

5:130-AP – General Personnel

Administrative Procedure - Email Retention

Email and instant messages, including attachments that are sent or received by the District or District employees may be, depending on their content, subject to disclosure under the Freedom of Information Act and/or discovery in litigation as evidence in support of a claim. Employees must use the same standards of judgment, propriety, and ethics with email as they do with other forms of school business-related communications. All district inbound and outbound emails/instant messages are maintained for 5 years.

Accordingly, employees have the same responsibilities for email and instant messages as they do for any other communication and must distinguish between record and non-record messages. No District record, no matter its form, may be destroyed if it is subject to a litigation hold. See administrative procedure 2:250-AP2, *Protocols for Record Preservation and Development of Retention Schedules*. For guidance on School Board member use and retention of email, see 2:140-E, *Guidance for Board Member Communications, Including Email Use*.

Non-Record Messages

Email and instant messages are “non-record messages” if they do not evidence the District’s organization, function, policies, procedures, or activities; or contain informational data appropriate for preservation. These are generally informal or preliminary drafts, notes, recommendations, or memoranda that do not contain official action. Examples include:

1. Personal correspondence not received or created in the course of District or school business, such as, “What’s for dinner?” or “I’ll be glad to drive to the meeting.”
2. Publications or promotional materials from vendors and similar materials that are available to anyone.
3. Draft material.

If the email or instant message is a “non-record message,” the record is maintained in the district email vault for five years, however is not subject to disclosure under the Freedom of Information Act.

Official Record Messages

Email and instant messages are “official record messages” if they are evidence of the District’s organization, function, policies, procedures, or activities or contain informational data appropriate for preservation. Examples include:

1. Policy documents or contract related documents.
2. Correspondence, e.g., letters, memos, emails from individuals, companies, or organizations requesting information about the District or school policies or practices and the responses to these requests.

3. Project reports.
4. Correspondence dealing with significant aspects of District administration or a school executive office, including messages containing information concerning policies, programs, fiscal and personnel matters, and contracts.

All official record messages are maintained in the district email vault for five years and are subject to disclosure under the Freedom of Information Act. Also see administrative procedure 2:250-AP2, *Protocols for Record Preservation and Development of Retention Schedules*.