

E-Mail Retention Policy Indiana Department of Labor

The following is the standard practice for all employees and agents of the Indiana Department of Labor regarding retention of e-mail messages, writings and memorandums sent or received on computers and other devices owned by the Indiana Department of Labor and/or the State of Indiana. Questions are to be directed to each employee's supervisor or to Tim Grogg, Special Assistant Commissioner - IOSHA & Legal Affairs, Indiana Department of Labor, or such other individual(s) as may be designated by the Commissioner, 402 W. Washington Street, Rm. W195, Indianapolis, IN 46204. 317-232-3325. E-mail: tgrogg@dol.in.gov.

All e-mails sent or received on government computers and other devices are owned by the Indiana Department of Labor and/or the State of Indiana and may be public records as defined by the Access to Public Records Act. (See IC 5-14-3-2). E-mails are not treated differently than any other records; it is the substance (i.e. content) of the e-mail that is the determining factor establishing the document's retention or destruction. The State of Indiana's complete retention schedules are available at:

www.in.gov/icpr/records_management/rsintro.html

http://www.in.gov/icpr/records_management/rsintro.html. **E-mails can be categorized within three broad categories:**

- "Transitory" and duplicate messages, including copies of e-mails sent to several persons, as well as casual routine or personal communications.
- Public records with a less than permanent retention period.
- Public records with a permanent or archival retention period.

Retention guidelines for each of these categories are as follows:

- "Transitory" and Duplicate Messages - These are not required to be retained and may be deleted.
- Less than Permanent - Follow retention period for equivalent hard copy records as specified in a retention schedule. The record must be in hard copy or electronic format, which can be retrieved and interpreted for the legal retention period. When there is a doubt about the ability to retrieve an electronic record over the retention period of that record, the record may be printed out. Agencies may delete or destroy such records only after receiving signed approval from the Commission on Public Records via the "Records Destruction Notification" - State Form 00016.
- Permanent or Archival - Retention may be in the form of a hard-copy printout or microfilm that meets 60 IAC 2. The information must be eye-readable without interpretation.

Defining Transitory Records: “Transitory” messages do not a) set policy, b) establish guidelines or procedures, c) certify a transaction, or d) become a receipt. Transitory documents serve to convey information of temporary importance. The following types of e-mail are considered transitory, and may be deleted unless additional substantive (*i.e. non-transitory*), information is included in the correspondence:

- Incoming List Serve Messages
- Personal e-mails
- Spam
- Non-policy agency announcements
- Telephone messages
- Published reference materials
- Invitations to meetings and replies.
- “Thank Yous”
- Replies to routine questions, “We’re open 8 - 5”; “Our address is...”; “The deadline is...”
- Out-of-Office auto replies

Defining Duplicate Records:

Many e-mails are sent to multiple people within State government. Information transmitted in this manner is considered a duplicate record. If retention is required of the original, the sender has the obligation to retain the e-mail in accordance with the appropriate retention schedule.

Examples of e-mail message categories requiring some level of retention include the following:

- Containing information developed in preparing position papers, reports, and studies;
- Reflecting official actions taken in the course of conducting agency business;
- Conveying information on agency programs, policy decisions, and essential transactions;
- Conveying statements of policy or the rationale for official decisions or actions;
- Documenting oral exchanges, such as meetings or telephone conversations, during which policy was discussed or formulated;
- E-mail calendars reflecting the daily appointments of officials conducting state business;
- Distribution lists for state business mail.

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This Policy shall remain in effect and shall be followed as of the date appearing below.



Miguel R. Rivera, Sr.
Commissioner
Indiana Department of Labor

Date

Oct. 5, 06

Effective: October, 2006
Indiana Department of Labor