



*"People
helping people
help
themselves"*

Mitchell E. Daniels, Jr., Governor
State of Indiana

EMAIL RETENTION POLICY

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Effective Date: Immediate

The State of Indiana addresses email retention through the Indiana Commission on Public Records ("ICPR"). The ICPR website provides detailed information regarding the treatment of emails.

In compliance with the ICPR guidelines, the following policy declarations are made.

The use of email services is limited to internal and external communications which serve legitimate governmental functions and further the agency's mission and purpose.

All emails sent or received on government computers are owned by the State of Indiana and may be public records as defined by the Access to Public Records Act ("APRA"). *See* Ind. Code § 5-14-3-2. Emails are not treated differently than other records. It is the substance (content) of the email that is the determining factor establishing the document's retention or destruction. The State's retention schedules are available on the ICPR website.

Definitions

1. "Transitory Message" means any document that serves to convey information of temporary importance. A transitory message does not:

- A. Set policy,
- B. Establish guidelines or procedures,
- C. Certify a transaction, or
- D. Become a receipt.

Examples of transitory message include but are not limited to the following:

- Incoming List Serve messages
- Personal emails
- Spam
- Non-policy agency announcements
- Telephone messages
- Published reference materials



- Invitations to meetings and replies related thereto
- “Thank yous”
- Replies to routine questions, e.g. “the address is . . .” or “the deadline is . . .”
- Out of office replies

2. “**Duplicate Record**” means any email that is sent to multiple people within State government.

Retention Policy

A. Three broad categories of emails:

1. Transitory and duplicate messages.
2. Public records with a less than permanent retention period.
3. Public records with a permanent or archival retention period.

B. Retention guidelines

1. **Transitory and duplicate messages** are not required to be retained and may be deleted. If retention is required of the original, the sender has the obligation to retain the email in accordance with the appropriate retention schedule.
2. **Less than permanent** – Follow the retention period for equivalent hard copy records as specified in a retention schedule. The record must be in either hard copy or electronic format, and be retrievable and interpreted for the legal retention period. An FSSA employee unsure about the capability of electronic retrieval may print out the email and retain it for the period of the record. Agencies may delete or destroy such records only after receiving signed approval from the Commission on Public Records via the State Form 00016, “Records Destruction Notification.”
3. **Permanent or Archival** – Retention may be in the form of a hard copy printout or microfilm that meets the requirements of 60 IAC 2. The information must be eye-readable without interpretation. Questions concerning microfilm should be addressed to the Commission on Public Records, Micrographics Division at (317) 232-3381.

Maintaining Confidential, Deliberative, and/or Privileged Material

Emails may include information that is confidential and/or privileged, including information that is protected by the attorney-client privilege or the deliberative privilege under APRA. Employees are to protect such information from any intentional, inappropriate, or accidental disclosure. Employees who disclose such information to persons not entitled to receive this information risk waiver of the privilege.

Disclosure of Emails Pursuant to APRA

A. Subject to any exceptions, a request for an email under APRA must be treated the same as a request for any other document. The difficulty of retrieval is not a legitimate reason to deny an APRA request for an email. Emails must remain reasonably accessible throughout the duration of the retention period.

B. Depending on the content, an email may fall under one of the APRA exceptions under Ind. Code § 5-14-3-4 and may not be disclosed to the individual making the request. However, these exceptions do not excuse an employee from preserving the email in accordance with the applicable records retention schedule.