

IDAHO STATE POLICE PROCEDURE

02.18 ELECTRONIC MAIL USE AND RETENTION

A. General

Electronic mail (e-mail) is an important communication tool for conducting government business. The e-mail system is used to distribute memos, circulate drafts, disseminate directives, transfer official documents, send external correspondence, and support various aspects of government operations in accordance with Idaho State Police (ISP) procedure [02.11 Use of Information Technology](#), and the Governor's [Executive Order No. 2005-22](#).

E-mail includes communications on computers, BlackBerry devices, and all other PDA devices. E-mail pertains only to the communication sent and received via Outlook. Texts and instant messages are e-mail only if delivered through the Outlook server. All communication, regardless of delivery system, is considered property of the state and subject to discovery.

ISP provides an e-mail system for use by employees to assist in carrying out government business. The e-mail system is property of ISP, which allows ISP the right to monitor and review use of the system. The transactions conducted on the system are not private, nor do they belong to the individual. ISP-issued electronic devices are subject to audit or search by the department to ensure they are being properly used for work purposes.

E-mail and its metadata constitute state records, are subject to [Idaho Code Section 74-102](#), and are retained and disposed of in the same manner as other business records.

E-mail messages sent or received in the course of business transactions are government records and are retained and managed according to ISP procedure [02.07 Records Management](#) for administrative, fiscal, legal, or historical requirements.

B. Definitions

“E-mail messages” means any communication supported by e-mail systems for the conduct of official agency business internally, between other state, local, and federal agencies, and externally with constituents, voters, vendors, clients, citizens, and others. This definition applies equally to the contents of the communication, the transactional information (metadata) associated with each message, and any attachments to the body of the message.

“E-mail server” means the hardware on which the application resides. ISP has one server that is housed, and physically managed by CJIS.

“E-mail systems” means the applications that enable users to compose, transmit, receive, and manage text and/or graphic e-mail messages and images across Local Area Networks and Wide Area Networks and through gateways connecting the latter with the Internet.

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“Routine Correspondence” means internal or external correspondence regarding general program information duplicated elsewhere, which does not include policy decisions or directives, how the office is organized, how it functions, its pattern of action, procedures, or achievements. This includes records that are general in nature and do not relate directly to primary program responsibilities of an office or agency, including but not limited to, letters of appreciation, congratulations, charity fund communications, parking assignments. Records of a general nature which would be created in the course of administering agency programs, such as information regarding office organization, staffing, procedures, and internal communications are routine correspondence. This includes electronic mail that communicates the above, and is defined in the [State Records Management Guide](#).

“Transactional information (metadata)” means information about the e-mail message. It can include the name of the sender, and all recipients, the date and time the message was created and sent, the host application that generated the message, and all of the systems and computers the message was routed through. The federal courts have ruled that this information is a vital part of the message itself and must be retained with the e-mail message.

C. Confidentiality Disclaimer

Although e-mail produced by individuals may be subject to Public Records Requests, the following disclaimer shall be added:

1. by the initiator of every e-mail, both for internal and external delivery, excluding those generated by a BlackBerry device; and
2. to the initial response to an incoming email from an external source, excluding those generated by a BlackBerry device:

CONFIDENTIALITY NOTICE: This e-mail is intended only for the personal and confidential use of the individual(s) named as recipients (or the employee or agent responsible to deliver it to the intended recipient) and is covered by the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521. It may contain information that is privileged, confidential and/or protected from disclosure under applicable law including, but not limited to, the attorney client privilege and/or work product doctrine. If you are not the intended recipient of this transmission, please notify the sender immediately by telephone. Do not deliver, distribute or copy this transmission, disclose its contents or take any action in reliance on the information it contains.

D. Determining E-Mail Retention

1. Records not requiring retention are non-record material that does not need to be retained, and should be destroyed.
2. Examples include:
 - a. personal messages;
 - b. spam or junk e-mail;

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- c. unsolicited e-mail, such as advertising from vendors, jokes, miscellaneous news articles, non-work related announcements, and like material.
- 3. Informational and reference materials are transitory and of no meaningful value to ISP and may be destroyed when they are no longer needed.
- 4. Examples of [informational and reference materials](#) include:
 - a. general announcements, such as: fire drills or news of an upcoming event;
 - b. working papers;
 - c. notes to co-workers;
 - d. drafts – publications, reports, memos.
- 5. Records requiring retention are:
 - a. temporary records, such as [routine correspondence](#); and
 - b. permanent records, such as [executive correspondence](#), annual or summary reports, final copies of policies and procedures, and board or commission meeting minutes.

