

<b>SUBJECT:</b> Retention Requirements for Electronic Mail	<b>Effective Date:</b> 05-09-2013	<b>Policy Number:</b> 4-001.1
	<b>Supersedes:</b> 4-001	<b>Page      Of</b> 1            3
	<b>Responsible Authority:</b> Vice Provost for Information Technologies and Resources	

#### GENERAL POLICY

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

#### APPLICABILITY/ACCOUNTABILITY

This policy on retention of electronic mail is applicable to all university employees and administrative units in the conduct of their official duties.

#### BACKGROUND INFORMATION

UCF recognizes the prevalence of email as a way of doing business and guides the retention of it to conform to applicable laws. 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 the legal requirements.

#### POLICY STATEMENT

All documents and other written materials that are made or received pursuant to 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 often email is exceptionally informal. Official email, whether public or transitory, should be deleted only after

it has been retained for the correct period of time as determined by the retention schedule. Each employee is responsible for ensuring that the employee's email is managed in compliance with the public records law, including retention requirements.

## DEFINITIONS

**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 which are used to **perpetuate, communicate, or formalize knowledge.**

**Copy of Record.** By generally accepted practice, the sender's copy of a document is designated as the copy of record. It is this copy to which the record retention requirements apply. 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 copies of record, and if their content qualifies them as public records, they must be retained. Additionally, administrative approvals received from within the UCF community are considered the copy of record.

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

## PROCEDURES

1. Computer Services and Telecommunications provides centralized email services for the university.
2. Employees must retain email that qualifies as a public record. Retention periods for official records, including those in email form, can be found in the university's general records schedule. This is available from the Records Management Liaison, Millican Hall Room 308 (407-823-1823). It incorporates items from the General Records Schedule for State and Local Government Records (GS1), the University and/or Community College Records (GS5), and other University of Central Florida retention schedules.
3. Administrative offices are required each year to file records disposition requests with the Records Management Office for obsolete public records that they wish to destroy
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 duplicates and master copies of all transitory messages may be disposed of when they are obsolete, superseded, or have lost their administrative value.

The record retention periods found in the records retention schedules are minimum retention periods. In practice, records must be retained longer than these minimum periods to accommodate one more of the following: audit schedules, other retention requirements under law or accreditation standards, grant requirements, records disposition procedures, and, if applicable, pending litigation or records requests.

#### RELATED INFORMATION

Email archiving tutorial:

<https://publishing.ucf.edu/sites/itr/cst/Documents/Exchange/Archiving%20in%20Outlook%202010.pdf>

General records retention schedule for colleges and universities:

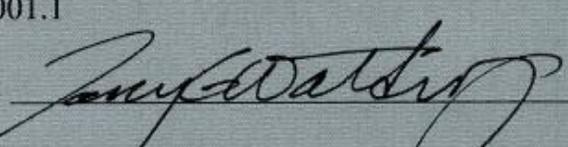
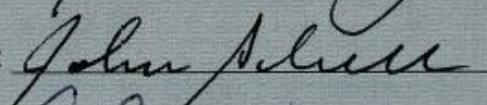
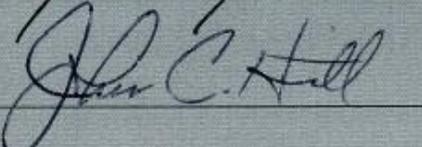
<http://dlis.dos.state.fl.us/barm/genschedules/g05.pdf>

Florida Public Records Act: Chapter 119, Florida Statutes:

<http://www.flsenate.gov/Laws/Statutes/2012>

#### INITIATING AUTHORITY

Provost and Executive Vice President

<b>POLICY APPROVAL</b>	
<b>(For use by the Office of the President)</b>	
Policy Number: 4-001.1	
Initiating Authority: 	Date: 5-4-13
Policies and Procedures Review Committee Chair: 	Date: 4-29-13
President or Designee: 	Date: 5/9/13