



Email Management : Guidelines & Policies

Are email messages considered public records?

At UNC, all email messages are considered public records, with exception of personal email. Personal email is not a public record and should be deleted as soon as possible from the user's email system.

Since Duke is not a public university, provisions of the NC Public Records law generally are not applicable. At Duke all email is considered a university record, with the exception of personal email.

What are public records?

At UNC, all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions are considered public records. See the North Carolina General Statutes 132-1 for more information.

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How do I know when an email is a record?

Work related electronic mail created and received by University employees during the course of business are University records, and should have the same retention as similar paper based records with a few exceptions. Messages with continuing value, such as those that document administrative decision-making, committee, faculty, and campus activities are considered records. Examples of messages that may have continuing value are those which

- approve or authorize actions or expenditures;
- are formal communications between staff, such as correspondence or memoranda relating

- to official business;
- signify a policy change or development;
- create a precedent, such as messages issuing instructions or advice;
- relate to the substantive business of the work unit or University;
- involve negotiations on behalf of the University;
- have value for other people or the work unit as a whole.

Faculty correspondence, research data, and external scholarly communications which are not of an administrative nature may still have significant archival value.

Unwanted or unneeded junk mail (spam) and personal messages, are not University records and should be routinely identified, separated, and removed from the email system.

What should I know about the NC Public Records Law?

At UNC, University employees need to know that there is a state law, http://www.ncleg.net/Statutes/GeneralStatutes/HTML/ByChapter/Chapter_132.html, governing their actions with regard to public records, and they should be familiar with its basic concepts listed below:

All paper and electronic documents created, processed, or maintained on state time at state expense are public records. Public records belong to the people of North Carolina and must be made available when requested either free or at minimal cost. Some public records such as student academic records; personnel records, medical records, etc. are protected by specific confidentiality laws and may not be made available. Public records may not be destroyed without an approved records retention and disposition schedule authorizing destruction.

Here are some of the specific types of items that qualify as public records:

- Papers
- Letters
- Maps
- Books
- Photographs
- Films
- Sound, recordings, magnetic or other tapes,
- Electronic data-processing records, artifacts
- Other documentary records

At UNC, for help in determining appropriate retention periods or in locating your office's approved records retention and disposition schedule, contact the Records Service Coordinator at 962-6402.

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What is a records retention schedule?

A retention schedule is a list of types of records, often called records series, in your office that specifies the length of time the records need to be kept according to state or university requirements. The University Records Manager or Coordinator works with your office to identify these records and create this schedule. The schedule may include information regarding the retention of documents in active office areas, inactive storage areas, and when and if such series may be destroyed or formally transferred to the University Archives for preservation.

What are records series and how do they relate to email?

A records series is a group of similar or related records that are normally used and filed as a unit, and that permit evaluation as a unit for retention scheduling purposes. Email is not a records series, but rather a means of transmission of information, therefore its retention and disposition depends on the function and content of the individual message.

What do I do with emails that are considered records?

Messages with continuing value, such as those that document administrative decision-making, and committee, faculty, and campus activities, should be retained in paper or electronic copy until no longer administratively useful, and then either destroyed or transferred to the University Archives according to the appropriate retention schedule. (At UNC, for help in determining appropriate retention periods or in locating your office's approved records retention and disposition schedule, contact the Records Service Coordinator at 962-6402. For more information at Duke, contact the Records Manager.)

Electronic messages whose loss would pose a significant fiscal, legal, or administrative risk to the university if they could not be accessed or read should not be deleted unless retained in an acceptable paper format. Electronic copies can be deleted if paper copies are maintained.

You may keep emails in either a printed or electronic format. If you keep them in a print format, you may send them to the Archives according to your office's records retention schedules. It would be good practice to print out the most important emails and keep them along with the other records in a specific records series. If you keep them in an electronic format, you must maintain those records in your office in a format in which you can potentially transfer them to the Archives when appropriate University policies have been established. If you save messages in their native file formats, they will be accessible only as long as the email application is supported. If you save messages in an open format, such as ASCII text, you increase your chances of accessing the messages into the future; however, you lose formatting that exists in the native format.

For more information about keeping email records see the "Management" FAQ section.

What do I do with emails that are not considered records?

Messages with short-term value (only needed for a limited time or purpose) should be deleted and purged once their purpose has concluded. Such messages include:

- Those distributed to a number of staff for information only, such as news bulletins, circulars, meeting notices, copies of documents; drafts
- Those created solely as part of preparation for other records;
- Personal messages and announcements not work related;
- Junk mail.

How can email be considered an authentic record?

When determining the admissibility of records into evidence, courts will consider the reliability and accuracy of the process or the system used to produce or reproduce and maintain the records, rather than its format. The following laws allow records, regardless of format, to be accepted by the courts without condition:

- Federal Rules of Evidence
- University Business Act
- Uniform Business Records Act
- Uniform Rules of Evidence
- Uniform Photographic Copies of Business and Public Records as Evidence Act

Records are usually deemed admissible into a court of law when it can be demonstrated that the workflow process used to create and maintain the records is proven trustworthy in producing accurate documents. The output of email to a particular format is acceptable as long as the result accurately reflects the original message and the method used is consistent and reliable. Once these records are accepted into courts, the accuracy of the content may still be challenged.

According to North Carolina State Guidelines for Email, "Email that is printed must capture transmission, distribution, and receipt data", in order for it to be considered an authentic record.

For more information see your campus legal counsel.

Are email records handled differently than paper?

Email should be managed by its content, not its format. Whether or not you keep an email message depends on its value, subject, and function.

See "Managing Email" FAQs for further guidance on this topic.

Can anyone read my email?

At Duke: The Office of Information Technology has a policy on "Computing and Electronic Communications at Duke University: Security & Privacy," which currently is available at <http://www.oit.duke.edu/oit/policy/ITACPolicy.html>. The policy says, in part, that "the ultimate privacy of messages and files cannot be ensured." Therefore, it is advisable not to use email to communicate confidential or sensitive information.

At UNC: Information Technology Services has issued the "Policy on the Privacy of Electronic Information," which currently is available at <http://help.unc.edu/?id=1677>. According to the policy, the university does not inspect or routinely monitor email usage, nor does it guarantee the privacy or security of email systems. Under certain circumstances, access to email on its computer networks may be given to authorized employees or system administrators.

For more on this topic, please see the Access & Security FAQs