E. Responsibility for Retention

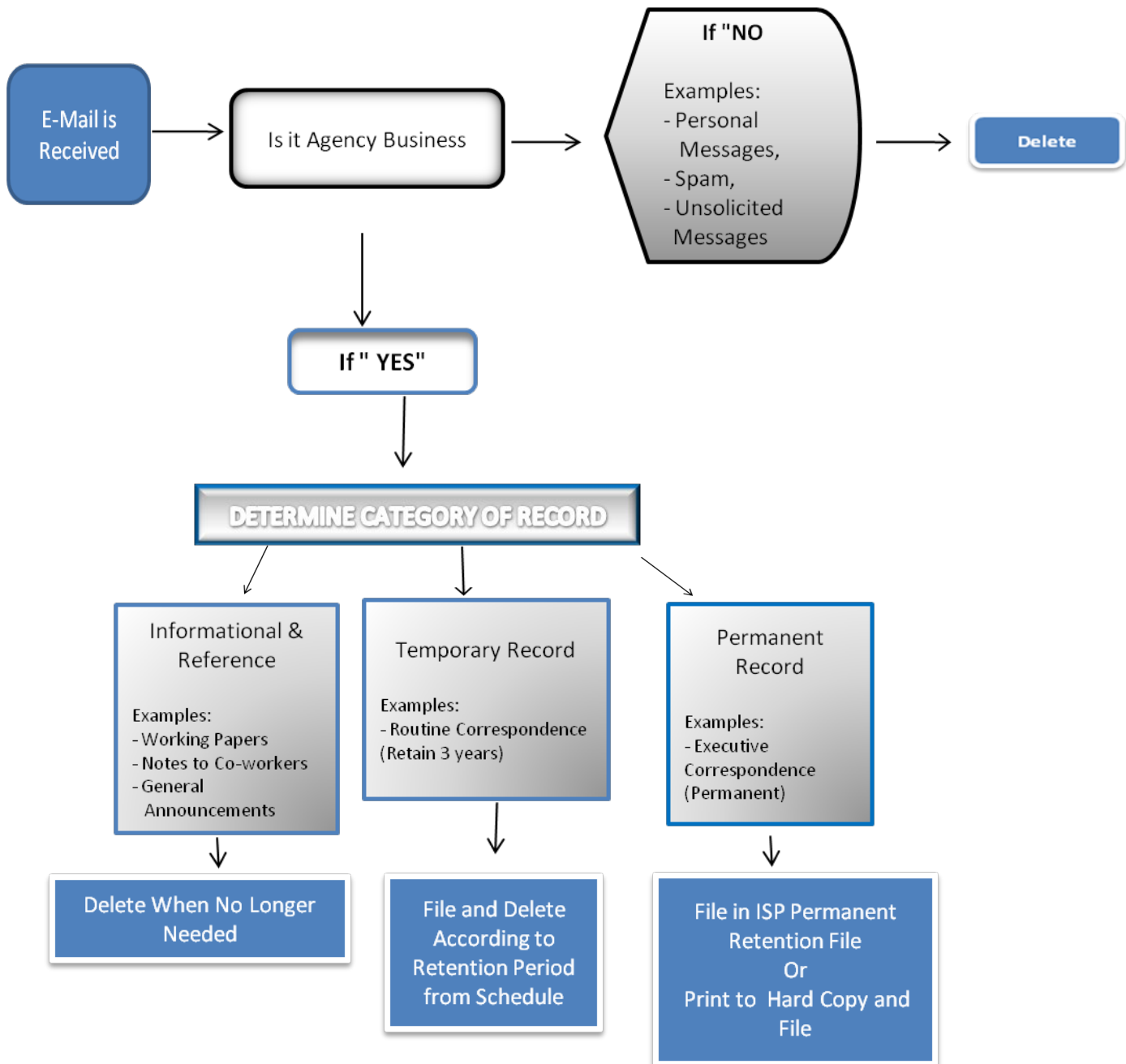
- 1. Once determination is made that an e-mail message is a record to be retained, the following guidelines to assign responsibility for retention apply:
 - a. outside messages received into ISP:
 - (1) the recipient of the message retains the message, unless the message is forwarded to another person or department responsible for handling the action;
 - (2) the person responsible for handling the action is responsible for retaining the message;
 - b. messages sent and received inside ISP:
 - (1) the original sender retains the message;
 - (2) if the message is altered (responded to, edited, has attachments added, or other changes) the recipient retains the message;
 - (3) a string of multiple replies requires that only the last message be retained, if all of the replies and comments are captured in the final message.

E. Civil Legal Action

When information is requested for possible litigation, the routine document retention/destruction schedule is suspended pursuant to ISP procedure [02.04 Response to Civil Legal Process](#).

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DECISION SEQUENCE FOR DETERMINING E-MAIL RETENTION



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DETERMINING RESPONSIBILITY FOR RETAINING E-MAIL MESSAGES

