Purpose

This policy specifies the requirements and expectations of employees in maintaining their electronic records.

Authority, Responsibility, and Duties

The electronic records retention policy set forth herein applies to all employees of the University and applies to all electronic records that are made or received in the transaction of University or public business.

Specific departmental policies may be more restrictive depending on the records retention requirements of the department.

Policy Statements

1. General Requirements

Maintenance and disposal of electronic records, as determined by the content, are the responsibility of the legal custodian and must be in accordance with guidelines established by the Virginia Public Records Act (Section 42.1-77) and also in compliance with other University approved records retention and disposition schedules. Failure to properly maintain electronic records may expose the University and individuals to legal risks.

The department head of an office having public records is responsible for ensuring compliance with this Policy and with the Virginia Public Records Act. When an employee leaves a department or the University, the department head is responsible for designating a new custodian and ensuring that any public records in the separating employee's possession are properly transferred to the new custodian. The department head is responsible for contacting the Office of Information Technology (OIT) to arrange for the transfer of the electronic records to the new custodian before the user accounts are scheduled to be deleted.

2. Electronic Mail

Electronic mail or "E-Mail" is simply a method of communicating information and does not constitute a public record in and of itself. However, the information transmitted through the use of E-Mail may become a public record if it meets the definition of the Virginia Public Records Act, i.e., if it is information made or received in the transaction of public business by a state agency. If information transmitted by E-Mail meets the definition of "public record," then it may not be deleted or otherwise disposed of except in accordance with the Records Retention and Disposition Schedule No. 110. The content of the E-Mail message determines the retention requirement.
The legal "custodian" of an E-Mail message, will normally be the originator if that person is a University employee. Otherwise, it will be the individual to whom the message is addressed once the message is received. The legal custodian is the person responsible for ensuring compliance with the Public Records Act. Although the Office of Information Technology (OIT) performs a back up of information residing on system hard drives, this is not done for archival purposes or in order to meet the requirements of the Public Records Act. It is a safety measure in case of system failure or unlawful tampering ("hacking"). The system administrator is not the legal custodian of messages, which may be included in such back up files. VSU E-Mail servers are provided only to facilitate the delivery of E-Mail. VSU E-Mail servers are NOT provided for archival purposes, nor can the Office of Information Technology (OIT) guarantee that E-Mail delivered to recipients actually originated from the person or persons indicated on the E-Mail message.

E-Mail messages generally fall into two categories.

Some E-Mail is of limited or transitory value. For example, a message seeking dates for a proposed meeting has little or no value after the meeting date has been set. Retention of such messages in the computer system serves no purpose and takes up space. Such messages may be deleted as soon as they no longer serve an administrative purpose.

E-Mail is sometimes used to transmit records having lasting value. For example, E-Mail about interpretations of an agency's policies or regulations may be the only record of that subject matter. Such records should not be maintained in E-Mail format, but the records should be transferred to another medium and appropriately filed, thus permitting E-Mail records to be purged at regular intervals.

While the methods for reviewing, storing or deleting E-Mail vary, compliance with the retention requirements of the Virginia Public Records Act may be accomplished by doing one of the following:

a. Print the E-Mail and store the hard copy in the relevant subject matter file as would be done with any other hard-copy communication. Printing the E-Mail permits maintenance of all the information on a particular subject matter in one central location, enhancing its historical and archival value.

b. Electronically store the E-Mail in a file, or on a server, so that it may be maintained and stored according to its content definition under the unit's records retention policy. At present, the Office of Information Technology (OIT) provides no such archival document storage systems on behalf of its computing users.
Work-related E-Mail is a University record, and must be treated as such. Each E-Mail user must take responsibility for sorting out personal messages from work-related messages and retaining University records as directed in official records retention and disposition schedules. E-Mail that does not meet the definition of a public record, e.g., personal E-Mail, or junk E-Mail, should be deleted immediately from the system.

VSU E-Mail servers are NOT intended for long-term record retention. E-Mail messages and any associated attachment(s) with retention periods greater than six months are to be printed and filed in similar fashion to paper records. It is important to note that the E-Mail message should be kept with the attachment(s). The printed copy of the E-Mail must contain the following header information:

- who sent message
- who message was sent to
- date and time message was sent
- subject

When E-Mail is used as a transport mechanism for other record types, it is possible for the retention and disposition periods of the E-Mail and the transported record(s) to be different. In this case, the longest retention period shall apply.

