

# Managing Electronic Messages as University Records

## University of California Office of the President

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Electronic messages sent or received in the course of conducting University of California business are administrative records subject to University records policies, guidelines, and retention schedules.<sup>1</sup> Such messages constitute official University records that must be managed according to the University’s retention schedule, legal requirements, or business need. The following information is provided to help University of California Office of the President employees understand basic concepts of records management as they apply to messages.

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### **1. WHY WE NEED TO MANAGE MESSAGES**

We all receive an avalanche of messages (such as email, voicemail messages, instant messages, and text messages) on a daily basis. The sheer volume is daunting and many people give up trying to cope with it, much less organize it. The result is that thousands of messages may be stored on any one individual’s computer. This is a risky situation. Messages and attachments involving University business are administrative records and are owned by the University, even though they may be in one individual’s mailbox. Without proper message management, individuals have trouble locating messages and colleagues can’t access University business records. Further, in cases of e-discovery, investigations, audits and California Public Records Act (CPRA) requests, the University is exposed to the significant cost associated with locating, reviewing, and producing required documents, as well as liability associated with inappropriately retained materials.

*As business records, messages must be managed appropriately, which may mean retaining and storing them for defined periods of time.* Message management requires:

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<sup>1</sup> As used herein, the term “messages” includes both electronic messages and their attachments.

- Determination of the appropriate retention period
- Ensuring proper storage, with access provided to other authorized individuals
- Deletion of messages once there is no business, administrative, operational, legal, regulatory or compliance, or historical need to retain it

## **2. WHAT ARE ADMINISTRATIVE RECORDS?**

At the University, an “administrative record” is the formal term used “to describe any record that documents or contains valuable information related to the organization, functions, policies, decisions, procedures, operations, or other business activities of the university.”<sup>2</sup>

Electronic messages constitute administrative records when sent or received in connection with the transaction of University business: in other words, when the message documents a department’s significant business, administrative, or operational activities or transactions, including statements of policy or the rationale for decisions or actions. It is useful to think of administrative records as having value in the following ways:

- **Business, Administrative or Operational Value:** Materials that assist the office, department, or unit in performing its primary functions
- **Legal, Regulatory, or Compliance Value:** Materials that demonstrate compliance with legal or regulatory requirements
- **Historical Value:** Materials that explain or document the history of the University or a campus, department, or unit.

## **3. WHAT ARE “NON-RECORDS”?**

*An important concept in message management is the recognition that not all messages are administrative records.* Some are non-records, which are “materials that are of immediate value only.”<sup>3</sup> They are temporarily useful but have no lasting administrative or operational value. Non-records are materials that are not essential to the fulfillment of legal, business, administrative or other obligations, or to document the decision-making process.

## **4. BASIC FACTS ABOUT MESSAGE MANAGEMENT**

The following concepts are key to understanding how to manage messages as records.

- Records are not determined by physical form, media, or format, but by their *content*.
- As with paper documents, decisions about storing or deleting messages are guided by the *subject matter* of the communication, and require judgment on the holder’s part.
- Only the “official record” of a message must be retained.
- Retention decisions apply to attachments as well as to the message.
- Business messages should be accessible not only to the individual who sends or receives them, but also to others in the department or business function when necessary.

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<sup>2</sup> University of California [Business & Finance Bulletin RMP-2](#), Records Retention and Disposition, Section II, Definitions.

<sup>3</sup> RMP-2, Section II, Definitions.

- Employees must make informed judgments when managing their messages. Fear of making a mistake is not a reason to avoid managing them.
- Although message management is everyone’s job, the functional manager sets expectations, establishes processes, and helps make difficult decisions.

## **5. WHICH MESSAGES SHOULD BE RETAINED?**

The retention period of a message depends on what type of record it is, which is determined by the message’s content. For example, an unsolicited email from a vendor or an email discussing an early draft of a purchasing contract are *non-records* and are to be deleted as soon as they are no longer immediately useful.

A message conveying the final contract or a message announcing a new policy on student fees are *administrative records*. Such records are to be retained for prescribed periods of time defined by the University’s retention schedule or a statute or business need, and then deleted. A message conveying a real property deed or gift bequest, or announcing University policy is also an *administrative record, but one that should be permanently retained*.

The following three categories for retention periods – short-term, variable, and permanent – provide a useful framework for making judgments about how long to retain messages:

### **A. Non-Records: Short-Term Retention**

Non-records should be retained only on a short-term basis, and deleted as soon as their immediate usefulness has passed. Examples of “non record” messages include:

- Junk
- Spam
- Personal communications unrelated to University business
- Extra copies of an official record (the principle copy, known as the official record, is maintained elsewhere)
- Messages that do not provide evidence of department operations
- Messages containing preliminary drafts of letters, memoranda, reports, work sheets, and informal notes (whether in the body of the message or as attachments) that do not represent significant basic steps in the preparation of the official record
- Internal meeting or administrative notices and reminders
- Messages that constitute or contain convenience copies solely for ease of access and reference
- Messages that constitute or contain informational copies sent to individuals or departments that are interested in, but not acting upon, the information
- Other messages that convey information of temporary importance

