



<b>POLICY AND PROCEDURE</b>	
SUBJECT/TITLE:	Electronic Mail Retention Guidelines
APPLICABILITY:	All CCPH e-mail users
CONTACT PERSON & DIVISION:	Vital Statistics Administrative Supervisor
ORIGINAL DATE ADOPTED:	04/06/2016
LATEST EFFECTIVE DATE:	04/12/2022
REVIEW FREQUENCY:	5 years
BOARD APPROVAL DATE:	N/A
REFERENCE NUMBER:	800-018-P

#### **A. PURPOSE**

The intent of this document is to describe the procedure for maintaining electronic mail (e-mail) in accordance with public records policies. This procedure will describe:

1. If an e-mail should be maintained as a public record.
2. Who should maintain copies of e-mail.
3. How to maintain copies of e-mail.

#### **B. POLICY**

1. All electronic mail (e-mail) at Canton City Public Health (CCPH) should be maintained only if the e-mail is a public record. It is the responsibility of all CCPH e-mail users to categorize and maintain all public e-mail records in accordance with the applicable record retention policy.
2. CCPH and its e-mail users must ensure that the following requirements are met with respect to e-mails:
  - a. CCPH e-mail users need to retain records (including e-mails) for the length of time required by the applicable retention schedule, as specified on the CCPH record retention schedule.
  - b. CCPH e-mail users need to ensure retained e-mails are made available when requested (for example, for a public records request or for a litigation hold).
  - c. CCPH e-mail users should regularly review their e-mails in order to ensure that they are not retaining e-mails that are of no administrative value or that are beyond the applicable retention periods.
3. CCPH e-mail users should process their e-mail similar to how they process regular paper mail at work or home:
  - a. Open the e-mail and review its contents.
  - b. If it is a non-record, throw it away.
  - c. If it is a transient/transitory record, put it in a temporary place, for instance in a folder or sub-folder that is designated for periodic review, and make sure to dispose as soon as allowable.
  - d. If it is a record, file it.

#### **C. BACKGROUND**

Ohio's Public Records Act provides for public scrutiny of state and local government records. Any person may request to inspect or obtain copies of public records from a public office that keeps those records. A public

office must organize and maintain its public records in a manner that meets its duty to respond to public records requests, and must keep a copy of its records retention schedules at a location readily available to the public.

#### **D. GLOSSARY OF TERMS**

An **e-mail** is a record if it falls under the statutory definition of a record in Ohio Revised Code (R.C.) 149.011 which describes a record as “any document, device, or item, regardless of physical form or characteristic, including an electronic record as described in R.C. 1306.01, created or received by or coming under the jurisdiction of any public office of the state or its political subdivisions, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office.”

If an e-mail does not meet all three parts of the definition of a record, then it is a **non-record** and does not need to be maintained as a public record.

As electronic documents, all e-mails are items containing information stored on a fixed medium (the first part of the definition). If an e-mail is received by, created by, or comes under the jurisdiction of a public office (the second part of the definition), then its status as a record depends on the content of the message. If an e-mail created by, received by, or coming under the jurisdiction of a public office also serves to document the “activities” (i.e. organization, functions, policies, decisions, procedures, operations, or other activities) of the public office, then it meets all three parts of the definition of a record.

If an e-mail does not serve to document the activities of the office, then it does not meet the definition of a public record and is a non-record. All non-records can be deleted immediately.

The CCPH record retention schedule should be depended on for the descriptions of record series that the e-mail may be categorized as. Note that e-mail does not have its own record series since it is not a record type itself. Some example records series that e-mails are commonly categorized as:

1. **General correspondence** (Schedule Number 800\_007): This is miscellaneous correspondence between CCPH e-mail users and internal or external parties when that correspondence is not related to another CCPH Record Series or document type. These records have to be retained for the time period specified in the schedule.
2. **Transient/transitory record** (Schedule Number 800\_034): This is a record that has temporary administrative value. For example, an e-mail message notifying e-mail users of an upcoming meeting only has administrative value until the meeting has been attended. Another example of a transitory record is an e-mail with comments for a report, which only has administrative value until those comments have been incorporated into the report. You can delete transitory records when they no longer have administrative value.
3. **Copies** (Schedule Number 800\_006): This is any duplicate copy of a public record. You can delete copies when they no longer have administrative value. To determine if an e-mail is the original public record or a copy, follow the procedure in E.2. of this document. The e-mail user required to maintain the e-mail has the original public record and all others are copies.

