

EXECUTIVE ORDER NO. 69

EFFECTIVE DATE: March 6, 1998

SUBJECT: E-MAIL AND VOICE MAIL POLICY

This Order defines the policy for Metro employees in the use and retention of electronic mail (e-mail), and voice mail. Procedures which may be modified by the Administrative Services Department as necessary are attached in the following document.

Metro now uses information technology in the form of e-mail and voice mail for the normal conduct of business. It is essential that there be clear policies regarding the use of e-mail and voice mail at Metro. E-mail and voice mail are public records and subject to the Public Records Law. Therefore, the following policy shall apply to the use of e-mail and voice mail at Metro.

Purpose

Metro encourages the use of e-mail and voice mail to support the mission and to conduct the business of Metro. E-mail and voice mail will be used in accordance with all applicable federal and state laws, and in compliance with existing Metro ordinances, resolutions and executive orders.

Definition

E-mail and voice mail are messages that are created and sent or received electronically by Metro employees using Metro facilities or during the performance of their duties.

Use

E-mail and voice mail shall be used for routine Metro business of a transitory or housekeeping nature. E-mail and voice mail should not be used as the primary method for the distribution of information which establishes policy, sets historical precedents or adds significantly to program development. Communications regarding policy shall be developed and primarily distributed through hard copy or traditional paper based records. These records can then be retained in paper or microfilm format for long-term periods as required by law.

Other examples of improper use of e-mail and voice mail could include but are not limited to the sending of offensive messages, and using these medium for non-Metro business ventures or to convey political or religious messages.

Access to E-mail and Voice Mail

Employees are not allowed to gain access to another employee's e-mail or voice mail files without permission from that employee or a supervisor.

No Expectation of Privacy/Supervisory Access

Metro employees have no right to expect that e-mail or voice mail is private. Metro has the right to access, monitor and record all e-mail and voice mail at any time and without notice. Metro may use this information in disciplinary or other legal proceedings.

Public Record

E-mail and voice mail messages are public records. As such, they are subject to the same rules for public inspection and retention that apply to all other Metro records.

Responsibilities as a Public Employee

By law, electronic and paper based copies of records must be retained until they can legally be disposed of. The content of the information in the record, not the record medium, determines the retention or length of time it must be kept as a public document. As public employees, Metro staff have the obligation to apply the appropriate retention rules to all public records. Separate from but attached to this Executive Order is a copy of the procedures each employee should use to insure that public records are being retained as necessary.

Retention

E-mail and voice mail records have the same retention rules as other correspondence. In general, all correspondence can be divided into three categories:

- Policy and historical correspondence states or forms the basis of policy, sets important precedents, or records historic events related to Metro's operations. It shall be retained permanently. These types of records shall be stored for long-term retention in paper or microfilm formats.
- Program correspondence documents and adds significant information to the program or primary functional responsibility of Metro, within existing policy parameters. It shall be retained for the same period as the program or functional record series to which it relates. These types of records shall be stored in paper or microfilm formats.
- Routine correspondence is of a transitory or housekeeping nature which does not add significant information to the program or primary functional responsibility of the agency. It shall be retained as needed.

E-mail and voice mail correspondence should naturally fall into the category of routine correspondence and can be destroyed once it is read. Any documents attached to the original message need to be filed according to their function and content. If a Metro employee sends an e-mail or voice mail message requiring a retention period longer than "routine," the sender should create and retain a hard (paper) copy. If a Metro employee receives an externally generated e-mail or

voice mail that requires a longer retention period than "routine," the receiver should create and retain a hard (paper) copy.

Requests for Public Disclosure

Upon receipt of a valid request, Metro is responsible for making e-mail and voice mail records available for inspection by the public. Requests for records shall be filled in accordance with Executive Order 51, Public Record Requests: Procedures and Fees

If a department receives a request for release of e-mail or voice mail records, contact Metro General Counsel before choosing to withhold these records.

