SECTION: Information Technology **Number: 10.03.07**
AREA: User Guidelines

SUBJECT: E-mail Retention and Discovery

I. PURPOSE AND SCOPE

This policy is adopted in order to comply with state and federal law, to preserve e-mails which are state records of the university, to demonstrate fiscal responsibility by eliminating the need for unnecessary computer file storage space, and to apply best practices for electronic records retention at the university. This policy applies to 1) All e-mail systems provided or funded (in part or in whole) by the University of Houston; 2) All users and account holders of university e-mail accounts; and 3) All e-mail messages sent or received using university e-mail systems.

II. POLICY

A. Non-Business Use of E-Mail Services

The computers, electronic media and e-mail messaging services provided by the university are primarily for business use. Limited, occasional, or incidental use of electronic media (sending or receiving) for personal, non-business purposes is acceptable, provided that such use is done in a manner that does not negatively affect the systems' use for their business purposes. Personal, non-business related e-mail messages are not university records and do not need to be retained.

B. Transitory Correspondence

1. Most e-mail messages are created primarily for routine communication or information exchange that is of temporary usefulness which is not an integral part of the university's recordkeeping system, i.e., they are not university records. These messages should be considered transitory correspondence that do not have lasting value and should be:

   a. Read and deleted; or

   b. Read and retained on the active mail server for no longer than necessary or until their usefulness has ended (whichever occurs first), and then deleted; or

   c. Read and retained on the active mail server or moved to other file locations when job requirements necessitate retention, and then deleted when their usefulness has ended.

2. Transitory correspondence is not essential to the fulfillment of the statutory obligations or to the documentation of university functions. Examples of transitory correspondence are:

a. Routine messages

b. Telephone message notifications

c. Notices about internal meetings or events

d. Routing slips

e. Incoming letters or memoranda of transmittal that add nothing of substance to enclosures

f. Similar routine information used for communication, but not for the documentation, of a specific transaction

g. An inquiry about department course offerings or scheduling issues

h. Announcements, etc.

C. University/Business Records

1. When the contents of an e-mail message exhibit one or more of the following characteristics, it should be classified as a university/business record:

a. Has operational value (required by a department to perform its primary function)

i. Administrative actions taken or planned

ii. Reports or recommendations

iii. Policies, procedures, guidelines, rubrics, or templates

iv. Non-transitory communication pertaining to routine operation of policies, programs services or projects of the university or of a department

b. Has legal or evidential value (required to be kept by law), such as a legal hold or investigation (see “Legal Holds” below).

c. Has fiscal value (related to the financial transactions of the campus), required for financial reporting and audits.

d. Has historical significance (of long-term value to document past events). These messages may arise from exceptional age and/or some significant historical event.

e. Has vital value (critical to maintain to ensure operational continuity after a disruption or disaster). Vital records or information may fall into any one of the above value categories.

2. University/Business records, including messages and information, must be retained as noted in SAM 03.H.01 – Records Retention, and in accordance with the Texas State Records Management Statutes. See in particular, Section 1.1 on General Administrative Records.

3. To assist in the determination of whether an e-mail is a university or business record or is transitory in nature, see http://www.uh.edu/emailretention.

4. E-mail messages that are university/business records should:

   a. Be moved to dedicated storage on departmental/office networked file systems (the equivalent of an electronic filing cabinet); or

      Be retained on the active e-mail server. The active e-mail server is a computer on the university network that provides "post office" facilities for current users. It receives and stores incoming mail for users and forwards outgoing e-mail for delivery. Users are assigned individual "mailboxes" where incoming and outgoing e-mail messages are stored until deleted by the user.

   b. Messages should be stored in a manner that can be retrieved easily by the university.

D. Classifying Messages

1. Questions about the proper classification (transitory correspondence or university/business record) of a specific message, record or piece of information should be directed to the employee's manager or college/division business administrator. If further assistance is needed in classifying information, the System Records Retention Officer should be contacted for assistance.

2. The burden of determining whether a specific message is a university/business record should fall to the department responsible for being custodian of those records. For example, Human Resources is responsible for determining whether messages sent to Human Resources pertaining to employee relations are classified as university records.

