

Delaware Public Archives

Electronic Records

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Rule #1

It is the content of a record,

not the medium,

that determines whether it is a

public record

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What about Emails, Databases and Scans... Are They Records?

- An electronic record is information that is:
 1. Stored or generated,
 2. Received or communicated;
- By electronic means for use or storage in an information system or for transmission from one system to another;
- Electronic record formats include word processing documents, spreadsheets, databases, emails, websites, audio, video files, etc.

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Electronic Mail

Email systems are storage-and-deliver software systems which transport messages from one computer user to another.

The systems range in scope and sizes:

- Local area network email system: shuffles messages to users within an agency or office
- Wide area network email system: carries messages to various users in various physical locations; and
- Internet email which allows users with an Internet address to send and receive messages from other Internet users around the world.

- Email messages are text documents which are created, stored, and delivered in an electronic format. Making them similar to other forms of communicated messages, such as correspondence, memoranda, and circular letters.
- Email may also contain features commonly associated with traditional records systems
 - Calendars
 - Directories
 - Distribution lists
 - Attachments: e.g. word processing documents, spreadsheets, and images

General Email Categories

Email messages, like other public records generated across the government, fall into two broad retention categories:

- General records
 - Records which are common to all agencies
- Agency specific records:
 - Records which are unique to the agency.

General Email Examples

- Weekly reports,
- Purchase orders,
- Administrative memoranda, and
- Routine correspondence

The approved retention periods and instructions for records common to all agencies can be found in the Local Government Retention Schedule

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Agency Specific Email Examples

- Client case files,
- Register of permits
- Record of Deeds
- Register of Wills

The approved retention periods and instructions for records unique to an agency can be found on its agency-specific records retention schedule.

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Basic Categories for Retention

By using the Retention Schedules, email can be further classified into four basic categories:

1. Transitory Files;
2. Retention Specific Records;
3. Administrative Support Records; and
4. Policy and Program Records.

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Transitory Files

Documents of short term interest that have no documentary or evidential value. These records are retained according to the Local Government General Retention Schedule.

Examples of transitory files are:

- Routine requests for information or publications which require no administrative action, policy decision, or special compilation or research, and copies of replies.
- 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.
- Quasi-official notices: memoranda and other records that do not serve as the basis of official actions, such as holiday notices, charity fund appeals, bond campaigns, etc.

Retention Specific Records

Records with retention periods that are time-limited or linked to specific events. These records should be retained for the length of their stated retentions.

Records meeting this definition can be destroyed so long as there are no outstanding legal or audit issues and with an approved destruction notice.

Examples of Retention Specific records are:

- Case Files,
- Telephone Logs,
- Incident Reports,
- Unsuccessful Applications, and
- Record Request Forms.

Administrative Support Records

Records of a general facilitative nature created or received in the course of administering programs. These records should be retained at the agency according to the Local Government General Retention Schedule.

Records meeting this definition can be routinely destroyed after receiving an approved destruction notice.

Examples of Administrative Support records are:

1. Correspondence of a routine type such as requests for information;
2. Inter-office or departmental communications which do not result in policy;
3. Daily, weekly, or monthly office activity reports that are summarized in annual reports or which relate to routine activities (e.g. progress or statistical reports prepared in the office and forwarded to higher levels);
4. Purchase orders, payment vouchers, travel expense statements or similar financial documents which are duplicated in department fiscal office files;
5. Daily, weekly, or monthly work assignments for office staff;
6. Calendars, appointment books, schedules, logs, diaries, and other records documenting meetings, appointments, telephone calls, trips, visits, and other daily activities of state employees

Policy and Program Records

Records that document the formulation and adoption of policies and procedures and the implementation, program management, or functions of the office or department. These records should be retained permanently and scheduled for transfer to DPA at some time during their life cycle. (Primary Mission Files)

Examples of Policy and Program Records are:

1. Agency policies and procedures which govern the operation of the agency;
2. Correspondence with citizens or other government officials regarding policy, procedure development, or program administration;
3. Annual, ad hoc, narrative, or statistical reports on program activities, achievements or plans;
4. Organizational charts and mission statements;
5. Studies regarding department or office operations;
6. Circular letters, directives or similar papers addressed to subordinate units or staff concerning policies, procedures or programs;
7. Records related to significant events in which the department or office participated; and
8. Photographs, published material, audio tapes and other record forms.