It is not the intent of this Executive Order to define public records, retention schedules or to identify records which are exempt from disclosure under the Public Records Law. Questions concerning the definition of "public records" or which records are exempt from disclosure should be directed to Metro General Counsel. Questions about the responsibility for record retention or record retention schedules should be directed to the Metro Records Manager.

ORDERED by the Executive Officer this 6 day of March 1998



Mike Burton, Executive Officer

Procedures Relating to Executive Order No. 69
E-mail and Voice Mail Policy

Policy: Executive Order No. 69 establishes the policy of retaining all e-mail and voice mail records based on the legal retention in accordance with applicable federal and state laws. In addition, it states Metro policy limiting e-mail and voice mail to routine correspondence.

Retention Overview

Public records may be legally destroyed pursuant to a state authorized process which establishes the minimum length of time the public record must be kept (retained). The retention time can range from permanent to as needed, and is based on discrete types or series of records, the legal (federal and state) requirements and agency need. In general for correspondence records there are three types:

Policy or Historical	These records state or form the basis of policy, set important precedents, and record historical events.	Records must be retained permanently. Metro's practice has established paper and microfilm as the medium for permanent retention.
Program Correspondence	These records document and add significant information to the program or primary functional responsibility within <u>existing</u> policy parameters.	The retention period can vary, but is based on state approved retention schedules. They must be kept a number of years. Refer to retention schedules maintained by the Metro Records Manager. The medium can vary but usually is paper, microfilm or tape recordings. E-mail and voice mail formats should be converted to paper to meet retention requirements.
Routine Correspondence	These records are communications of a transitory or housekeeping nature, not adding significant information to the program or functional responsibility of Metro.	The retention is as needed. These documents are kept only for the time the user needs them. E-mail and voice mail is usually in this category and Metro has established a 30-day limit on keeping them in electronic format.

E-mail Procedures

In-House E-Mail - E-mail originating in-house and distributed to Metro staff shall be retained for the legal retention period by the person originating the document. The maximum retention period for all e-mail is 30 days but employees are encouraged to delete the messages daily, immediately after reading, replying, or taking other action concerning them. If the content of an e-mail message requires longer retention, employees are required to generate a hard copy printout and place it in the proper paper file for further retention before deleting the e-mail message.

Out-of House - E-mail originating from within Metro and distributed out-of-house shall be retained for the legal retention period by the person originating the document. E-mail originating from outside of Metro and received by Metro staff shall be retained for the legal retention period by the person receiving the e-mail. If more than one Metro staff person received the mail, the lead staff member, or project manager receiving the mail, shall be the person retaining the document. Carbon copies shall be retained as needed. In either case, the maximum retention period for e-mail is 30 days, but employees are encouraged to delete the messages daily, immediately after reading, replying, or taking other action concerning them. If the content of the e-mail message requires longer retention, employees are required to generate a hard copy printout and place it in the proper paper file for further retention before deleting the e-mail message.

Employees needing assistance in setting their computers to automatically purge e-mail after 30 days should refer to their computer handbook or contact the Help Desk (ext. 2222) for information on how to comply with the 30-day retention.

Voice Mail Procedures

Most voice mail messages are routine and should be deleted immediately or saved for only short periods of time after receiving them. However, if a voice mail message constitutes a record with a longer retention period due to significant program impact or policy and historical implications, the message should be transcribed and printed on paper in a manner that highlights the principle points made. The paper copy would then be retained as the record copy for the legal retention period. Employees should delete each routine voice mail message as soon as possible, retaining it no longer than 30 days. Any voice mail included as a part of program correspondence should be transcribed and a paper copy retained with the program materials. Policy and historical correspondence should not be sent via voice mail.

Current Metro Records Manager, call Pam Juett, ext. 1613.

FREQUENTLY ASKED QUESTIONS CONCERNING E-MAIL, VOICE MAIL AND PUBLIC RECORDS REQUIREMENTS

What is a public record? ORS 192.005(5) defines a public record as "...a document, book, paper, file, sound recording, machine readable electronic record or other material,.. regardless of physical form or characteristics, made received, filed or recorded in pursuance of law or in connection with the transaction of public business, whether or not confidential or restricted in use..."

