

E-Mail Management

Department of Homeland Security
Records Management



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Objectives

Understanding

- Federal Records
- E-mail Records
- Dispositions
- Responsibilities



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Background

According to the Federal Records Act

- All Government employees and contractors are required by law to make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency (Federal Records Act, 44 U.S.C. 3101 *et seq.*).



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Records

- Records are broadly defined by statute and regulation to include all recorded information, regardless of medium or format, made or received by DHS under Federal law or in connection with the transaction of public business, either preserved or appropriate for preservation because of their administrative, legal, fiscal or informational value. Records serve as the DHS memory; they are of critical importance in ensuring that DHS continues to function effectively and efficiently.

E-mail

- Important communication tool for conducting business.
- Agencies use e-mail systems to distribute:
 - memos
 - circulate drafts
 - disseminate directives
 - transfer official documents
 - send external correspondence,
 - documents supporting government operations.
- Dynamic and often informal nature of e-mail
- Questions have arisen over the official and legal status of e-mail messages.
- E-mail meets the statutory definition of a record
- Subject to record keeping requirements, as with records in other media



E-mail as a Federal Record

- Providing key substantive comments on a draft action memorandum, if the e-mail message adds to a proper understanding of the formulation or execution of Agency action.
- Providing documentation of significant Agency decisions and commitments reached orally and not otherwise documented in Agency files.
- Conveying information of value on important Agency activities, if the e-mail message adds to a proper understanding of Agency operations and responsibilities.



E-mail as a Potential Federal Record

- Draft documents that are circulated on electronic mail systems may be records if they meet the criteria specified in the records definition.
- Some e-mail systems provide calendars and task lists for users. These may meet the definition of Federal record.



E-mails as Non-Records

E-mails relating to an individual's own affairs such as professional meetings, and not containing any information documenting DHS actions or activities are non-records and must be deleted as soon as they are no longer needed.

Typical non-record e-mails are messages that concern:

- Copies of memoranda or text sent for informational or reference purposes
- Personal messages that pertain ONLY to an individual's private business



Responsibilities

Creating and Receiving E-mails

- The responsibility to identify and manage an e-mail record belongs to its author (if internal) or the chief recipient (if received from an outside organization).
- If the e-mail provides documentation of a team project or a collaborative effort that is copied to multiple addresses, the team must assign responsibility to a specific individual for filing the record.

The e-mail “subject” line should contain as full and complete a description as practical. Avoid using generic titles like “meeting” “report” or “important.”



Creating and Maintaining E-mail

To meet Federal Regulations, and ensure the records are understood in their proper context, the following metadata must be captured:

- Name and e-mail address of sender
- Name and e-mail address of addressee(s)
- Distribution list (if applicable)
- Subject of the message
- Date and time



Responsibilities *(Continued)*

Disposition or Transfer of E-mails

- No Federal record may be disposed of (by destruction, deletion, or transfer) without prior authorization by DHS records officials and the Archivist of the United States.
- Authorization for disposition or transfer is provided by either an entry in the National Archive and Records Administration (NARA) General Records Schedule (GRS) or by DHS' specific records schedule.
- The authorization is based on the topic and function of the record (e.g., the record series), and never by the format of the record.



E-mail Disposition

TRANSITORY E-MAILS. If the retention for the record is less than 90 days or if it is a “Transitory Record”, it can be deleted when no longer needed for business purposes.

Examples of Transitory e-mail records include:

- 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;
- Quasi-official notices including memoranda and other records that do not serve as the basis of official actions, such as notices of holidays or charity and welfare fund appeals, bond campaigns, and 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 activities; and
- Suspense and tickler files or “to-do” and tasks lists that serve as a reminder that an action is required on a given date or that a reply to action is expected, and if not received, should be traced on a given date

Most e-mails will fall under the category of a Transitory record.



E-mail Disposition (Continued)

SHORT-TERM E-MAILS - E-mails of short-term (90 days to 1 year) value, with minimal or no documentary or evidential value, can remain in the user's e-mail folder or shared drive until they are purged.

Examples of Short-Term e-mail records include:

- General Administrative or “Housekeeping” records received for general information purposes
- E-mails received for purposes that require no action and are not required for documentation of specific functions



E-mail Disposition (Continued)

LONGER-TERM E-MAILS - Some e-mails require longer term (more than 1 year) retention and must be handled in a manner that allows for eventual transfer to National Archives and Records Administration

Examples of Longer-Term e-mail records include:

- Program or project records that require administrative action, a policy decision, or special compilation or research for reply
- Program or Project records that document important decisions and where there is little likelihood that the decisions are documented elsewhere
- E-mail messages sent and received documenting actions during an emergency situation, disaster response, or Continuity of Operation (COOP) activities

In most cases, an e-mail will not be the “official” record of a program or project policy decision.



E-mail Disposition (*Continued*)

Disposition – Judicial Use

Judicial Use (Legal records) is a special category of records – in this case e-mails admissible as evidence in Federal court proceedings and can be used in the discovery process, during litigation, Congressional inquiries, and Freedom of Information Act (FOIA) requests.

Do not delete, remove, or in any way alter e-mails where a legal hold or discovery process is in place, or where such a legal hold or discovery process is anticipated.

Don't assume that e-mail messages are immune from legal discovery or are protected under the Privacy Act or FOIA.



E-mail Retention

Retaining the Paper Version. E-mails with a retention period of longer than 1 year must be printed out (along with attachments) and filed with related records. If the transmission and receipt data are not printed by the particular e-mail system, you must annotate the paper copies to reflect such data.

Retaining the Electronic Version. Long-term or permanent e-mails retained in an electronic recordkeeping system must be transferred according to the instructions found in “Expanding Acceptable Transfer Requirements: Transfer Instructions for Existing E-mail Messages with Attachments”

<http://www.archives.gov/records-mgmt/initiatives/e-mail-attachments.html>



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Summing Up – Managing Your E-mails

The Question to Ask: “Should I delete, save, or print?”

1. After receiving or sending an e-mail and any attachments, determine if it is a record.
2. You should delete Transitory e-mails (*less than 90 days*) when no longer needed
3. You must save Short-Term e-mails (*more than 90 days but less than 1 year*) in a shared drive
4. You must print Longer-Term e-mails (*more than 1 year*), including attachments, and file them according to the approved filing procedures and record disposition schedule
5. After printing out and filing the e-mail record, delete the electronic version of the record
6. Any remaining electronic version of the printed e-mail record should be a reference copy, and can be deleted when no longer needed

If you are unsure about the correct status of your document, always treat it as a record first.



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Further Information

- Direct questions to:
- dhsrecordsmanagement@hq.dhs.gov
- You can also find additional information at:
 - DHSOnline – Click on “Records Management” for general information and guidance
 - DHS MD 0550.1 – Records Management Handbook
 - NARA Code of Federal Regulations 36 CFR 1234 (<http://www.archives.gov>)

