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Crossroads

Developments in electronic records management and information technology

Editor's Note

Web Sites:

Crossroads on the NAGARA Web Site
http://www.nagara.org/members/crossroads/crossroads_home.html

Starting with this issue of *Crossroads* the Committee on Electronic Records and Information Systems (CERIS) will be publishing a series of White Papers on various topics related to electronic records such as electronic mail, content management, electronic security, HIPAA, disaster mitigation, privacy, custodial digital archives, and the new PDF-A standard. In the past *Crossroads* has contained reports on various projects underway by NAGARA members, short news items about national and international digital preservation endeavors, and other topics submitted by CERIS members. The new approach is an outgrowth of the NAGARA Board asking CERIS to provide some professional development products for the membership.

The first White Paper will cover the topic of e-mail, written by **Caryn Wojcik** of the State of Michigan Records Management Services, and **LaDonna Wagers** of the Florida Archives and Records Management. Issues of *Crossroads* are available in the member section of the NAGARA web site in Portable Document Format (PDF), including hyperlinks, for downloading and easy printing.

CERIS White Paper: E-mail Retention and Preservation

Introduction

State and federal laws affecting the retention and preservation of e-mail can vary significantly. A recent inventory conducted by NAGARA indicates that 37 of 50 states (74%) have already issued e-mail policies and guidelines.¹ This document does not discuss how to develop policies, or what the content for a model policy should be. Instead, the focus is on issues that face government archivists and records managers when implementing policies and guidelines for e-mail.

¹ This inventory, with links to the actual e-mail policies and guidelines, is available from the members-only section of the NAGARA website, <http://www.nagara.org/>

Common Issues

There are many issues that are commonly addressed in e-mail policies and guidelines for government. These include:

- Defining which e-mail messages are public records.
- Identifying the circumstances under which e-mail will be made publicly accessible.
- Identifying how to address e-mail that becomes evidence in litigation.
- Identifying how long e-mail should be retained if it is a public record.
- Identifying how e-mail should be stored, and the

options that are available.

- Providing tips about how to organize e-mail to facilitate access and retrieval.
- Defining the impact of using the e-mail system for personal communications.

Various agencies and individuals will have responsibilities for ensuring that policies and guidelines are followed by federal, state and local government employees.

Records Management Responsibilities

Records managers are generally on the front line when it comes to communicating with government employees about the management and retention of public records. This may take place as a result of record retention schedule development, recordkeeping consulting, training, or other related activities.

Most government employees are not given direction about the proper management of their e-mail when they receive their user accounts. As a result, many treat their e-mail system as a recordkeeping system--a function that most e-mail software was never intended to fulfill. Some government policies may allow employees to use the e-mail system for record storage anyway, and others may prohibit it. Records managers can assist employees with learning to properly manage their e-mail in accordance with these policies. This assistance may include identifying which e-mail messages need to be retained, selecting appropriate storage media (such as paper or electronic), organizing e-mail to facilitate retrieval, and protecting the authenticity of e-mail messages in case they are needed for litigation.

E-mail users tend to experience some culture shock when they are first instructed to manage their e-mail messages as records. Records managers can help users through the culture change by emphasizing that e-mail is just another record format, like paper or microfilm, and that a lot of the same record retention principles (and retention schedules) apply. For example, records managers generally encourage employees to keep all records that document a business process together as an organized records series. Therefore, the guidance for retaining "official" e-mail could be to retain these messages with the other records that document the business process.

Most e-mail users will still resist any change that requires extra effort; especially since e-mail software is so easy to use. Top management support is essential for ensuring compliance with change. Open communication, in the form of written guidance and training, will help employees adjust to the changes and accept responsibility for their role. Records managers can help deliver this training, and can serve as a source of information and support.

Computers don't require users to organize their files, and many employees never receive training about the basic principles of filing. Records managers can provide simple, straightforward advice to employees, without requiring them to attend a full-day workshop. For example, a simple "checklist" can help employees learn how to treat e-mail as a record.

- Do I need to keep this message to document my work? Is it evidence?
- Is the message string completed, or could additional messages follow that I will want to retain?
- Are the other records about this topic/issue/case kept in a hardcopy file or an electronic file?
- Is this a message that my co-workers are receiving too? Am I responsible for retention or is someone else responsible?
- Should this message be stored in a shared file? Do my co-workers need to access it?

