

REGIONAL WATER AUTHORITY POLICIES AND PROCEDURES MANUAL

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RWA Electronic Mail Management and Retention Policy

I. Purpose

The Regional Water Authority (“RWA”) provides electronic mail (“e-mail”) to its employees to facilitate the conduct of RWA business. In return for providing e-mail, RWA expects its employees to manage and protect records resulting from their e-mail communications. This policy is adopted by the Board for the purposes of stating the responsibilities of all RWA employees concerning the creation, removal, storage, and retention of e-mails.

RWA e-mail and e-mail systems are intended solely as a means of communicating information. All RWA e-mail users are forbidden from using the RWA e-mail system for the storage and maintenance of RWA records. To ensure the RWA e-mail system functions as intended, it is imperative that all RWA employees and e-mail users regularly delete e-mails from the system as provided in this policy.

This policy supplements and is intended to be carried out in concert with RWA’s Records Inspection, Retention, Disposal, and Storage Policy (“Records Policy”). While not all e-mail communications are RWA records, all e-mail communications are subject to discovery and can be used as electronic evidence in the event of litigation. Unmanaged and unidentified e-mails residing on RWA computers could create expensive and unmanageable problems in the event of litigation and pose a threat to RWA’s ability to properly and coherently document and reconstruct business and decision-making processes.

The Board makes the following findings concerning specific features of RWA’s computer network and related hardware and software that comprise the RWA e-mail system:

1. RWA performs an electronic back-up of its computer network, including the e-mail system, each week. Those back-ups are an electronic recording of the status of RWA’s computer systems at a particular moment in time and cannot

accurately capture or reflect all e-mail or other activity that occurred on RWA's computer network on a specific day. For example, a back-up does not capture items on employees' desktops or in their non-networked drives.

2. RWA maintains a particular computer system back-up for no more than two weeks, after which that back-up is completely overwritten. Such overwriting is necessary for management and security reasons and to aid the recovery of the computer system in case of a complete failure. Because the process is transitory, a back-up is not reliable and cannot constitute RWA records.
3. RWA maintains an e-mail filtering system that is intended to reduce SPAM, Phishing, viruses, and other unwanted cyber-security threats from entering RWA's network. RWA employees are responsible for reviewing summary e-mail lists from the e-mail filter to determine if valid e-mails were captured by the filter and to delete unwanted, unknown or potentially threatening e-mails. The e-mail filtering system automatically and permanently deletes filtered e-mail after a set time period.

II. Scope of Policy

E-mail communications may, in certain circumstances, be considered public records. Therefore, e-mails also may be governed by RWA's Records Policy depending on their use and disposition. In general, e-mail communications fall into three categories:

1. E-mails that document official RWA business, which include without limitation approvals for staff action initiating a business transaction, requests and replies to a request for public information, and direction to employees or consultants. Such e-mail communications generally should be transferred to a paper or electronic medium as appropriate and then filed and retained in accordance with RWA's Records Policy.
2. E-mails that provide general information, such as announcing the date and time of a meeting, responses to professional listserves in which an employee participates, and requests and for information about RWA other than for public records. Such e-mail communications are not considered RWA records that must be managed according to RWA's Records Policy and shall be promptly and routinely deleted from the RWA e-mail system as further specified in this policy. If a RWA employee believes that any e-mail of this type constitutes a RWA official record, such an e-mail or e-mail attachment should be printed or stored on an electronic storage medium, filed in the appropriate file, and retained in accordance with the RWA Records Policy.
3. Electronic documents such as personal e-mail correspondence, informal e-mail communications between RWA employees, and working notes and drafts (unless intentionally saved for an official purpose). Such documents are not RWA records and should be deleted from RWA's computer network

as soon as they are received and read, or are otherwise superseded or subject to deletion under this policy.

RWA's Finance and Administrative Services Officer shall administer this policy, with oversight and ultimate authority over the policy exercised by the Executive Director.

III. E-mail Retention and Removal

Any e-mail communication containing information that documents RWA business must be saved as a paper or electronic document in accordance with the RWA Records Policy. Responsibility for complying with this policy is imposed on each RWA employee. If an employee has any question or concern about retaining an e-mail or attachment or other issues of compliance with this policy, he or she should discuss the issue with the Finance and Administrative Services Officer. If deemed necessary, the Finance and Administrative Services Officer may consult with the Executive Director and legal counsel about any e-mail retention or removal issue.

Employees shall not retain e-mails in their electronic inboxes, sent folder, deleted items folder or any other folder within the RWA e-mail system for more than 60 days from the date the e-mail is received or sent. E-mails that are deemed RWA records under this policy or otherwise have continuing business value to RWA or one of its employees or officers must be stored on an employee's desktop or in another off-network location, or stored on an appropriate paper or electronic medium as prescribed by the RWA Records Policy. General information and personal e-mails and other non-RWA records are required to be permanently deleted from each employee's electronic e-mail boxes. General information and personal e-mails and non-records should be permanently deleted from each employee's e-mail boxes as soon as possible after receipt or transmission, but in no case any later than the following received or sent date: (1) general information e-mails – 60 days; and (2) personal e-mails – 30 days. Each RWA employee is required to review and appropriately delete his or her saved e-mail messages at least once each week. In addition, RWA employees and officers should not keep any RWA-related documents or e-mails generated or stored on home or other non-RWA computers.

When appropriate, e-mail messages should be filed with other RWA records concerning the same subject matter or program to ensure that such e-mails are preserved, stored and disposed of in the same manner as like records. If an e-mail does not relate obviously or directly to an existing RWA subject file or program, an employee should either request that a new records retention category be created or file the e-mail with correspondence.

These rules also apply to any attachments to e-mails, which should be handled in the same manner as described above.

It is the responsibility of each RWA employee to comply with this policy and to manage their e-mails in accordance with it. All employee use of e-mail, including personal use,

is subject to RWA's E-Mail/Internet/Computer Use policies provided in the Employee Handbook, as such policies may be amended or restated from time to time. In accordance with those E-Mail/Internet/Computer Use policies, RWA reserves the right at any time to review employees' e-mail boxes and to purge any e-mails retained there in violation of this policy. RWA also may institute an automatic e-mail deletion protocol if deemed appropriate.

IV. Violation of Policy

While the Board recognizes that occasional lapses in the use and management of e-mail occur in the press of business, a failure to adhere to this policy also could have serious legal and financial consequences for RWA. Therefore, violations of this policy will be reviewed on a case-by-case basis. In appropriate cases, as determined by the Executive Director or the Board, a violation may result in disciplinary action against an employee, up to and including discharge.