

E-MAIL ARCHIVING SOLUTIONS

BACKGROUND

Governor Mike Easley charged the E-mail Records Review Panel with studying the issue of managing e-mail as a public record. The Panel recognizes the importance of a transparent government and the public's right to access public records, including e-mail used in the course of state business. State employees, through training offered by the North Carolina Department of Cultural Resources (DCR) and the publication *E-mail as a Public Record in North Carolina*, available on the DCR Web site, are directed to treat e-mail as they do paper documents or other records handled in the course of employment by the State and to do so in compliance with existing public records laws. The content of the information in the e-mail, rather than the e-mail format, determines how an employee will manage e-mail. Employees are directed to the *General Schedule for State Agency Records* as well as their records retention and disposition schedule, specific to each agency, to determine how to manage e-mail and how long to save it.

The Panel's goal is to ensure that all employees are sufficiently trained and have the tools to comply with existing public records law and other applicable laws, using the General Schedule and the program records retention and disposition schedule for their agency's records.

RECOMMENDATIONS

Technology can be used to augment the above guidelines through enhanced training resources; management of records; as well as collection and preservation of e-mail records of enduring, permanent value. The Panel proposes the following solution as the most advantageous response to the challenges of e-mail retention and preservation:

State employees are directed to treat e-mail as they do paper documents or other records handled in the course of employment by the State and to do so in compliance with existing public records laws.

Information Technology Services (ITS) will save back-up tapes of all Executive Branch e-mail a minimum of five years [projected costs for storage are \$75,000/year]. This will provide a longer window of opportunity to recover e-mails that may not previously have been saved.

All executive branch agencies shall collaborate with the State Chief Information Officer (CIO) and DCR toward the goal of employing a software platform that

complies with the Panel's recommendations, including saving back up tapes for at least five years.

DCR will make online training on how to handle e-mail as a public record available to all state, local, and municipal government employees, and any other interested parties. Whenever substantive changes in public records law occur, agency heads will require recertification of employees. Additionally, agency heads may require recertification as they deem appropriate. The DCR tutorial will be updated as necessary based upon changes in public records law.

Through the competitive bidding process, the Office of the State CIO will procure an archive system and will work jointly and in collaboration with DCR to provide the archives/records management software package to be used by state agencies in the executive branch to archive and manage e-mail and electronic records made or received in the course of business.

DCR shall conduct random audits of state agencies in the executive branch to ensure agencies are in compliance with their records retention and disposition schedule. In addition, DCR will conduct an annual review of and report on the number of requests made for e-mails on backup tapes and report its findings to the Governor and the State CIO. The reports should include information regarding the request, who made it and the cost incurred as a result of responding to each request. The annual reports will be used to evaluate the efficacy of the retention of backup tapes and may result in changes to the required five-year retention of backup tapes.

Additionally, the Panel recognizes the need to provide an e-mail archiving solution to agencies for e-mail records of enduring, permanent value. These e-mails document the activities of state government and are a historical record. We recommend the following:

DCR will continue to manage and provide access to e-mail records that have been archived.

ITS, working in close collaboration with DCR, will expedite the full development of an e-mail collection and preservation tool (EMCAP) that will allow employees with e-mail of enduring, permanent value to archive their agency's e-mail using their client software and in compliance with existing public records laws.

The Panel also recognizes the need to address evolving portable data devices and the use of personal computers and personal e-mail accounts to conduct state business. We recommend the following:

State employees who use technology including, but not limited to, home computers, personal digital assistants, or other recording technologies in the course of state

business, are required to manage such records in accordance with the *General Schedule for State Agency Records* and their agency's records retention and disposition schedule. Employees are directed to ensure that all such records are synchronized or otherwise copied to the appropriate state-assigned e-mail accounts or state computers, or that a paper copy is created. All such records must be properly archived.

DCR will incorporate into the training recommended by this Panel information regarding compliance with public records laws and records retention and disposition schedules for records created, sent or received on mobile devices, in personal e-mail accounts or on personal computers.

IMPLEMENTATION

The Panel recommends that all executive branch state agencies use an e-mail system employing a platform consistent with the archiving platform offered by ITS and which will save back up tapes of e-mail for five years.

The State CIO has the authority and will work in collaboration with agencies toward the goal of consolidating e-mail services and utilization of one e-mail system for state agencies.

ITS will require additional funding to begin immediately implementing an archives/records management software solution for executive agencies. DCR will require additional funding to support this initiative including the audit function.

DCR and ITS will work cooperatively to make an online tutorial on e-mail management available to all state and local employees as well as interested parties. The training results will be tracked through a content management system (CMS), possibly linked to the North Carolina Identification Management (NCID) system currently in place at ITS. This will allow agency heads to audit employees' compliance regarding e-mail records. This training will instruct employees on their responsibilities with regard to public records laws and their records retention and disposition schedule.

Employees will be able to access their retention schedules via the DCR Web site.

Employees will still be required to manage their e-mail and determine its value in accordance with existing public records laws and using the *General Schedule for State Agency Records*, as well as their program-specific records retention and disposition schedule.

Agency heads will require all state employees in their respective agencies who handle public records to take either the online training or the workshop offered by DCR. Whenever substantive changes in public records law occur, agency heads will require recertification of employees. Additionally, agency heads may require recertification as they deem appropriate.

Employees will manage their records utilizing a records management software procured through the competitive bidding process. ITS will purchase and house the software and hardware. The State CIO's office will work jointly with DCR to implement an archives/records management software program.

Funding for additional staff in DCR to support this initiative will be allocated.

From their desktop computers, employees with e-mail records of enduring value will have the ability to archive their e-mail with DCR. ITS and DCR will work together expeditiously to seamlessly integrate and expedite the DCR E-mail Collection and Preservation (EMCAP) tool with Microsoft Exchange to ensure that e-mail of enduring, permanent value can be collected and preserved in accordance with public records laws and the mission of the North Carolina State Archives.

SOME POTENTIAL ADVANTAGES:

This recommendation:

Is in compliance with the provisions of General Statutes Chapters 121 and 132;

Provides state employees with additional training to ensure understanding of public records law, records retention and disposition schedules, and the responsibilities of state employees;

Provides state employees in the executive branch with the tools to manage their records;

Promotes good records management practices and efficient use of state government resources;

Makes the employees responsible for managing their e-mail records in the same manner that they manage their records in all other formats;

Allows a more manageable quantity of e-mail to be saved than a save-it-all scenario;

Addresses concerns regarding the availability of records for public inspection.

SOME POTENTIAL ADVANTAGES OF EMCAP:

Technology changes rapidly and both media and file formats quickly become obsolete. As a result, great expense is incurred to access e-mails in formats that are no longer supported. The proposed e-mail preservation tool, EMCAP, moves e-mail messages out of proprietary software formats into a more stable, software independent format—Extensible Markup Language or XML—an industry standard that can be read by almost any software platform.

EMCAP:

Allows users to choose which e-mails are to be archived in accordance with public records law and the agency's records retention and disposition schedule;

Does not require special software to be purchased by agencies;

Is a familiar tool because it mimics current practices of "dragging and dropping" e-mails into folders;

Does not require special training;

Can be incorporated into the existing training vehicles;

Allows preserved e-mails to be searched and accessed;

Captures all the information about an e-mail, including not only the typical data of "to" and "from" but also transmission data that details how and when e-mail was sent, valuable evidential and historical information.

SOME POTENTIAL DISADVANTAGES:

ITS may be required to expeditiously migrate all state agencies to a new e-mail platform which requires adequate funding and staff;

This recommendation will require funding for additional technology and staff for ITS and DCR.
