

SAN BERNARDINO MUNICIPAL WATER DEPARTMENT

POLICIES & PROCEDURES MANUAL

POLICY 20.055 - E-MAIL RETENTION POLICY

Date: March 23, 2021
Revision No: New
Supersedes: New
First Adopted: March 23, 2021

PURPOSE:

The purpose of this policy is to provide clear and concise direction regarding the retention of emails, including their attachments, in the possession of the City of San Bernardino Municipal Water Department ("SBMWD").

SCOPE AND APPLICABILITY:

- A. This policy applies to all SBMWD employees, consultants, volunteers, and other non-employees ("SBMWD personnel") who use email for SBMWD business.
- B. This policy applies to all emails sent or received by SBMWD personnel on SBMWD owned devices and accounts.
- C. SBMWD personnel are responsible for complying with this policy in addition to specific departmental policies regarding computer and telecommunication equipment use. SBMWD personnel are also responsible for complying with the SBMWD Records Retention Schedule.
- D. To the extent that other departmental policies conflict with this policy, this policy shall govern. If a record is subject to a specific state or federal law or regulation that conflicts with this policy, then the provisions of those laws or regulations shall prevail.

DEFINITIONS:

- A. **Account** shall mean any SBMWD email account used for SBMWD business.
- B. **Deletion** shall mean complete destruction of the email without permitting duplicates, either electronic or hard copies.

- C. **Device** shall mean any computer, laptop, phone, tablet, or any other type of portable electronic equipment capable of sending emails.
- D. **Exchange Email Server** shall mean the SBMWD's Microsoft Outlook or other email system.
- E. **Public Record** shall mean "public record" as defined in the California Public Records Act ("CPRA") (Gov. Code, § 6250 et seq.). The CPRA defines public records as "any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics" and further defines a writing as "any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored." (Gov. Code, § 6252.)
- F. **Retention** shall mean preservation of an email in such a way that does not permit additions, deletions, or changes to the original document, without creating a duplicate of the record.

POLICY:

- A. All SBMWD emails that constitute public records shall be retained for two years after the email was sent/received and automatically deleted on a rolling basis thereafter except as provided below.
- B. Emails may be subject to longer retention periods as determined by the content of the email.
 - a. **Applicable Retention Period**
 - i. SBMWD personnel shall retain those emails subject to permanent retention as determined by applicable laws, regulations, SBMWD policies, and/or the SBMWD Records Retention Schedule. Specifically, emails subject to a legal hold, subpoena, CPRA request, claim against the SBMWD or City of San Bernardino,

administrative charge or investigation, or similar proceeding, which is in progress or which can reasonably be anticipated, shall also be retained.

- ii. SBMWD personnel shall consider an email's attachments when determining whether the email needs to be retained.
- iii. It is the responsibility of the sender of an internal email to determine if it is subject to a retention period of longer than two years.
- iv. It is the responsibility of the recipient of an email received from outside the SBMWD to determine if it is subject to a retention period of longer than two years.
- v. Exclusions or changes to the retention rules set forth in this Policy must be approved by the General Manager, Deputy General Manager, or the City Attorney's office.
- vi. SBMWD personnel may retain emails for longer than two years if the email has significant or continuing business or historical value. SBMWD personnel shall not set emails for automatic retention.

b. Individual Account Maintenance

- i. SBMWD personnel shall be provided permanent retention and two-year retention subfolders. [*NOTE: Permanent retention shall be used for items that are identified through statute, legal opinion, regulation, or contractual requirement. The permanent retention subfolder should not be used as a 'catch all' for email retention.] Items in the permanent retention folder can be deleted should the categorization and/or need for retention change.
- ii. The email system will automatically delete records that are not moved to the permanent retention folder as follows:

1. Emails in the main Inbox folder that are not moved to the two year or permanent retention folders will be deleted after 180 days.
 2. Emails in the Sent folder that are not moved to the two year or permanent retention folders will be deleted after 60 days.
 3. Emails in the Junk Mail and Deleted folders that are over 30 days old will be deleted.
- iii. Upon separation of an employee, a copy of that individual's email account may be created and maintained for a period of 2 years as requested by the General Manager, Deputy General Manager, or the City Attorney's office.
- iv. The Information Technology section shall provide holds for all email that is identified for actual or potential litigation as requested by the General Manager, Deputy General Manager, or the City Attorney's Office. When requested, exports of litigation hold emails shall be created and maintained on a separate server until the requesting authority provides written direction for their destruction.
- v. Backups shall be maintained by the Information Technology section as necessary for the sole purpose of disaster recovery or full system recovery.
- vi. SBMWD personnel may also store emails in locations that appropriately retain email including metadata.
- vii. SBMWD shall not use PST files to store emails. Any existing PST files must be provided to the Information Technology section for inclusion into an email archive solution accessible by the SBMWD personnel providing such data.

- viii. Emails shall be deleted when permitted by law and policy in a timely and cost-efficient manner to destroy the writing without permitting duplicates either, electronic or hard copies.

Policy Review

Board approved:	3/23/2021
No changes:	<u>7/2021</u>
No changes:	<u>7/2022</u>
No changes:	<u>7/2023</u>
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