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1.0 Introduction

Under the *Management of Information Act*, the Information Management (IM) Branch of 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. E-mail, 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 e-mail messages which are considered to be “government records” as defined by the *Management of Information Act* making them therefore subject to the same management principles as paper public records.

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

3.0 Scope

This policy includes management of e-mail 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

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

When an e-mail 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*, 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 department. 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 Provincial Archives, according to the class of records in which they belong.

4.2 E-mail 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).

Transitory records are still discoverable as evidence of Government of Newfoundland and Labrador business activities. 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 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 departmental Records/Information Management representative or the Information Management Branch in the Office of the Chief Information Officer.

4.3 Management and Retention of E-mail

Electronic messages should not be isolated from departmental records and information management systems. 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 (E-mail users):

E-mail messages, and/or attachments, required as evidence of a department's business activity (i.e. those which are considered to be official government records), shall be captured using one of the following options. The appropriate procedure(s) is to be determined at the department level.

1. Save the e-mail 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 department's paper records management system; OR
3. Save the message and/or its attachment(s) in a directory outside the e-mail system, which is a part of the department's official records system (e.g., local area network directory); OR
4. Transmit the message electronically to a central records repository or other appointed departmental representative for incorporation into the department's records management system

It is undesirable and unnecessary to maintain both electronic and paper copies of e-mails.

Management of e-mail accounts: Individual e-mail users are responsible for managing their own e-mail accounts. In addition to the requirements outlined above, e-mail 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 e-mail system is reserved for official Government business, and should not be used for personal purposes. Use of government e-mail for personal financial gain is prohibited. Advertisements which are not work-related are inappropriate and should not be transmitted. The sharing of proprietary software / 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). E-mail accounts on the government e-mail system are the property of the government and subject to government inspection and review.

E-mail security: Any e-mail 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 e-mail outside the Government mail system.

4.5 Departmental responsibilities

Departments are responsible for ensuring that employees are trained in policies and procedures regarding e-mail 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 employees' immediate supervisor, to notify OCIO personnel. This will ensure the termination of an employee's e-mail account upon his/her 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 e-mail usage. Reviews will take place on a two year or bi-annual basis. Substantial changes (changes > 25% of anchoring and/or main document points) will be made available to policy audiences at the earliest possible convenience.

7.0 References

7.1 Blackberry Usage Policy

This is available via the OCIO website.