HOW TO RETAIN RECORDS FROM AN EMAIL SYSTEM

There are three methods to retain records from an email system:

1. On-line storage;
2. Near-line storage;
3. Off-line storage.

Each option provides benefits and disadvantages and will be affected by an agency's information technology environment.

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On-Line Storage

Is the storage of email messages, metadata, and attachments within an email system.

- The system in use does not necessarily have to be the same throughout the retention. E.g. messages stored in Outlook, Gmail, Yahoo, etc., may also be accessed, read, sent, and then stored again into another email system.
- Any solution to email retention which includes on-line storage should be done only after consultation with the agency Information Resource Manager and the network administrator.
 - ✓ Advantage: Maintains the full functionality of the email message and allows users to recall the message at any time for reference or responding.
 - ✓ Disadvantage: Potential costs and effects of storage on the performance of the email system.

Near-Line Storage

Transfers email messages, metadata, and attachments from the email system into an electronic record keeping system. This type of storage requires that the message, metadata, and attachments be removed from the on-line email system and stored in an electronic format.

- For example, a message can be saved to a file on a local hard drive in a format compatible with agency operations and filed according to filing practices established by the agency.
 - Advantage: The user maintains a moderate amount of functionality in that email messages stored near-line can be retrieved and referenced electronically.
 - Caution: Users must be careful to maintain a filing system which is consistent with established practices to include filing sequences and naming conventions for computer files. Users may want to “protect” such records from alteration.

Off-Line Storage

The storage of email messages, metadata, and attachments outside of an electronic record-keeping environment.

The clearest example of this type of storage is to simply print out an email message to paper, with its contextual information and attachments in place, for filing within existing filing systems in the agency.

- Advantages: The ability to integrate the filing of records in email systems within existing hard-copy filing systems in agencies. Any email messages, metadata, and attachments stored off-line should be done in a manner consistent with agency practice.
- Disadvantages: It dramatically reduces the functionality of the email message, as it is no longer retrievable in electronic form, and increases the costs associated with storing paper documents (containers, materials, facilities, personnel costs).

Administrative Challenges

- Ensuring records created by email systems can be located when required; establish a plan for indexing files.
- Arrange Emails in an organized and consistent manner that mirrors the way the agency references the records.
- Develop a standardized system for naming files and folders to eliminate confusion and allow for easy retrieval and sorting.
- Email records, whether maintained in electronic or paper format, must include the following Metadata components:
 1. Names and e-mail addresses of both the sender and recipient(s). This includes the names and addresses of all members of a distribution list
 2. Date and time e-mail was sent
 3. Subject line that describes the contents of the message
 4. Text in the body of the email
 5. Attachments

State and Federal Rules of Evidence

- Be familiar with state and federal “rules of evidence” requirements.
- Courts concentrate on assurances that records, and the electronic information systems in which the records are created and maintained, are reliable; includes email systems,
- The reliability of the process or system used to produce records, not the type of media or technology used, determines the admissibility of records in evidence.
- Federal rules of evidence place the burden for the identification of relevant records on the records’ creator and often within a 90-day time period
 - ❑ Email systems used to create, receive and maintain email messages have full, complete, and up-to-date systems documentation;
 - ❑ Systems follow all Department of Technology and Information (DTI) recommendation for security;
 - ❑ Complete system backups are regularly and consistently performed. The system should retain all data and “audit trails” necessary to prove its reliability as part of the “normal course of agency business.”
 - ❑ Backup procedures need to be coordinated with disposition procedures and actions so that no copies of records are maintained after the retention period has expired.

Questions?

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