3. Instant Messaging

The University does not support the use of Instant Messaging (IM) for University business.

4. OIT Backup Files

On a regular schedule, the Office of Information Technology (OIT) performs backups of the E-Mail and electronic files stored on central servers for disaster recovery. These backups are to be used for system restoration purposes only. The IT system administrator is not the legal custodian of messages or records which may be included in such backups.

5. Litigation Holds

When litigation against the University or its employees is filed or threatened, the law imposes a duty upon the University to preserve all documents and records that pertain to the issues. As soon as University Counsel is made aware of pending or threatened litigation, a litigation hold directive will be issued to the legal custodians. The litigation hold directive overrides any records retention schedule that may have otherwise called for the transfer, disposal or destruction of the relevant documents, until the hold has been cleared by University Counsel. E-Mail and computer accounts of separated employees that have been placed on a litigation hold by University Counsel will be maintained by the Office of Information Technology (OIT) until the hold is released. No employee who has been
notified by University Counsel of a litigation hold may alter or delete an electronic record that falls within the scope of that hold. Violation of the hold may subject the individual to disciplinary action, up to and including dismissal, as well as personal liability for civil and/or criminal sanctions by the courts or law enforcement agencies.

6. Storage Media

Portable storage media such as a CDROM, DVDROM, USB Flash drive, and diskettes are considered transport mechanisms and they are not to be used for storage of official records. Confidential or sensitive information shall not be stored on any of the portable storage media devices noted above. The privacy and integrity of portal storage devices cannot be guaranteed.

If an approved storage device such as a laptop computer, tablet PC or PDA containing data that is considered confidential, sensitive or contains information that is applicable to this policy, the device must be reported to the Department of Police and Public Safety (DPPS) immediately.

Enforcement

Failure to comply with the Electronic Records Retention Policy and associated guidelines and procedures can result in disciplinary action and penalties applicable by law.

The University reserves the right to revoke access to any Information Technology Resource for any user who violates this policy, or for any other business reasons in conformance with applicable University or campus policies.

Definitions

Electronic record refers to any record that is created, received, maintained, or stored on University local workstations or central servers. Examples include, but are not limited to:

1. Electronic mail (E-Mail)
2. Word processing documents and spreadsheets
3. Databases

Historical value records shall be deemed of historical value when they contain unique information, regardless of age, which provides understanding of some aspect of the government and promotes the development of an informed and enlightened citizenry.

Legal Custodian is the originator of an E-Mail message or the creator of an electronic document if that person is a University employee. Otherwise, it is the University employee to whom the
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Message is addressed or to whom the electronic document is sent. If the record is transferred, by agreement or policy, to another person for archival purposes, then that person becomes the legal custodian.

Metadata is information that describes the record. It is descriptive information about an object or resource whether it is physical or electronic. In an E-Mail the “to”, “from”, “date”, or “subject” would be the metadata. In a Word document, the summary portion of properties would be the metadata. When electronic records are captured or transferred to another media, the appropriate metadata needs to follow the electronic records.

Official Records Retention and Disposition Schedules for electronic records are established by State Library of Virginia in General Schedules GS 101 through GS 111. The University is adhering to the approved retention periods.

Public Record is the recorded information that documents a transaction or activity by or with any public officer, agency or employee of state government or its political subdivisions. Regardless of physical form or characteristic, the recorded information is a public record if it is produced, collected, received, or retained in pursuance of law or in connection with the transaction of public business.

Server is a computer system used to provide services to multiple users.

Systems Administrator is the University staff that, under the direction of the IT Resource Custodian, has day-to-day operational responsibility for data capture, maintenance, and dissemination.

User: Any person who accesses and uses Virginia State University IT Resources.

References

Commonwealth of Virginia:
Records Retention and Disposition Schedule
    General Schedule No. 101 Administrative Records
    General Schedule No. 110 Electronic Records

Public Records Management Manual
SEC 500-02 Information Technology Security Policy
SEC 501-01 Information Technology Security Standard

Code of Virginia
    Title 42.1 Chapter 7 Virginia Public Records Act
    Title 2.2 Chapter 37 Freedom of Information Act (FOIA)