

A CALL TO

E-mail is the most commonly used information technology tool provided on the computer desktop. Surveys indicate that more computer space is devoted to e-mail than all other applications. University employees need to recognize their responsibilities in the area of e-mail creation, maintenance, and disposition. While there is currently no records management or EDMS (electronic document management software) that adequately manages e-mail, there are policies and best practices that can be implemented.

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UW MADISON E-MAIL POLICY AND BEST PRACTICES

INTRODUCTION—

The effective management of e-mail is necessary and remains a key objective of records and information management. This is important because e-mail messages can contain records, and in many cases, may be the only record created that documents a transaction, and action taken, or a policy determination or interpretation.

The means to accomplish e-mail management are still not readily available because information technology currently does not support the needs of organizations in the management of their e-mail records. At the present time, e-mail software systems do not have the functionality to meet the maintenance and retention needs that are required when e-mail is used to create

records. Whether e-mail software, records management software, or some type of document management software will accommodate records keeping requirements in the future remains unknown. This *Best Practices Guide* is made available to provide advice to the University community in the interim. It makes references to existing campus and State of Wisconsin policy documents. As developments occur, every effort will be made to keep this document up to date.

BACKGROUND

In April of 1995, the University of Wisconsin-Madison issues an e-mail Guide. It was issued as a working guide with the endorsement of the campus Records Advisory Group. In November of 1997, the State of Wisconsin issued Statewide Enterprise E-mail Policy and Guidance. Several State agencies have developed e-mail policies using that document as a guideline. This *Best Practices Guide* is being prepared in partial response to the State policy directive. It recognizes the existence of several policies that impact e-mail management. At the same time, it also acknowledges that until such time as more technical solutions are available and the financial support for them in place, complete policy and compliance in the area of e-mail management cannot be achieved.

There are certain statements that can now be made about the status of e-mail:

- The State of Wisconsin and the Federal government recognize that e-mail messages can contain records.
- State agencies are required to develop their own e-mail policies as per **Statewide Enterprise E-mail Policy and Guide**:
<http://www.doa.state.wi.us/dtm/btpp/policy.pdf>
- The Federal courts have determined what constitutes a complete e-mail record. See "Components of a Complete E-mail Record" under "Best Practices" later in this document.
- The Federal courts have also determined that it is not sufficient to treat e-mail with a broad brush.

Organizations are advised not to create broad categories of records solely to permit the disposition (deletion) of e-mail. E-mail is to be appraised (evaluated) using established criteria and retention and disposition determinations made based upon that appraisal.

- E-mail is playing an ever-increasing role in litigation. Several recent major national litigations have turned on records and information gained by accessing e-mail messages.

It is therefore extremely important that all University employees recognize the significance of e-mail messages they create and maintain and do the best they can to manage them appropriately.

CURRENT POLICY

- **Appropriate Use.** E-mail is a resource provided by the University to assist in the performance of University business. The University of Wisconsin System encourages the use of information technology resources to support its mission and that of its member institutions. Use of the University's e-mail resources for the conduct of personal commercial business is strictly forbidden. University e-mail resources can not be used to harass or disparage others. See *Board of Regents Policy on the Use of Information Technology Resources*: <http://www.uwsa.edu/rpd/rpd97-2.htm>
 - **E-mail is subject to disclosure and discovery.** Any public record is subject to discovery requests as part of a legal proceeding. Discovery can include all data in e-mail that may pertain to the particular court case or proceeding.
 - **E-mail is subject to State Public Records and Open records laws.** See *Statewide Enterprise E-mail Policy and Guidance*: <http://www.doa.state.wi.us/dtm/btpp/policy.pdf>
 - **E-mail is subject to copyright laws.**
 - **Know your records responsibilities.** All University employees who use a university-provided e-mail service have a role to play in the management of e-mail. See *ARMS Bulletin #1*: <http://www.library.wisc.edu/libraries/Archives/rm/arms/arms1rev.htm>
- **Components of a complete e-mail record.** A complete e-mail record must incorporate the address, identify the intended recipient, transmission and routing coding and the message content. The message should consist of: identification of the sender, meaningful subject line, signature block, and disclaimer (for certain types of e-mail). If a record copy of an e-mail message is printed, all components need to be printed as well.
 - **Impact of copying and forwarding function.** E-mail has the capability of being copied and forwarded to numerous individuals, and they may be retained long after the intended function has been completed. E-mail users should never create a message that they would not want to appear on television or in a newspaper.
 - **Copyright laws apply to email.** The ease of copying messages and attachments does not alter an end-user's obligation to use the copyrighted works of another within the parameters of copyright law. Unless the e-mail has been placed expressly in the public domain or the use is fair use, the end-user must seek permission from the copyright holder to use his or her copyrighted work.
 - **Transmission of Confidential and Sensitive Information and the Use of Encryption.** Unless your e-mail system provides for encryption or other technological methods to insure security, it is strongly recommended that you do NOT use e-mail to communicate confidential or sensitive records. In the University environment, we have two major categories of records and information that are confidential by law: medical information and student educational records, but there are other types of records that are confidential by law. Both State and University information architecture groups are currently working on campus standards for the use of encryption and digital signatures.
 - **Netiquette and communication standards.** When creating records using e-mail, follow standards you would use in normal business communications when communicating with clients and customers, i.e. use standard business letter layout, business language, and appropriate netiquette etc. See the "Netiquette Guide" at the end of this document.