E. Backup Files

All university e-mail server administrators shall keep backup images of university e-mail servers for no more than 12 weeks. These backup images are for system restoration and disaster recovery purposes, and are not designed to facilitate retrieval of deleted messages.

F. Legal Holds

1. When litigation against the university or its employees is filed or threatened, the law imposes a duty upon the university to preserve all documents and records that pertain to the issues. When General Counsel is made aware of pending or threatened litigation, a legal hold directive will be issued to the legal custodians.

   A legal hold directive overrides this e-mail retention policy, as well as any records retention schedules that may have otherwise called for the transfer, disposal, or destruction of relevant documents, until the hold has been cleared by General Counsel.

   E-mail and accounts of separated employees that have been placed on legal hold status by General Counsel will be maintained by Information Technology until the hold is released.

No employee who has been notified by General Counsel of a legal hold may alter or delete an electronic record that falls within the scope of that hold. An employee notified by General Counsel of a legal hold will be required to provide copies of the referenced electronic records that the employee has downloaded and saved or moved to some other storage account or device.

2. When an open records request (or Public Information Act request, also known as a Freedom of Information Act Request) is pending, documents must be maintained while the request is pending.

III. ROLES AND RESPONSIBILITIES

A. All university e-mail users are expected to:

1. Regularly check for new messages

2. Routinely secure messages that are university/business records in accordance with Section C; and to

3. Delete transitory correspondence as soon as its usefulness has ended

4. Retain a University Business Record in accordance with Section C if, the user is

a. The sender or creator; or

b. The only or main recipient; or

c. The designated university custodian for that type of information

5. Not retain messages longer than required for their respective job purposes. When that need no longer exists, the message should be deleted.

6. Review and utilize the information posted at http://www.uh.edu/emailretention to assist in the management of e-mail messages.

B. Information Technology (IT) and all colleges/divisions/departments providing independent mail services will:

1. Establish and publish standards for e-mail account administration, storage allocations, and automatic archiving of messages to users' local computer folders/files;

2. Provide active mail server facilities in compliance with this policy for all university business;

3. Provide the required end user training and helpdesk support;

4. Manage server implementations of legal holds that are issued by General Counsel; and

5. Suspend any automatic deletion processes that may be in place, as necessary, to preserve specific electronic messages, records and information that fall within the scope of the legal hold, and that reside on active mail servers.

C. Department heads and unit managers are responsible for notifying and providing message and records retention guidance to staff and faculty within their respective units. The guidance provided must be in accordance with this policy and the Texas State Records Retention Schedule.

D. The university records retention officer appointed by the President is responsible for providing guidance to university personnel in ensuring compliance with state law with reference to the preservation of state records.

E. Originators and custodians of electronic messages, records, and information that are university/business records are responsible for:

1. Appropriately identifying and retaining such records in accordance with this policy and the Texas State Records Retention Schedule; and,

2. Seeking assistance from their respective managers or college/division business administrators when unsure about how to categorize specific types of messages.

F. University employees who have been notified by General Counsel of a legal hold are responsible for preserving all messages, records, and information that fall within the scope of the hold that they have downloaded and/or stored locally.

G. In the event of litigation, the chief information security officer will be the designated 30(b)(6) witness as defined by the Federal Rules of Civil Procedure.

IV. RELATED INFORMATION

A. For information about the Federal Rules of Civil Procedure, visit http://www.uscourts.gov/rules/EDiscovery_w_Notes.pdf.

B. For information about the Texas State Library Records Retention Policy, visit http://www.tsl.state.tx.us/slrm/recordspubs/stbull01.html.

C. For information about the System Record Retention Policy, visit http://www.uh.edu/sam/3FicsalAffairs/3H1.pdf.

V. REVIEW AND RESPONSIBILITY

Responsible Party: Associate Vice President for Information Technology

Review: Every two years on or before September 1

VI. APPROVAL

Carl Carlucci
Executive Vice President for Administration and Finance

Renu Khator
President

Date of President's Approval: May 25, 2011

REVISION LOG

Revision Number	Approved Date	Description of Changes
1	05/25/2011	Initial version