

Electronic Records Management and Records Retention Update - May 2007

Ohio EPA employees frequently use e-mail to communicate and transmit information internally and externally. This presents challenges to both our data management functions and our obligations under the Ohio Public Records Act.

Governor Strickland's Chief Information Officer, R. Steve Edmonson, issued a [memo and statewide policy](#) regarding this issue in May 2007. The policy and memo remind all state employees that ANY communication relating to an agency's "functions, policies, decisions, procedures, operations or other activities of your office is a public record."

This policy applies even to e-mails, instant messages, text messages and chat room conversations that are sent from a personal account (for example, your personal AOL account). It makes no difference whether the communication was sent through your personal computer, cell phone, Blackberry, PDA or similar device. If the message pertains to your job, it is a public record and must be retained in accordance with the Agency's records retention schedule. Additional information about this and other state policies can be found at www.ohio.gov/itp.

The new state policy is consistent with internal guidance that was provided to Agency employees in November 2006. Key points are summarized below. Every employee should also [read the guidance document](#) and [statewide policy](#) so you understand what your obligations are.

The guidelines establish consistent expectations and responsibilities for all employees in managing e-mail messages. They clarify who has responsibility for maintaining e-mails and explain how our records retention schedules apply to e-mail.

Generally, an e-mail message is a public record unless it falls under one of the exceptions listed in Ohio Revised Code. Employees must maintain e-mail public records for the duration of the appropriate record retention period and provide them to the public upon request. The key guidelines include:

- If you create an e-mail, you are responsible for maintaining the record copy (NOT the person you sent it to).
- If you are the primary recipient of an e-mail received from outside the Agency, you are responsible for maintaining the record copy. If more than one employee is the main recipient, then they should all maintain a record copy.
- All employees should set their GroupWise rule to include the original e-mail text in the reply. This will ensure that all of the information needed to create the complete record will be present as the e-mail discussion progresses.
- If you are asked to produce records in response to a public records request, you must consider a variety of formats, including e-mail. A checklist is now available to make sure our reviews are thorough. Also included is a protocol on handling confidential records.

Employees can use the GroupWise archives function to manage e-mail or may choose to print e-mails and file them with other paper documents. The automatic delete function in GroupWise has been disabled, so all employees need to regularly review their stored e-mails and evaluate what must be kept and for how long.

Please [review the guidelines](#) and begin implementing them. If you have questions about the guidelines, please [e-mail Rich Boudier](#).

Associated Documents

- [Memo and Statewide Policy from Governor Strickland's Office](#)
- [E-mail Guidance Document](#)
- [E-mail Guidelines FAQ](#)
- [Confidential Records Protocol](#)
- [Public Records Request Checklist](#)
- [Public Records Retention and Inspection Policy](#)
- [E-mail Retention Workgroup Recommendations and Report](#)