BEST PRACTICES

The following best practices are grouped by records function so that they can be referenced in systematic fashion.

Creation and Transmission

- **Making determinations about the use of e-mail within your office.** Before conducting University business using e-mail, assess the business needs of the department and the type of information to be communicated to determine whether in fact e-mail is the most suitable technology to use. Determinations about the applicability of specific information technology require a team approach involving:

program staff, information technology specialists, records and information management staff, and others. See *Suggested Appraisal Strategy* (call UW Archives) and *Information Systems Role in the Management of E-mail* (later in this document). Also *ARMS Bulletin #2 Creating Electronic Records* (<http://www.library.wisc.edu/libraries/Archives/rm/arms/arms2.htm>) discusses the record keeping requirements for electronic records.

Maintenance

- **Maintain a filing and classification scheme that will facilitate access, retention and disposition.** It is recommended that departments adopt filing practices that conform to institution-wide retention policies and provide links to related record items. It is also recommended that offices establish a filing system for your e-mail that parallels related filing

structure the office maintains for hard copy files. Filing practices should also separate personal messages so that they can be routinely deleted.

- **Regularly delete non-record material.** Non-records are defined in the State Statutes, Chapter 16. These include such things as duplicates, stocks of publications, blank forms, etc.
- **E-mail that is a record must be maintained (and preserved) with envelope information.** Envelope information that must be retained is all receipt and transmission data, sender and recipients, date sent and / or date received.
- **System backup procedures.** System backup procedures should separately identify e-mail in order to facilitate disposition and to provide consistency in retention practice. Work with your LAN or IT staff to implement appropriate backup procedures.
- **Understand the capabilities of your e-mail system and use them to aid in the daily management of e-mail.** For example the use of filtering can sort messages into hierarchical mailboxes, add color-coding, identify priority, automatically forward or redirect messages, and other depending upon the type of e-mail package that is used. Set up directories / subdirectories that reflect your office functions that parallel paper files. This will greatly facilitate access and grouping of all records that relate to a given topic.

Retention and Disposition

- **There is NO single retention period for e-mail message.** The value of e-mail messages is based upon their informational content. Messages that are deemed to be records need to be retained the same length of time that they would be retained if they were hard copy. Because most frequently the determination of record status of an e-mail message will be determined by the individual employee, University employees are encouraged to acquaint themselves with institutional records retention policies.
<http://www.library.wisc.edu/libraries/Archives/rm/gensched/gensched.html>
- **Apply current campus-wide retention policies to e-mail records.** There are numerous campus-wide retention schedules, and they apply to all records covered by them regardless of record media.
- **Campus departments must schedule for retention and disposition e-mail containing records that fall outside the campus-wide schedules.** It is a statutory requirement that all records are to be appraised and scheduled for disposition. If an existing campus-wide schedule cannot be applied, then the department must prepare a records schedule. Assistance is available through the Office of Archives and Records Management Services.
- **E-mail records must be maintained in a useable format throughout the approved retention period.** If the record is to be maintained in an electronic format, it must be migrated to new software and storage media as the upgrades occur. If the e-mail record is printed out and retained in paper form, all

envelope information must be printed and retained with the record.

- **E-mail records should be deleted promptly as soon as the approved retention period has expired.** Deleting records systematically and promptly limits University risks in the retention of records that are no longer needed and significantly reduces space requirements to maintain the e-mail.
- **Approved retention times must also be applied to the backup tapes containing the copies of the e-mail records.** If the records continue to be maintained on the backup tapes beyond the approved retention time periods, the information still remains accessible and subject to discovery and open records requests.

