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Email Policy

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Government of Newfoundland and Labrador (GNL)

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1.0 Introduction

Under the *Management of Information Act*, the Office of the Chief Information Officer (OCIO) has authority for developing and leading the implementation of IM policy and standards for Government; and for providing consultation and advisory services in IM to Government. The Rooms Provincial Archives is mandated, through the *Rooms Act*, to preserve those records of the Government of Newfoundland and Labrador which are deemed to have enduring legal, fiscal, evidential, or research value. Such records are to be preserved regardless of their physical form or characteristics.

Electronic records, like their paper counterparts, need to be recorded, captured in a form which ensures their authenticity and integrity, and made accessible. Electronic records need to provide the same evidence of business activity and the same level of accountability as paper records. Electronic records must also be able to meet the immediate and future needs of organizations, individuals and society. Email, as part of this group of electronic records, needs proper management through appropriate policies and procedures, as well as monitoring and compliance tools.

2.0 Purpose

This policy addresses those email messages which are considered to be “government records” as defined by the *Management of Information Act* making them subject to the same management principles as government records in paper format.

The policy will promote the effective capture, management, and retention of email messages which are government records, in compliance with information management retention requirements.

3.0 Scope

This policy applies to all government departments and public bodies as defined under the *Management of Information Act*.

This policy includes management of email regardless of method of access and use (i.e., use of e-mail via desktop and any wireless mobile devices).

4.0 Definition and Acronyms

Email is defined as messages, including attachments sent and received electronically between personal computers or terminals linked by communications facilities. This includes address information (to, from, cc, bc, subject and date) and the message content.

4.1 Email as a government record

The *Management of Information Act* defines a government record as any record created by or received by a public body in the conduct of its affairs and includes a cabinet record, transitory record and an abandoned record.

Thus, email is a government record when it is created or received in connection with the transaction of Government business. For example, when it records official decisions; communicates decisions about policies, programs and program delivery; or contains background information used to develop other Government documents. Government records may not be destroyed without the authorization of the Government Records Committee, as outlined in the *Management of Information Act*.

When an email is a government record it is subject to legislation such as the *Management of Information Act*, the *Rooms Act*, and the *Access to Information and Protection of Privacy Act, 2015*, and to legal processes such as discovery and subpoena.

Any information transmitted via e-mail and classed as a government record, shall be treated in the same manner as any other important records, in any medium, received or created by a public body. Such records shall be captured into records management systems. As well, electronic messages captured into a records management system are subject to the provisions of the *Management of Information Act*, and shall be scheduled for disposal or retention, as approved by the Government Records Committee, according to the class of records to which they belong.

4.2 Email as a transitory or non-record

Not all messages sent and received via e-mail are government records as defined by the *Management of Information Act*; therefore not all messages are subject to the provisions in the Act. The Act defines a transitory record as a government record of temporary usefulness in any format or medium having no ongoing value beyond an immediate and minor transaction or the preparation of a subsequent record.

Transitory records include:

- Copies of convenience or reference
- Personal messages
- Messages that convey a minor or administrative action (e.g., I will attend the meeting)
- Messages that contain content encapsulated in another record (e.g. exchange of draft documents between collaborators, the content of which is contained in a final report)

Existing transitory records are still discoverable as evidence of Government of Newfoundland and Labrador business activities and are subject to *ATIPPA, 2015* requirements. Retention of transitory records may compound significantly the discovery process as information that should have been destroyed must be processed to the same

standard as other government records in the event of an ATIPP request, audit, inquiry, litigation, etc. Transitory records must be deleted when no longer of value and this may be done without a records retention and disposal schedule.

The employment of appropriate information management principles will ensure that records are kept or destroyed as a routine part of business. If there is doubt about whether a particular type of e-mail is a government record or not, advice should be sought from a Records/Information Management representative in the public body or the Information Management Services Division in the Office of the Chief Information Officer.

4.3 Management and Retention of E-mail

Electronic messages should not be isolated from records and information management systems in the public body. A records management system consists of a set of classifications of records by type and function, sometimes known as records series, and a set of retention periods attached to each type of record. It also includes decisions regarding the final disposition of records, specifically whether, at the end of their life span, they are destroyed or transferred to the Rooms Provincial Archives for permanent retention.

4.4 Responsibilities of records creators:

Email messages, and/or attachments required as evidence of a public body's business activity (i.e. those that are considered official government records), shall be captured using one of the following options. The appropriate procedure(s) is to be determined by the public body.

1. Save the email into an Electronic Document Management System (EDMS) designed specifically for the purpose of managing electronic records; OR
2. Print the message and any applicable attachments to paper and incorporate into the public body's paper records management system; OR
3. Save the message and/or its attachment(s) in a directory outside the email system, which is a part of the public body's official records system (e.g., local area network directory); OR
4. Transmit the message electronically to a central records repository or other appointed representative for incorporation into the public body's records management system

It is undesirable and unnecessary to maintain both electronic and paper copies of emails.

Management of email accounts:

Individual email users are responsible for managing their own email accounts. In addition to the requirements outlined above, email users must keep all login names and passwords confidential in order to protect the security of their records.

Use of e-mail system:

Government's email system is reserved for official Government business, and should not be used for personal purposes. Use of government email for personal financial gain is prohibited. Advertisements which are not work-related are inappropriate and should not be transmitted. The sharing of proprietary software or other copyrighted materials and the distribution of chain letters or other "junk mail" is also unacceptable. Broadcast messages to all users are not permitted except for official Government purposes, through official designates (for example, Communications staff circulating notices on behalf of a department). Email accounts on the government e-mail system are the property of the government and subject to government inspection and review.

Email security:

Any email sent outside the government e-mail system is not secure. Therefore, users should be cautious about the type of message they send outside the Government mail system. Confidential information should not be sent via email outside the Government mail system.

4.5 Public body responsibilities

Public bodies are responsible for ensuring that employees are trained in policies and procedures regarding email use and management. This training can be facilitated through the OCIO.

When an employee is no longer attached to Government it is the responsibility of the Human Resource Division, in cooperation with the employee's immediate supervisor, to notify OCIO personnel. This will ensure the termination of an employee's email account upon departure.

5.0 Approval Process

- Government Records Committee
- Treasury Board - TBM2009-298

6.0 Change Process

This policy will be changed as necessary in order to appropriately reflect current software and media standards and email usage.

7.0 References

Email Guidelines

Instant Messaging Directive

Use of Non-Government Email for Work Purposes

Acceptable Use Directive