

Public Records in E-Mail and Winning Strategies for Managing Them

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Today's Contents

- Basics
 - Public Policy
 - E-Mail in the workplace
 - E-Mail as record
- You and Public Records
- Managing E-Mail Retention
 - E-Mail in the Academic Environment
- Technology and E-mail Records
 - UW Pilot with Xythos
- Tips

Public Policy



- Government in the Sunshine -
 - “ . . . all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of those officers and employees who represent them. . . .
“ Wis. Stat. s. 19.31

What is a Public Record ?

Short answer:

Documentation of public decisions and
transactions . . .

Saving Public Records

- 4 different reasons : Administrative, Legal, Financial and Historic
- May only dispose when authorized by an approved RDA (Records Disposition Authorization)
- Most public records now generated electronically
- Program /business area determines retention needs: IT has custodial responsibility

What Determines Record Status?

- **Content**

- Interprets or executes policy
- Record of important meetings
- Documents accountability
- Facilitate department action or process
- Conveys an action
- Supports a transaction
- Supports or conveys a decision

E-Mail in the Workplace

- 90% of new records are generated electronically
- E-Mail usage by employees is growing at ~20% annually
- Attachments are getting larger
- ~93% of all incoming e-mail are unsolicited
- Many / most may not be public records needing to be retained

E-Mail as Record

- Not always “informal” communications -- have significant importance in today’s business world (Supreme Court, WI)
- For authenticating electronic files, metadata are critical

You and Public Records

- *Everyday you are records custodian*
 - *When you create or receive a business communication on behalf of your library*

Value and Retention of Email

- Based on *content* of the message.
- Focus on *major functions* of the department.
 - Communicating with Faculty
 - Communicating with Students
- Retention is the *same as* for *hard copy*.
- Consult PRB website for general records retention information.

Basic Legal Considerations

- Appropriate use policy set by organization
- Email is subject to same laws governing hard copy content (public records, FERPA, HIPAA, other privacy acts etc.)
- Subject to open records requests
- Subject to discovery

Managing E-Mail Retention



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Saving Too Little



- Violation of public trust / responsibility
- Material not available when needed
- Opposition has copies of material we don't
- Public embarrassment

Saving Too Much



- Davy Jones' locker

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Costs of Saving Too Much

- **Storage and Migration**
- **Retrieval Costs**
 - Rebuilding old mailboxes
 - Remounting tapes
 - Reviewing information sequentially rather than by subject
 - Attorney Time – culling and redaction review
- **Embarrassment of riches aka “smoking gun”**

