

*“all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings or other materials **regardless of physical form or characteristics made or received pursuant to law or ordinance or in connection with the transaction of official business** by any agency or by any appointed or elected official. Books, periodicals and other published material normally found in a library are excluded from this definition.”*

These guidelines apply to any email message that meets this definition regardless of the device or account used to create it, including personal/home email accounts, mobile computing devices such as smart phones, and social networking websites and services.

## Retention and Disposition of Email Messages

Like paper records, the retention or disposition of email messages is determined by the information they contain or the purpose they serve. Since the content of any email may vary considerably, the content of the email must be evaluated to determine the length of time the message is retained. As with paper records, this retention period must be specified in a records control schedule, defined in MCA §25-59-3(h) as a “set of instructions prescribing how long, where or in what form records shall be kept.” In accordance with Mississippi’s Archives and Records Management Law (MCA §25-59-1 et seq.), all schedules are approved by the State Records Committee and once approved, a schedule carries the force and effect of law.

[Approved schedules](#) are available for viewing on the website of the Mississippi Department of Archives and History (MDAH). Email records, whether maintained electronically or managed by printing and filing, must be maintained in a filing structure that identifies them as belonging to a group of records with a retention period defined by an approved records control schedule. Records can be destroyed only according to approved records control schedules.

Per MCA §25-61-1 et seq. certain electronic documents, including email, are legally discoverable and accessible under the Mississippi Public Records Law. It is the policy of [name of entity] to fully comply with any records request made under this section and in accordance with this policy as approved.

## **Non-record Email**

Email messages that do not meet the definition of “Public Records” may be disposed of when no longer useful. Examples include incoming listserv/mail list messages, spam, unsolicited advertisements, invitations, thank you messages, replies to routine questions, out of office replies, and attachments to email messages that are identical to records that are stored and managed outside the email system pursuant to approved records control schedules.

## **Responsibilities of [name of entity]**

The [name of entity] will implement the necessary procedures to ensure the appropriate management and retention of email, including but not limited to the following:

- Ensure that all records are covered by and managed according to current records control schedules.
- Establish a file management plan based on the schedules, regularly creating new folders to make it easy to dispose of records as allowed by the schedules.
- Ensure that any email records that are subject to a litigation hold or e-discovery/public records request are preserved and accessible as long as required.
- Ensure that electronic files with long-term retention requirements are migrated to new file formats as necessary to guarantee continuing accessibility and completeness of the record, and, if possible, converted to a non-proprietary file format such as XML to support long-term preservation.
- Ensure that all employees receive training in records management as well as any specialized training needed to implement this policy.
- Define approved methods of official communication for employees at different levels with different responsibilities, and have employees sign off on a policy defining appropriate methods for their position.
- Regularly notify the [insert name of entity’s information technology office] when the accounts of former employees can be closed.
- Ensure that all employees are aware of and implement this policy.

## **Exceptions**

Exceptions to this policy may be granted in writing by the [insert title of person(s)].