

SUBJECT: Retention Requirements for Electronic Mail	Effective Date: 11-2-04	Policy Number: 4-001	
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	Responsible Authority: Computer Services & Telecommunications		

GENERAL POLICY:

The intent of this policy is to assist employees in using electronic messages while complying with Florida's Public Records Law, Chapter 119, Florida Statutes. The policy is not meant to limit or discourage the use of email for conducting business. Rather, the intent is to establish a framework for the proper use of email as an official business tool.

APPLICABILITY/ACCOUNTABILITY:

This policy on retention of electronic mail is applicable to all university employees and administrative units in the conduct of their official duties.

BACKGROUND INFORMATION:

UCF recognizes the prevalence of email as a way of doing business and guides the retention of it to conform to applicable laws. Email messages must be retained and are open for public inspection. However, not all official email is a public record. It is important for employees to understand the distinction so that they can satisfy the legal requirements.

POLICY STATEMENT:

Florida's public records law offers a challenge to the use of email because often email is exceptionally informal and efficient. Official email, whether public or transitory, should be deleted only after it has been retained for the correct period of time as determined by the retention schedule. Ultimate responsibility for complying with the public records law is the individual employee's.

DEFINITIONS:

Public Records. Florida's public records law, Chapter 119 of the Florida Statutes, defines public records as: *All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software or other material, regardless of physical form, or characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.* All documents

and other written materials that are made or received pursuant to law or that are made or received in the transaction of official university business are public records which, regardless of form, are open for public inspection unless the legislature has specifically exempted them from disclosure. Electronic mail messages, if they meet these criteria, qualify as public records.

Transitory Messages. Transitory messages are created primarily for informal or short-lived communication, as opposed to public records, which perpetuate or formalize knowledge. Transitory messages do not set policy, establish guidelines or procedures, certify a transaction, serve as a receipt, or the like. The informal, time-limited nature of transitory messages can be compared to communications during a telephone conversation or in an office hallway. Transitory messages generally include, but are not limited to voice mail, self-sticking notes, and email messages with short-lived or no administrative value.

Copy of Record. By generally accepted practice, the sender's copy of a document is designated as the *copy of record*. It is this copy to which the record retention requirements apply. All other copies are regarded as duplicates and they can be disposed of when they have lost administrative value. However, email messages received from outside agencies or from the public are regarded as copies of record; and if their content qualifies them as public records, they must be retained. Additionally, administrative approvals received from within the UCF community are considered the copy of record.

Employee. Any person employed by the university in any capacity.

PROCEDURES:

1. Computer Services & Telecommunications provides centralized email services in support of the teaching, research, and public service mission of the university, as well as the administrative functions that support this mission.
2. Employees must retain email that qualifies as public record. Retention periods for official records, including those in email form, can be found in the university's general records schedule. This is available from the Records Management Liaison, Millican Hall Room 308 (407-823-1823). It incorporates items from the General Records Schedule for State & Local Government Records (GS1), the University/Community College Records (GS5), and other University of Central Florida retention schedules.
3. Administrative offices are required each year to file records disposition requests with the Records Management Office for obsolete public records that they wish to destroy
4. Other records, as outlined in Florida Administrative Code, Rule 1B-24.010(3), may be disposed of without filling out a records disposition request. For example, both duplicates

and master copies of all transitory messages may be disposed of when they are obsolete, superseded, or have lost their administrative value.

In practice, public records with a three-year retention period must be retained for a fourth year. The effective longer retention period results from the state's records audit that occurs in the fourth year.

RELATED INFORMATION:

Email archiving tutorial: <http://support.mail.ucf.edu/manuals.html>

Records retention schedule and related information:
http://dlis.dos.state.fl.us/barm/genschedules/GS1-SI-2006_RevSept2007.doc

Policy 2-100 *Florida Public Records Act—Scope and Compliance*.
<http://policies.ucf.edu/documents/2-100.1FloridaPublicRecordsAct--ScopeandComplianceF.pdf>

INITIATING AUTHORITY: Provost and Executive Vice President

POLICY APPROVAL (For use by the Office of the President)	
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