

RESOLUTION NO. 16-77

A RESOLUTION OF THE DRAPER CITY COUNCIL AMENDING THE PERSONNEL POLICY MANUAL TO ADD SECTION 6035 -- ELECTRONIC MAIL RETENTION AND CLASSIFICATION

WHEREAS, The City Council, from time to time, reviews and adopts policies and procedures to assist in the efficient utilization of scarce City resources and the fair and uniform application of requirements and benefits to City employees; and

WHEREAS, The City Council has reviewed Section 6035 and has determined the need to add a policy ensuring that Draper City employees properly classify and retain email in compliance with the Government Records Access and Management Act ("GRAMA"); and

WHEREAS, The City Council believes this change to the Personnel Policy Manual is in the best interest of the employees of Draper City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, AS FOLLOWS:

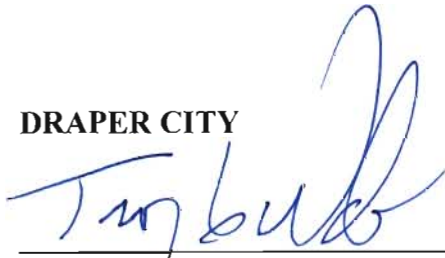
Section 1. Amendment. The Draper City Council does hereby adopt the amendment to the Personnel Policy to include Section 6035 as attached hereto as Exhibit "A".

Section 2. Severability. If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

Section 3. Effective Date. This Email Policy shall become effective January 16, 2017.

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, THIS THE 6th DAY OF DECEMBER, 2016.



DRAPER CITY


Mayor Troy K. Walker

ATTEST:



Rachelle Conner, City Recorder

VOTE TAKEN:

YES

NO

Councilmember Rapple



Councilmember Stenquist



Councilmember Summerhays



Councilmember Vawdrey



Councilmember Weeks



Mayor Walker

Exhibit A

**POLICY 6035
ELECTRONIC MAIL RETENTION AND CLASSIFICATION POLICY**

I. PURPOSE

The intent of this policy is to provide and explain the requirements, guidelines, and best practices for managing electronic mail (email) that complies with the Utah Government Records Access and Management Act (GRAMA) and records retention schedules approved by the State Records Committee. This policy provides assistance to City employees regarding their use of email as a communication and business tool. In addition, this policy advises the best practices in capturing, managing, and retaining electronic messages as public records.

II. BACKGROUND

- a. Electronic mail systems (email) are a common method to communicate between employees and the public. The need to properly manage email messages and systems is the same as for other recordkeeping systems, which is to ensure compliance with State law and City ordinance concerning the creation, retention of, and access to public records.
- b. Email created or received by employees, agents, or representatives of the City of Draper is subject to GRAMA and therefore must be managed and maintained appropriately. By identifying emails that are records and establishing their relevant retention periods, the City ensures compliance with State records law and promotes good management protocol of City information systems.
- c. By their nature, email records are not controlled by the City through any practical application of technology but are under individual employee control. This means that all employees are responsible for the classification and retention of their own email.

III. MANAGING EMAIL

Employees are responsible for understanding the content of messages they send and receive, and maintaining or deleting email records according to their content. It is the email sender or originator's responsibility to determine if the email is a record and determine the appropriate retention period. Email sent from outside the City that is acted upon by the recipient may become a record and subject to maintenance and retention as a record.

Email backups that are maintained for disaster recovery and business continuity purposes, are not considered appropriate for managing email retention. This means that the Information Technology Department is not responsible for ensuring that emails are saved in the appropriate matter. The employee and/or sender of the email are responsible for ensuring that retention is taking place.

a. User Responsibilities

i. Sender

It is the responsibility of the sender or originator to manage email when it is a record by selecting the appropriate retention, maintaining the record for the required time period, and complying with the classification requirements of the record.

When using a "distribution list" the sender or originator must maintain a copy of it for as long as the required retention period is for the associated message. Printing or saving a copy of the "sent" message automatically retains the names on the distribution list.

ii. Recipient

The recipient of email may need to retain it according to retention guidelines if it is received from outside the City network and is from;

1. Either the public as a constituent of City government
2. A company or individual doing business with the City
3. Another governmental entity

The recipient may also need to maintain email received from other City employees if it significantly impacts the activities and functions of the recipient's department. Examples of agencies that may need to retain email received in the agency include elected officials, department heads, and managers.

All email may be grouped into one of the following categories for retention purposes:

b. Records Classifications

- i. Non-Records
- ii. Short-Term Retention
- iii. Medium-Term Retention
- iv. Long-Term/Permanent Retention

c. Non-Records (No Retention)

Email messages that do not meet the criteria of a record as defined by GRAMA do not need to be retained by the user and may be deleted immediately.