Some division specific records that e-mails may be categorized as, provided as an example:

1. **Correspondence (pertaining to a case file)** (Schedule Number 500\_004\_002): Includes e-mails as described by this record series.



2. **Facility PBR files** (Schedule Number 300\_004\_013): Includes e-mails as related correspondence as described by this record series.

## E. PROCEDURES

When sending or receiving e-mails, all CCPH e-mail users are required to evaluate the document in order to determine if it is a public record and if they are responsible for its maintenance as a public record. For a quick reference, see the decision flow diagram attached to this document.

1. DETERMINE IF AN E-MAIL IS A PUBLIC RECORD
  - a) All e-mails sent or received by CCPH meet the first two parts of the definition. Does the e-mail document the activities of the department and therefore meet the third requirement?
    - i) Examples of records:
      - (1) An e-mail to schedule a meeting.
      - (2) An e-mail to discuss a new policy.
      - (3) An e-mail regarding a violation of public health code.
      - (4) Any other e-mail regarding the activities of your division or the department.
    - ii) Examples of non-records:
      - (1) An e-mail wishing a coworker "Happy Birthday".
      - (2) An e-mail to coordinate a non-working lunch.
      - (3) Other e-mails of a personal nature.
      - (4) Any "spam" or "junk mail" or other marketing e-mails.
2. DETERMINE WHO IS RESPONSIBLE FOR MAINTENANCE OF THE PUBLIC RECORD
  - a) E-mails originating within CCPH (created by/sent by CCPH e-mail users).
    - i) The e-mail user who sent the message is responsible. This is considered the original public record.
  - b) E-mails received from outside the department.
    - i) The e-mail user who is the primary recipient of the e-mail is responsible (i.e. the e-mail addresses in the "to" address field of the e-mail). This is considered the original public record.
      - (1) If more than one e-mail user is the primary recipient, then all primary recipients are responsible for maintaining a copy.
    - ii) To determine who is the primary recipient, the following are provided as guidelines:
      - (1) An e-mail users name is included in the body of the e-mail.
      - (2) The e-mail body indicates the e-mail is intended for certain e-mail users.
      - (3) The e-mail user is the only CCPH e-mail user to receive the e-mail.
    - iii) If you are a CC or carbon copy recipient of an e-mail.
      - (1) If you are receiving a carbon copy or courtesy copy of an e-mail for information purposes only, you are not required to maintain a record copy of the e-mail because you are not the primary recipient. The e-mail and any corresponding attachments may be deleted when no longer of administrative value.
3. MAINTAINING THE PUBLIC RECORD
  - a) E-mails should be moved to and stored in the "Archive" folder of the e-mail client, including general correspondence. E-mails from both the "Inbox" and "Sent" folders will need to be categorized and archived.
    - i) A subfolder of the "Archive" folder should be created describing the record category of the e-mail. All e-mails of that category should be moved to and stored in the folder. E-mail users should use record categories that align with the record series defined in the CCPH record retention schedule.



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- ii) When a division disposes of records, usually annually, e-mail users should review the contents of their archive folders for records in need of disposal in accordance with the record retention policy.

#### **F. CITATIONS & REFERENCES**

Ohio Sunshine Laws 2016, An Open Government Resource Manual (also known as the Yellowbook)

Managing Electronic Mail – Guidelines for Ohio EPA

#### **G. CONTRIBUTORS**

The following staff contributed to the authorship of this document:

1. Rob Knight, Public Health Clerk II, APC Division
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#### **H. APPENDICIES & ATTACHMENTS**

800-018-01-A\_Electronic Mail Retention Decision Flow Diagram

#### **I. REFERENCE DOCUMENTS**

CCPH record retention schedule: This file is located on the public file network in the folder: L:\ALL\RECORD RETENTION

#### **J. REVISION & REVIEW HISTORY**

Revision Date	Review Date	Author	Notes
4/12/2022		Sean Green	Policy had reached expiration date on 4/6/2021. Reviewed policy to ensure it is up-to-date. No significant changes were necessary.

#### **K. APPROVAL**

This document has been approved in accordance with the “800-001-P Policy Development procedure as of the effective date listed above.



**800-018-01-A Electronic Mail Retention Decision Flow Diagram**

