



ARCHIVING

FREQUENTLY ASKED QUESTIONS

1. **Do I need to archive both incoming and outgoing record e-mail?**

Yes, if an e-mail constitutes a record it must be retained for its complete retention period under Alaska Statute and State of Alaska policy. [Note: Executive employees' record e-mail is retained permanently.]

2. **What is *Non-record e-mail*?**

Non-record e-mail does not meet the definition of *Record* in AS 40.21.150(6) or AS 40.25.220(3). Non-record e-mail includes personal messages, spam, extra copies of documents distributed or received for reference, listserv or bulletin board posts, and announcements unrelated to official business, like retirement parties or holiday celebrations. Personal messages constitute non-records as they are not *accounts* or *writings* "developed or received by a public agency," and are not "preserved for their informational value or as evidence of the organization or operation of the public agency" under AS 40.25.110.

Non-record e-mail also includes transitory e-mail, retained for up to 90 days, which is primarily generated for informal communication of information that does not perpetuate or formalize knowledge.

3. **Is personal e-mail I receive in my state mailbox *private*?**

State employees have no reasonable expectation of privacy in e-mail communications voluntarily made over the state e-mail system (refer to *Smythe v Pillsbury & Bourke v Nissan Motor*) and under the *Electronic Communications Privacy Act* (PL 99-508) employers also have a right to monitor work produced in the ordinary course of business.

AS 40.21.110 states that "unless specifically provided otherwise, the public records of all public agencies are open to inspection by the public under reasonable rules during regular office hours." Moreover, under AS 40.25.120, "Every person has a right to inspect a public record in the state, including public records in recorders' offices..." [Exceptions are provided in law.]

4. **Can I send personal messages from my state account?**

Occasionally, personal e-mail may be sent from work unless management policy prohibits such activity. Most agencies view personal use of e-mail in the same manner as the use of your office phone for personal calls. However, remember that all messages sent from work computers may be considered public records and that system administrators and the public have the right to view all non-confidential/privileged messages in the enterprise archiving system, including your personal messages. If you have any reservations about the personal use of your state account, or if you are concerned about privacy, use a personal account with your own equipment on your own time. You also may wish to consult *Personal Use of State Office Technologies Policy (SP-017)* available on the ETS website here:

<https://intranet.state.ak.us/admin/SecurityPolicies/sp017.pdf>

Further, under AS 39.52.120(b)(3), the *State Ethics Act*, a public employee may not “use state time, property, equipment... to benefit personal or financial interests.” For a more inclusive listing of applicable statutes and regulations you may go here:

<http://www.state.ak.us/local/akpages/ADMIN/info/security/statutes.shtml>.

If your Division allows reasonable *personal use* of e-mail, you may consider the following:

-  Personal e-mail sent from a work account should be clearly marked as *personal*.
-  Personal use of e-mail or messaging should not interfere with your own or others' work. Avoid such time wasters as jokes, chain letters, recipes, motivational messages or words of inspiration.
-  Send and read personal messages on your own time, such as breaks or lunch.
-  Personal messages should not cause the agency public embarrassment. In general, do not say anything in an e-mail message that you would mind hearing the next morning on the radio or television.

5. Is there an optimal way to create sub-folders under the system-provided 1-3-5-7-10-YEAR retention folders?

There are multiple *correct* ways to create and arrange sub-folders but the goal is to efficiently organize and classify e-mail by message content. Sub-folders are often modeled according to predefined schema, or a file classification system, that parallels an existing paper-based file plan. A classification system that reflects an agency's business functions, activities, and work processes groups similar records together for consistent handling and control. Standardized descriptors such as a name, number, or a consistent combination of identifiers facilitate rapid e-mail filing, retrieval, and access. Here are examples of logically structured sub-folder titles:

3-YEAR Retention

General Correspondence

State Departments
Federal Government
Local Political Sub-divisions
Native Organizations

10-YEAR Retention

Public Water System Files

Anchorage
Fairbanks
Hoonah
Juneau
Ketchikan
Wasilla

Criminal Case Files

1JU-08-01380
1JU-08-01575
1JU-09-00685
1KE-09-01577

Aid-to-Agency Case Files

Child Support Informal Opinion
Commissioner of Labor Matter
Medicaid Overpayments
Permanent Fund Dividend Fraud

6. Which archive folder do I use if my attachments and e-mail have multiple or conflicting retention requirements?

If e-mail or documents attached to an e-mail have disparate retention schedules, place them in the retention folder that is retained the longest. For example, you receive an e-mail that falls under *General Correspondence* (3-YEAR retention) but its attachment consists of the Record Copy of a *Bank Statement* that carries a 7-YEAR retention. You do not print anything out. Action: Place the e-mail and Bank Statement into a 7-YEAR folder. On the other hand, if you print out the Bank Statement and place in your hard copy record keeping system, place the e-mail/attachment into the 3-YEAR bucket. [Note: Executive employees' record e-mail is retained permanently.]