As e-mail has proliferated our society, it has become the target of many lawsuits and "freedom of information" requests. Top management and employees need to understand the risks associated with using e-mail as a communication tool. Records managers can provide advice about ways to ensure that e-mail messages remain authentic evidence of government activities. However, not each government agency bears the same risk of litigation and access requests. Before resources are invested, agencies need to understand and weigh their own risks. Records managers can advise agencies with a high risk to develop and implement written procedures that address the retention of e-mail metadata, proper filing and authorized retrieval and access.

Proper management of e-mail requires a partnership of users, managers, lawyers, and information technology staff. Records managers can facilitate communication between each of these groups to help them understand and coordinate their responsibilities.

Archival Responsibilities

Fundamentally, e-mail is a communication tool. Typically archivists have decided that communications between high-ranking individuals are historically significant, because they document how policy and strategic decisions are made and implemented. This appraisal leads to the conclusion that the e-mail of high-ranking individuals should have archival value. However, in reality this type of appraisal decision is too generalized. For example, U.S. Attorney General Alberto Gonzales is concerned that “perfectly innocent” communications could be “twisted” by administration critics. “I don’t get e-mail and I don’t send e-mail.”² Other officials are simply not comfortable with the technology itself and rely on other forms of communication (which, quite frankly, are easier for archivists to preserve). Archivists need to work with record creators in select offices to determine when e-mail is the “best” record for documenting decisions and activities. However, they have to keep in mind that the appraisal decision cannot be static, and will have to evolve as personnel change.

Appraisal is just the first step in the archival process. Archives and records management theory states that an authentic record possesses content, context and structure. The question is how can archivists apply this principle to e-mail? Structure is less important for an e-mail message (though it may be very important for an attachment). When an e-mail message is sent from one e-mail system to another it is generally stripped of its formatting. Therefore, most archives will not invest significant resources to maintain the structure of the message itself.

The content of the message poses another challenge, since this includes the message, the metadata and any attachments. Maintaining the links between these record components will need to be addressed, and will be dependent upon the format in which the message is preserved (paper or electronic). There is no “model” solution as to how this should be accomplished. ARMA and SAA are jointly supporting the work of a task force that is developing a conversion standard to facilitate preservation of electronic records, including e-mail. The final product of this task force should be available in 2006. Other initiatives, such as NARA’s Electronic Records Archives (ERA) program, the

State of Washington’s digital archive, and Michigan’s Records Management Application (RMA) project may produce tools that can help archivists better address preservation of e-mail in the future.

Preserving the context of the message poses the biggest challenge. In the modern office, recordkeeping is often decentralized and personalized to the individual user’s preferences. All government employees need training about tips and techniques for organizing their electronic records, especially e-mail. Archivists need to ensure that offices and individuals that are producing archival e-mail receive some training, so there is a better chance that the e-mail that is accessioned is accessible, usable and authentic. E-mail that is never filed into an organized recordkeeping system will contain less contextual information to support its authenticity.

In the case of e-mail, archivists cannot wait until the active retention period for the record has been fulfilled to begin preservation work. Archivists will need to work with employees and records managers as records are created, if they want to preserve a complete and authentic record of the communication.

Conclusion

A record is a record is a record. However, e-mail is a unique record format that poses distinctive challenges for records managers and archivists. There are many horror stories we can point to in both the private and public sector about the impact of failing to address these challenges. A 2004 white paper written by Cohasset Associates, Inc., and co-sponsored by ARMA and AIIM, found that despite these stories and new regulations 59% of respondents did not have formal e-mail retention policies, and 70% do not have electronic records migration plans.³ This paper is intended to help NAGARA members focus our efforts as we move forward with our electronic records programs.

² Greg Burns, et al, “You’ve Got Mail Trouble,” Chicago Tribune, August 14, 2005.

³Robert F. Williams, “Electronic Records Management Survey, A Call to Action,” Cohasset Associates, Inc., 2004, <http://www.cohasset.com/>.

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Web Site:

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http://www.nagara.org/members/crossroads/crossroads_home.html

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