



ARA-8.12 - Management, Preservation and Storage of Electronic Records and Electronic Mail Correspondence (E-Mail)

Administrative Rules Adopted by City Council (ARC)

Policy category: [Archives & Records Management](#)

Policy number: ARA-8.12

MANAGEMENT, PRESERVATION AND STORAGE OF ELECTRONIC RECORDS AND ELECTRONIC MAIL CORRESPONDENCE (E-MAIL)

Administrative Rule Adopted by City Council

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Purpose

This policy gives bureaus direction on complying with: **BHR Administrative Rule 1.03 Public Records Information, Access and Retention; BHR Administrative Rule 4.08 Information Technologies; and City Code Chapter 3.76 Public Records.** Part of Code Chapter 3.76 sets forth:

3.76.050 Duties of Elected Officials and the Managers of City Agencies.

Each City department, agency, bureau, office, commission, board, or public corporation shall:

- A.** Make and preserve records containing adequate documentation of the organization, functions, policies, decisions, procedures and essential transactions of the agency which are designed to furnish the information necessary to protect the legal and financial rights of the City and of persons directly affected by the agency's activities;
- B.** Ensure staff compliance with City records policies and procedures established by Archives and Records Management;

Although Code Chapter 3.76 refers to public records "regardless of physical form or characteristic", this policy document focuses specifically on the management and preservation of records maintained in a digital or electronic form, including electronic mail correspondence (e-mail). Since electronic records cannot be accessed, used or stored without the aid of computer hardware, software and storage media – all of which are subject to frequent obsolescence – special steps must be taken to preserve the reliability, authenticity and accessibility of electronic records for the duration of their retention period.

Authority

Search Code, Charter, Policy

Keywords

Search

City Code Chapter 3.76.030 Archives and Records Management Program
Creation and Administration

The City Auditor shall maintain a professional Archives and Records Management Program for the City, and shall be responsible for the care, maintenance and access of all City records.

City Charter 2-504 (a) 3 Auditor - Duties in General

Maintenance of all official records, including records of the various bureaus, records regarding the City Charter and City Code, and all other records regarding City business

Policies

Each bureau shall establish procedures to identify which electronic records and e-mails constitute evidence of the bureau's organization, functions, policies, decisions, procedures and essential transactions.

A. Not everything stored on a City computer or server meets the definition of a "record" for retention purposes. This policy is concerned with the management and preservation of records as described in City Code 3.76.050, paragraph A (above). Bureaus possess other electronically stored information that – although not a record – is discoverable in the event of litigation or that may be subject to disclosure for a public records request. Consult the Office of the City Attorney for guidance on responding to litigation or to public records requests.¹

B. The focus of this policy is limited to those electronic documents, e-mails or data collections that a bureau or individual consciously regards as evidence of that bureau's "functions, policies, decisions, procedures and essential transactions of the agency".

Each bureau shall establish procedures to identify the record copy of its electronic records and e-mails, and assign recordkeeping responsibilities to specific positions.

A. Electronic records and e-mails are easily copied and distributed. Once a bureau establishes which electronic documents, data and e-mails constitute evidence of its activities, it must then identify **which copy** is the one that will be maintained officially for retention purposes, and assign responsibility for keeping it. This copy is known as the record copy.²

B. Bureau management must identify which position within the bureau is responsible for maintaining each category of that bureau's official City records. In general, the individual that is responsible for a particular function, project or program is required to maintain the official copy of all records, as well as internal and external e-mail correspondence, both incoming and outgoing, related to that responsibility. If job responsibilities overlap or are shared as part of a work team, bureau management must clearly delineate and assign specific responsibilities for maintaining

electronic records and e-mail correspondence and ensure that the assigned roles are understood.

