Email Policy

Electronic Mail Record

This section establishes agency policies for managing electronic mail.

1. Summary

This section establishes policies and responsibilities for managing the creation, maintenance,  
use, and disposition of electronic mail. In this section, electronic mail includes the message and all attachments.

1. Authority

The management of electronic mail complies with 44 U.S.C. Chapters 21, 29, 31, 33 and 33 and 18 U.S.C. Chapter 101, and regulations established by NARA for managing Federal records as stated in 36 CFR parts 1220, 1222, 1228, and 1234. The agency manages electronic mail in accordance with 36 CFR 1234.24. The agency uses the standards contained in 36 CFR part 1234 to manage Federal electronic mail that is maintained in an electronic recordkeeping system.

1. General Policy
2. 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. In addition, Federal regulations govern the lifecycle of these records: They must be properly stored, preserved, and available for retrieval, and may be disposed of only in accordance with NARA approved records control schedules.
3. Employees are encouraged to use electronic mail because it is a cost-effective communications tool. This guidance assists agency personnel with managing electronic  
   mail effectively.
4. Agency electronic mail systems are for official use only by authorized personnel. The information in these systems is departmental, not personal. Utilization of electronic mail for other than official, authorized purposes is prohibited. No expectation of privacy or confidentiality applies.
5. Users of agency electronic mail systems will not alter or improperly dispose of any electronic mail message, record of transmission and receipt date, or attachment (such as a document) which meets the definition of a Federal record
6. Definitions
7. **Electronic Mail (Message).** A document created or received on an electronic mail system including brief notes, more formal or substantive narrative documents, and any attachments, such as word-processing and other electronic documents, which may be transmitted with  
   the message
8. **Electronic Mail Record.** A document created by or received via an electronic mail system which meets the definition of a Federal record as specified in 44 U.S.C. 3301.
9. **Electronic Mail System.** A computer application used to create, receive, and transmit messages and other documents. Excluded from this definition are file transfer utilities (software that transmits files between users but does not retain any transmission data), data systems used to collect and process data that have been organized into data files or data bases on either personal computers or mainframe computers, and electronically generated documents not transmitted on an electronic mail system.
10. **Federal Record.** All books, papers, maps, photographs, machine-readable materials or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the government or because of the informational value of data contained in them.

Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included.

