



# ADMINISTRATIVE POLICY

<b>SECTION: 200 General Administration</b>	<b>POLICY#: 208</b>
<b>TITLE:</b> Management, Preservation and Storage of Electronic Public Records, Including Electronic Mail Correspondence	<b>R &amp; O #: None; 20-53</b>
	<b>IMPLEMENTED BY PROCEDURE #:</b>
<b>SPONSORING DEPT/DIV:</b> County Administrative Office and Department of Support Services	
<b>ADOPTED: 2-21-2012</b>	<b>REVIEWED: 4-28-2020</b>

**PURPOSE:** The purpose of this policy is to ensure that Washington County adequately protects and retains electronic public records including email for specific periods of time in accordance with retention schedule rules as obligated by law. This policy also seeks to ensure that electronic records that are no longer needed or are of no value are discarded at the proper time.

**AUTHORITY:** Oregon Public Records Law (ORS Ch. 192) and Oregon Administrative Rules (OAR Ch. 166).

## DEFINITIONS:

*Department* - Each department, office and division of the County.

*Electronic documents* - Public records in electronic or digital form, other than email. Examples include Microsoft Word documents and Excel spreadsheets.

*Electronic public records* - All public records created, received, transmitted or stored electronically, including email but not including faxes.

*Email* - Written communications created and transmitted electronically, typically using software such as Microsoft Outlook.

*Litigation hold* - A litigation hold, also known as a "preservation order" or "hold order", is a stipulation requiring the County to preserve all data that may relate to a legal action involving the County even if the data is no longer required by law to be retained.

*Metadata* - Data or content providing information about one or more aspects of the data, such as means of creation of the data, purpose of the data, time and date of creation, creator or author of the data, placement on a computer network where the data was created, standards used, etc.

*Non-record copy* - A copy of a record that is not the official copy for purposes of retention and retrieval. This includes extra copies of records kept for convenience.

*Public record* - Includes any writing that contains information relating to the conduct of the public's business that is prepared, owned, used or retained by a public body regardless of physical form or characteristics. It includes handwriting, typewriting, printing, photographing and every means of recording, including letters, words, pictures, sounds or symbols or combination thereof and all papers, maps, files, facsimiles or electronic recordings. ·

*Public Records Officer* - A County employee assigned responsibility for coordinating and assisting staff in public records related matters, including determining the appropriate retention schedule for email messages and attachments.

*Record copy* - The public record maintained as the official record for purposes of this policy.

*Retention period or Retention Schedule*- The minimum period the State Archivist requires the County to keep a record. (See OAR Ch. 166, Div. 150.

<http://arcweb.sos.state.or.us/recmgmt/sched/gen/countymenu.html>)

**GENERAL POLICY:** It is the policy of the County to ensure that all public records maintained in a digital or electronic form, including electronic email correspondence, are retained in compliance with public records laws. This policy shall be implemented in a manner that minimizes impact on County workload and resources. (See also [Public Records Request Policy and Procedure](#), and also at <http://www.co.washington.or.us/CAO/PoliciesRules/all-county-policies.cfm>.)

## **POLICY GUIDELINES:**

### 1. Applicability:

This policy applies to all County employees.

### 2. Responsibilities:

A. This policy will be administered by the County Administrative Office.

B. In general, Departments are responsible for:

- i. Supporting compliance with this policy and all laws relating to electronic records.
- ii. Identifying classes (types) of electronic records that the Department is responsible for managing and the applicable retention period for each category of record.
- iii. Identifying one or more Public Records Officers to guide implementation efforts, including the development of Department-specific procedures and training.
- iv. Developing procedures to periodically review information on individual or network drives for proper retention management.
- v. Ensuring that electronic records are secured in response to a litigation hold or public records request as provided in the Public Records Request Policy and Procedure.
- vi. Departments shall establish procedures to regularly review and archive the information kept on individual Department or network drives. The purpose of this review is to:
  - Identify the record copy that must be retained per the retention schedule.

- Migrate the record copy to a suitable storage repository together with sufficient indexing information to allow for proper retention and future retrieval.
- Determine which records do not constitute record copies, or no longer legally need to be retained, and remove them from County network drives/servers when no longer of operational or informational value.