Are e-mail and voice mail public records? E-mail and voice mail are public records.

What is Metro's responsibility for public inspection or disclosure of e-mail and voice mail records? The Public Records Law requires Metro to permit public inspections and disclosure of "public records" unless expressly exempt from disclosure. Since e-mail and voice mail are considered public records, the same rules that apply to other written records apply to e-mail and voice mail. If you have questions about which records are exempt from disclosure or if you receive a request for inspection, you should contact Metro General Counsel before responding to the request.

What are the retention/disposition requirements for e-mail and voice mail? As a public employee, you have an obligation to apply the appropriate retention/disposition to the e-mail and voice mail you send and receive. Your responsibilities for retaining e-mail and voice mail will depend on whether you are responsible for retaining the record copy for the agency.

What is the record copy of a record? The record copy is the version of a record which is subject to the public record law regarding retention. It is the copy that forms the "official" copy of a particular Metro record. All other copies, or non-record copies, are exempt from the retention requirements of the public record law and can be discarded when no longer needed.

Who is responsible for retaining the record copy? In general, the originator of a correspondence record is responsible for retaining that record. Recipients of correspondence records originating from outside Metro, such as correspondence from the public, are also responsible for retaining the record copy. For non-correspondence records, the record copy is often determined by a department's/division's function, such as Payroll, the office of record for most Metro time sheets.

What are the retention/disposition requirements for e-mail and voice mail? Public records have different retention schedules depending upon the function and content of the message. Most e-mail and voice mail records will fall into the category of routine correspondence. This is communication of a transitory or housekeeping nature which does not add significant information to the program or primary functional responsibility

of the agency. Routine correspondence can be destroyed once it has been read or heard. Any attached documents will have to be evaluated separately and retained according to their function and content. Questions about record retention/disposition should be directed to Metro's Records Manager. (Call Pam Juett, ext. 1613)

How do I retain an electronic record? If you need to retain an e-mail message for more than a temporary "as needed" time, you should print a copy of the document and file it with other program or policy files that you are retaining. E-mail stored on the network or on your computer should be deleted after 30 days.

MetroMemo



METRO

TO: All Department Directors

FROM: Mike Burton
Executive Officer *MB*

DATE: March 6, 1998

RE: Executive Order 68, 69

Attached is Executive Order 68, regulating public access to Metro Regional Center, and Executive Order 69, establishing the e-mail and voice mail policy.

Please share both of these with your staff.

600 NE Grand Ave.
Portland, OR
97232-2736

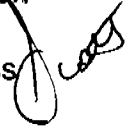
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METRO

RECEIVED
FEB 09 1998
EXECUTIVE OFFICER

TO: Mike Burton
FROM: Scott Moss 
DATE: February 9, 1998
RE: Executive Orders - Regulation of Public Access to MRC
E-Mail and Voice Mail Policy

Attached are two proposed executive orders for your approval and signature.

The first, Regulation of Public Access to the Metro Regional Center (MRC), provides a policy on how visitors should act and where they may visit in the building. This policy gives us the authority to remove visitors from the building that are interfering with the safety, productivity, or welfare of employees.

The second, E-Mail and Voice Mail Policy, establishes policies and procedures regarding retention of e-mail and voice mail. This policy accomplishes the following:

- Describes proper use of these mediums.
- Limits access to another employees e-mail or voice mail.
- Informs employees that there should be no expectation of privacy.
- Provides that these mediums are public record subject to disclosure.
- Instructs that retention of e-mail and voice mail must be on a hard "paper" copy.

Both these policies have been reviewed and approved by the Office of General Counsel. The e-mail and voice mail policy was provided for comment to all department directors.

Thank you for your attention to these proposed executive orders. Please do not hesitate to contact me if you have any questions.

cc: Jennifer Sims