1. Introduction

This policy governs the retention of electronic mail ("e-mail") and is intended to provide guidance on the need for retention of e-mails sent and received by Pitt Community College (PCC) employees.

2. E-mail and the North Carolina Public Records Act:

E-mail is one of the many methods of communicating information and does not in and of itself constitute a public record under the Public Records Act. However, information transmitted by e-mail may become a public record if it meets the definition in the North Carolina Public Records Act, N.C.G.S. 132-1, i.e., if it is information made or received in the transaction of public business by a state agency.

The North Carolina Department of Cultural Resources lists the following examples of e-mail messages, including messages with attachments, that are public records include policies and directives, correspondence related to official business, meeting agendas or minutes, official reports, or material that has legal or historic value.

If information transmitted by e-mail meets the definition of a "public record" then it may not be deleted or otherwise disposed of except in accordance with a records retention schedule approved by the State Division of Archives and History. The content of the e-mail message determines its retention requirement.

3. Legal Custodian of an E-mail Message

3.1 Because e-mail messages can be sent and forwarded to multiple people, copies of the messages may exist in many areas of PCC. In most cases, the author, or originator, of the e-mail message is the legal custodian and is responsible for maintaining the "record" copy. However, cases in which the recipient has altered the message (made changes, added attachments, etc.), or when the message is coming from outside PCC (and therefore not documented anywhere within PCC); the recipient is the one responsible for retaining the message.

3.2 Pitt Community College routinely backs up the information residing on the e-mail server's hard drives. However, these backups are not done for archival purposes or to meet the requirements of the Public Records Act, but as a safety measure in the event of a system failure or unlawful tampering. The e-mail systems administrators are not the legal custodians of messages that may be included in the backups. Pitt Community College’s e-mail servers provide the mechanisms to deliver and archive e-mail messages, but the legal responsibility for retention and archiving in accordance with the state of North Carolina’s record retention laws rests with the legal custodians.
3.3 For users of the local GroupWise messaging client, e-mail messages older than sixty (60) days are archived to the user’s local machine. The legal custodian is responsible for preserving public record e-mails by following the procedures set forth in Section 5 of this document.

3.4 For users of GroupWise web client, e-mail messages are not automatically archived except when an account is closed. The legal custodian is responsible for preserving public records including records subject to deletion because of account closure by following the procedures set forth in Section 5 of this document.

3.5 For users of the academic e-mail system, CampusCruiser, no messages are automatically archived or deleted. E-mail account holders are responsible for managing on-line e-mail retention consistent with their storage allocation. The legal custodian is responsible for preserving public records including records subject to deletion because of account closure by following the procedures set forth in Section 5 of this document.

3.6 When the legal custodian of an e-mail leaves the employment of Pitt Community College, it is the responsibility of the supervisor to ensure all public records remaining on the computer and in the e-mail account are retained or disposed of in compliance with Pitt Community College’s approved records retention and disposition schedule.

4. Types of E-mail Messages
For retention purposes e-mail messages generally fall into the following two categories:

1. E-mail of limited or transitory value: For example, a message seeking dates for a meeting has little or no value after the meeting. Retaining such messages serves no purpose and takes up space. Messages of limited or transitory value may be deleted when they no longer serve an administrative purpose.

2. E-mail containing information having lasting value. 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 be transferred to another medium and appropriately filed, thus permitting e-mail records to be purged.

5. Procedures for Compliance with the Records Retention Requirements
While the methods for reviewing, storing or deleting e-mail may vary, compliance with the retention requirements of the Public Records Act may be accomplished by doing one of the following:

5.1. Retention of Hard Copy. 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.

5.2. Electronic Storage of e-mail. Electronically store the e-mail in a file on a disk, or a server, so that it may be maintained and stored according to its content definition under Pitt Community College’s records retention policy.

6. Guidelines for E-Mail Retention and Disposition
6.1 For additional information and guidelines regarding the retention and disposition of e-mail messages, legal custodians of e-mail messages should consult the North Carolina Office of Archives and History guidelines, "E-mail as a Public Record in North Carolina: Guidelines for its Retention and Disposition." (http://www.records.ncdcr.gov/erecords/Email_8_02.pdf)

6.2 Any records that are subject to audit proceedings or that relate to pending or probable litigation must be retained until the final conclusion of the audit or litigation, regardless of an approved disposition schedule that would permit earlier disposition. Any record may be retained longer than the period stated in the disposition schedule, in the discretion of the custodian.

6.3 Training: Effective July 2009, PCC’s Human Resources department will provide the following training material in the new employee orientation:
7. **Enforcement**
   Failure to comply with the e-mail Retention Policy and associated guidelines and procedures can result in disciplinary action and penalties applicable by law.

8. **Review**
   The OITS Advisory Committee (OAC) is responsible for reviewing and maintaining the E-mail Records Retention Policy. Periodically the Committee will recommend policy changes to the College’s Presidents Leadership Team for its approval.