

MILLE LACS COUNTY

ELECTRONIC MAIL RETENTION POLICY

Introduction

Mille Lacs County is subject to multiple laws regulating County information and records, including electronic mail (email). Email is a means of exchanging messages and documents using telecommunications equipment and computers. A complete email message not only includes the contents of the communication, but also the transactional information (dates and times that messages were sent, received, opened, deleted, etc.; as well as aliases and names of members of groups), and any attachments.

If an email message is an official record, as defined below, the responsible party must retain said record and the transactional information pursuant to the retention schedule and the user departments' document management filing system or repository.

Records

Minnesota law requires the County, its employees and officials "make and preserve all records necessary to a full and accurate knowledge of their official activities." Minn. Stat. §15.17 (Official Records). An official record is recorded information that is prepared, owned, used, in the possession of, or retained by the County in performance of an official function. The record of the official function may be the email message, attachments to the email, or both. The law requires that all official records be listed on an approved retention schedule that identifies how long the records must be kept, and when they may be destroyed. Just like paper records, senders and recipients of email messages must evaluate each email message to determine if they need to keep it as documentation of their role in the business process. Not all email is an official record. Just like paper records, the retention period for an email message is based upon its content and purpose, and it must be retained in accordance with the approved retention schedule.

Official Records: If the email message itself has been determined to be an "official record," it may be correspondence. Official correspondence can be destroyed pursuant to the adopted records retention schedule.

Non-Official Records: If the email message is not an official record it may be a 1) transitory record 2) non-record or 3) personal record.

- 1) Transitory records are non-vital records relating to County business or activities which have a temporary value and do not need to be retained once their intended purpose has been fulfilled.
- 2) Non-records are emails or information in the possession of the County that is not needed to document the performance of an official function. These records are not subject to any record retention schedule and do not need to be retained.

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- 3) Personal records are emails that document non-government business or activities. These records are not subject to the records retention schedule and do not need to be retained.

Data Requests and Litigation

In accordance with the Minnesota Government Data Practices Act (MGDPA) (Chapter 13, Minnesota Statutes), email messages created or received as part of a public employee’s official duties are government data and are subject to requests for review and/or copying pursuant to the MGDPA. If a government data request is received for email relating to a particular subject, emails will be identified and produced without regard to whether they are official records or non-official records. If an employee is responding to a government data request, and that data is contained within the County’s email system, the employee must identify and produce the relevant email. Just like paper records, email messages may be subject to disclosure during the discovery phase of litigation. Attorneys representing the County are responsible for identifying if the records requested through the discovery process are stored in email. Attorneys are responsible for ensuring technology services staff is notified that a discovery order involving email was received to prevent the destruction of relevant messages.

Employee Responsibilities

As public sector employees subject to MGDPA and Official Records Act, County employees are responsible for identifying emails that are official records and keeping the official record in the location and format their department has identified for that type of document. Official records should not be maintained solely as emails in the email system, unless the department has established an email account for that particular purpose.

Email Retention Schedule

Inbox	180 days
Drafts	180 days
Sent Items	180 days
Cabinet/Folders	180 days
Calendar	180 days
Deleted Items	180 days
Junk Mail	180 days