1. **Transmission Data.** Information in electronic mail systems regarding the identification of sender and addressee(s), and the date and time messages were sent.
2. **Receipt Data.** Information in electronic mail systems regarding date and time of receipt of a message, and acknowledgment of receipt or access by addressee(s).
3. **Recordkeeping System.** A manual or electronic system in which records are collected, organized, and categorized to facilitate their presentation, retrieval, use, and disposition.
4. Maintaining and Preserving Electronic Mail
5. Determine if electronic mail is a Federal record. The sender and the person who receives electronic mail independently determine whether or not the message and its attachments meet the definition of a Federal record for their office. The following are examples of electronic mail that constitute Federal records:
   1. Electronic mail that contains substantive information that is necessary to document the activities and functions of the agency adequately and properly
   2. Electronic mail that provides key substantive comments on a draft action memorandum if the electronic mail message adds to a proper understanding of the formulation or execution of agency action
   3. Electronic mail that provides documentation of significant agency decisions and commitments reached orally (person-to-person, by telecommunications, or in conference)
   4. Electronic mail that conveys information of value on important agency activities if  
      the electronic mail message adds to a proper understanding of agency operations  
      and responsibilities
   5. Electronic mail that documents the formulation and execution of basic policies  
      and decisions
   6. Electronic mail that documents important meetings
   7. Electronic mail that denotes actions taken by agency officials and their successors
   8. Electronic mail that makes possible a proper scrutiny by the Congress or other duly authorized agencies of the government
   9. Electronic mail that protects the financial, legal, and other rights of the agency and of persons directly affected by the agency’s actions
6. Electronic mail that is a Federal record: Electronic mail determined to be Federal record(s) falls into three categories: permanent records, temporary records, and transitory records
   1. Permanent electronic mail includes those messages that NARA appraises as having sufficient value to warrant continued preservation by the Federal Government as part of the National Archives of the United States. Electronic mail is scheduled as permanent by a NARA approved Request for Records Disposition (SF 115) because the records have continuing value as documentation of the organization and functions of an agency of the Federal Government or because the records document the nation’s history by containing significant information on persons, things, problems, and conditions. Electronic mail may be scheduled as permanent as part of a larger series or as the electronic mail of a designated agency official, such as an Under Secretary.
   2. Temporary electronic mail includes those messages that NARA approves for immediate disposal or for disposal after a specified period of time or event, in accordance with a NARA approved Request for Records Disposition (SF 115) or the General Records Schedules. Temporary records may document agency business processes or document legal rights of the government or the public, document government accountability, or contain information of administrative or fiscal value. Depending on the type of record, the retention period may range from immediate destruction to as long as 100 years.
   3. Transitory electronic mail includes those messages of short-term interest which have no documentary or evidential value and normally need not be kept more than 90 days. Examples of transitory electronic mail messages include:
      1. 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
      2. Originating office copies of letters of transmittal that do not add any information to that contained in the transmitted material, and receiving office copy if filed separately from transmitted material
      3. Quasi-official notices including memorandums 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 (see General Records Schedules 23, item 7)
      4. 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 (See GRS 23, item 5b)
      5. Maintaining electronic mail (for the appropriate retention period, in the case of temporary records; permanently, in the case of permanent records), filing it, and making it available, involve the following considerations
   4. Electronic mail must be preserved for its appropriate retention period (which may be transitory), along with essential transmission and receipt data (names of sender and addressee(s) and date message was sent) for each electronic mail message in order for the context of the message to be understood. Disposition of all electronic mail records will be made in accordance with an authorized records disposition schedule.
   5. Permanent and temporary electronic mail is maintained and made available for office use by:
7. Printing the email message (with attachment) and filing, when paper files are used as the recordkeeping system. The printed copy of the electronic mail must be filed in the manual recordkeeping system.
8. Filing the email electronically, when an electronic recordkeeping system is  
   used as the recordkeeping system. (See 36 CFR 1234.24 (a)–(d)). Note that organizations that choose to manage electronic mail records electronically must either: (1) be able to perform all requirements of preservation, protection,  
   storage, retrieval, and disposition through the electronic mail application system itself, or (2) copy electronic mail records into an electronic recordkeeping  
   system able to perform all the functional requirements of the Federal regulations. “Backups” made as a normal part of electronic mail systems operation and maintenance do not meet these requirements and should not serve as an electronic recordkeeping system.
   1. Transitory electronic mail may be maintained in the “live” email system. These emails with attachments will be deleted after 90 days by the automated delete feature of the email system.
9. Retention and Disposition of Electronic Mail Records
10. When electronic mail is retained as a Federal record, the retention period is governed by the appropriate NARA approved agency records control schedule or the General Records Schedules. Temporary records are kept for defined periods of time pending destruction and permanent records are transferred to the National Archives of the United States for permanent preservation.
11. Electronic mail users who are uncertain about the disposition of electronic mail messages should contact their Program Office Records Officer or the Agency Records Officer  
    for assistance
12. If an electronic mail item, either sent or received, is a Federal record, it is the responsibility of the agency employee to ensure that a copy is preserved by making it a part of the official files of agency, unless it is a transitory record
13. Besides the text of electronic mail messages, electronic mail systems may provide  
    records transmission and receipt data. Transmission data (such as the identity of the  
    sender and addressee(s) and the date on which the message was sent) must be preserved  
    with all electronic mail items defined as Federal records. Just as with a paper record,  
    these transmission data are necessary for an electronic mail record to be complete  
    and understandable.
14. Electronic mail systems may also provide users with the ability to request acknowledgments or receipts showing that an electronic mail message reached the mailbox or inbox of addressee(s) and was accessed. Electronic mail users should request receipt data when they are needed for adequate and proper documentation of agency activities, especially when the data are necessary to confirm that an electronic mail message was received and accessed. In such instances, receipt data associated with the record copy of the electronic mail message will be preserved.
15. When the recordkeeping copy is maintained in paper, the printed electronic mail message with attachments will be annotated to document that it is the official file copy before being placed in the official files of the responsible organization
16. Electronic Mail Received from External Sources

These procedures also apply to electronic mail received from nonagency and other outside sources, e.g., through the Internet or other commercial network services.

1. Compliance Reviews

Compliance with these procedures will be accomplished through periodic reviews and evaluations to be conducted under the supervision of the Agency Records Officer.