C. Electronic Document Management, Not Including Email:

- i. Electronic records are easily modified, copied and distributed. Employees are to identify the record copy to be maintained officially for retention purposes and assign responsibility for keeping it.
- ii. In general, the employee that is responsible for a particular function, project or program is required to maintain the record copy related to that responsibility. If job responsibilities overlap or are shared, the supervisor should clearly delineate and assign specific responsibilities for maintaining electronic documents.
- iii. The record copy of an electronic document shall be maintained electronically and include relevant metadata. Printed paper copies without a log of metadata are not sufficient to be designated the record copy. If it is not practical or permissible to retain an electronic copy, the printed record shall include a metadata log.

D. Email Management

- i. Except for special circumstances coordinated through ITS, non-County email accounts such as Gmail, Hotmail or Yahoo are not to be used for County business. The following provisions apply to employees using an email server or system administered by the Information Technology Services Division (ITS).
- ii. Email servers administered by ITS shall be used for retaining emails in compliance with Oregon Public Records Law.
- iii. All County emails will be automatically retained for a minimum of 10 years. This includes all emails received, sent or deleted.
- iv. Email may be retained longer than 10 years if required by law or if there is an important business reason. Employees are to err on the side of the longer retention period.
  - Employees are required to manually apply a longer retention period to each applicable email. The standard options are 20 years, 60 years and permanent.
  - Departments requiring a customized set of retention options for some or all of their staff shall work with ITS to identify a solution for email retention.
  - Emails that are retained permanently must be authorized by department policy or a supervisor.
  - Failure to manually apply a longer retention period to email records will result in the email automatically being retained for 10 years.
- v. An employee may organize email by creating one or more subfolders. Individual emails within those folders will be retained for 10 years unless a longer retention period is manually applied by the employee.
- vi. Emails will be permanently removed from the County's email system once their retention period has been reached. These emails are not recoverable.

- vii. Emails will be held past their retention period if they are on a litigation hold.
- viii. An electronic copy of an email may be maintained in a project or similar electronic file for use as a working copy. Personal Storage Tables (PST) files are not permitted.
- ix. The following approach shall be taken with respect to email access and retrieval:
  - Email, including any attachments, must remain accessible and reproducible in County mailboxes during the entire retention period.
  - Email and attachments may be retrieved from a County mailbox at any time for on-going work-related needs or to respond to a request to produce documents.
  - The County's back-up data storage system is for purposes of restoration of County operations in the event of an emergency or catastrophic failure only. The back-up data storage system is not to be used for storage or retention of email.
- x. The County email environment must be used for all messages sent or received relating to County business regardless of whether the user is on-site or remote. Authorized browser-based users can gain remote access to the County email environment through Outlook Web Access services. Limited synchronization services are available for some non-PC devices including tablets and smartphones. Email sent or received remotely must be managed and archived in the same way as any other County email. Devices that do not support direct synchronization are not to be used for generating email for County business.

E. Incorporation of All Other Policies Affecting Electronic Records

- i. Each department shall incorporate other applicable County, state and federal laws and policies. These applicable laws and policies include but are not limited to:
  - Washington County Personal Information Protection Policy (SB 583)
  - Health Insurance Portability and Accountability Act (HIPAA)
  - Family and Medical Leave Act (FMLA)
  - State and federal grant regulations
- ii. The County Public Records Request Policy and Procedure applies to electronic public records. No employee shall delete, destroy or alter an electronic public record if the employee has reason to think the record may be responsive to a pending or anticipated public records request, litigation hold or discovery request.

3. Exceptions:

- A. Exceptions may only be granted by the Washington County Board of Commissioners unless such authority has been delegated to the County Administrator.

4. Implementation<http://arcweb.sos.state.or.us/recmgmt/sched/gen/countymenu.html>)

A. Compliance

- i. Compliance with this policy and implementing procedures is mandatory for all County staff. Each employee shall be trained on email archive options within 90 days of their County email account becoming operational.

B. Violation of Policy

- i. Violation of this Policy may constitute just cause for disciplinary action.
- ii. Willful destruction of a public record prior to the expiration of its retention period may constitute a crime.
- iii. Nothing in this Policy is intended to contradict or supersede any Federal or State law or regulation.

5. Periodic Review

This policy shall be reviewed by Support Services, Information Technology Services, at least every three years, or more often if needed, and updated as necessary.