



E-MAIL MANAGEMENT POLICY

This policy 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, telephones, voicemail, 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, including attachments, may consist of correspondence and other documentation and are potentially subject to disclosure pursuant to the California Public Records Act (CPRA), Government Code § 7920, et seq., and the Freedom of Information Act (FOIA), 5 U.S.C. § 552, (Record E-mails). They must be retained for a minimum of 2-years (longer periods for some e-mails may be outlined in the City's Records Retention Schedule).

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 City records. Back-up copies performed by Information Technology staff are *not* records retention. **Back-up tapes of e-mail systems should be retained no more than two-years.**

Persons subject to this policy are responsible for determining whether City E-mails created, received, or used by them should be retained as permanent City records. The definition of public records is "any writing or recording of an event or information, which is kept in the custody of public officer, either because a law requires it to be kept or because it is necessary or convenient to the discharge of the public officer's duties, and was made or retained for the purpose of preserving its information content for future reference." (See, 64 Cal.Op.Att'y.Gen 317). 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 City records in accordance with this policy and in accordance with the City's Records Retention Schedule. Regardless of retention requirements, e-mail and other electronic or paper documents pertaining to threatened or actual legal proceedings must be retained until the litigation is finally concluded.

City E-Mails automatically stored on the server will be deleted after two-years automatically by the 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. The City Clerk and City Attorney are available to assist individuals 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 policy. The City Attorney and City Clerk are responsible for determinations concerning disclosure of City records, including City E-mails, in response to requests pursuant to the CPRA, subpoena or court order. When disclosure is required under the California Public Records Act or otherwise



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by law, the City shall not in any way be liable or responsible for the disclosure of any e-mail message or any part thereof.

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 and 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.

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