

## **Title VI – Information Services**

### **Section 471 – E-mail Use and Retention Policy**

Purpose: To implement a County-wide policy for employee use of the County's electronic mail systems and for managing, retaining, and producing electronic mail. This policy is intended to comply with the requirements of the California Public Records Act and allow the County to manage records in an efficient manner, provide for record archiving, and minimize public expense by eliminating the storage of unnecessary data.

#### **Policy:**

1. **Electronic Mail:** Electronic mail (e-mail) is a means of transmitting communications electronically. An email using the County's computer system may contain records requiring protection and retention. An e-mail that does not contain a public record or does not include information that otherwise serves a business purpose shall be routinely discarded. Accordingly, each employee has the same responsibility for their electronic mailbox messages as they do for any document they obtain in the course of their official duties and must distinguish which communications should be retained for business or legal reasons and communications that are discarded. For the purposes of this policy, e-mail includes e-mail-based voicemail and e-mail based faxes.

E-mail communication will be held in the County's e-mail system for a period of no longer than 60 days, and will be automatically deleted after 60 days, unless retained deliberately by the recipient. Communications or records required by law to be retained shall be filed appropriately and transferred to designated locations for long term retention. Storage should be electronic or hard copy, if necessary. An e-mail communication not required to be retained should be deleted as soon as practical from the system. Employees should seek guidance in order to ascertain the specific time requirements applicable to the documents generated, received and or maintained by their department.

2. **Back-up of Data:** Back-up repositories are for disaster recovery purpose and not for record retention. Retention is the responsibility of the originator/sender of the message, and is not the purpose of the back-up process.

3. **Retention during Legal Proceedings:** Notwithstanding other retention requirements, and if a request is made, electronic mail and all other electronic or paper documents pertaining to threatened or actual legal proceedings shall be retained until the litigation is finally concluded or as otherwise directed by County Counsel.

4. Method of Records Retention: Public records conveyed by e-mail that have not met their retention period should be saved by one of the following methods:

- Print the e-mail or e-mail based fax and store the hard copy in the appropriate file. E- mail based voice messages need not be printed, other than the subject line of the message.

OR

- Electronically store the message in an email archive system specifically designated by the County for retention purposes.

5. No Expectation of Privacy: The County reserves the right to monitor the use of its e- mail systems for any reason, including the right to review, audit, and disclose all matters sent over and/or stored in the system. Employees' use of any county owned e-mail system is not private; and employees using these systems shall not expect their communications to be private.

The county has the capability to access, monitor, review, copy, or disclose any e-mail communications; and the county reserves the right to do so for any proper county purpose. The use of security measures (such as individual passwords) or deletion of e-mail communications does not affect the county's ability or right to access, review, copy, or disclose such communications under appropriate circumstances. This policy shall not be interpreted to limit the county's access to e-mail under appropriate circumstances; and shall not in any way limit the county's control or ownership of its e-mail systems.

Employees should expect that any e-mail communication using a county owned system might be considered a public record subject to disclosure under State or federal law.

6. Appropriate Use: The County's computers and mail systems are the sole property of the County and are made available to employees for the purpose of providing an effective method to communicate, increase productivity, perform research and obtain information that will assist in performing official business related tasks.

It is understood that any communication making use of the County's e-mail systems might end up being transmitted to and read by persons other than the sender and recipient.

All communications making use of the County's e-mail systems shall be courteous and professional. Employees' making use of the County's e-mail system shall not include derogatory, defamatory or obscene language in any communication and shall not use the system for any improper, illegal, offensive or harassing purpose. Activities

prohibited by this policy include, but are not necessarily limited to the following:

- a. Transmittal of any material or communication in violation of any federal, state or local law, or ordinance;
- b. Transmittal of any material or communication, which includes offensive material (such as sexual, racial or ethnic comments, jokes or slurs);
- c. Misrepresentation under any circumstances of an employee's true identity;
- d. Unauthorized access to any computer system;
- e. Any action intended to accomplish or assist in unauthorized access to computer systems;
- f. Unauthorized or improper downloading, accessing or transmittal of copyrighted information, documents, or software;
- g. Transmittal of unauthorized broadcast communications or solicitations (such as mass e-mail transmittals). All broadcast or solicitation messages must be approved in advance by the County Administrative Officer;
- h. Any action that causes the county to incur a fee for which there has not been prior approval;
- i. The use or disclosure of a security code or password other than as authorized;
- j. Any automatic forwarding of emails or email mailboxes to external addresses.

7. Employee Notification: Each employee making use of the County's e-mail system shall be required to sign a form acknowledging that he or she has read, understood, and agrees to abide by this policy. Violations of this policy may result in discipline, up to and including dismissal.