

R. City Council Policy 12.02 – Email Retention

*Recommendation:* Adopt the revised City Council Policy 12.02 – Email Retention



# *Camarillo City Council*

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## **AGENDA REPORT**

Date: December 13, 2023

To: Honorable Mayor and City Councilmembers

From: Greg Ramirez, City Manager

Submitted by: Kristy Buxkemper, City Clerk

Subject: City Council Policy 12.02 – Email Retention

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### **BACKGROUND**

City Council Policy 12.02 was adopted in 2008 and has not been updated since inception. With various technological advancements and changing records retention laws, the current policy is outdated.

Consistent with current practice, it is advisable to separate the policy from the internal procedural aspects for effective administration and to better guide the retention, management, and disposition of email communications.

### **DISCUSSION**

The City Council's Policy is the overarching guideline ensuring compliance with the California Public Records Act, applicable State Laws, and the City's adopted Records Retention Schedule. After careful analysis, it is suggested that revisions be made to help provide greater clarity and direct the focus of the policy on the importance of compliance with retention laws and requirements.

A differentiation between the Policy and the administrative procedural aspects for the maintenance of emails will allow staff to better address the internal processes pertaining to retention requirements. Such procedural guidance is recommended to be removed from the current policy and instead included in a subsequent internal procedure. The ensuing procedure will allow for proactive review of internal processes and streamline updates to ensure constant compliance.

The Policy Committee reviewed the recommended amendments on October 25, 2023 and supported revision of the Policy. Committee members emphasized the necessity for the Policy to highlight and focus on the importance of compliance with the Public Records Act and State Laws guiding retention and agreed that an internal procedure would allow

for more effective enforcement and provide a necessary distinction between policy and procedure.

Additional emphasis will be placed on training staff regarding the proper disposition and retention of transitory emails and lasting value records, including specific guidance and examples, to ensure compliance with the policy. Routine trainings will be coordinated as a key element of the City's Records Management Program to successfully meet all applicable retention requirements.

### **FISCAL IMPACT**

There is no budget impact as a result of this action.

### **RECOMMENDATION**

1. Adopt the revised City Council Policy 12.02 – Email Retention

### **ATTACHMENTS**

1. City Council Policy 12.02 - Email Retention (Redline)
2. City Council Policy 12.02 - Email Retention (Clean)

### **REFERENCE MATERIALS – AVAILABLE FOR REVIEW AT CITY HALL**

None



# *City of Camarillo*

## ***CITY COUNCIL POLICY***

Section: Information Technology

Date Adopted: September 24, 2008

Date Amended: December 13, 2023

Subject: **Email Retention**

Number: 12.02

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### PURPOSE

To establish a policy ~~for the management, for the proper retention and disposal of~~ electronic mail (email) messages ensuring compliance with applicable State Laws.

### POLICY

All emails maintained on City computers ~~is~~ are potentially ~~a~~ public records under California's Public Records Act, therefore the retention and disposition of emails should be in compliance with State Laws, the California Public Records Act, and the City of Camarillo adopted Records Retention Schedule.

The California Public Records Act (CPRA) defines a public record as, "any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics."

The CPRA requires the proper identification and management of emails, which are subject to the City's adopted Records Retention Schedule and should be retained and disposed of accordingly. Email is not considered an individual record series, and retention or disposition depends on the information contained, the purpose served, and the evaluation and categorization of each individual email.

~~Accordingly, individuals have the same responsibility for email messages as for any other public records.~~

#### A. Categories of Email:

~~The sender or, if the email was sent by a person that is not associated with the City, the recipient, is primarily responsible for the proper retention of the email. The sender's or recipient's first duty is to categorize the email for retention purposes.~~ Email falls within two broad categories: 1) transitory messages; and 2) public records of lasting value.

~~Questions about the proper classification (transitory or lasting value) of a specific email, record, or piece of information should be directed to the employee's or consultant's supervisor or department head. City officials should consult with the offices of the City Clerk or City Attorney.~~

## 1. Transitory Messages

- a. Identification. An email should be categorized as a "transitory message" when it:

- (1) Is a routine communication or information exchange.
- (2) Does not have lasting value and is not required to be kept in the normal course of business.
- (3) Does not document City business that should be preserved for future reference.
- (4) Conveys information of limited importance, in lieu of oral communication, and has very limited administrative value.

- b. Retention: Examples. ~~Transitory messages include notices of meetings or events, internal requests for information, minor announcements about employee activities, listserve messages, personal messages, phone messages, and invitations.~~

~~Some e-mail may contain information that is more than transitory, but not generally needed beyond a limited period or maintained in the ordinary course of business. Examples include preliminary drafts, notes, memos, and some routine correspondence.~~

Per the California Public Records Act, such transitory email may be deleted after the default retention period, but before the minimum two-year retention period for public records of lasting value, when the information is no longer needed for operational purposes and has limited historical significance or value.

- c. Retention.

- ~~(1) Transitory messages should be read and deleted from the exchange email server within 60 days.~~
- ~~(2) When job requirements necessitate retention for periods longer than 60 days, transitory messages should be moved off the exchange email server to an appropriate department folder, and deleted when their usefulness has ended.~~

## 2. Public Records of Lasting Value

- a. Identification. An email should be classified as a “public record of lasting value” when it:

(1) Has operational value such as:

- a. administrative actions taken ~~or planned~~;
- b. reports or ~~recommendations~~ operational manuals;
- c. adopted policies, procedures, and guidelines, ~~templates~~;
- d. needed to ensure continuity of operations.

(2) Is required to be kept by law.

(3) Has fiscal value or is required for financial reporting and audits.

(4) Has historical significance.

- b. Retention. ~~E-mail messages that have lasting value should:~~

~~(1) Not be stored in an individual user's email folders/files.~~

~~(2) Be electronically stored in a shared public folder on a departmental networked file system.~~

~~(3) Be printed and maintained in hard copy format, if needed.~~

(4) Per the California Public Records Act, emails of lasting value should ~~Be~~ retained for at least the minimum two-year period required under State Law, and according to the City's Records Retention Schedule.

~~Only the department responsible for the retention of a specific type of information or record is required to store and control the disposition of a public record in electronic form. Other recipients should not retain messages longer than required for their respective job purposes. When that need no longer exists, the information should be deleted.~~

B. Default Retention Period

~~1. All e-mail on the email system will be automatically moved to the “deleted items” folder after 60 days.~~

~~2. E-mail in the “deleted items” folder will be automatically deleted after 30 days.~~

~~3. No more than 500 megabytes may be stored in email folders.~~

C. Backup Files

~~Backup copies of City email will be kept for no more than 30 days. These backups are for system restoration and disaster recovery purposes, and are not designated to facilitate retrieval of deleted messages or to serve any long term archival purpose.~~

D. Litigation Holds

~~1. A litigation hold directive will be issued by the City Attorney's Office when required by law due to pending or threatening litigation.~~

~~2. A litigation hold directive overrides this email retention policy, as well as any records retention schedules.~~

~~3. E-mail and accounts of separated employees or consultants that have been placed on litigation hold status must be maintained by the General Services Department until the hold is released.~~

~~4. No employee, official or consultant who has received a litigation hold directive may alter or delete an electronic record that falls within the scope of that hold. Such individuals will also be required to provide access to or copies of any electronic records that they have downloaded and saved, or moved to some other storage account or device.~~



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b. Retention: Per the California Public Records Act, transitory email may be deleted when the information is no longer needed for operational purposes and has limited historical significance or value.

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