Access

- **If you receive an open records request for records contained in your e-mail system, you are obligated to respond to it in the same fashion that you would a request for paper records.** If you have questions about the application of the open records law, you should contact Legal Services before you respond.
- **Protect access to your e-mail system.** Simple things such as closing your e-mail if you intend to be away from your desk for periods of time and not sharing your password will go a long way to ensuring that your messages are not corrupted.
- **Access and confidentiality.** E-mail users do not own their e-mail messages and should NOT assume that their communications are confidential or private. E-mail is not confidential. Through an open-records request, members of the public may seek information found in an electronic file. In litigation pursuant to a discovery action, someone may access information from your electronic files. Under certain circumstances, the University may access electronic files. *Policy and Procedures Governing Access to Electronic Files at the University of Wisconsin-Madison* outlines the steps that are necessary in terms of seeking access to faculty and academic staff electronic files. It is therefore important that users purge e-mail from the system as soon as its purpose has been served and the approved retention time has expired. However, all staff should be aware that e-mail is subject to Wisconsin's Open Records Law.

Preservation

- **Those e-mail records appraised as having long term, permanent, or historical value to the University must be retained in a medium that will be useable for future generations.** Since there is no national standard for permanency of the e-mail medium, it is not considered acceptable for permanent record storage. Therefore, e-mail records that are of permanent value must be transferred to another acceptable medium for preservation. Save as plain text or ASCII on magnetic tape.
- As noted under maintenance above, the envelope information must be retained with the e-mail record. This applies to long-term preservation as well.

INFORMATION SYSTEMS ROLE IN THE MANAGEMENT OF E-MAIL

It is not the intent of this Best Practices Guide to suggest that information systems staff should have the additional responsibility for managing e-mail, but it recognizes that there is a shared responsibility between office (receiver/sender of mail) and information technology staff to make sure retention obligations are met.

Office personnel often look to information systems staff for guidance on computer issues, and they need to be familiar with the records management issues in this area. As with the other parts of this document, the intent is to increase awareness of records issues and records keeping requirements, and to provide some best practices relating to e-mail management.

Some items for information systems staff to be aware of:

- Technological information that is automatically incorporated into e-mail messages such as date/time stamp and other format information is considered part of the e-mail message.
- Information in e-mail systems may need to be retained for varying lengths of time, and migration strategies may need to be developed to insure that legal retention times are met.
- If e-mail messages reside on a LAN or host server, it will be necessary to coordinate retention and migration of the information to another medium (i.e. magnetic tape) for long-term retention.

Information systems, program management, and records management staff should review together how e-mail supports the record keeping responsibilities of the particular office or department.

E-MAIL NETIQUETTE GUIDE

- Know your audience.
- Proofread; re-read your mail before you send it.
- Keep messages brief and to the point.
- Format messages for easy reading.
- Use appropriate business style and language when communicating formally.
- Be wary of the use of informal language. The nature of e-mail lends itself to informality, but language taken out of context can be injurious to individuals or the University. Rule of thumb: if you would be unwilling to have the message appear on the evening news, do not send it.
- Do not over-distribute messages; only post messages when they are relevant.
- Respect the privacy of others; and don't be fooled by the illusion of privacy.
- Be aware of differences in e-mail systems.
- Cite appropriate text and references in responding to a particular event, topic, or issue.
- Identify yourself. Each message should include a signature.
- Separate opinion from non-opinion.
- Respect copyright and license agreements. Reference DoIT URL for information on copyright.
- Label messages that are meant to be humorous as such.
- Do not mark messages URGENT unless they really are.
- Sleep on a message that you are uncertain about sending.
- Avoid use of all CAPS. In Internet-eze, this is considered shouting.
- Be careful what you say about yourself or others.
- Check mail daily and delete non-record and transitory items routinely.
- When going on vacation or extended leaves, sign off lists or suspend mail.
- Be aware of the problems associated with sending attachments.
- Unauthorized use of UserID to send or receive messages is improper.
- Unauthorized alteration of e-mail (e.g. alteration by non-author) is inappropriate.
- UW e-mail systems should not be used to: send chain letters, distribute copies in violation of copyright, forward or distribute messages not of legitimate University business, distribute messages which are obscene, harass, or which promote religious, political, or other personal positions or agenda which are not associated with one's position as a University employee.

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