

# AGENDA ITEM SUMMARY

## FORT COLLINS CITY COUNCIL

**ITEM NUMBER:** 21

**DATE:** February 18, 2003

**STAFF:** Darin Atteberry

### SUBJECT:

Resolution 2003-008 Adopting a Policy for the Use, Management and Retention of Electronic Mail by the Mayor and City Council.

### RECOMMENDATION:

Staff and the Council Governance Committee recommend adoption of the Resolution.

### FINANCIAL IMPACT:

On April 17 and July 16, 2002, the Council Governance Committee reviewed and recommended adoption of a policy relating to electronic mail. At the November 12, 2002 City Council Retreat, the Mayor and Council reaffirmed their request for staff to develop a draft policy regarding the use and retention of e-mail pertaining to City business. A study session discussion on the topic was held December 10. The policy attached to the Resolution as Exhibit "A" is consistent with the policy for general employees.

### EXECUTIVE SUMMARY:

Following open record requests early in 2002, it became apparent that a policy and guidelines for record retention of e-mail would be helpful to assure appropriate preservation of the history of the organization. On a daily basis over 157,000 e-mail (in-bound and out-bound) are processed. At any point in time approximately 2.1 million e-mail messages are being held in the City's system. To effectively manage the capacity of the systems and to efficiently respond to record requests, a process was developed in response to these needs. Staff researched policies of other cities throughout Colorado and beyond. Recommendations were subsequently developed and an Administrative Employee Policy regarding e-mail was implemented late last year.

The proposed policy is based on the premise that the City's e-mail system is designed for communication and not for the storage of messages. Electronic records and messages should not be preserved or archived in the City's e-mail system on a permanent basis, and should remain in the e-mail system only for short-term reference and use. All electronic mail (e-mail) communication can be considered correspondence, and, as such, should be managed to conform with the City's General Retention Schedule. E-mail messages fall within the same categories as other correspondence and records – Temporary or Permanent. The "Guidelines for the Retention of Council E-Mail" (Section C of the policy) provide information related to types of e-mail messages and how to determine whether a particular message should become a permanent record, or whether it is temporary and should be discarded at the appropriate time.





Communication and Technology Services  
Information Technology Department

**MEMORANDUM**

DATE: January 16, 2003

TO: Mayor and City Council

FROM: Gary Gordier, Information Technology Director   
Rita Harris, Chief Deputy City Clerk

THRU: Darin A. Atteberry, Assistant City Manager 

SUBJECT: Requested Information Regarding Guidelines for e-mail Retention

At a City Council Study Session on December 10, 2002, a request was made for some illustrations regarding how to handle different kinds of e-mail. Following are some examples about what to save and what to delete:

**Examples of things to delete immediately:**

SPAM  
Personal messages/appointments/photos  
Meeting appointment arrangements

**Examples of things to save:**

Anything relating to a pending open records request  
Anything pertinent to any anticipated or pending litigation  
E-mail that may have value over the long term (*Ask yourself: Will this information be useful or important 10 years from now?*).

**General reminders:**

Messages that involve work in progress, particularly work that will result in a final product, generally do not need to be kept more than 90 days. However, nothing prohibits longer retention of such messages (in some format other than the Groupwise e-mail system), as long as such messages are useful to the recipient.

Remember, the sender of messages internal to the City is the party responsible for retention.



**RESOLUTION 2003-008**  
**OF THE COUNCIL OF THE CITY OF FORT COLLINS**  
**ADOPTING A POLICY FOR THE USE, MANAGEMENT**  
**AND RETENTION OF ELECTRONIC MAIL**  
**BY THE MAYOR AND CITY COUNCIL**

WHEREAS, the City Council recognizes electronic mail ("e-mail") as an important communication tool; and

WHEREAS, e-mail systems are neither intended nor designed as systems for storage; and

WHEREAS, the City is mindful of its obligations under the Colorado Open Records Act to generally make its e-mail available for public inspection, and is desirous of maintaining its records, including e-mail, in a manner that facilitates the efficient and expedient retrieval of such documents upon request; and

WHEREAS, the City Manager has recently adopted an administrative policy governing the use, management and retention of electronic communications by employees in furtherance of these objectives; and

WHEREAS, the City Council supports that administrative policy and desires that its e-mail be governed by a similar policy, with certain modifications tailored to the City Council's use of e-mail, which policy is attached hereto as Exhibit "A" and incorporated herein by this reference; and

WHEREAS, the City has a General Records Retention Schedule that was approved by the State Archivist in 1991; and

WHEREAS, the City has made a number of proposed revisions to this General Records Retention Schedule, which have not yet been approved by the State Archivist; and

WHEREAS, City staff anticipates that the revised General Records Retention Schedule will be approved by the State Archivist within the year; and

WHEREAS, the Council believes it will promote consistency and reduce confusion to incorporate into the Council e-mail policy certain guidelines for the retention of Council e-mail, consistent with the proposed revisions to the General Records Retention Schedule, to be used in conjunction with the proposed e-mail policy.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF FORT COLLINS, that:

Section 1. The e-mail policy concerning the Mayor and City Council members, attached hereto as Exhibit "A", is hereby adopted by the Council.

