

## HOW TO DETERMINE IF E-MAIL (OR ANY ELECTRONIC CORRESPONDENCE) QUALIFIES AS A RECORD AND, THEREFORE, SHOULD BE RETAINED

### 1. Determine if the e-mail meets the definition of a record and, therefore, must be retained.

- Any communication that is stored on a fixed medium that documents the **organization, functions, policies, decisions, procedures, operations, or other activities of the office** is a record and must be retained in accordance with Miami University's Record Retention Policy.
- The critical factor is content.
- Does not matter whether the record is in paper or electronic format.
- E-mails related to the work of the office produce records.
- Many E-mails are considered "transient." Transient e-mail has a short retention period: maintain until no longer of administrative value. Transient material is defined as all informal and/or temporary messages (including, but not limited to, e-mail and voice mail) and all notes and all drafts used in the production of records by any Miami University employee. Transient material also includes anonymous, unsigned and/or unsolicited written or electronic materials, including, but not limited to, anonymous student complaints, anonymous writings from individuals inside or outside the institution, and voice mail messages.

### 2. If it is determined that the e-mail is a record that has a retention period, how is it retained?

- (a) Print the e-mail and put in the appropriate paper file or (b) maintain electronically by transferring to an electronic mailbox and retain for the appropriate retention period.
- Split records: Do not maintain "split records," i.e., if there is a paper file on a matter, print the record and put it in the paper file. The availability/accuracy of a record may be severely compromised if the documents are separated between a paper file and someone's electronic desktop computer file. The reviewer likely has no idea the electronic records even exist. That is to say, if the reviewer looks at a paper file on a particular matter, he/she should be able to determine the entirety of the matter and not be left to guess who may have other documents evidencing the organization, function, policy, decision, procedure, or other activity that is the subject matter of the file.
- Be aware of two unique issues associated with e-mail. (a) When e-mail is deleted from your desktop it may not really be deleted, i.e., it may be retained by the sender or some other recipient or it may be stored on a back-up server. (b) When an e-mail is deleted, metadata is lost. This metadata can establish when the e-mail was created, if it was altered, etc. Metadata can prove important in some matters. For example, one professor accuses another of plagiarism. The accused responds that he created the document. The metadata is able to provide conclusive documentation about when and on whose computer the document was created. Thus, with *critically important* documents you may decide to retain both paper and electronic copies.

### 3. How long must the record be kept?

- All records must be retained in accordance with the University's Retention Manual.
- The retention period for most office records is listed in this Manual. Questions regarding retention periods for records not found in the manual may be directed to the Secretary of the University, who is responsible for the University's records retention program.
- Each type of record has a defined retention period (e.g., *search records must be retained for six years; personnel records are maintained for term of employment + 30 years*).

### 4. What e-mails are NOT considered records and need not be retained?

- Junk mail or spam and personal e-mails