### **B. Administrative Records: Variable Retention**

The retention period for a message that is the official record is determined by the content of the message. When the message is the official record, check the [University of California Records Retention Schedule](#), which lists specific retention requirements for many types of records. If there is no specified retention period, check with your manager or the Office of the

General Counsel to see whether there is a legal or regulatory retention requirement. If there is none, the record should be retained as long as there is a business, administrative, or operational reason to do so, and then deleted. *Copies* of the official record should be retained only as long as they are useful to the holder. The unit manager should provide guidance about what records should be retained. Examples of messages that may be retained for variable periods of time, depending on their usefulness, follow:

- Internal correspondence requesting or providing information
- Monthly and weekly reports
- Documents advising of various events, issues, and status of on-going projects
- Correspondence to and from various individuals, companies, and organizations requesting information

### **C. Administrative Records: Permanent Retention**

Certain administrative records transmitted by or originating as messages must be retained permanently *if they constitute the official record*. (If they are copies and not the official record, they do not need to be retained.) In general, these are messages and attachments that have significant, long-term administrative, legal, and/or fiscal value. The unit manager should review decisions about which records should be retained permanently. Examples of messages that may need to be retained permanently include the following:

- Certain executive correspondence pertaining to the formulation, planning, implementation, interpretation, modification, or redefinition of programs, services, or projects
- Messages that have historical value in that they explain or document the history of the University or a campus, department, or unit
- Correspondence announcing or interpreting UC bylaws, policies, directives, and regulations

## **6. WHO IS RESPONSIBLE FOR RETAINING MESSAGES?**

While there may be many copies of an administrative record, there is only one copy that is considered the “official record.” For example, although committee members may receive reports and meeting minutes via email, it is the chair or other designated employee who maintains the official record of those reports and minutes, as well as the final documents that that group creates. It is this record that must be preserved as a University administrative record. The copies circulated to other committee members are “reference” copies and should be destroyed once the project is complete or the member is no longer on the committee.

As another example, the Human Resources Department may issue a new set of guidelines that is distributed to employees via email. The original guidelines are the administrative record and should be retained by Human Resources for a prescribed period; the copies distributed to employees may be discarded when they are no longer needed.

Generally speaking, the individual who sends an electronic message, or if the message comes from an external source, the primary recipient (“To” not “cc”) should maintain the official record of the message. A suggested consideration is whether or not the message impacted the

function or caused some business activity to occur.

When there is a series of responses or a threaded discussion, only the last message of the thread with the final response or resolution of the issue (unless other messages have attachments that provide valuable context) is to be retained. When a threaded discussion branches out or is truncated, retain those messages that are contextually relevant to the final resolution that are not in the last message.

## **7. WHERE SHOULD MESSAGES BE STORED?**

The decision about where to store messages depends on the type of record to be retained. A [decisionmaking chart](#) is available that summarizes information in these guidelines.

- **Non Records – Short-Term Retention:** Non-record messages that will be deleted once their immediate usefulness has passed may be stored in the employee’s Inbox (up to one year only), the Outlook Online Archive, or other places on the employee’s computer hard drive.
  
- **Administrative Records – Variable Retention**
  - Administrative messages that other individuals don’t need to access may be stored in the Outlook Online Archive, or other places on the employee’s computer hard drive.
  
  - Administrative messages that other individuals require access to should be saved to [network file shares](#), [SharePoint sites](#), or printed and stored in central hard copy files.
  
- **Administrative Records – Permanent Retention:** Permanent records should be accessible to more than one authorized individual, and therefore stored in [network file shares](#), [SharePoint sites](#), or printed and stored in central hard copy files and, when appropriate, stored in the [UCOP Central Records Collection](#). UCOP departments are responsible for sending a copy of messages designated for permanent retention to [records@ucop.edu](mailto:records@ucop.edu) for inclusion in the permanent UCOP Central Records Collection. Selecting that address as a CC at the time the message is sent is acceptable. A description of the types of records suitable for the collection is provided on the Records Management Services website.

## **8. RECORDS HOLDS AND MESSAGE RETENTION**

A records hold may be placed on messages (as well as other records) when:

(a) the University reasonably anticipates or is engaged in litigation; (b) a government investigation has begun; (c) an audit has begun; or (d) a California Public Records Act request has been received. In such cases, employees are notified of the hold and instructed what to preserve and how to do so. Messages subject to records holds must NOT be deleted until these actions have been completed or resolved.

## **9. IMPORTANT REMINDER ABOUT THE CALIFORNIA PUBLIC RECORDS ACT**

Under the University's [Electronic Communications Policy](#), “[e]lectronic communications records pertaining to the administrative business of the University are considered public records...”<sup>4</sup> Such records, except for certain defined situations, “are subject to disclosure under the California Public Records Act.”<sup>5</sup>

## **10. Good Messaging Habits**

Best practices for messaging at UCOP are posted on the web to help employees gain control of their messages and be responsible stewards of University administrative records: <http://www.ucop.edu/information-technology-services/initiatives/records-retention-management/electronic-message-management-at-ucop.html>.

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<sup>4</sup> Electronic Communications Policy, Section III, Allowable Use.

<sup>5</sup> Electronic Communications Policy, Appendix A, Definitions.