C. This designation process is important because once the record copy has been identified and assignments have been made to preserve it, other copies (known as convenience copies) no longer need to be retained. As a responsible practice bureaus must establish procedures to remove convenience copies regularly from individual or network drives. Similarly, individuals not responsible for maintaining the record copy of sent or received e-mails may retain copies for informational purposes, but should delete them as soon as possible. If the designated record copy is a paper record it is acceptable to retain an electronic version for easy access – but as soon as the need for frequent access diminishes, these electronic convenience copies should be purged. If steps are not taken to identify record copy e-mails and electronic records and assign retention responsibilities for them, the City may find that no one retains these records or that everyone retains them. Neither of these scenarios is acceptable.

Each bureau shall establish procedures to regularly review the information kept on its individual or network drives.

A. To ensure that City records are being properly managed and preserved, each bureau or office shall establish policies and procedures directing employees to regularly review their electronic files and e-mails residing on bureau computer hard drives and network drives.

B. The purpose of this review is to:

1. Identify which files and e-mails constitute official records that must be retained per the City retention schedule.
2. Migrate official City records to a suitable storage repository together with sufficient indexing information or taxonomy to allow for proper retention and future retrieval of the records.
3. Determine which files are convenience copies or do not constitute official records and remove them from City network drives/servers.

Each bureau shall establish procedures to ensure that electronic correspondence (e-mail) is properly managed and retained

A. Categorization of e-mail records by subject matter content

It is not allowable under Oregon Administrative Rules to attach a single retention period to all e-mails [\[OAR 166-200-0010\(5\)\]](#). Since the content of an e-mail message can vary immensely – from a lunch invitation to a critical bureau decision – the retention of e-mail must be based on the content and context of the message and its attachments.

Not every e-mail sent or received needs to be retained. The user must determine which of the following two categories the e-mail falls under:

Transitory Records or Correspondence.

1. Transitory Records

E-mails of short-term interest (90 days or less), which have minimal or no documentary or evidential value. Included are such records as:

- Routine requests for information or publications and copies of replies which require no administrative action, no policy decision, and no special compilation or research for reply
- Originating office copies of letters of transmittal that do not add any information to that contained in the transmitted material
- Quasi-official notices including memoranda and other records that do not serve as the basis of official actions, such as notices of office parties, holidays or charity fund appeals, and other similar records
- Records documenting routine activities containing no substantive information, such as routine notifications of meetings, scheduling of work-related trips and visits, and other scheduling related activities³
- Listserv messages
- Fax confirmations
- Reading materials
- Reference materials
- FYI e-mail information that does not elicit a response
- Unsolicited advertising

E-mails that fall under the *Transitory* category should be deleted from the e-mail system by the user as soon as any operational or informational value has expired.

2. Correspondence

E-mails that directly relate to City programs, management or administration. These include but are not limited to formal approvals, directions for action, communications about contracts, purchases, grants, personnel, etc; and correspondence relating to a particular project or program.

E-mail messages that fall under the *Correspondence* category must be managed as an official City record in a suitable storage environment.

B. E-mails as public records

E-mail messages that fall under the *Correspondence* category constitute public records and are subject to disclosure under Oregon Public Records Law. City employees are responsible for identifying and managing their

job-related e-mail correspondence in compliance with the City retention schedule, this set of policies as well as bureau procedures.

If employees send or receive e-mails related to City business using a non-City computer or personal handheld device (such as a Palm Pilot or BlackBerry), the e-mails, as well as the equipment itself, may be subject to search in the event of a public records request or litigation. If employees use non-City e-mail accounts for correspondence related to City business, those communications are public records and subject to discovery and/or disclosure.

C. Authenticity and Context of E-mail Records

E-mail messages must be maintained in a manner that preserves contextual information (metadata) and authenticity. An authentic e-mail record should completely and accurately document the activity to which it pertains. It is unacceptable to save only the text in the body of the message and none of the sender/recipient information or attachments. Complete e-mail records must include, at a minimum, all of the following elements, as applicable:

- Recipient(s), including any group list members
- Sender
- Subject Line
- Text of message itself
- Time and date sent
- Complete attachment(s), which should be included in full (not just indicated by file name)

D. E-mail accessibility and searchability

E-mail messages, including any attachments, must remain accessible and reproducible during their entire retention period. The messages must be searchable by multiple data elements, including sender, recipient(s), date sent or received, subject line, as well as by the text of the message itself and any attachments.

