

Amador Water Agency

Electronic Mail Management and Retention Policy

Reviewed and Adopted:
04-23-2020

100.00 Purpose

The Amador Water Agency (Agency) provides electronic mail (“e-mail”) for the employees to conduct Agency business. In return for providing e-mail, the Agency expects the employees to manage and protect records resulting from the e-mail communications. This policy is adopted by the Board for the purposes of stating the responsibilities of all Agency employees concerning the creation, removal, storage, and retention of e-mails that are designated official Agency records.

Agency e-mail and e-mail systems are intended solely as a means of communicating Agency information. All Agency e-mail users are forbidden from using the Agency e-mail system other than for the storage and maintenance of Agency records. To ensure the Agency e-mail system functions as intended, it is imperative that all Agency employees and e-mail users regularly delete e-mails from the system as provided in this policy.

This policy supplements and is intended to be carried out in concert with the Agency’s Records Inspection, Retention and Disposal Policy (PL – Adm 009, “Records Inspection Retention Disposal Policy”). While not all e-mail communications are designated Agency records, all e-mail communications are subject to discovery and can be used as electronic evidence in the event of litigation. Unmanaged and unidentified e-mails residing on Agency computers could create expensive and unmanageable problems in the event of litigation and pose a threat to the Agency’s ability to properly and coherently document and reconstruct business and allow decision-making processes.

The Board makes the following findings concerning specific features of the Agency’s computer network and related hardware and software that comprise the Agency e-mail system:

1. Agency performs an electronic back-up of its computer network, including the e-mail system, on a regular schedule. Those back-ups are an electronic recording of the status of the Agency’s computer systems at a particular moment in time and cannot accurately capture or reflect all e-mail or other activity that occurred on the Agency’s computer network on a specific day.

For example, a back-up does not capture items on employees' desktops or in their non-networked drives.

2. Agency maintains an e-mail filter which reduces SPAM, Phishing, viruses, and other unwanted e-mail from entering the Agency's system. Employees of the Agency are responsible for reviewing summary e-mail lists from the e-mail filter to determine if valid e-mails were captured by the filter. The e-mail filter system automatically deletes filtered e-mail after a certain set time period.
3. Agency has implemented a Records Management System (RMS) which serves as the repository of all Agency records for future storage and retrieval, retention control, and document protection. The Agency's RMS is Laserfiche.

100.10 Scope

E-mail communications are considered public records and therefore, the retention and disposition of public records is governed by the Agency's Records Policy. In general, e-mail communications fall into three categories:

1. E-mails that document official Agency business, which include without limitation, approvals for staff action initiating a business transaction, requests and replies to a request for public information, and direction to employees or consultants. Such e-mail communications generally should be transferred to the RMS and retained in accordance with the Agency's Records Policy.
2. E-mails that provide general information, such as announcing the date and time of a meeting, responses to professional organizations in which an employee participates, external colleague communications, and for information about the Agency other than for public records. Such e-mail communications are not considered Agency records that must be managed according to the Agency's Records Policy and shall be routinely deleted from the Agency e-mail system. If an Agency employee believes that any e-mail of this type constitutes an Agency official record, such an e-mail or e-mail attachment should be transferred to the RMS and retained in accordance with the Agency's Records Policy.
3. Electronic documents such as personal e-mail correspondence, informal e-mail communications between Agency employees, and working notes and drafts (unless intentionally saved for an official purpose). Such documents are not Agency records and should be deleted from the Agency's computer network as soon as they are received and read, or are otherwise superseded or subject to deletion under this policy.

200.00 Policy

It is the Policy of the Agency that any e-mail communication containing information that documents Agency business must be saved into the RMS in accordance with the Agency's Records Inspection Retention Disposal Policy (PL-Adm-009). Responsibility for complying with this policy is imposed on each Agency employee. If an employee has any question or concern about retaining an e-mail or attachment or other issues of compliance with this policy, he or she should discuss the issue with the General Manager or his/her designee. If deemed necessary, the General Manager may consult with legal counsel about any e-mail retention or removal issue.

200.10 Violation of Policy

While the Board recognizes that occasional lapses in the use and management of e-mail occur in the process of business, a failure to adhere to this policy also could have serious legal and financial consequences for the Agency. Therefore, violations of this policy will be reviewed on a case-by-case basis. In appropriate cases, as determined by the General Manager, a violation may result in disciplinary action against an employee, up to and including termination.

200.20 Procedures

The General Manager will prepare procedures outlining implementation protocols for this policy.

300.00 Policy Review

This Policy shall be reviewed at least every two years.