



UNIVERSITY OF CENTRAL FLORIDA

**Office of the President**

<b>SUBJECT:</b> Retention Requirements for Electronic Mail	<b>Effective Date:</b> 3/4/2020	<b>Policy Number:</b> 4-001.2	
	<b>Supersedes:</b> 4-001.1	<b>Page</b> 1	<b>Of</b> 4
	<b>Responsible Authority:</b> Vice President for Information Technologies and Resources and CIO		

**DATE OF INITIAL ADOPTION AND EFFECTIVE DATE 12/10/2004**

**APPLICABILITY/ACCOUNTABILITY**

This policy is applicable to all university personnel in the conduct of their official duties.

**BACKGROUND INFORMATION**

UCF recognizes the prevalence of email as a tool for conducting business. Email messages that are created or received in the transaction of official business generally qualify as public records. Public records, regardless of the format or means of transmission, must be retained and made available for public inspection upon request unless an exemption applies. However, not all official email is a public record. It is important for employees to understand the distinction so that they may satisfy applicable legal requirements.

**POLICY STATEMENT**

The intent of this policy is to assist employees in using electronic mail 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.

All documents and other written materials that are made or received pursuant to Florida Public Records Law or that are made or received in the transaction of official university business are public records, which, regardless of form, must be retained and made available for public inspection upon request unless an exemption applies. Electronic mail messages qualify as public records if they meet these criteria.

Florida's Public Records Law offers a challenge to the use of email because email is often exceptionally informal. An email sent or received while conducting university business should be deleted only after it has been retained for the correct period of time as determined by the General Records Schedules. Each employee is responsible for ensuring that their email is managed in compliance with the Public Records Law, including retention requirements.

## **DEFINITIONS**

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

**Public Records.** 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, according to Florida Statutes, section 119.011(12) which are used to perpetuate, communicate, or formalize knowledge.

**Record Copy.** The official record of a document which is subject to the records retention schedule requirements and the University of Central Florida records management process. The Record Copy, which may also be called the "Master Copy," is not in some cases the original. By generally accepted practice, the sender's copy of a document is designated as the record copy. All other copies are regarded as duplicates, and they may be disposed of when they have lost administrative value. However, email messages received from outside agencies or from the public are regarded as record copies, and if their content qualifies them as public records, they must be retained. Additionally, administrative approvals received from within the UCF community are considered to be the record copy.

**Records Retention Schedules.** Documents that provide minimum retention periods for categories of records as determined by the Florida Department of State, Division of Library and Information Services.

**Transitory messages.** Messages that are created primarily for informal communication of information. "Transitory" refers to short-term value based upon the content and purpose of the message, and not the format or technology used to transmit it.

## PROCEDURES

1. UCF IT provides centralized email services for the university. The UCF enterprise email system is operated by Microsoft Corporation using the Office 365 platform.
2. Employees must retain email messages that qualify as a public record. Each employee will use the appropriate retention schedule and record category to determine when a record has met its retention period and has lost its administrative value. The most current retention schedules are available at [Records Management at UCF](#) and are subject to change by the state of Florida at any time.
3. Each year, administrative offices are required to file records disposition requests with Records Management at UCF for obsolete public records they wish to destroy. Employees should refer to Records Management at UCF for current procedures.
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 duplicate and master copies of all transitory messages may be disposed of when they are obsolete, superseded, or have lost their administrative value. Duplicates retained after the Record Copy has been disposed remain subject to public records requests.

The record retention periods listed in the records retention schedules are minimum retention periods. In some cases records may need to be retained longer than the minimum retention period should there be a triggering event, such as: audit schedules, other retention requirements under law or accreditation standards, grant requirements, records disposition procedures, and, if applicable, pending litigation or records requests.

Account holders must also preserve university records, including emails, when any of the following apply: 1) those who have actual knowledge of matters in which it which it can be reasonably anticipated that a court action will be filed, 2) a subpoena has been served or notice of same has been given, and 3) records are sought pursuant to an audit or similar pending or possible investigation.

UCF enterprise Office 365 mailboxes ([username@ucf.edu](mailto:username@ucf.edu)) are set to maximum storage size of one hundred gigabytes and ten years' retention; thus, any email messages that are not deleted by the account holder will automatically be retained for a duration sufficient to meet public record retention requirements. Email messages older than the ten-year period will be automatically purged but may be archived by the account holder prior to the end of the ten-year retention period. Additional information on email account provisioning and deprovisioning can be found in university policy 4-016.

## RELATED INFORMATION

Email Provisioning, De-Provisioning, and Use Policy  
<https://policies.ucf.edu/documents/4-016.pdf>

Records Management at UCF

<https://admfina.ucf.edu/records-management>

Florida Public Records Act: Chapter 119, Florida Statutes:

<http://www.flsenate.gov/Laws/Statutes/2019>

State of Florida General Records Schedules

<https://dos.myflorida.com/library-archives/records-management/general-records-schedules/>

UCF Policy 2-003 Records Management

<https://policies.ucf.edu/documents/2-003.pdf>

### INITIATING AUTHORITY

Vice President for Information Technologies and Resources and CIO

<b>POLICY APPROVAL</b> <b>(For use by the Office of the President)</b>	
Policy Number: 4-001.2	
Initiating Authority: <u>Joel L. Nahman</u>	Date: <u>3-2-2020</u>
University Policies and Procedures Committee Chair: <u>Donald L. Bishop</u>	Date: <u>2/27/20</u>
President or Designee: <u>[Signature]</u>	Date: <u>3/5/20</u>

History: 4-001 12/10/2004; 4-001.1 5/9/2013