E. Working within the e-mail application

It is each user's responsibility to identify and manage their job-related e-mail records in compliance with City retention policy and bureau procedures for maintaining record copy electronic records.

To prevent the loss of record copy e-mails, users must actively manage their incoming and outgoing correspondence. E-mail applications are intended to be used as message delivery systems, not record storage systems. Maintaining messages in the e-mail application for a short time allows users to retrieve the message for reference or for replying or

forwarding. However, no retention rules are applied to the messages and access is restricted to the holder of the e-mail account. For these reasons, any e-mails that need to be retained for longer than 90 days must be actively managed.

By default, City e-mail applications will delete any items left in the Inbox or Sent Items folder after 90 days. Users should create subfolders within their Inbox that correspond to their job responsibilities. These subfolders can be organized by job function, project, location or any other criteria that allows the user to identify the context of what is in the folder. When users either receive or send messages related to their responsibilities, they should file them in the appropriate folder. Messages in the job-related subfolders will not be deleted automatically after 90 days. However, size limitations will be placed on these folders. At least weekly, users must assess the messages they have placed in their job-related subfolders and identify which e-mail messages have a retention or reference value of longer than 90 days. These messages must then be migrated from the e-mail application to a storage system that allows for the proper management of the record.

Bureaus shall establish procedures to ensure that electronic records and e-mails are maintained in a storage environment that complies with authenticity, access, retrieval, retention and destruction requirements.

The City Auditor's Office recognizes two compliant methods of managing City electronic records and e-mails. They are described in Appendix I and Appendix II. Bureaus must use one of these methods to comply with City recordkeeping requirements.

Summary of Responsibilities

Bureau managers must ensure that employees are trained to identify and manage record copy electronic records and e-mails related to their job responsibilities, in compliance with this policy.

Each City employee is responsible for categorizing and maintaining electronic records and e-mails related to their job responsibilities; and routinely cataloging those records using the appropriate storage method in use by the bureau.

The Auditor's Office must provide regular training in electronic records and e-mail management, including the use of approved electronic recordkeeping systems, or other storage methods.

The Auditor's Office must ensure continued preservation and access, in compliance with State requirements, to permanent-retention electronic records and e-mails within its electronic recordkeeping system.

Appendix I

City Enterprise Electronic Records Management System (TRIM)

The Office of the City Auditor administers an electronic records management software system – known as TRIM or Efiles – that meets reliability and authenticity standards, and applies retention requirements, security settings, access controls, structured context and enterprise-wide searchability to appropriate records and e-mails within it.

Bureaus that have access to the system and have received appropriate training from the Auditor's Office are to use TRIM to manage all record copy City electronic records and e-mails.

Implementation of the system within a bureau is preceded by user training in public records responsibilities, basic records and e-mail management principles, electronic filing system guidelines and instruction on integrating the system with bureau business practices.

Individual users are trained to integrate TRIM with their existing e-mail and desktop applications, so that record copy e-mails and other electronic documents can be easily filed within the system.

Appendix II

Approved Electronic Record and E-Mail Storage Procedures for Bureaus Without Access to TRIM System

Transitory or Convenience Copy Electronic Records and E-mails

Convenience copies and non-record electronic documents should not be stored, but rather should be purged from network drives as soon as their reference value has expired. Bureaus must establish procedures to monitor and regularly delete such information.

