Legal Issues Briefing

CAPSTONE APPROACH TO EMAIL MANAGEMENT
What is Capstone

- Capstone helps agencies manage email.
- Capstone is based on identifying email accounts according to the work of the user.
  - Some accounts will be permanent.
  - The remainder will be temporary.

Example Capstone implementation at a Department with two sub-agencies

Capstone Accounts of Department AB

Department employees with temporary accounts

Agency A

Agency B
Capstone Officials

Determining who is a Capstone official

- This is the most important discussion you’ll have when implementing Capstone.
- Document the decision making process to ensure that your agency can defend itself against a charge that is acting arbitrarily in its selection of Capstone officials.
- Spend time thinking not just about senior staff but also program officials that create and receive permanent records.
  - As a rule of thumb, Capstone officials should be between 1 and 2 percent of your account holders.
- Consider how you will handle people in an acting capacity, long-term vacancies, and office reorganizations.
What will change?

- What group of records will be deleted that would have otherwise been preserved?
  - Will that effect any ability agency obligations WRT:
    - Litigation,
    - Regulation,
    - Public policy?

- What group of records will now be available that wasn’t before?
  - Does that present a new risk to the agency for:
    - Litigation,
    - Access requests,
    - Preservation obligations?
How will the agency be able to execute a litigation hold under a Capstone framework?

- The answer to this is very dependent on your agency’s technology.
- The focus of this question is on temporary records that would have been otherwise destroyed.
Other implementation issues

- How will the agency be able to search the records it is now keeping?
  - And, what about export? (Especially for transfer to NARA)
  - This matters for both e-discovery and FOIA.

- What is the plan for destroying temporary records and non-records?
  - AKA Defensible deletion
  - Do you need more than permanent and temporary buckets?
    - i.e. Can you identify some offices whose emails could be kept for a very short time, such as three years? Or some offices, like a General Counsels’ office, where the email should be kept for 15 or 20 years?
More Information

- Additional Resources can be found at:

- Questions? Please Contact your Agency’s NARA Appraisal Archivist.