

7.14 Electronic Mail (Email) Disposition

Application: To All Department of Children's Services (DCS) Employees and Contract Services personnel whose access to or use of electronic mail services is funded by the State of Tennessee or is available through equipment owned or leased by the State of Tennessee.

Authority: TCA 37-5-105 (3); 37-5-106

Standards: COA: PA-RPM 5.01; 5.02; 5.03

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Glossary:

- ◆ Disposition
 - An action taken, such as transferring, purging, destroying, microfilming, archiving, etc., regarding records that have reached the end of their retention period. For example, file disposition normally occurs on the 21st birthday for a social service child and the 22nd birthday for a juvenile justice child.
- ◆ Electronic Record
 - Information recorded in a form that requires a computer or other machine to process it and that satisfies the legal definition of a record according to Tennessee Code Annotated.

Policy Statement:

Electronic mail (email) created and received as official business and retained as evidence of official transactions, policies, actions, or decisions are state records that will be identified, managed, retained, and deleted according to retention guidelines as prescribed by Strategic Technology Solutions' (STS) practice standards or according to a litigation hold memorandum from the DCS Office of General Counsel, if applicable.

Purpose:

To provide guidelines for the disposition of electronic mail.

Procedures:

A. Ownership

Email service is a tool used to facilitate internal and external communications. All messages transmitted via the State of Tennessee E-mail/Internet system are the State's property and will not be considered personal and private and may be accessed by DCS management and technical employees.

B. Record

E-mail content, including attachments, is considered a record if it meets the criteria established in TCA 10-7-301(6):

“Public record(s)” or “state record(s)” means all documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings or other material, regardless of physical form or characteristics made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency. (T.C.A. 10-7-301 (6))

Most email may be considered a non-record correspondence of short-term duration.

C. Purging

All E-mail in the Outlook account and its folder, including the Cabinet and its subfolders, will be purged according to rule-driven dates unless the employee is an identified custodian in a lawsuit and their email is subject to a litigation hold to be maintained at the direction of the Attorney General's Office.

D. Requests for Information

1. E-mail that is a state record may be subject to public inspection and may be made available to the public, unless State or Federal law protects the information.
2. E-mail may also be accessed through the discovery process in the event of litigation.
3. Proper identification will be obtained and verified for anyone requesting access to an E-mail message.
4. Contact DCS Legal for assistance regarding requests for the inspection of any E-mail message.

Forms:

None

Collateral Documents:

[**Finance & Administration-OIR Electronic Mail Acceptable Use Policy, Version 1.12 Revised 2-22-08**](#)

[**7.2, Acceptable Use Network Access Rights and Obligations**](#)

[**Statewide Records Disposition Authorization**](#)

[**DCS Records Disposition Authorization Policies : Chapter 33**](#)