7. What is the definition of *Correspondence*? Where do I file it? How long do I keep it?

- a. *Correspondence* consists of records that document communications created/received by an agency that directly relate to program or administrative functions.
- b. *Correspondence* is filed with associated program or administrative records. It is often arranged topically according to a file classification system, as mentioned earlier, which constitutes a hierarchical arrangement that progresses from greater to lesser, from broad to narrow.
- c. *Correspondence* is often retained for three years unless the records series it falls under carries a longer retention. E-mail related to a particular project or case file, for example, might be retained for five years.

8. Can I delete *non-record* e-mail and e-mail that is eligible for destruction within 90 days?

Non-record e-mail or transitory e-mail does not need to be archived if it has met all retention requirements under the *General Administrative Records Retention Schedule* or an agency program records retention schedule. Transitory e-mail can usually be destroyed within 90 days after all administrative need is met. Refer also to Item 76 in the *General Records Schedule, Transitory & Miscellaneous Administrative Information*. The *General Records Schedule* is available here:

http://www.archives.state.ak.us/records_management/records_management.html

9. Will I be notified prior to any of my e-mails being destroyed?

Yes, you will receive e-mail notification prior to destruction of e-mail that you have placed into a retention folder.

10. How do I determine the correct retention period for e-mail that relates to case files that must be retained until the case is closed, plus five years?

The best way to determine accurate retention for e-mail that has event-based disposition is to approximate how long the cases are usually open, add the authorized retention period to that, and place in the proper folder. [Event-based retention relies upon a file closure, cut-off, or trigger at which point the retention countdown begins.]

11. I am a non-executive employee. How do I get authorization for a long-term retention folder?

Although most e-mail is short-lived, a small percentage of non-executive users will require a Long-term folder. In order to receive a 25-YEAR, 50-YEAR or Permanent retention folder you must complete a *Request for Long-term E-mail Folder* available here: http://www.archives.state.ak.us/pdfs/records_management/long_term_email_folder_form.pdf . You must reference a Records Retention Schedule, Records Series Title and certify that you are the creator of these long-term documents and/or that you are required to administer them as per the cited records schedule. The Division Director and Agency Records Officer must approve the request. Following approval, the requested folder(s) will be visible to you.

12. Where can I go to view the E-mail Archiving Training video to learn more about my responsibilities under law and policy?

Right here: [insert link when available]

13. Are drafts *Records*?

Under AS 40.25.220(3) *Agency Record Copies* of drafts are *public records* that per *General Administrative Records Retention Schedule*, Item 84, must be retained until obsolete, superseded or administrative need is met. *Agency Record Copies* of drafts include substantive materials that add to an understanding of the work done, the thought process or intent of the subjects covered, or that show the process by which conclusions were drawn. Examples: drafts of policy, legislation, decision processes, legal opinions, and executive level notes.

Item 76, Transitory & Miscellaneous Administrative Information, requires *Agency Record Copies* to be retained until administrative need is met. Examples: random notes, preliminary, and copy edit drafts, that do not add significantly to an understanding of the file. Under AS 40.21.150(6) *Convenience Copies* of drafts are not records.

If there is a pending *Public Records Act* request, drafts should not be disposed until the period to appeal the denial of the request has expired and any challenges are resolved. If litigation is reasonably anticipated or ongoing, all drafts that might be relevant to the litigation must be retained until notified by the Attorney General's Office that keeping the documents is no longer necessary. **Note:** A draft may be protected from disclosure if it contains privileged information (e.g., attorney-client, attorney work product, or deliberative process information) or confidential information (e.g., trade secrets, taxpayer confidential, or national security information.)

14. Situation: An e-mail relating to State business is sent to three people and copied to 20 others? Does everyone need to archive their copy of the e-mail?

No. The creator/originator of the e-mail message is required to administer the *Record Copy* of the document, provided its content relates to State business and documents decisions made within the workgroup. Most *Record* e-mail falls under *General Administrative Records Retention Schedule* Item 62, General Correspondence, and must be retained for three years. Recipients and those copied the e-mail should archive the document if it will be needed in the future for the employee to do his/her job. Business related e-mail sent to you by a party from outside your agency may also be a record. *Convenience Copies* upon which staff need take no further action may be deleted.

15. Whom do I contact if I have more questions about e-mail archiving?

For more information you may contact D. Dawson dean.dawson@alaska.gov State Records Manager with the Alaska State Archives.