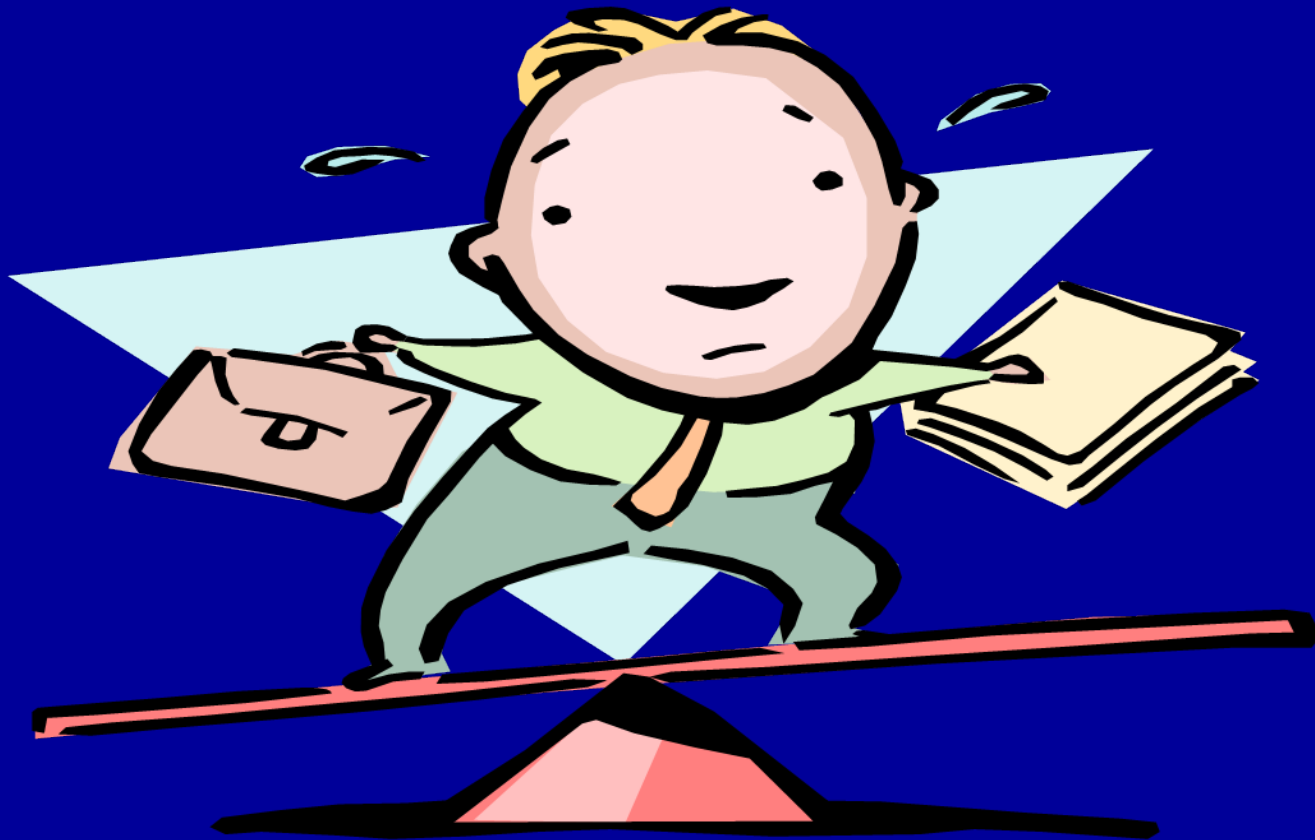


Costs of Saving too much



- \$\$\$\$ \$2.2 m damage awarded female employees for retained “25 reasons Beer is Better than Women” Chevron Oil
- Embarrassment – Web posting of 1.6m e-mails from Enron included “So you were looking for a one-night stand”

Addressing the Challenge



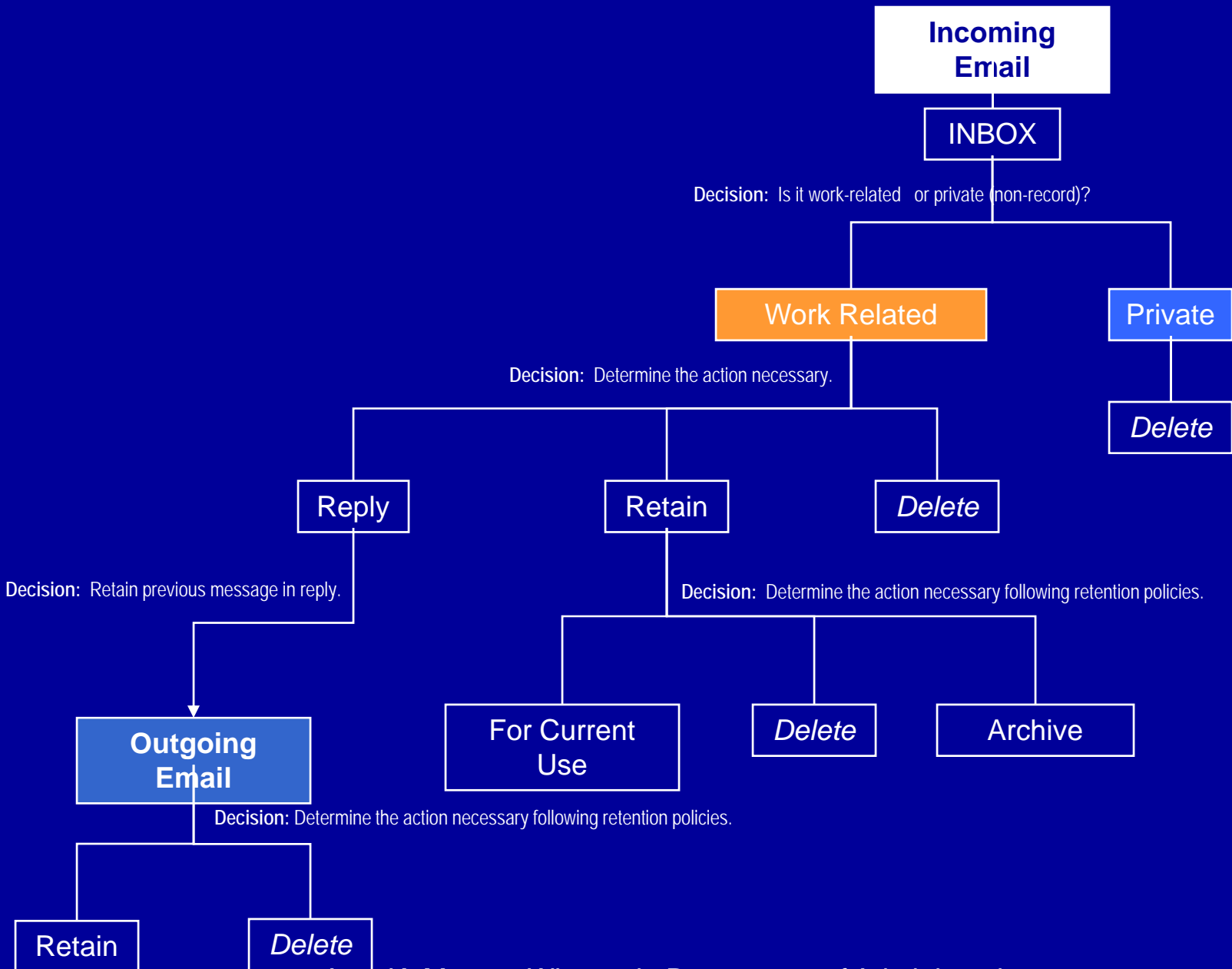
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Skinny Down Your Mailbox