Passed and adopted at a regular meeting of the City Council held this 18th day of February,  
A.D. 2003.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

## EXHIBIT "A"

### Council E-Mail Policy

This policy governs the use, management and retention of electronic mail by members of the City Council.

Electronic mail ("e-mail") is an electronic message that is transmitted between two or more computers or electronic terminals, whether or not the message is converted to hard copy format after receipt and whether or not the message is viewed upon transmission or stored for later retrieval, including electronic messages that are transmitted through a local, regional or global computer network.

E-mail created, received or kept by Councilmembers that is related to City business, whether on paper or in electronic form, constitutes a "public record" of the City, regardless of its physical location or the form in which it is maintained. Therefore, such e-mail communications are generally subject to the disclosure requirements of the Colorado Open Records Act unless a particular provision in the Act allows or requires confidentiality. Furthermore, e-mail messages may be discoverable in litigation. Accordingly, Councilmembers should have no expectation of privacy in either sending or receiving information electronically, and they are responsible for using, managing, and retaining e-mail in accordance with this policy.

#### A. Management of E-Mail

E-mail related to City business should be handled with the same level of care properly used in the creation, distribution, management and retention of paper records and correspondence. E-mail is subject to the same etiquette and courtesy considerations as paper correspondence. E-mail misaddressed or received in error should be deleted after a reply is sent to inform the sender of the error.

#### B. Retention of E-Mail - General Principles

1. E-mail is a system that is designed for communication and not for the storage of messages. Therefore, electronic records and messages should not be preserved or archived in the City's e-mail system on a permanent basis, and should remain in the e-mail system only for short-term reference and use. Effective May 3, 2003, all e-mail messages 91 days or older will be automatically purged from the e-mail system on a continuing basis.

2. All electronic records, including e-mail, of the City are subject to the retention requirements set out in the "Guidelines for the Retention of Council Electronic Mail," dated January 21, 2003, (the "Guidelines") as set forth in Section 4 below, a copy of which is maintained in the City Clerk's Office.

a. For *internal* e-mails, that is, e-mails between City Council and City

staff, City staff will always be considered the custodian of the e-mail for purposes of determining whether, and for how long, e-mail should be retained under the Guidelines. For *external* e-mail communications, that is, communications between Councilmembers and members of the public, the Councilmembers sending or receiving the e-mail will be considered the custodians who must make that determination. This determination as to whether to retain e-mail must be made by Councilmembers no more than 90 days from the date of the e-mail so as to avoid the automatic deletion of e-mail that should be saved. If a Councilmember determines that e-mail should be retained under the Guidelines, the Councilmember must save the e-mail as a disk file or print it out in hard copy for permanent filing.

b. If certain e-mail is not required to be retained under the Guidelines, but a Councilmember nonetheless wishes to retain that e-mail for a period exceeding 90 days, for easy reference or for convenience, the Councilmember should again save the e-mail as a disk file or print it out in hard copy form for permanent filing.

3. To enable the City to efficiently manage the retention of electronic communications, the Mayor and Council members are encouraged to use the City's e-mail system, rather than a private e-mail system. If a Council member or the Mayor uses a private e-mail system to communicate regarding City business, the City's system should be included as a copied recipient.

### **C. Guidelines for the Retention of Council E-Mail**

For the purposes of this policy, e-mail will be considered to be a form of correspondence, to be categorized and retained as follows:

- **Calendars and Notes** - Retain until no longer needed

Description: Records kept to document and facilitate the routine planning and scheduling of meetings, appointments, and similar activities; includes calendars, appointment books, telephone messages, notes, diaries and similar records with routine content.

- **Transitory Value** - Retain until material has been read or is no longer needed for reference

Description: General documentation of extremely short-term value, including advertisements, drafts and worksheets, desk notes, copies of materials circulated for informational "read only" purposes, and other records with preliminary or short-term informational value.

- **Complaints, Routine Services Requests, and Citizen Petitions** - Retain for 90 days or until response or action has been taken by City

**Description:** Communications of various types that convey objections, dissatisfaction or disagreement with actions or positions taken or not taken by City; routine requests for service or information; petitions with no legal effect that are submitted to the City to express the opinions of the signers; and City's responses.

- **Routine Value** - Retain no longer than 90 days

**Description:** Operating documentation that is routine and contains no significant administrative, legal, fiscal, historical, informational, or statistical value. Includes routine letters or memoranda sent and received, reading or chronological files that are kept solely for convenience and contain duplicates of memos or letters that are also filed elsewhere, routine requests for information, transmittal documents that contain information of short term value, etc.

- **Long-Term Value** - Retain permanently

**Description:** Documentation or correspondence with long-term administrative, policy, legal, fiscal, historical or research value; records that relate to policy issues and actions or activities in which an important precedent is set; records of historic events relating to the City or the community; records that document commitments made by the City; records of issues that are expected to reoccur; and other similar records and documentation.