- i. Email not considered a record (as defined by GRAMA) includes:
 1. A personal note or personal communication prepared or received by an employee or officer of a government entity in the employee's or officer's private capacity or is unrelated to the conduct of the public's business.
 2. Temporary drafts or similar materials prepared for the originator's personal use or prepared by the originator for the personal use of an individual for whom the originator is working.
 3. Materials legally owned by an individual in the individual's private capacity.
 4. Materials to which access is limited by copyright or patent, unless the copyright or patent is owned by a governmental entity or political subdivision.
 5. Junk mail or commercial publications.
 6. Daily calendars and other personal notes prepared by the originator for the originator's personal use or for the personal use of an individual for whom the originator is working.
 7. Notes or internal memoranda prepared as part of the deliberative process by a member of the judiciary or a member of any public body charged with performing a quasi-judicial function.
 8. Telephone Numbers or similar codes used to access mobile-communication devices that are used by an employee or officer of a governmental entity, provided that the employee or officer of the governmental entity has designated at least one business telephone number that is a public record.
- ii. In addition, Non-record messages include personal correspondence
 1. Email not received, created, or retained in the normal course of City business.
 2. Nongovernmental publication or documents
 3. Publication, promotional material from vendors, junk mail, and similar materials that are publicly available; unsolicited promotional material, files copied or downloaded from internet sites, and other materials defined as non-records above.

d. Records

Email messages meeting the definition of a record must be managed appropriately. Employees creating or originating documents should manage their emails in Outlook by creating folders for each retention category and deleting emails within the folders when retention has been met. Printed hard copies of email messages and related attachments must ensure the printed copy includes the sender's name, date sent, receivers' names, attachment information, and message.

Documents attached to an email identified as a record should also be managed as a record and retained appropriately according to the City's general document retention schedule. The send or originator should ensure the most recent version of the attachment has been saved according to the City's general document retention schedule. An attachment does not need to be retained if it is retained elsewhere, unless the attachment is needed to provide context to the email.

Retention Schedules for Records:

i. Short-Term Retention--30 days

All emails in this category are required to be deleted after 30 days of being created, sent, received, or revised. The following records are considered Short-Term Retention:

1. Routine requests for information such as requests for policies, reports, etc.
2. Nonofficial notices for training, meetings, parking restrictions, blood drives, etc.
3. Requests for supplies.
4. Approvals to attend workshops and training.
5. Schedule and activity records such as duty rosters or work assignments; schedules, appointment or telephone logs, or other daily activity logs.
6. Working copies of documents which are not considered drafts and records relating to daily activities that do not reflect policy or official actions.
7. Cover letters or memos that reference an attached document.

ii. Medium-Term Retention--2 years

All emails in this category must be deleted after 2 years of being created, sent, received, or revised. The following records are considered Medium-Term Retention:

1. General administrative or department business correspondence (both sent and received); interoffice or interdepartmental communications that do not result in policy.
2. Reference materials, activity reports which are summarized in annual reports.
3. Internal training distributed to City employees.

iii. Long-Term or Permanent Retention

All emails in this category are required to be kept indefinitely. The following records are considered Policy and Program Records:

1. Executive correspondence (both sent and received) that documents aspects of City administration concerning public policies, programs, directives, and service delivery matters.
2. Final policies and procedures and similar regulations.
3. Annual, financial, or statistical reports.
4. Correspondence or directives to staff on policy issues.
5. Public relations issues, photographs, published materials, and audio or video attachments.

IV. CITY RESPONSIBILITIES

City administrators, department heads, network administrators, records managers, and employees share responsibility for managing electronic records. Departments should clearly identify the roles of each staff member; adopt procedures, train staff, and monitor compliances on a regular basis. Departments should take appropriate measures to preserve data integrity, confidentiality, and physical security of email records.

a. Managing Electronic Mail at System Level

- i. Storage and Deletion of Email
Deleted emails messages will be maintained and permanently removed according to IT policy.
- ii. Retention for Audit or Legal Proceedings
Email identified as a record that has completed its periods of retention, but has also been earmarked as part of an audit or legal proceeding, must be retained until completion of the audit or resolution of the legal proceeding.

V. LITIGATION HOLDS

When litigation is pending or threatened against the City or its employees, the law imposes a duty upon the City to preserve all documents and records that pertain to the issues. The City Attorney will issue a litigation hold to the legal custodians of th