- Save only what you need
- Determine whether or not you have a record
- Determine whether you are responsible for retaining it
- Discard non-record material after reading
- Review your mailbox weekly to delete transitory material you needn't retain

Examples of Non-Record E-Mail

1. **Unsolicited e-mail** not related to the user's work projects that has been received as a member of a distribution list or listserve where the user does not take or propose or consider action or make a decision based upon the information or where the e-mail does not confirm the user's cooperation or acquiescence.
2. **Personal e-mail** not related to work duties such as "let's do lunch" or "can I catch a ride home" or family e-mail communications.
3. **Copies of email records** that are maintained by a user for convenience or ease of reference. This would include copies kept in a "reading" or "tickler" file when the copy is identical to the "official record" kept by the originator in the organization.
4. **E-mail that is captured in later messages** (i.e. threads) where the "To," "From," "Subject," and "Date" fields are captured and displayed in the thread.



Where is that Information?



- The “mere fact that compliance with an inspection order will cause great labor and expense or even considerable hardship and the possibility of injury to the business of the party from whom discovery is sought does not itself require denial of the motion.” [*Snowden v. Connaught Lab., Inc.*, 137 F.R.D. 325, 332-33 \(D. Kan.1991\).](#)

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Basic Classification Rules

- Subject to same retention and disposition as hard copy equivalent.
- File in an appropriately designated folder.
- Determine to manage email within the client or outside of it.
- Ideally file related records in the same folder.
- Annually, folders should be closed and new ones created.

Metadata

- Critical e-mail metadata includes:
 - To, from, date, subject
 - Internet Header information
 - Message includes ID
 - Authenticates path message has taken
 - Can include other data
 - Categories (confidential etc)
 - Retention schedule, planned disposition
 - Other . . .

Technology and E-Mail Records

- Making Use of Technology
- Using Folders
- Select a Storage Strategy
- Technology Challenges

Use of Technology

- Administrative Rule 12—If the electronic record is the official record, then it must meet the provisions of Admin 12. Protect access to the record over its retention life
- Capabilities of email client
- Moving outside the email client

Using the 'Foldering' Function

BENEFITS

- Eliminate the 'inbox' as a catchall.
- Facilitate access and retrieval.
- Facilitates retention and disposition.

Choose a Storage Strategy

- On line - In the email client
- Near line
- Off line -- print to paper . . .
- Near line/off line hybrid—'printing' messages to electronic form, such as TIFF or PDF

Public Records and Information Technology Challenges

- Conflicting Life cycles
 - Information life cycle may have long tail
 - Media viability ~3-5 years (barring gold)
 - Media formats and readability over time
- Marketplace and tools are maturing
- New Partnerships and language
- End User focus

Speaking of Life Cycles

Remember these?



- Punch cards
- 5 1/4" floppies
- VHS tapes

Key Steps

- Efficiently weed out non-record material
- Focus on messages that are records
- Establish subject folders for records
 - Map to folder structure for other docs.
 - Map to applicable retention policies
- Save records folders for required retention period
- Meet records retention requirements
- Communicate retention strategy to all department staff

Wisconsin Resources

- See links from DOA Home Page www.doa.wi.gov scroll to left menu listing for Public Records
- See links from University at <http://archives.library.wisc.edu/RM/erecords/main.htm>
- <http://archives.library.wisc.edu/training/2007showcase.htm>

Questions?