By default, the City e-mail application will delete any e-mails older than 90 days that remain in the Inbox folder or the Sent Items folder. When users send or receive e-mails that are either transitory or for which they are not responsible for maintaining the record copy, they should delete them immediately. However, if they take no action and leave them in the Inbox folder or the Sent Items folder, the e-mails will be purged automatically by the e-mail application after 90 days. To prevent the loss of record copy e-mails, users must actively manage their incoming and outgoing correspondence. *(See Section 8.04.4)*

Storage For Electronic Records and E-mails With A Retention Period Shorter Than Five Years⁴

1. Bureau Business Applications

Certain bureaus use specialized software applications for specific business functions, such as accounting, inventory control or project management. Bureaus may store record copy City records with a

retention period of less than five years within such a system provided that the system (with human intervention, if necessary):

- Is backed up daily by Bureau of Technology Services
- Can retrieve the authentic record – with its contextual information and metadata intact – for the entire retention period
- Can identify, retrieve and delete records that have reached the end of their retention period
- Can document how these conditions are achieved

(Note: these systems should not be used for storing e-mails unless they capture the complete, authentic message. It is not sufficient to simply cut and paste the text of the message into a text field within the application.)

2. Bureau Network Drives

Bureaus without access to the Efiles system may store record copy electronic records with a retention period of less than five years on network drives, provided that:

- The drive is backed up daily by Bureau of Technology Services.
- The bureau maintains all software and hardware necessary to retrieve the record for its entire retention period.
- The bureau establishes, monitors, and enforces the use of a classification system or taxonomy to file its electronic records. The classification system must be set up to preserve the business context in which the files were originally created, and each category within the system must correlate to the appropriate record series⁵ in the City retention schedule.
- The bureau trains its employees in the use of the classification system for all record copy electronic records.
- The bureau routinely identifies and purges records that have met their retention periods and submits annual reports of purged records to Archives/Records Management.
- The bureau documents how these conditions are achieved.

Bureaus without access to the Efiles system may also store e-mails on a network drive, provided they meet the conditions above and the e-mails are saved with an .msg file extension, which preserves the e-mail in its native format. Record copy e-mails are not to be stored as .pst files.

(Note: bureaus and individuals are not to use the e-mail application's "archiving" function to manage record copy e-mails because this function merely moves the e-mails to another unmanaged environment.)

3. Removable Media

Removable media, such as CDs, DVDs and flash drives are not appropriate for storing record copy City records. Bureaus shall not use them for that purpose.

Storage For Records With A Retention Period Five Years Or Longer

Bureaus that intend to use bureau business applications or bureau network drives to store record copy electronic records or e-mails with retention periods of longer than five years must contact Archives/Records Management for review and authorization of the planned system.

Permanent Records

Oregon law requires records with a retention period of 100 years or longer to be “retained in hard copy or on microfilm for the entire scheduled retention period”.⁶ Bureaus that create permanent records must consult with Archives/Records Management to create a formal plan to manage these records.

Footnotes

¹ See Binding City Policy ADM-8.03 - Public Records Requests

² Record Copy – the single copy of a document, often the original, which is designated as the official copy to be preserved for the entire retention period

³ This does not include Calendars, which do need to be retained per the retention schedule: permanently by elected officials and bureau heads; and for 1 year by other City employees.

⁴ Some retention periods are linked to a triggering event, such as the close of a contract term or the termination of an employee. When calculating how long a record needs to be retained, the time period leading up to the triggering event must be included. For example, if a particular kind of permit has a retention period of “3 years after expiration”, and the permit is in effect for 2 years, then the total “lifetime” of that record is 5 years.

⁵ Record Series – a group of files or documents kept together (either physically or intellectually) because they relate to a particular subject or function, result from the same activity, document a specific type of transaction, take a particular physical form, or have some other relationship arising out of their creation, receipt, maintenance, or use.

⁶ OAR 166-017-0080(2)

HISTORY

Ordinance No. 182637, passed by City Council April 1, 2009 and effective May 1, 2009.

Administratively renamed ARA-8.12 on December 6, 2022