

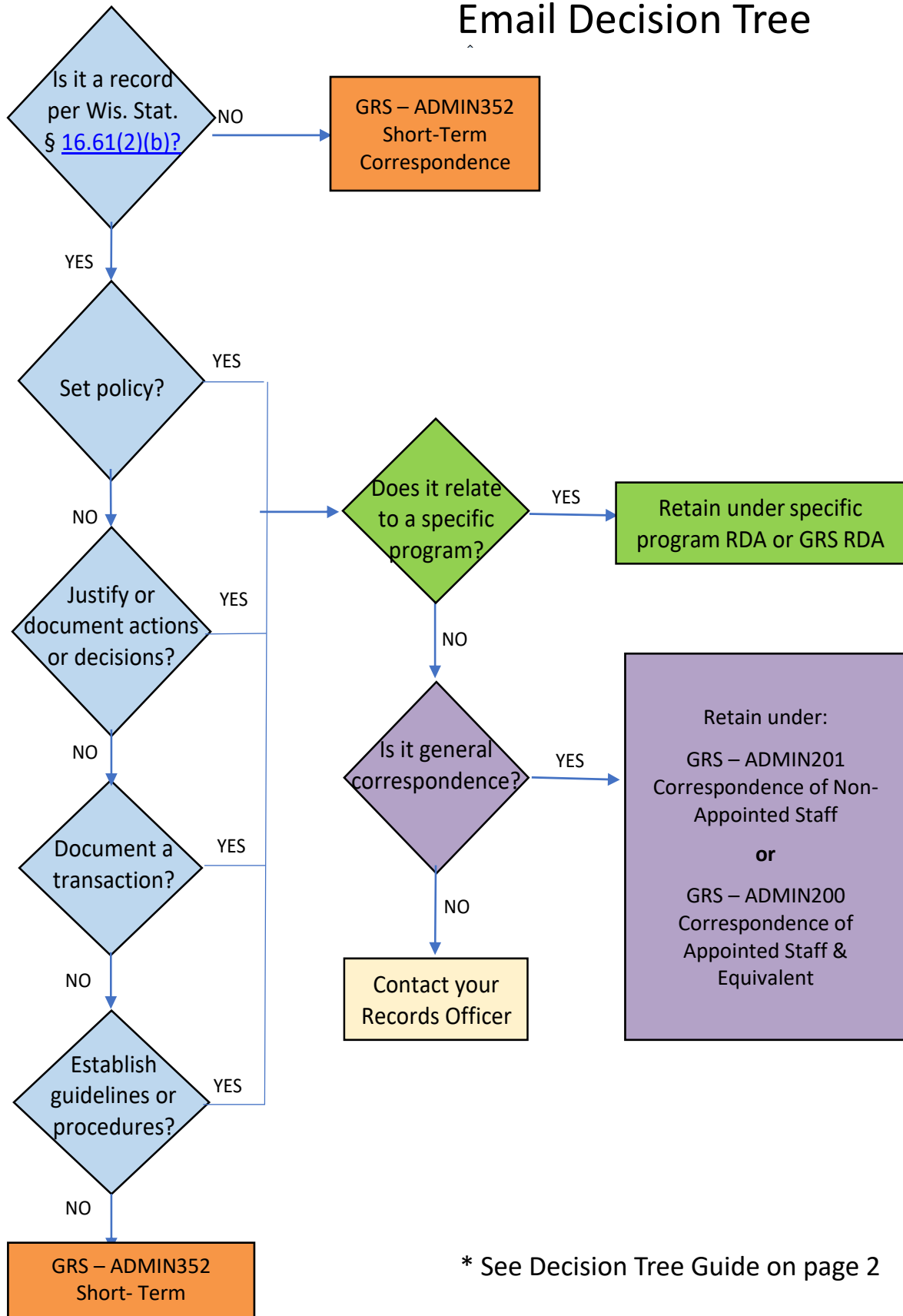
Management and Retention of Public Record Email

Best Practices

For Wisconsin State Agencies

For More Information:
<http://publicrecordsboard.wi.gov> or
 Contact Your Agency Records Officer

Email Decision Tree



* See Decision Tree Guide on page 2

Wisconsin Public Records Board (PRB): Protecting the legal, financial and historical interests of the state in public records.

Decision Tree Guide

Short-Term Routine Correspondence: Email that does not set policy, establish guidelines or procedures, document a transaction or become a receipt.

Emails typically considered public records, but have very short-term value:

- *Unsolicited emails not related to agency business such as SPAM messages from commercial or non-government entities.*
- *System-generated messages such as messages about computer system issues or automated reminders.*
- *Personal messages with content that has no connection to government functions.*

Examples: Reminders about deadlines; Requests for meetings/assistance; “For your information” announcements; simple requests for information

Program-Related Correspondence: Email related to specific programs that have other records retention requirements.

Examples - Case/Client Information; School lunch programs; Animal 4-H judges certifications; Petroleum spill cleanup; Professional licensing; Continuing education

Business-Related Correspondence: Email that directly relates to an employee’s regularly assigned duties and functions.

Examples: Interprets or executes policy; Documents substantive meetings; Facilitates organization action or process; Conveys an action; Supports a transaction; Supports or conveys a decision; Documents accountability

Emails typically NOT considered public records include:

- *Identical copies of original messages that are in the custody of the same state agency or local unit and are maintained only for convenience or reference.*
- *When messages are held by at least two employees of the same organization employees must determine who holds the copy (a non-record) and who holds the original (public record).*

How Do I Manage My Emails?

Most emails created or received by public employees are public records and must be managed in a way consistent with state law and approved records schedules.

Proper email management is achieved by understanding:

- how long emails need to be maintained (retention period)
- in what circumstances the messages can be deleted permanently (disposition)
- when email should transfer to the appropriate archival repository for preservation (disposition)

To ensure emails are kept for the legally required period, retention decisions must be based on the content of the email message and the record schedule that pertains to that content.

Note: Your agency may **only** legally dispose of records as approved by an authorized RDA when there is not litigation, audit, or an open records request pertaining to the records.

When a public employee terminates or transfers positions, the email they leave behind must be managed according to the appropriate records schedules. State agencies and local units must develop processes to ensure these emails are accessible by supervisors and appropriate staff in the work unit for the full retention period. Departing staff should unsubscribe to email lists and delete personal email and other non-records before leaving.

When is Email My Responsibility?

When determining who is responsible for maintaining public record emails, public employees must ask:

Are you the author of the email?

The originator, or author, of the email within the agency always holds the official record and is responsible for retaining it.

Did the email result in an action and/or decision?

Both originator and recipient should save the email if it explains, justifies, or documents an action or decision.

When the email comes from an outside entity:

The recipient responsible for action should be identified and will be responsible for retaining the email. All other recipients may delete the email as it would be considered a copy.

Note: Email messages often become “threaded,” with numerous back and forth responses among recipients. In those cases when a threaded message is complete (with no earlier information removed), all but the most recent message can be deleted.