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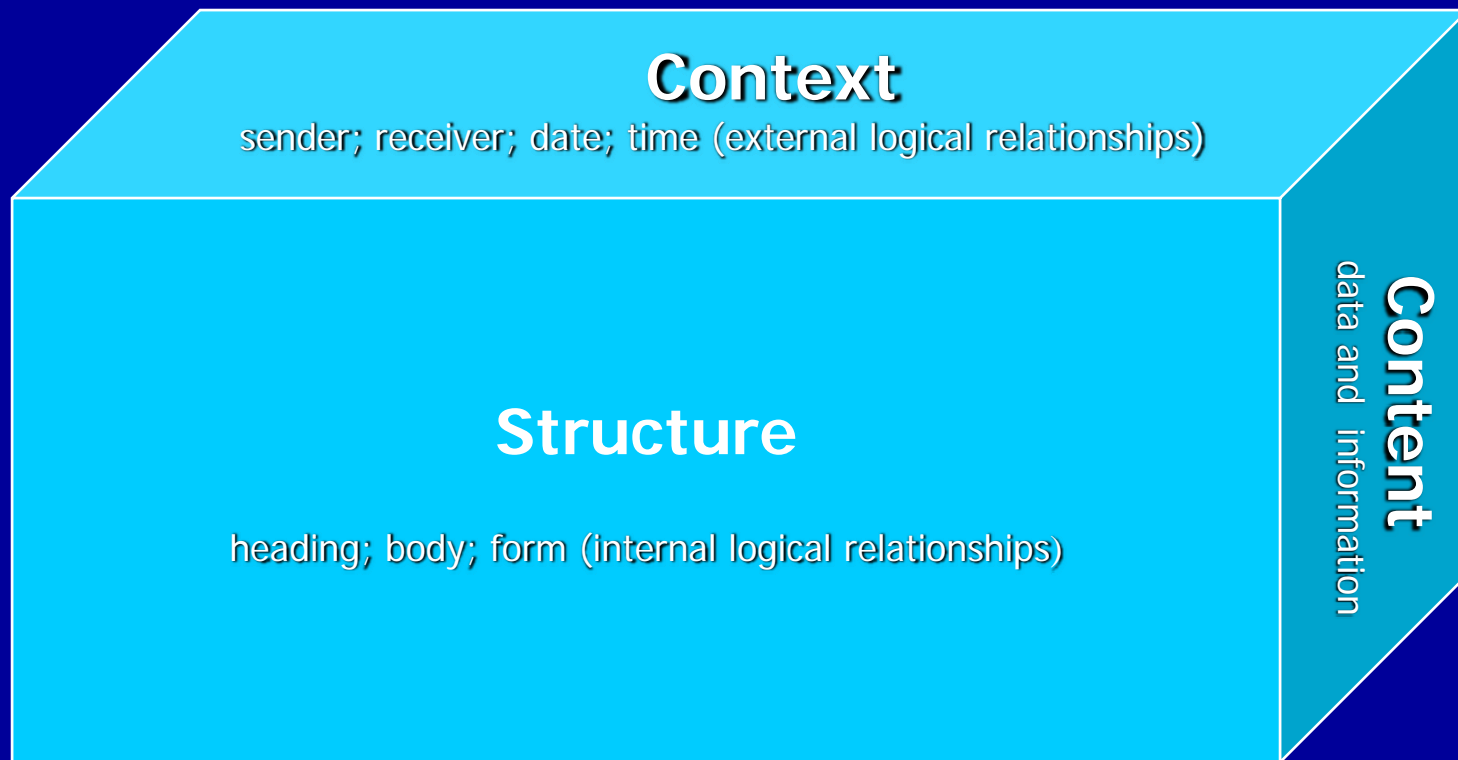
nkunde@charter.net

Appendix

E-Records Concepts

- Elements of an E-Record
- Information Life Cycle

Elements of an E-Record



Information Life Cycle

I. Design



II. Creation

t = 1 key click
"blink of an eye"



III. Maintenance and Management Use, preservation and legal disposal

t = months, years; forever

ACCURATE, ACCESSIBLE, RELIABLE, RETRIEVABLE